

RECEIVED
DEC 23 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by 15
Date 12/23/91
Receipt # 6022105

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 29 07629
Name(s) of Permit Holder: Stephen W. Smith
Post Office Address: P.O. Box 2 Swanlake, ID. 83281
Telephone No. 208 897 5148

Date Proof is Due: Dec 31 1991

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

1. Diversion Point established - 2) Pump, Power Source
AND PIPE LINE Completed 3) THE STOCK WATER
AND DOMESTIC USE PORTIONS of Permit have been
Completed. Costing \$ 6295.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

ALL THAT IS LEFT IS THE HOLDING POND FOR SUMMER
USE. THE COST SHARE PROGRAM WITH THE ID. FISH &
GAME WAS CUT SHORT AT TOO LATE OF DATE TO COMPLETE
POND THIS YEAR - SEE ENCLOSED LETTER.

Permit holder(s) request an extension to Dec 31, 1992. Steve Smith
(1 yr. minimum) (Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED
and the time within which to submit proof of beneficial use is extended to
January 1, 1993.

Signed this 6th day of January, 19 92

L. Glen Saylor
Chief, Water Allocation Bureau

RECEIVED

DEC 08 1992

RECEIVED

FEB 18 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by lg
Date 2-18-87
Receipt # 41462

REQUEST FOR EXTENSION OF TIME

Department of Water Resources provide additional time in which to submit proof
of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted
an additional period of time in which to complete development of a water right under the provisions of Section
42-204, Idaho Code.

Permit No. 29-7629

Name(s) of Permit Holder: Stephen W. Smith

Post Office Address: P.O. Box 2 Swanlake, Idaho 83281

Telephone No. 897-5134

Date Proof Is Due: 4-1-87

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Engineering - Point of Diversion Structure
Built -
HAVE held off for 2 1/2 years since SWAN FALLS.
Costing \$ 920⁰⁰

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

SWAN FALLS LITIGATION - HAVE ATTENDED
MEETINGS AND HAVE JOINED IDAHO WATER DEFENSE
= VERY INACTIVE AT THIS POINT.

Permit holder(s) request an extension to 4-1, 19 88.
(1 yr. minimum)

[Signature]
(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

RECORDED
INDEXED
JAN 28 1991
IDAHO DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within
which to submit proof of beneficial use is extended to January 1, 1992.

Signed this 11 day of January, 19 91.

[Signature]
Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED APPLICATION FOR PERMIT AMENDED

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Stephen W. Smith Phone _____

Post office address P.O. Box 2, Swan Lake, ID 83281 Marsh Creek

2. Source of water supply unnamed stream which is a tributary of Swan Lake

3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28 Township 12S

Range 38E B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.12 for diversion to storage purposes from Dec. 1 to April 1 of the following year. (both dates inclusive)

Amount 10 AF for storage for irrig. purposes from Jan. 1 to Dec. 31 (both dates inclusive)

Amount 0.40 for irrigation from storage purposes from April 1 to Nov. 1 (both dates inclusive)

Amount 0.04 for domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)

5. Total quantity to be appropriated: 0.02 cfs stockwater Jan. 1 Dec. 31

a. 0.40 cubic feet per second and/or b. 10.0 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Wind driven pump from stream - pipelines to reservoirs, gravity flow to place of use.

b. Height of storage dam 10-12 feet, active reservoir capacity 2@5 acre-feet; total reservoir capacity 5 acre-feet, materials used in storage dam: Red clay and silt.

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

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28 Township 12S

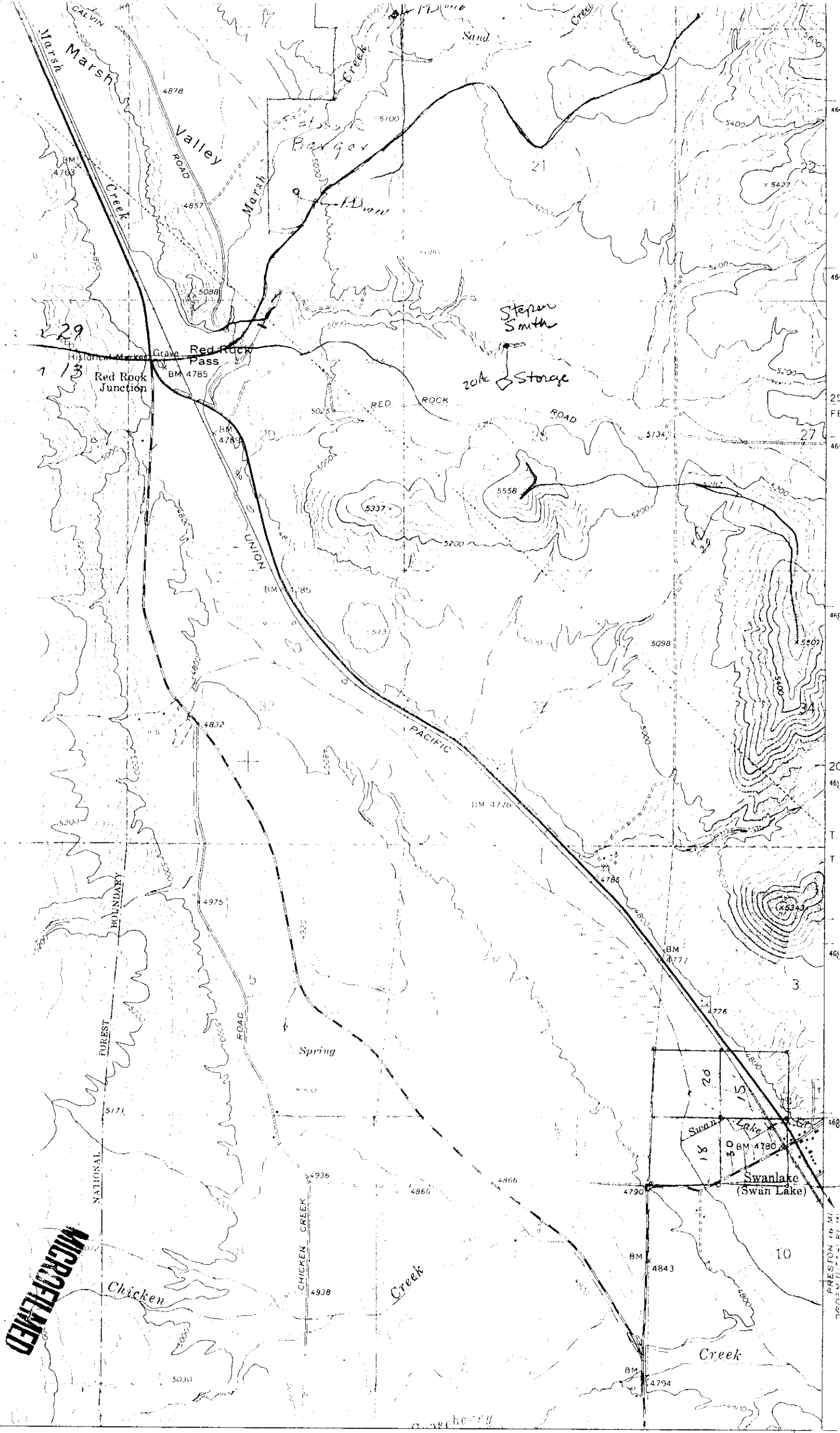
Range 38E B.M.

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

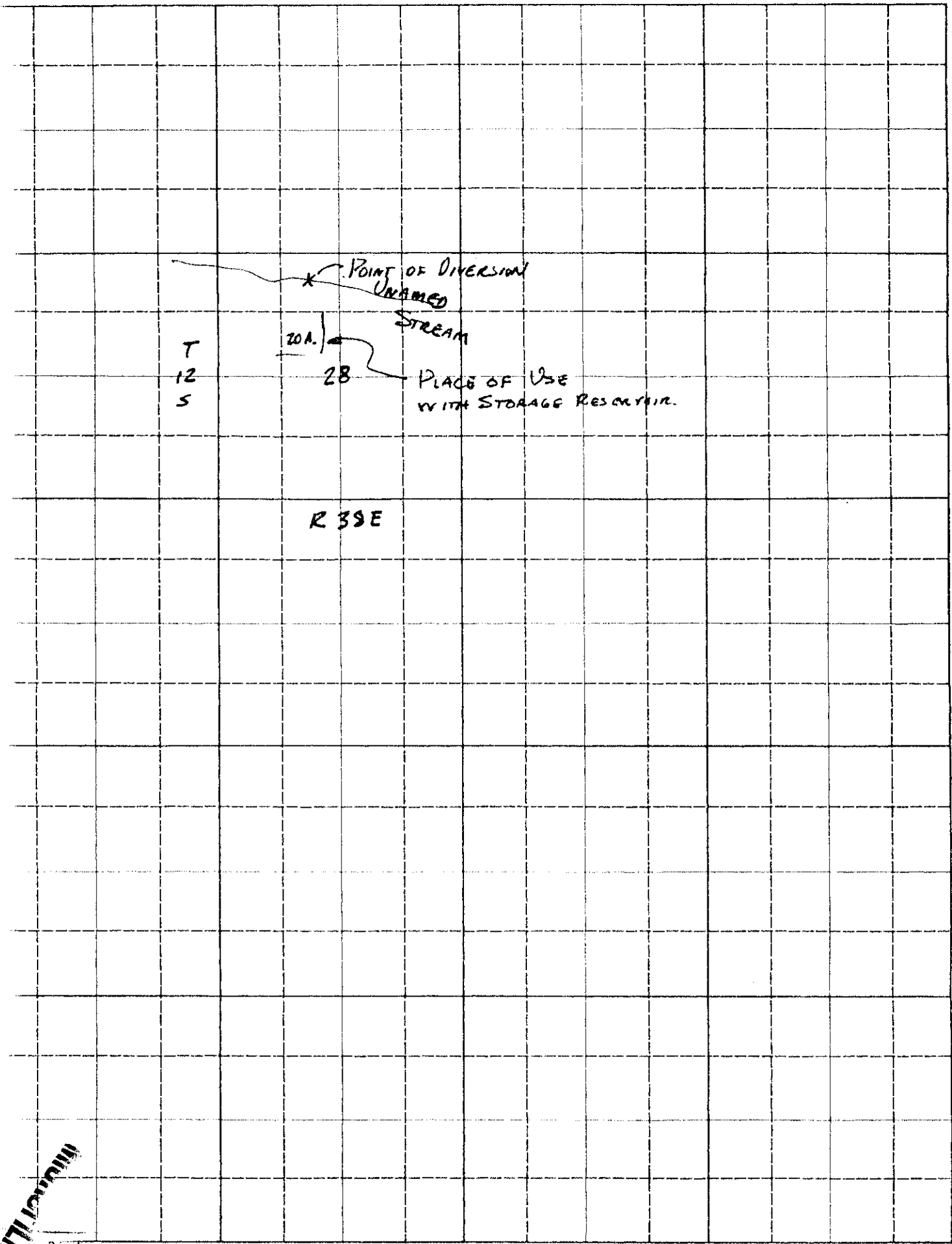
(3) List number of each kind of livestock to be watered 200 sheep, 5 horses.

