

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7403 Priority May 23, 1977 Amount 0.32 cfs

THIS IS TO CERTIFY, that Anton Smith
of Pocatello, Idaho, has complied with the terms and conditions of Permit
No. 29-7403 issued pursuant to Application for Permit dated May 23, 1977,
and has submitted proof to the Department of Water Resources on May 8, 1980,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.37 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>November 15</u> at <u>0.32</u> cfs and <u>56.0</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 0.32 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
56.0 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Twp.
6S, Rge. 33E in the County of Power

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6S	33E	20	1	15											16

Total number of acres irrigated 16

The rate of diversion of water for irrigation under this license and all other
water rights on the same land shall not exceed 0.02 cubic feet per second for
each acre of land.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26th day of
February, 19 82.

For the Director

Norman C. Gentry

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 27 1982

APPLICATION FOR AMENDMENT OF A PERMIT

Department of Water Resources

To change the point of diversion and/or the place of use.

Comes now Anton Smith

of (address) Pocatello, Idaho, and represents to the

Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 29-7403, and requests that the permit and permit map be changed as follows:

NO CHANGE

1. Point of diversion: ¼ ¼, Section , Township , Range , B.M.,
County of . Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

NO CHANGE

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

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

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

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

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	33E	20	1	15															16

Total number of acres to be irrigated = 16

4. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or the 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:

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at AMERICAN FALLS, Idaho, this 22nd day of JANUARY, 19 82.

Henton Smith
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by Jar Fee = \$20.00

Received by af Date 2-25-82 # 21788

Publication prepared by W/K Date _____

Published in _____

Publication dates _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, Director of the Department of Water Resources hereby

APPROVE the above Application for Amendment of Permit No. 29-7403.

Witness my hand this 26th day of February, 19 82.

Norman C. Young
For the Director

DR1

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED APPLICATION FOR PERMIT

APPROVED
AMENDED

To appropriate the public waters of the State of Idaho

1. Name of applicant Anton Smith Phone 232-5731

Post office address Star Route, Box 182, Pocatello, Idaho 83201

2. Source of water supply ground water which is a tributary of _____

3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 20 Township 6S

Range 33E B.M. _____ Power _____ County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.32 for irrigation purposes from Mar. 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 0.32 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 75 Hp electric motor, 5 stage
w/14 in. bowls, 12" well, 42' static - pumping level 60'

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

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

c. Proposed well diameter is 12 inches; proposed depth of well is 250 feet.

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M. _____

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

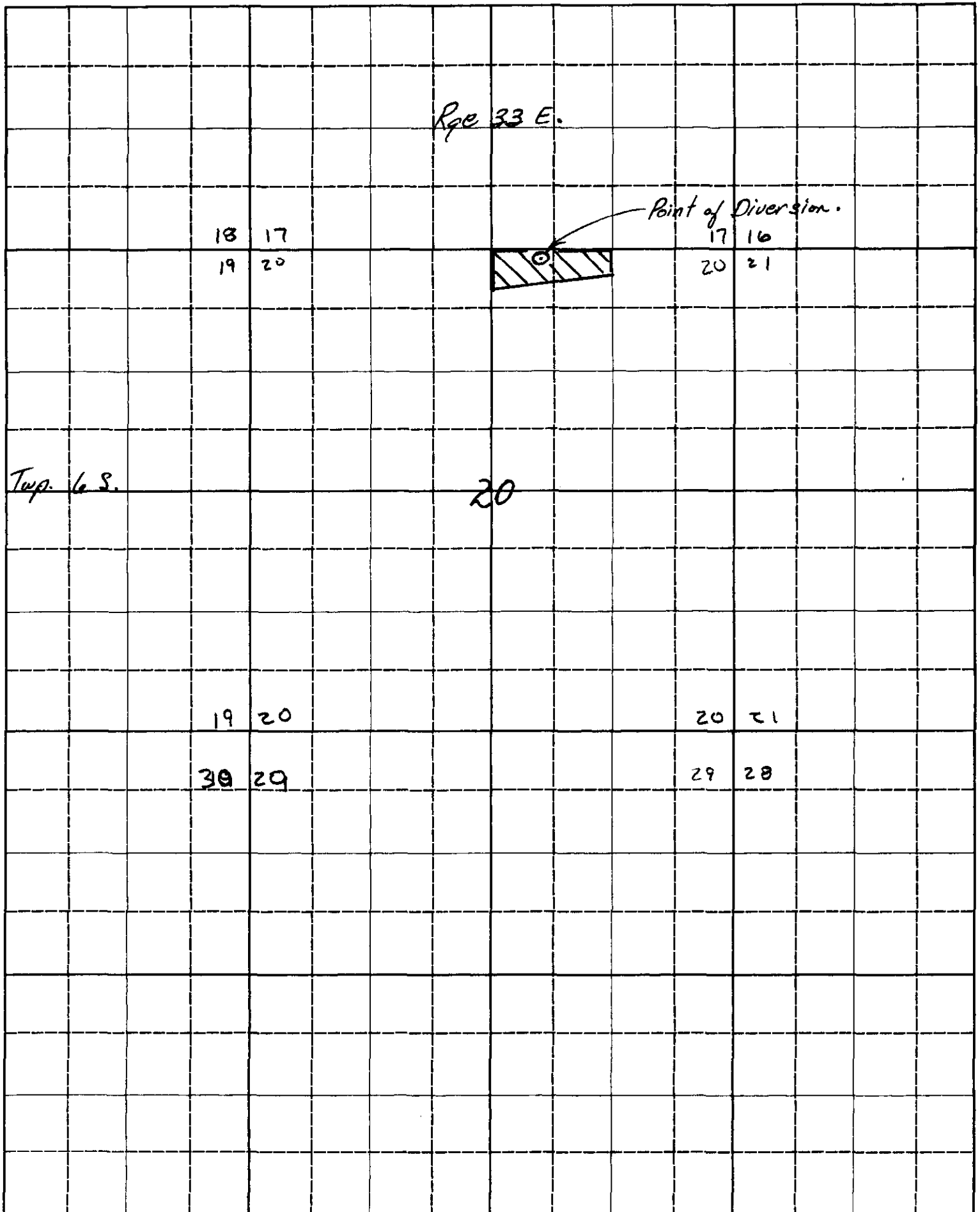
(3) List number of each kind of livestock to be watered _____