(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: _____



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



2 inches equal 1 mile.

UNRECORDED

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.

[Signature]
(Applicant)

Processed Priority 4/17/1981

Received by CW Date 9-18-81 Time 10:10 A.
EW Date 4/17/81 Time 11:00 am

Preliminary check by SM Fee \$ 45

Receipted by EW Date 4/21/81 # 17198

#2020 Am 7u
#19076
9-18-81

Publication prepared by KW Date 4/30/81

Published in Idaho State Journal

Publication dates 5/7 & 5/14/81 Amendment published 10/1 & 8, 1981

Publication approved CW Date 10/21/81

Protests filed by: Morgan Evans, Dean Pratt,
Max Kay, Joe Kay

withdrawn
2-10-82

Amended app. protested by Lael J. Abbott, Max Kay, Joe Kay,
Pratt Brother, Morgan Evans.

Copies of protests forwarded by CW

Hearing held by _____ Date _____

Recommended for approval denial by EMC

RC

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. 29-7629, 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 April 1, 19 87.

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

d. Other: The storage of water is contingent upon certification by the Department of Water Resources, of the applicant's dam under the dam safety provisions of the Idaho Code, authorizing storage.

Use of water under this permit may be affected by an agreement between the protestant and the applicant.

Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Use of water under this permit is subject to control by the watermaster of State Water District No. 29-H, Marsh Creek.

Witness my hand this 19th day of April, 1982.

L. Glen Saxton
Chief, Operations Bureau

RECEIVED

RECEIVED

October 9, 1981

OCT 13 1981

Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
150 Shoup Ave.
Idaho Falls, Idaho
83402

RE: Amended Application
for Water permit
13-7323
Stephen W. Smith

Attn: Kenneth Dunn
Director

Dear Sir:

Our protest filed on original application still stands, as the stream he intends to take water from is a tributary to Marsh Creek and not to Swan Lake as stated in the ammendment. We protest amended application on same grounds as orginal letter in May of 1981.

Very Truly Yours:

Marsh Creek Water users;

Max Kay-

Max Kay

Joe Kay-

Joe Kay

Pratt Brothers-

Leon Pratt

Leon Pratt

Morgan Evans-

Morgan Evans

MICROFILMED

RECEIVED

OCT 13 1981

Department of Water Resources
Eastern District Office

October 2, 1981

OCT 13 1981

Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
150 Shoup Ave.
Idaho Falls, Idaho
83402

RE: Amended Application
for Water Permit
13-7323
Stephen W. Smith

Attn: Kenneth Dunn
Director

Dear Sir:

Our protest filed on original application still stands, as the stream he intends to take water from is a tributary to Marsh Creek and not to Swan Lake as stated in the amendment. We protest amended application on same grounds as original letter in May of 1981.

Very Truly Yours:

Marsh Creek Water users:

Max Kay-

Joe Kay-

Pratt Brothers-
Leon Pratt

Morgan Evans-

**NOTICE OF AMENDED APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Application for Permit No. 13-7323 in the name of Stephen W. Smith was filed for the diversion of 0.40 c.f.s. of water from an unnamed stream tributary to Marsh Creek, with point of diversion within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 12S, R. 38E, B.M., Bannock County; to be used from Jan. 1, to Dec. 31 for stockwater, domestic, diversion to storage and storage for irrigation, and from Apr. 1 to Nov. 1 for the irrigation of 20 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 12S, R. 38E, B.M.

The applicant now proposes to amend Application No. 13-7323 changing the source to unnamed stream tributary to Swan Lake.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83402, on or before October 19, 1981.

S/A. KENNETH DUNN
Director
October 1, 8, 1981
No. 141

OCT 13 1981

Department of Water Resources
Eastern District Office

RECEIVED

OCT 15 1981

Idaho Dept. of Water Resources
150 Shoup
Idaho Falls, Idaho 83402

14 October 1981 Department of Water Resources
Eastern District Office

Reference Application for Permit No. 13-7323 in the name of Stephen W. Smith as amended to change the source to unnamed stream tributary to Swan Lake.

I protest the application for the following reasons:

1. Water in the unnamed stream has been considered as a tributary to Marsh Creek by the Soil Conservation Service in their studies of soil erosion, etc. It has been a tributary to Marsh Creek for as long as I can remember.

2. This unnamed stream flows through property which I purchased in 1972 (NW1/4 NW1/4 S28-T12S-R38E) And it provides water for my livestock. This water has been used for livestock since the place was homesteaded. Diversion of 0.40 cfs would not leave enough water for livestock during the year. I don't believe there is 0.40 cfs of water in this stream at any time during the year and it is doubtful that enough water could be diverted to irrigate 20 acres.

Please notify me of the date when a hearing will be held to resolve this protest.

Lael J. Abbott
LAEL J. ABBOTT
Box 29
Downey, Idaho 83234

RECEIVED

RECEIVED
MAY 13 1981

Department of Water Resources
Eastern District Office

May 13, 1981

Director of Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83401

ATTN: Ernest M. Carlsen

RE: New Permit 13-7323 Prior Water Rights

Gentlemen:

Concerning above captioned new water permit - we the undersigned
desire to protest because:

1. We have 200" of decreed Hunt vs. Thornton water and for the most part of the year, Marsh Creek will not run 200" of water.
2. The damsite area is of questionable soil type to store water and retain.
3. The area of damsite may be covering some running springs either by dam or the water stored.

Morgan Evans Downey, Ida
MORGAN EVANS 83234

Leon Pratt Downey, Ida
LEON PRATT 83234

Max Kay Swan Lake, Ida
MAX KAY 83281

Joe Kay Swan Lake
JOE KAY 83281

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Stephen W. Smith Phone _____

Post office address P.O. Box 2, Swan Lake, ID 83281

2. Source of water supply unnamed stream which is a tributary of Marsh Creek

3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28 Township 12S

Range 38E B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.12 for diversion to storage purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum) storage

Amount 10 AF for for irrig. purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum) irrigation

Amount 0.40 for from storage purposes from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.04 for domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated: 0.02 cfs stockwater Jan. 1 Dec. 31

a. 0.40 cubic feet per second and/or b. 10.0 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Wind driven pump from stream -
pipelines to reservoirs, gravity flow to place of use.

b. Height of storage dam 10-12 feet, active reservoir capacity 2@5 acre-feet; total reservoir
capacity 5 acre-feet, materials used in storage dam: Red clay and silt.

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

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

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28 Township 12S

Range 38E 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 200 sheep, 5 horses.

(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: _____

RECEIVED
MAY 1978

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	
12S	38E	28								20									20

Total number of acres to be irrigated 20

c. Describe any other water rights used for the same purposes as described above. none

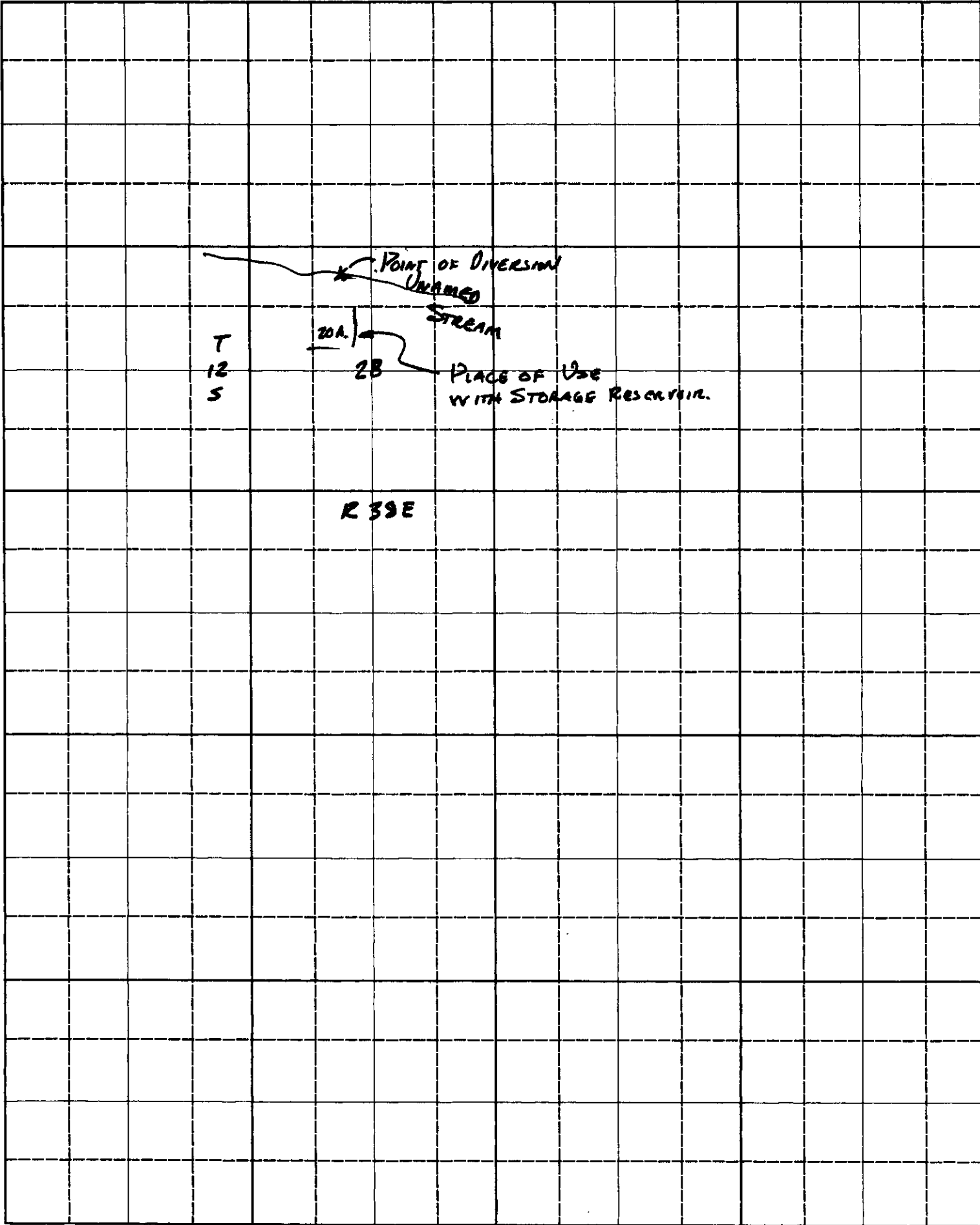
9. a. Who owns the property at the point of diversion Applicant

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.



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.

Stephen W. Smith
(Applicant)

Received by kw Date 4/17/81 Time 11:00 am
Preliminary check by SM Fee \$ 45
Receipted by kw Date 4/21/81 # 17198
Publication prepared by kw Date 4/30/81
Published in Idaho State Journal
Publication dates 5/7 & 5/14/81
Publication approved kw Date 6/2/81
Protests filed by: Morgan Evans, Leon Pratt,
Max Ray, Joe Ray
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

PROOF OF PUBLICATION

OCT 16 1981

STATE OF IDAHO
County of Bannock

} ss.

Department of Water Resources
Eastern District Office

Jeri Larsen

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of America, 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:

<u>October 1</u>	<u>1981</u>	<u> </u>	<u>19</u>
<u>October 8</u>	<u>1981</u>	<u> </u>	<u>19</u>
<u> </u>	<u>19</u>	<u> </u>	<u>19</u>
<u> </u>	<u>19</u>	<u> </u>	<u>19</u>
<u> </u>	<u>19</u>	<u> </u>	<u>19</u>

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.

Jeri Larsen

Subscribed and sworn to before me this 14th

day of October, 19 81

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

NOTARIZED

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that Application for Permit No. 13-7323 in the name of Stephen W. Smith was filed for the diversion of 0.40 c.f.s. of water from an unnamed stream tributary to Marsh Creek, with point of diversion within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 12S, R. 38E, B.M., Bannock County; to be used from Jan. 1, to Dec. 31 for stockwater, domestic, diversion to storage and storage for irrigation, and from Apr. 1 to Nov. 1 for the irrigation of 20 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 12S, R. 38E, B.M.

The applicant now proposes to amend Application No. 13-7323 changing the source to unnamed stream tributary to Swan Lake.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83402, on or before October 19, 1981.

S/A. KENNETH DUNN

Director

October 1, 8, 1981

No. 141

Jeri Larsen

being first duly sworn on oath deposes and says: That she was at all times herein mentioned a citizen of the United States of America, 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:

October 1, 1981

19

October 8, 1981

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.

Subscribed and sworn to before me this

14th

day of

October, 1981

Notary Public, State of Idaho

Residence: Pocatello, Idaho

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Rosalie Olmstead

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of America, 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:

May 7, 1981, 19____
May 11, 1981, 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.

Rosalie Olmstead

Subscribed and sworn to before me this 19th
day of May, 1981

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

RECEIVED

MAY 20 1981

Department of Water Resources
Eastern District Office

RECEIVED

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

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:

13-7323

SMITH, STEPHEN W.
P.O. BOX 2, SWAN LAKE, ID
83281

Source: UNNAMED STREAM
tributary to MARSH CREEK
Date Filed: 04-17-1981

Amount: 0.40 CFS 10.0 AC-FT
Diversion Point: NENW Sec 28 T
12S R 38E, BANNOCK Co.

Use: IRRIGATION STORAGE
(10.0 AC-FT) from 01-01 to 12-31
IRRIGATION FROM STORAGE
(0.40 CFS) from 04-01 to 11-01
STOCKWATER (0.02 CFS) from
01-01 to 12-31

DOMESTIC (0.04 CFS) from 01-01
to 12-31

DIVERSION TO STORAGE (0.12
CFS) from 01-01 to 12-31

Place of Use: SENW Sec 28 T 12S
R 38E FOR 20 ACRES

Diversion Means: PUMP, PIPE-
LINES & RESERVOIR

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, 150 Shoup
Ave., Idaho Falls, Idaho 83401 on
or before MAY 25, 1981.

S/A. KENNETH DUNN

Director

May 7, 14, 1981

No. 705

being first duly sworn on oath deposes and says: That

was at all times herein mentioned a citizen of the United States of America, 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:

_____	, 19 ____	_____	, 19 ____
_____	, 19 ____	_____	, 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.

Rosalie Oakes

Subscribed and sworn to before me this

day of _____, 19 ____

[Signature]

Notary Public, State of Idaho

Residence: Pocatello, Idaho

RECEIVED

MAY 20 1981

Department of Water Resources
Eastern District Office

dt3825

VDT #18

ENTERED

EXPIRES

9/25/81 11.45

9/25/81 11.09 *10/09/81 0

SLUG: DT141

GUIDE: WATER

AUTHOR: LEGAL

FILE: LEGAL

PAGE: 10/08

LAST USER: LEGAL

h

FT PT ERR LN# -----OUTPUT TEXT-----

1 7

1 <i<i<i<i
2 NOTICE OF AMENDED APPLICATION
3 FOR WATER PERMIT
4 Notice is hereby given that Application
5 for Permit No. 13-7323 in the name of
6 Stephen W. Smith was filed for the
7 diversion of 0.40 c.f.s. of water from an
8 unnamed stream tributary to Marsh
9 Creek, with point of diversion within the
10 NE1/4NW1/4, Sec. 28, T. 12S, R. 38E, B.M.,
11 Bannock County; to be used from Jan. 1,
12 to Dec. 31 for stockwater, domestic,
13 diversion to storage and storage for irri-
14 gation, and from Apr. 1 to Nov. 1 for the
15 irrigation of 20 acres within the SE
16 1/4NW1/4, Sec. 28, T. 12S, R. 38E, B.M.
17 The applicant now proposes to amend
18 Application No. 13-7323 changing the
19 source to unnamed stream tributary to
20 Swan Lake.
21 Any protest to the proposed amending of
22 the application must be filed with the
23 Idaho Department of Water Resources,
24 150 Shoup, Idaho Falls, Idaho, 83402, on or
25 before October 19, 1981.
26 S/A. KENNETH DUNN
27 Director
28 October 1, 8, 1981
29 No. 141
30 <i<i<i<i



RECEIVED

SEP 28 1981

**Department of Water Resources
Eastern District Office**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAR 01 2001

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 29-7629

1. Owner: Stephen W Smith Phone No. (208) 897-5148

Current Address: 10286 E Redrock Rd Swan Lake Id

2. Accompanied by: Stephen W Smith EXAM DATE: 6-21-2000

Address: — Phone No. —

Relationship to Permit Holder: —

3. Source: Unnamed Stream tributary to Marsh Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: —

2. Other water rights with the same point of diversion: —

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

(N 42.35527 W 112.02473)*

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NE	NW	28	12S	38E	Bannock	On Site / SCS Aerial

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	38E	28								17									17
										S									

* Lat & Longitude from permit holder's GPS Unit. (Dept GPS unit would not work) at this location

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate well 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.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Gould	1hp	Submersible		

*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

2. Measurements: Bucket 5 gallons in 26 seconds 11.5 gpm = 0.0257 cfs
= 0.03 cfs

E. NARRATIVE/REMARKS/COMMENTS

Small diversion pond on stream Pump in sump on stream
Sm. Diversion Pond → pump → to mainline → pond for faucet → drip line →
→ Trees 300 large trees → or to small reservoir (not used at this time)
→ Domestic yard $\frac{1}{2}$ acres (within the total of 17 acres)
→ Stock 350 pairs or 700 sheep - 5 horses maximum (No stock @ time of exam)

Diversion storage pond not in use at this time.

Notes: Reservoir Not in use at this time (needs to be lined)

STORAGE POND 1.5ac surface max depth = 10'

IRRIGATION: At the time of the exam the maximum acres
that can be irrigated at any one time is 3 acres.
Applicant has irrigated all 17 acres on a rotating
basis during the irrigation season.

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

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: $Q = 11.5 \text{ gpm} = 0.0256 \text{ cfs}$ - 0.03 cfs diversion to storage
 0.03 cfs stockwater
 0.03 cfs irrigation
 $Q_{\text{Total}} = 0.03 \text{ cfs}$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.03(214)1.9835 = 12.7 \text{ afa}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$

2. Volume Calculations for Other Uses: @ 0.025 cfs = 118 days for 6.0 af (12/1 to 4/1 = 121 d)

STORAGE Volume = $(1.5 \text{ ac} \times 10) 0.4 = 6.0 \text{ af}$

350 pairs or 700 sheep use $\frac{2}{12}$ of what horses take 700 ($\frac{2}{12}$) = 116.7 horses + 5 horses or
 stockwater for ≈ 122 horses

$V_{\text{Stock}} = 122 \times 0.0134 = 1.6 \text{ afa}$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Diversion to Storage	12/1	4/1	0.03 cfs	
Storage for irrigation	1/1	12/31		6.0 af
Irrigation from Storage	4/1	10/31		6.0 af
Stockwater	1/1	12/31	0.03 cfs	0.5 af
			Totals:	0.03 cfs

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

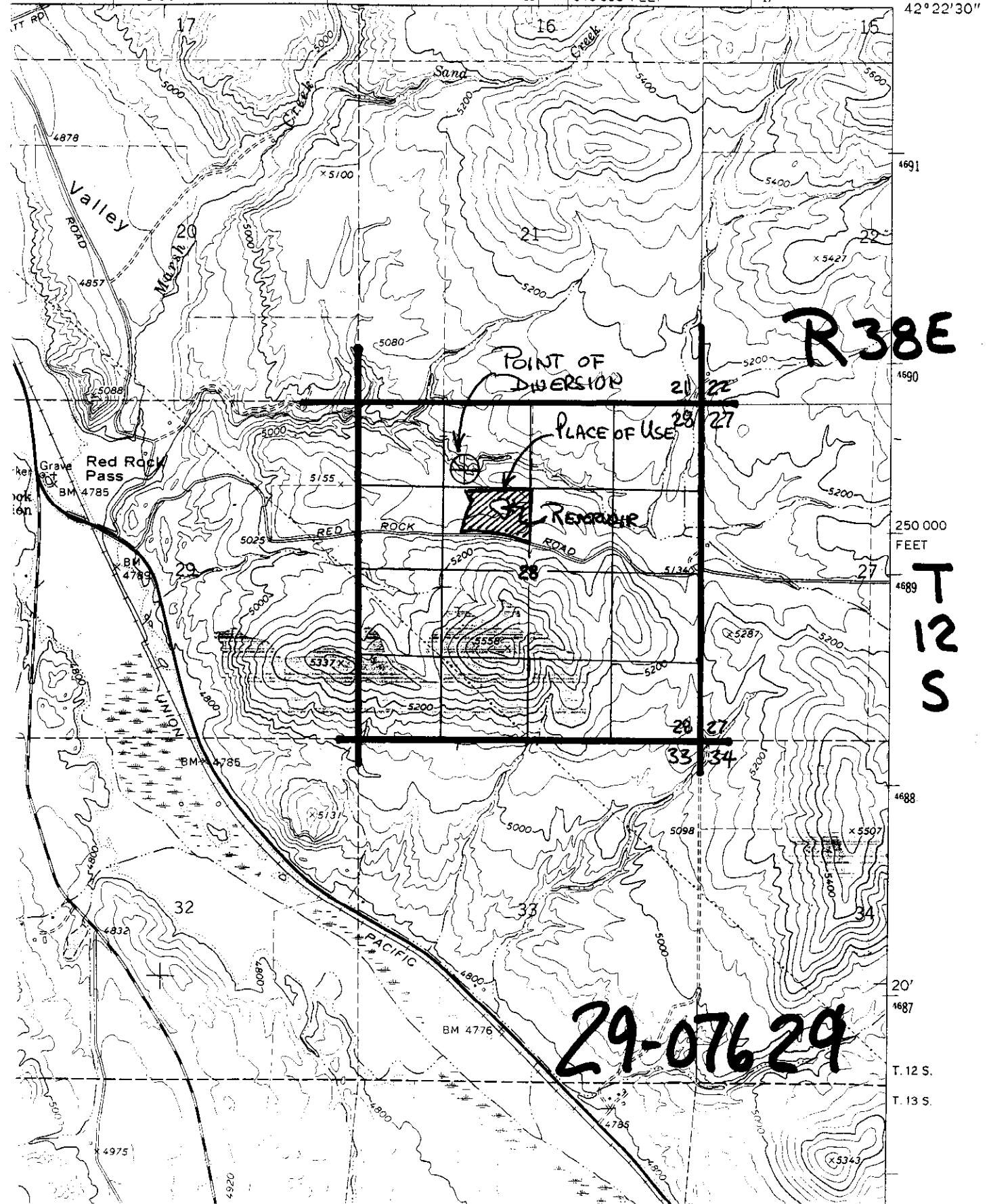
Field Examiner's Name Steve Mueller Date 2-15-2001

Reviewer _____ Date _____

SEAL

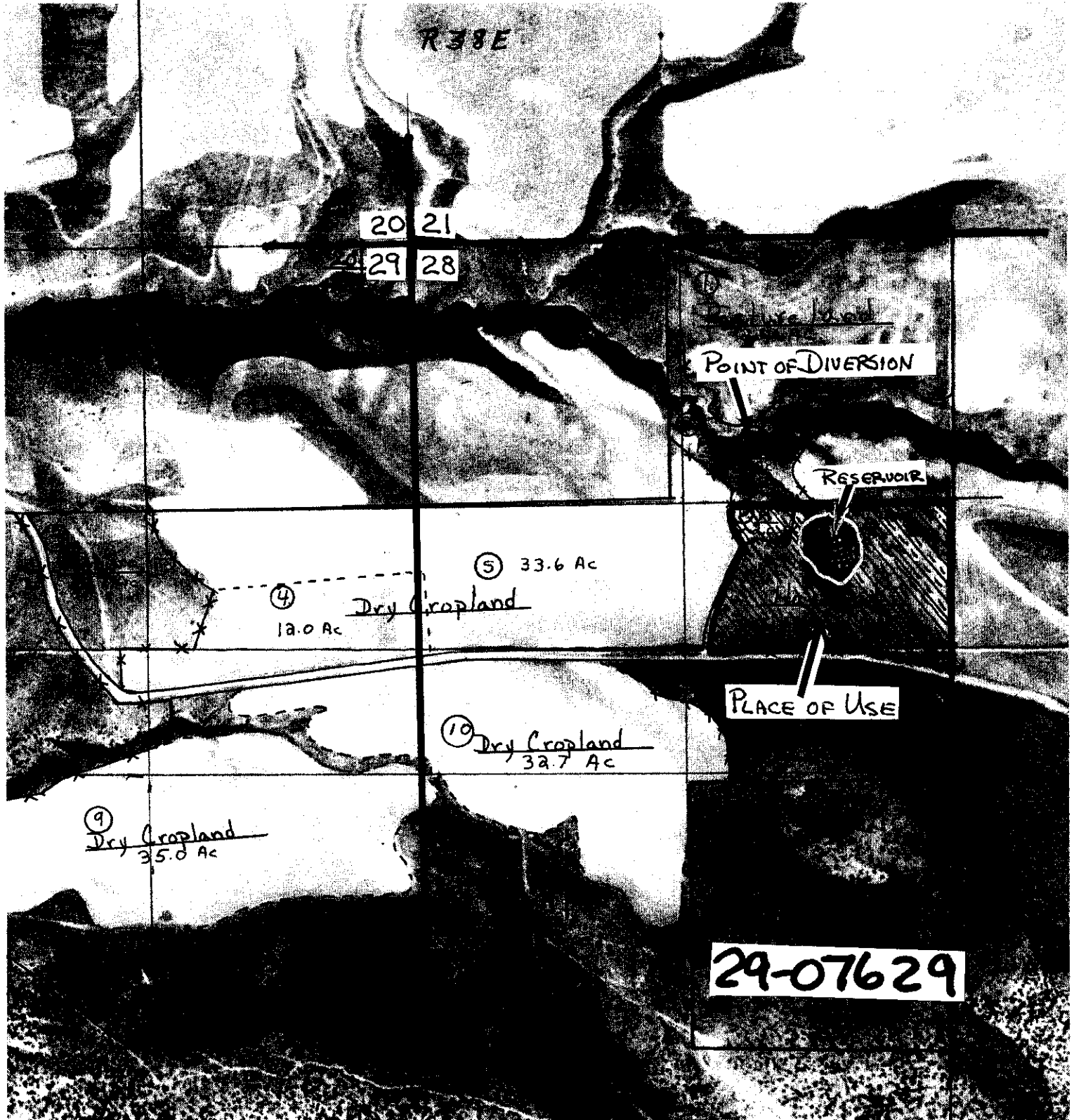
OXFORD QUADRANGLE
IDAHO
7.5 MINUTE SERIES (TOPOGRAPHIC)

14 2'30" 15 16 540 000 FEET 17 112°00' 42°22'30"



CONSERVATION PLAN MAP

Steve Smith Operator Same
nnock State Idaho Date 12-81
480 Approximate scale 1" = 660'
ith Portneuf Soil & Water Conservation District
identification Photo number 178-122
ted by Pocatello Field Office USDA Soil Conservation Service



FLOW
←



POD

29-07629

November 13, 1992

STEPHEN W. SMITH
P.O. BOX 2
SWAN LAKE ID 83281

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07629

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,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED
DEC 08 1992

RECEIVED

NOV 09 1992 STATE OF IDAHO

For Office Use Only
Amt. of Fee \$ 50.00
Date 10-29-92
Receipt No. C025880
Received by [Signature]

RECEIVED

OCT 29 1992

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

50.00
11-9-92
C025963
[Signature]

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. 29-07629 Telephone No. 208-897-5148
2. Name(s) of Permit Holder(s): Stephen W Smith
3. Post Office Address: P.O. Box 2 SWANLAKE, ID 83281
4. Source of Water: UNNAMED Stream
 - a. If ground water, well driller's name: _____ Date drilled: _____
 - b. Pump horsepower: 3/4 Pressure (psi): 30 PSI Dynamic pumping level (ft.): 120'
5. Extent of Use:

Domestic <u>1</u> ~~10~~ (No. of households)	Irrigation <u>20</u> (No. of acres)
Stockwater <u>102</u> (No. and type of stock)	Other _____
<u>200</u>	<u>10/30/92 Klg</u>
6. Total rate and/or volume for which proof is submitted .40 cfs 10 acre/feet
7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device:	Required? <u>Yes</u> ☒ No	Installed? <u>Yes</u> ☒ No
OR		
Flow Measurement Port:	Required? <u>Yes</u> ☒ No	Installed? <u>Yes</u> ☐ No
8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)
9. Person to contact to accompany the Department representative during the field examination:

<u>Steve Smith</u>	<u>208 897 5148</u>
Name	Telephone No.
<u>10286 E Redrock Rd SWANLAKE, ID.</u>	
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.

10-27-92
Date

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

UNRECORDED

DEC 08 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 29-07629

Reviewed by Klg

Date 10/30/92

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

domestic - 1 Stock - 200
irrigate 20
Correct Uses? yes

SOURCE OF WATER

☒ Surface water source
☐ Ground water source

NA Drilling permit required?

/ Copy in the file? Drilling Permit No. _____

/ Amount paid for permit _____ Correct?

/ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
100 Amount Submitted
yes Correct?

MEASURING DEVICE

NA Required?
/ Installed?
/ Waiver requested?

PRIORITY CALCULATION

Date proof received NA _____
Date proof due _____ - _____
No. of days late _____ = _____
Priority Date _____ + _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

need an additional \$50

proof acceptable

DATA ENTRY

New Address _____

Proof Made

11/9/92
11/13/92 Klg



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 30, 1992

Stephen W. Smith
PO Box 2
Swanlake, ID 83281

Re: Permit No. 29-07629

Dear Permit Holder:

Returned is the Proof of Beneficial Use form submitted to this office in connection with the above referenced permit. It indicates the total rate of diversion of water to be 0.40 cfs.

When the total maximum rate of diversion is greater than 0.04 cfs, a license examination fee is required to be submitted with the proof. A license examination fee based on a rate of flow of 0.40 cfs is \$100. Note the back of the enclosed instruction sheet/fee schedule. While you have indicated your knowledge of the fee by submitting \$50 (10 AF), the Department must determine the license exam fee from the amount diverted (0.40cfs)

In order to meet all of the required dates, it will be necessary to return the original form and fee on or before January 1, 1993. Since you have already submitted \$50, you need only submit an additional \$50. Upon receipt of the proof form and fee, we will continue processing your proof by notifying the region that a field exam is needed.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

Enclosures

RECEIVED

DEC 08 1992

October 31, 1992

STEPHEN W. SMITH
P.O. BOX 2
SWAN LAKE ID 83281

PROOF DUE NOTICE

RE: PERMIT NO. 29-07629

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 January 1, 1993. (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.

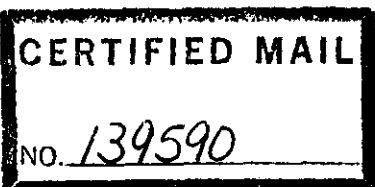
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



MAILED

DEC 08 1992



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 6, 1992

Stephen W. Smith
P.O. Box 2
Swan Lake, ID 83281

Re: Permit No. 29-07629

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to January 1, 1993.

Please note that the department has granted this extension based upon governmental agency delay. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

Enclosure

c: IDWR-Regional Office

RECEIVED

DEC 08 1992

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 29-07629Reviewed by KlgDate 12/26/91

BASIC INFORMATION

12/23/91 Date stamp received
yes Extension received timely (not too early not too late)
yes Fee received and receipted
yes Name and signature same as permit
no Address change

BASIS FOR EXTENSION REQUEST

_____ Has adequate work been completed to demonstrate due diligence?
 _____ Has the cost incurred been adequate to demonstrate an intent to complete the project?
 _____ Has the permit been involved in litigation?
 a. Swan Falls _____ Dismissed from Swan Falls _____
 Other _____ Identify _____
 b. Is supporting documentation needed to complete the file? _____
 Requested _____
 c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

✓ Is delay by a government agency?
 Is supporting documentation needed to complete the file? no
 Requested? _____

ACTION TAKEN

*extension approved Based on governmental delay
 extend to 1/1/93
 (See memo to the file)*

_____ Reinstate	Date extension received	<u>NA</u>	=	_____
	Proof due date	<u>/</u>	=	_____
	No. of days late	<u>/</u>	=	_____
	Priority date	<u>/</u>	=	_____
	ADJUSTED PRIORITY DATE	<u>/</u>	=	_____

DATE ENTRY

_____ Change proof due date _____ Address change
 _____ Priority date change

INTER-DEPARTMENT MEMO

TO: FileSUBJECT: ExtensionFROM: KarenDATE: 1/3/91

I had a telephone conversation with Dean Rose of the ID & G. They do indeed hope to work with Mr. Smith to develop a wild habitat area on his property. However, funding is low & this is the last item on their list. They are uncertain about the amount of wild animals that Mr. Smith claims are in the area. Mr. Rose hopes to look @ progress thus far sometime in the spring or summer. If he draws positive conclusions, they will fund this year. If not, no funding @ all. Recommend extension for 1 year

() For your information

() Response required

DEC 08 1992

signature



IDAHO FISH & GAME

REGION 5

1345 Barton Road
Pocatello, ID 83204-1847
(208) 232-4703

December 16, 1991

Mr. Steve Smith
P.O. Box 2
Swan Lake, ID 83281

Dear Steve,

I appreciate your interest in the Habitat Improvement Program. I am sorry that it took me so long to get back to you concerning the pond development on your property. Unfortunately, the program is running short of money this year so we will not be able to get involved at this time. Please get back to me in the spring of 1992 and we will try to get a project going.

Thanks again for your interest.

Sincerely,

Dean Rose
Regional Wildlife Biologist

Cecil D. Andrus / Governor
Jerry M. Conley / Director

Equal Opportunity Employer



Working for wildlife since 1938

RECEIVED

DEC 08 1992

138135
October 31, 1991

STEPHEN W. SMITH
P.O. BOX 2
SWAN LAKE ID 83281

PROOF DUE NOTICE

RE: PERMIT NO. 29-07629

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 January 1, 1992. (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,

Nina Shields
Secretary/Records Manager

Enclosures

DEC 08 1992

January 14, 1991

STEPHEN W SMITH
P O BOX 2
SWAN LAKE, ID 83281

Dear Mr. Smith:

Re: Permit No. 29-7629

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to January 1, 1992.

Note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MicroFILMED

JAN 26 1991

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 29-7629

Reviewed by [Signature]

Date 1-9-91

BASIC INFORMATION

- y Date stamp received
y Extension received timely (not too early not too late)
y Fee received and receipted
y Name and signature same as permit
N Address change

BASIS FOR EXTENSION REQUEST

- y Has adequate work been completed to demonstrate due diligence?
y Has the cost incurred been adequate to demonstrate an intent to complete the project?
 _____ Has the permit been involved in litigation?
 a. Swan Falls _____ Dismissed from Swan Falls _____
 Other _____ Identify _____
 b. Is supporting documentation needed to complete the file? _____
 Requested _____
 c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

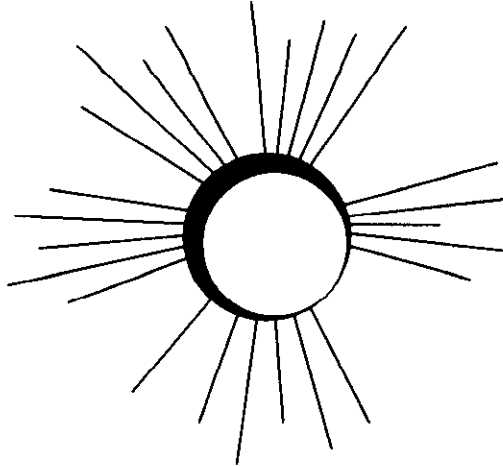
- _____ Is delay by a government agency?
 Is supporting documentation needed to complete the file? _____
 Requested? _____

ACTION TAKEN - *Recommend approval based on due diligence for one year from Jan. 90 to Jan. 91*

[Signature] Reinstate Date extension received _____ = _____
 Proof due date _____ = -
 No. of days late _____ = _____
 Priority date _____ = +
 ADJUSTED PRIORITY DATE _____ = _____

DATE ENTRY

[Signature] Change proof due date _____ Address change
 Priority date change _____



PHOTOVOLTAIC EQUIPMENT & SALES
SMITHLAND CONSTRUCTION

118 South 1st West
Downey, ID 83234
Phone (208) 897-5134

005140
RECEIVED
NOV 29 1990

Department of Water Resources

Rita I. Fleck
State of Idaho
Dept. of Water Resources

November 27, 1990

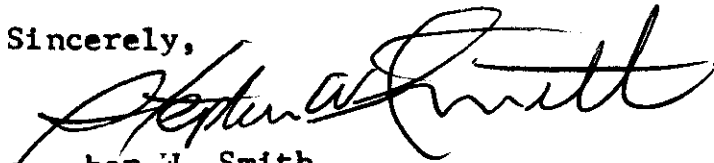
RE: Permit ~~75-7629~~

Dear Ms. Fleck

Because of the Swan Falls water right controversy I have been holding off finishing my project. I have the pump and pipeline in place and working at this time and using it for the domestic and stock water part of the permit. I have not Built the storage dam as yet.

I would like to ask for one years time to complete the project and plant the 20 acres for beneficial use.

Sincerely,



Stephen W. Smith

P.O.Box 2
Swan Lake, ID. 83281

MICROFILMED

JAN 23 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 21, 1990

Stephen W. Smith
P.O. Box 2
Swan Lake, ID 83281

RE: PERMIT 29-7629

Dear Mr. Smith:

On February 18, 1987, you submitted a request for an extension of time (extension request) in which to submit the proof of beneficial use for the above referenced permit. The permit authorized the diversion of 0.4 cfs from an unnamed stream tributary to Marsh Creek to be used for domestic, stock and irrigation purposes. A small storage dam was proposed.

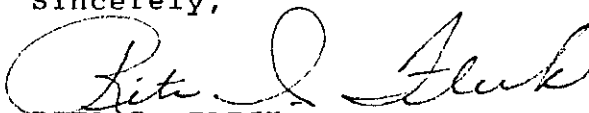
On February 23, 1987, the department corresponded with you and advised that we would hold the extension request without action until the permit was reprocessed as required by Section 42-203D, Idaho Code. This reprocessing was a direct result of the Swan Falls water right controversy which is now essentially resolved.

As it turns out, your permit is not affected by the Swan Falls controversy. For this reason, the extension request can be further processed.

Please contact me soon in connection with the pending extension request and advise me of the amount of additional time needed, if any is needed. If your project is complete, it is appropriate for you to file the proof of beneficial use in order to complete the filing requirements associated with the permit.

Enclosed is a proof of beneficial use form together with instructions which you should file if your project is complete. If the project is not complete, please advise me and the department will act on the pending extension request. If you have questions, feel free to call me at 327-7953.

Sincerely,


RITA I. FLECK
Secretary/Records Manager

Encl: 2

c: IDWR - E. Region

MAILED

JAN 28 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

COMMENCEMENT OF WORKS

Permit No. 13-72323 see #29-7629
Name(s) of Permit Holder(s): Stephen W. Smith
Post Office Address: P.O. Box 2
Suban Lake, Id. Tel. No. None

☒ I hereby certify that construction of diversion works for the above referenced permit began on May 31 1983 (date) and I understand that I must continue to develop the water system with diligence to maintain a valid permit.

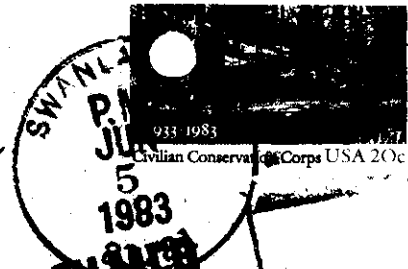
☐ I hereby certify that construction of diversion works for the above referenced project has not yet begun due to the following reason beyond my control:

*Note: A financing difficulty is not an acceptable reason.

May 31
Date

[Signature]
Signature of Permit Holder

Steve Smith
PO Box 2
Swan Lake, Idaho 83281



RECEIVED
JAN 28 1991

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

February 23, 1987

Stephen W. Smith
P. O. Box 2
Swan Lake, ID 83281

Dear Mr. Smith:

Re: Permit No. 29-7629

The department has reviewed the request for extension of time submitted in connection with the above referenced permit. The department will hold the request without action until the permit is reprocessed in compliance with the provisions of Sec. 42-203D, Idaho Code. Upon completion of reprocessing, an appropriate development period will be granted if the permit is to be continued.

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

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

cc: Region

MICROFILMED

JAN 28 1991

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 29-7629Reviewed by [Signature]Date 2-23-1987

BASIC INFORMATION

9 Date stamp received
9 Extension received timely
 (not prior to 6 month before proof due date or after reinstatement period)
9 Fee received and receipted
9 Name and signature same as permit
9 Address change (indicate on coding sheet)

BASIS FOR EXTENSION REQUEST

9 Has adequate work been completed to demonstrate due diligence?
9 Has the cost incurred been adequate to demonstrate an intent to complete the project?
9 Has the permit been involved in litigation?
 a. Swan Falls Yes Dismissed from Swan Falls No
 Other Identify
 b. Is supporting documentation needed to complete the file? Requested
 c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

n/a Is delay by a government agency?
 Is supporting documentation needed to complete the file? _____
 Requested? _____

ACTION TAKEN - Recommend holding action on ext
pending review of permit under #2-2030.

Special conditions or remarks:

9 Reinstatement Date extension received _____ = _____
 Proof due date _____ = _____
 No. of days late _____ = _____
 Priority date _____ = + _____
 ADJUSTED PRIORITY DATE _____ = _____

9 Prepare coding sheet
9 Change rolodex card



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

EXTENSION OF TIME

February 19, 1987

Stephen W. Smith
P. O. Box 2
Swanlake, ID 83281

PERMIT NO. 29-7629

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 41462.

Roberta Garrett
Records Supervisor

Enclosure

MICROFILMED

JAN 28 1991

T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
JANUARY 31, 1987

138679

SMITH, STEPHEN W.
P.O. BOX 2
SWAN LAKE, ID 83281

P R O O F D U E N O T I C E

RE: PERMIT NO. 29-7629

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 APRIL 1, 1987. (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 COMPLETED 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

RECEIVED

JAN 28 1987



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

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

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

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

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

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

JAN 28 1991

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

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

SMITH, STEPHEN W.
P.O. BOX 2
SWAN LAKE, ID 83281

APRIL 28, 1982

RE: PERMIT NO. 29-7629

DEAR PERMIT HOLDER:

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

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

SINCERELY,

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

ENCLOSURE

RECEIVED
MAY 11 1982

State of Idaho
Department of Water Resources

29-1629

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: STEVE MCCORMICK

APPLICATION NUMBER: 13-7323

CHECK:

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

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. 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: May 25
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 10-16-1981 ✓
☒ 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? 29#
4-17-81 Date of priority recommended.
Special conditions of approval or cover letter. _____

By: Ernest Carlson Date: Feb. 12, 1982

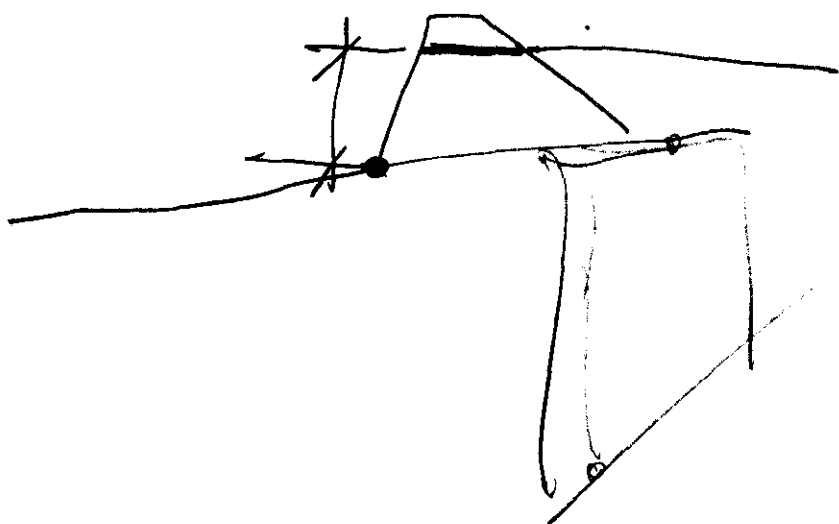
STATE OFFICE REVIEW:

return receipts w/cover letter
SL/L09 18 20 05 (29# Marsh Creek)

- ☐ See attached sheet for more information.

By: Kelvin Date: 4-12-82

RECEIVED
MAR 29 1982



Colleen:- It was confirmed at the
conference on Mrs. Smith's application
that the source is tributary to
Marsh Creek. Prior to it leaving
this office it must be ~~renumbered~~
renumbered with a Basin 29
number & the WRDATA file
corrected. Suggest 13-7323 be
deleted; entire ~~file~~ application
be recreated with new number.

Ernie.

22-7323

Done
CW
3-08-82

IN THE MATTER OF APPLICATION
FOR PERMIT #13-7323 IN THE
NAME Stephen W. SMITH.

WITHDRAWAL
OF
PROTEST.

We the undersigned hereby agree to
withdraw our protest with the understanding the
source is a recognized tributary of Birch Creek
and the period when water can be diverted
to storage shall be limited from to the non irrigation
season between Dec 1 and April 1 of the following
year. It is also understood that sufficient water
will remain in the stream to provide stock water
for 200 head of cattle, year around.

Signed Feb. 10th 1982 at Preston, Idaho.

Laelf. Abbott
Murf Kay
J. Morgan Evans
Cratt Brothers
L. Lee Cratt
Steve Smith

RECEIVED

Amended 13-7323 - Stephen W. Smith

Basement Meeting Room, Franklin County Courthouse
Preston, Idaho

Wednesday, February 10, 1982 - 1:00 p.m.

ROSTER OF ATTENDANCE

Hearing Officer _____

Name	Address	Representing
Larry Abbott	SWAN LAKE	Self
Steve Smith	SWAN LAKE	Self
Pratt Brothers		
Leon Pratt	Downey	Self
Maif Kay	Swan Lake	Self. & Joseph Kay
J. Morgan Evans	Downey	Self

RECEIVED

NAME AND ADDRESS OF SENDER

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
100 SHoup AVE.

IDAHO FALLS, IDAHO 83401

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ Certified

I certify that we have
☐ Commercial Insurance
☐ A deductible clause of \$

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

PS Form 3877, Sept. 1979
ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

1 2	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. DE REMA
1	12880	3rd River Rural P.O. Box 617 Ashton Id	20	75				60			21-7 21-7
2	12881	Id Fish & Game 1515 Lincoln, Id.									"
3	12882	Forest Service 324-25th Ogden Ut.									"
4	12883	New Key Landfill Rt #1 Box 141 Id.									25-7
5	12884	Brent Ellington Rt #7 Box 92 Id.									"
6	12885	Steven R McEdwards 772 45 Preston									13-7
7	12886	Dwan Jorgensen Rt 3 Preston									"
8	12887	Robert Rier Box 100 Blackfoot									"
9	12888	Joseph Jedin Rt 3 Preston									"
10	12889	Stephen W Smith Box 2 Swan Lake									13-7
11	12890	Leon Pratt, Downey									"
12	12891	Joe Kay, Downey									"
13	12892	May Kay, Downey									"
14	12893	J. Morgan Evans, Downey									"
15	12894	Paul J. Whatt, Box 29, Downey									"
TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on article valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for C.O.D. and \$400 for insured mail. Special handling charges apply only to third- and fourth class parcels. Special delivery service also includes special handling service.					
15		15		A. H. C.							

MICROFILMED

13-7323

PS Form 3811, Jan. 1979

● 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:
Paul J. Abbott
Box 29
Downey, Id 83234

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 12894

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
 1-29-82

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK: DOWNEY, ID JAN 29 1982

★GPO : 1979-288-848

13-7323

PS Form 3811, Jan. 1979

● 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:
Joe Kay
Downey Id 83234

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 12891

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
 1-29-82

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK: DOWNEY, ID JAN 29 1982

★GPO : 1979-288-848

13-7323

PS Form 3811, Jan. 1979

● 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:
Max Kay
Downey, Id 83234

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 12892

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
 1-29-82

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK: DOWNEY, ID JAN 29 1982

★GPO : 1979-288-848

13-7323

PS Form 3811, Jan. 1979

● 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:
Stephen W Smith
P. O. Box 2
Swan Lake Id 83281

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 12889

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
 1-29-82

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK: SWAN LAKE, ID P.M. JAN 28 1982

★GPO : 1979-288-848

13-7323

PS Form 3811, Jan. 1979

● 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:
Leon Pratt
Downey, Id 83234

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 12890

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
 1-29-82

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK: DOWNEY, ID JAN 29 1982

★GPO : 1979-288-848

13-7323

PS Form 3811, Jan. 1979

● 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:
Margaret Evans
Downey, Id. 83234

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 12893

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
 1-29-82

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK: DOWNEY, ID JAN 30 1982

★GPO : 1979-288-848

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



DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

RETURN
TO



(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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



DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

RETURN
TO



(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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



DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

RETURN
TO



(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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



DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

RETURN
TO



(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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



DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

RETURN
TO



(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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



DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

RETURN
TO



(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

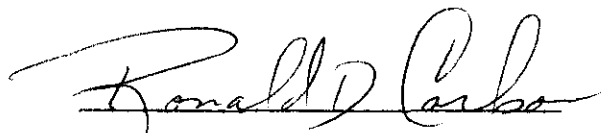
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF AMENDED APPLICATION	)	
FOR PERMIT NO. 13-7323 IN THE NAME OF	)	NOTICE OF HEARING
STEPHEN W. SMITH	)	AND/OR CONFERENCE

On September 18, 1981, Stephen W. Smith, Swan Lake, Idaho filed with the Department of Water Resources an amended application to appropriate the public waters of the State of Idaho. On October 13, 1981, the Department received a protest against approval of said application from Max Kay, Joe Kay, Pratt Brothers, and Morgan Evans. On October 15, 1981, an additional protest was received from Lael J. Abbott.

The Department has set the matter of protest for hearing for Wednesday, February 10, 1982, at 1:00 p.m. in the basement Meeting Room, Franklin County Courthouse, Preston, Idaho. The hearing will be held in accordance with provisions of Chapter 2, Title 42, 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.

Dated this 28th day of January, 1982.



RONALD D. CARLSON

Eastern Regional Supervisor

RECEIVED

CONFERENCE AND HEARING INFORMATION

IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

In accordance with Idaho Code, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

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 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?

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 at the expense of the requesting party. 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.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties may be afforded an opportunity to file exceptions to the proposed decisions and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 42-1701A.

The parties by written stipulation may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the Director's review of a party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the district

RECEIVED

court.

Under the provisions of the Idaho Code, Sections 42-1701A and 67-5215, any court review of the Department's decision on appeal shall be confined to the record created before the Department.

Failure to appear at the time and place set for hearing by the applicant or protestant(s) may allow the Department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

MICROFILMED

from the desk of...

DEC 10 1981

Department of Water Resources
Eastern District Office

Dear Sirs:

Just a note to let you know that we
are meeting with Mr. Smith to talk over this
situation.

December 1, 1981

DEC 10

Department of Water Resources
Eastern Regional Office

Mr. Steve Smith
Downey, Idaho 83234

RE: Amended Application for Permit No. 13-7323
water right:

Dear Steve:

We have letter from State of Idaho Department of Water Resources, dated 11/3/81 suggesting that we get together and try to resolve this matter prior to a hearing they would set up.

In compliance with this request we have reserved the Downey City Office meeting room for December 13, 1981, 8:00 PM for this purpose. At this time we will discuss this matter.

If this does not fit your schedule, please call either one of the undersigned so this meeting can be re-scheduled at a later or earlier time.

Thanks:

Very truly yours,

Cratt Brothers
Leon Cratt
J. Morgan Evans
Wayne Kay

CC: State of Idaho
Department of Water Resources
150 Shoup
Idaho Falls, Idaho 83401

Attn: Ronald D. Carlson
Eastern Regional Supervisor

MICROFILMED

Idaho Dept of Water Resources
Idaho Falls, Idaho

Nov 18 1981

Re: Application No 13-7323

RECEIVED
NOV 23 1981
Department of Water Resources
Eastern District Office

Even though I have tried to assure the Marsh Creek water users I am not going to try and take away their water that they are now using I have not had any success. They believe they own all the water and the only way I may use the water, winter or whenever, is to pay them.

Also, while the topographical maps show the unnamed stream to be a tributary of Swan Lake and not Marsh Creek the water users will not accept this point either.

However, even if the stream is not a tributary of Swan Lake I still hold to my request for water as long as I don't use any of their proven irrigation use.

The recent protest of Lael Abbott shows why I am filling for the water in the first place. To Establish a

(over)

MICROFILMED

legal water right that can
set up use on this stream
which dose indeed have .40 cfs.
of water. Mr Abbott does
not have a Documented water
right either.

I would like to have a
hearing on this issue in
the near future and settle
this matter once and for all.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Smith".

Steve Smith
Swan Lake, Idaho

November 2, 1981

Stephen W. Smith
P.O. Box 2
Swan Lake, Idaho 83281

Dear Mr. Smith:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 13-7323 (Amended). The Department suggests you contact the protestant directly in an effort to determine the nature of the protest 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 speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

November 2, 1981

RE: Amended Application for Permit No. 13-7323 SMITH

Leon Pratt
Pratt Brothers
Downey, Idaho 83424

Gentlemen:

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 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 an 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 speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

November 2, 1981

RE: Amended Application for Permit No. 13-7323 SMITH

Joe Kay
Downey,
Idaho 83234

Dear Mr. Kay:

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 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 an 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 speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

November 2, 1981

RE: Amended Application for Permit No. 13-7323 SMITH

Max Kay
Downey,
Idaho 83234

Dear Mr. Kay:

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 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 an 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 speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

November 2, 1981

RE: Amended Application for Permit No. 13-7323 SMITH

J. Morgan Evans
Downey, Idaho 83234

Dear Mr. Evans:

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 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 an 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 speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

November 2, 1981

RE: Amended Application for Permit No. 13-7323 SMITH

Lael J. Abbott
Box 29
Downey, Idaho 83234

Dear Mr. Abbott:

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 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 an 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 speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that Application for Permit No. 13-7323 in the name of Stephen W. Smith was filed for the diversion of 0.40 c.f.s. of water from an unnamed stream tributary to Marsh Creek, with point of diversion within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 12S, R. 38E, B.M., Bannock County; to be used from Jan. 1 to Dec. 31 for stockwater, domestic, diversion to storage and storage for irrigation, and from Apr. 1 to Nov. 1 for the irrigation of 20 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 12S, R. 38E, B.M.

The applicant now proposes to amend Application No. 13-7323 changing the source to unnamed stream tributary to Swan Lake.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83402, on or before October 19, 1981.

A. KENNETH DUNN

Director

Published in the Idaho State Journal, Pocatello, Idaho, on
October 1 and 8, 1981

10/1/81

20

September 16, 1981

RE: Application for Permit No. 13-7323

Stephen W. Smith
P.O. Box 2
Swan Lake, Idaho 83281

Dear Mr. Smith:

Enclosed is a copy of your application to appropriate water from an unnamed stream which is listed as being tributary of Marsh Creek. However, in reviewing the U.S.G.S. quad maps, a copy of which I left with your wife, it appears this stream is actually tributary to Swan Lake. It is particularly important to verify the source since several Marsh Creek water users have protested the application.

If you determine the source is a natural tributary of Swan Lake, amend the application by crossing out Marsh Creek, entering Swan Lake, and then initially the correction. With the amended application in proper form, return it to this office accompanied by your check for \$20.00 as payment of the statutory amendment fee.

Please advise us if you feel the application is correct and we will proceed with the necessary processing.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

RECEIVED
SEP 21 1981
FBI - IDAHO

3/79

IDENT. NO. 13 7323

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

Steve Smith
P.O. Box 2
Swan Lake, Idaho 83281

May 31, 1981

Director of the Idaho Department of Water Resources
150 Sheup
Idaho Falls, Idaho 83401

Attn. Ronald D. Carlson

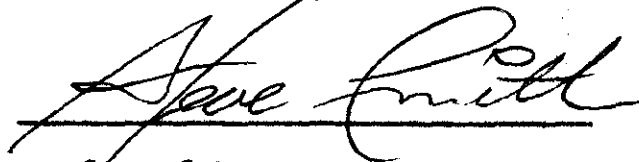
RE: Water Right Permit No. 13-73-23

Dear Mr. Carlson

Enclosed is a copy of my rebuttal to a protest to my Application dated May 13, 1981 from Morgan Evans, Leon Pratt, Max Kay, and Joe Kay.

I would appreciate any information concerning water laws which apply to my case esp. the domestic use herein. Also what further information I can give you or the protesters to help in gaining approval for this permit.

Sincerely



Steve Smith
Swan Lake, Idaho 83281

RECEIVED
JUN 2 1981

RECEIVED

JUN 2 1981

Department of Water Resources
Eastern District Office

May 31, 1981

To: Morgan Evans, Leon Pratt, Max Kay, Joe Kay

From: Steve Smith
Swan Lake, Idaho

RE: Protest of Water Permit Application No. 13-7323

Gentlemen,

In an effort to resolve your recent protest to my application for a water permit I have tried to answer your protest here. A copy of this letter has been sent to the Idaho Dept. of Water Resources.

In answer to your protest No. 1

1. I am not going to, or could not by law, use one drop of YOUR irrigation water as it is presently being used.
2. The unnamed stream in question has an average flow, depending on where you measure, of 50 to 100 G.P.M. On Kay Gibbs place it starts surfacing then completely goes underground then surfaces again at approximately 20 G.P.M. Flowing into my place it starts to pick up its flow until it reaches its peak flow of 100 G.P.M. At that peak flow it goes in to Lael Abbott's place where it loses approx. 20 - 30 G.P.M. It is at that approx. rate, (as I have never put a weir down there), the creek is diverted for use to irrigation when it enters Max and Joe Kay's land.
3. The water I'm filling on as the application states, will be taken out at different rates depending on amount of water and amount of use by prior right water users all year long. I plan on only taking water for irrigation storage during the winter months and during excessive runoff times as was the case last week. Always allowing as much or more water downstream as you are now using. I have applied for 15 acre feet of irrigation storage. With the rate of the proposed pump of 50 G.P.M. I can easily pump 15 acre feet in only two months let alone the six months that you don't use that water. Therefore, I see no conflict with your irrigation use.
4. As far as livestock use is concerned, I have been told to file on this use which has been understood by stockmen for years. As water laws keep changing I would like to keep this use legal.
5. So far as the Domestic use for which I've filled, I am very uncertain of the exact laws which apply to this case. However even when one does not consider prior domestic use by previous owners of my land, (which may apply in this case), I am certain there is some ruling which would allow me some of that water for domestic use.

With this in mind and also with the fact that the stream is at its highest point where I plan to divert the water for domestic use, I see no problem in guaranteeing you no drop in your supply. I only am currently using 5 - 10 G.P.M.

I suggest that when this small amount of loss reaches the point (a) where the water sinks underground on the Abbott place it will be more than made up for when the percentage of its loss proportions itself to the sinkage loss itself. Sinkage or Piping by water is proportional to the height of the stream. Therefore, the smaller amount of water will or should cause less to be lost by piping pressure.

On site observations during the last two years have shown no loss when I pumped the domestic water. However, because of the lack of a weir at your diversion point I can not be exact on this. I would like the chance to prove this point with you in the near future if you will permit me to place a weir at the diversion point. With a representative of your choice to verify. In the event of approval of this water right a weir will be placed at my diversion point.

In Answer to your protest No. 2

(Protest No. 2 continued)

1. The damsite area has been checked by a soil scientist familiar with Marsh valley soils, also by a representative of the Soil Conservation Service. In Mr. Dave Curtis's own letter to me he says I quote

" Soil survey information in the vicinity of the proposed ponds indicates seepage will not be a problem. Suitable material for embankment construction can be taken from the storage area. —Relatively small drainages into the ponds should keep spillway cost minimal. "

The ponds are to be built up on the flat areas of the Alfalfa field. The proposed ponds, of which one has been budgeted for this late summer, will be checked and approved both the S.C.S. and the Idaho Dept of Water Resources. Pond No. 1 will, if approved, be constructed by Bill Price who has much experience in pond construction. The largest pond will have a capacity of 5 acre feet. If it should ever fail would be a small fraction of the washes we have experienced in the unnamed stream. 5 acre feet is equivalent to 1" of water from sixty acres compared to the three thousand acres plus that currently have runoff into the gully. The diversion point in the gully will be a small structure made of concrete and wood. A breakaway factor will be built into the boards in the event of flash floods ect.

In answer to your protest # 3

If during construction there are found any springs either in the Dam itself or in the storage area that damsite would be abandoned. It would then be unsatisfactory for a pond as the bottom must be sealed and no water can be running through the core of the dam. Both sites that have already been surveyed are at least 500 feet horizontal and 120 feet vertical distances from the unnamed stream. Any damage to the streams aquifer would be very remote. Especially in view of the fact that the Sorensen well located at the head of the aquifer has had no effect on the streams flow.

In Summary, I cannot by law and will not by design reduce the quantity of water under existing water rights. The 15 acre feet of storage will give me enough water on 20 acres of land for most crops suited for this area.

This project has been Engineered and cost analyzed by Hansen Engineering, 833 Emeril Ave, Salt Lake City, Utah (801) 322 1911.

This application has been made with the express desire to better my operation by adding some irrigated acres to my dryfarms to help level off financial busts in dry years.

As a land owner and citizen of the state of Idaho I feel it my right to apply for and be apportioned water from the state of Idaho for beneficial use. As long as it is not being used at the present time.

Please feel free to contact me for any other questions or details as to this Permit.

Sincerely


Steve Smith, Swan Lake, Idaho

RECEIVED
JUL 10 1961
IDAHO DEPT OF WATER RESOURCES
BOISE

May 15, 1981

Stephen W. Smith
P.O. Box 2
Swan Lake, Idaho 83281

Dear Mr. Smith:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 13-7323. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest 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 speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

Enclosure

cc: IDWR - State Office

RECEIVED
MAY 15 1981

May 15, 1981

RE: Application for Permit No. 13-7323 SMITH

Morgan Evans
Downey, Idaho 83234

Dear Mr. Evans:

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 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 an 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 speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

cc: IDWR - State Office

RECEIVED

May 15, 1981

RE: Application for Permit No. 13-7323 SMITH

Leon Pratt
Pratt Brothers
Downey, Idaho 83234

Dear Mr. Pratt:

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 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 an 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 speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

cc: IDWR - State Office

RECEIVED
MAY 16 1981
IDWR

May 15, 1981

RE: Application for Permit No. 13-7323 SMITH

Max Kay
Swan Lake,
Idaho 83281

Dear Mr. Kay:

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 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 an 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 speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

cc: IDWR - State Office

May 15, 1981

RE: Application for Permit No. 13-7323 SMITH

Joe Kay
Swan Lake,
Idaho 83281

Dear Mr. Kay:

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 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 an 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 speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

cc: IDWR - State Office

RECEIVED
MAY 16 1981
IDWR

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83401
(208) 525-7161

MAY 1, 1981

Idaho State Journal
P. O. Box 431
Pocatello, Idaho 83201

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before MAY 25, 1981.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

RECEIVED
MAY 12 1981

13-7323-

SMITH, STEPHEN W.

P.O. BOX 2, SWAN LAKE, ID 83281

Source: UNNAMED STREAM tributary to MARSH CREEK

Date Filed: 04/17/1981

Amount: 0.40 CFS 10.0 AC-FT

Diversion Point: NENW Sec 28 T 12S R 38E, BANNOCK Co.

Use: IRRIGATION STORAGE	(10.0 AC-FT)	from 01/01 to 12/31
IRRIGATION FROM STORAGE	(0.40 CFS)	from 04/01 to 11/01
STOCKWATER	(0.02 CFS)	from 01/01 to 12/31
DOMESTIC	(0.04 CFS)	from 01/01 to 12/31
DIVERSION TO STORAGE	(0.12 CFS)	from 01/01 to 12/31

Place of Use: SENW Sec 28 T 12S R 38E FOR 20 ACRES

Diversion Means: PUMP, PIPELINES & RESERVOIR.

RECEIVED



John V. Evans
Governor

C. Stephen Allred
Director

EASTERN REGION

WATER RESOURCES

150 Shoup Ave.

-1515 Lincoln Road -
Idaho Falls, Idaho 83401
(208) 523-7186 --
525-7161

April 8, 1981

Steven W. Smith
P.O. Box 2
Swan Lake, ID 83281

Dear Mr. Smith:

Enclosed is your application for permit along with Check No. 92-158/2026 in the amount of \$30.00.

Review of the application has revealed that some changes will need to be made to more accurately represent the use for which you wish to apply the water.

I have taken the liberty to complete a form for your approval. Please note the following changes:

Part 4 has been changed to allow for the diversion of water from the stream to your reservoirs (diversion to storage), the storage of water for irrigation (storage for irrigation), the diversion of that water from storage for the purpose of irrigation (0.40 cfs based on 0.02 cfs or 1 miner's inch per acre). Also included in these amounts are domestic (0.04 cfs) and stockwater (0.02 cfs).

The filing fee for the new application will be \$45.00.

If you feel the new application is correct, please sign it and return it to this office along with the \$45.00 filing fee. If you have any questions, please feel free to contact me.

Sincerely,

Steve McCormick
STEVE MCCORMICK
Water Resource Ana

SM:kw
Enclosures

MICROFILMED

STEVE SMITH APRILLE SMITH BOX 2 SWAN LAKE, IDAHO 83281		2026
PAY TO THE ORDER OF <i>Idaho Dept. of Water Resources</i>		92-158 1241
<i>Thirty and no/100</i>		\$ 30.00
DOWNEY STATE BANK DOWNEY, IDAHO 83234		DOLLARS
MEMO		
92-124101584-30 265 980		