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

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

MICROFILMED

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



Scale: $\frac{1}{4}$ 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.

Anton Smith
(Applicant)

Proposed Priority 5-23-77

Received by _____ dh _____ Date 5-16-79 Time 10:30 a.m.

Preliminary check by _____ Fee \$ NA - See App. for Amendment originally filed

Receipted by _____ dh _____ Date \$10 4-20-79 #11826 & \$10 4-24-79 #11833

Publication prepared by _____ dh _____ Date 5-18-79

Published in Power County Press

Publication dates May 24 & 31, 1979

Publication approved Q7 Date 6/1/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC J.S.

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. 29-7403, 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 July 1, 19 80.

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 28 day of June, 19 79.

J. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR AMENDMENT

Permit No. 29-7403

Comes now ANTON SMITH of (address) STAR ROUTE
Box 182, Pocatello, Idaho, and represents to the Director of
the Idaho Department of Water Administration:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 29-7403, and requests that the permit and permit map be changed as follows:

1. Point of diversion: _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Sec. _____ Twp. _____
Rge. _____, B.M., County of _____. Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount .32 cfs for irrigation purposes from March 15 to Nov. 15 (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre feet per annum)

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated 161

WILDOBEH MEN

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.

Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at American Falls, this _____ day of March, 19 79.

X Anton Smith
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, _____, Director of the Department of Water Administration,
hereby _____

Witness my hand this _____ day of _____, 19 ____.

Director

\$10.00 recv'd 4-20-79 dh - receipt #11826

additional 10.00 recv'd 4-24-79 dh -receipt #11833

Identification No. 29 7403

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Anton Smith Phone: 232-5731
post office address Star Route, Box 182, Pocatello, Idaho
2. Source of water supply groundwater which is a tributary of NA
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 20 Township 6S
Range 33 E B.M. Power County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into NA at a point in _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 4.92^{cfs} for Irrigation purpose from April 1 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 4.92 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 75 Hpr electric motor, 5 stage w/14inch Bowls, 12" well, 42' static - pumping level 60'
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ (Mo. Day) inclusive.
- c. Proposed well diameter is 18 inches; proposed depth of well is 250 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years.
b. Estimated construction cost is \$ 20,000.00
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____
(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

MICROFILMED

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

[illegible]

Total number of acres to be irrigated 246

c. Describe any other water rights used for the same purposes as described above. claim of water
right on 15.51 acres in Section 20, T 6S, R 33 E.B.M. irrigated out
of same well

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

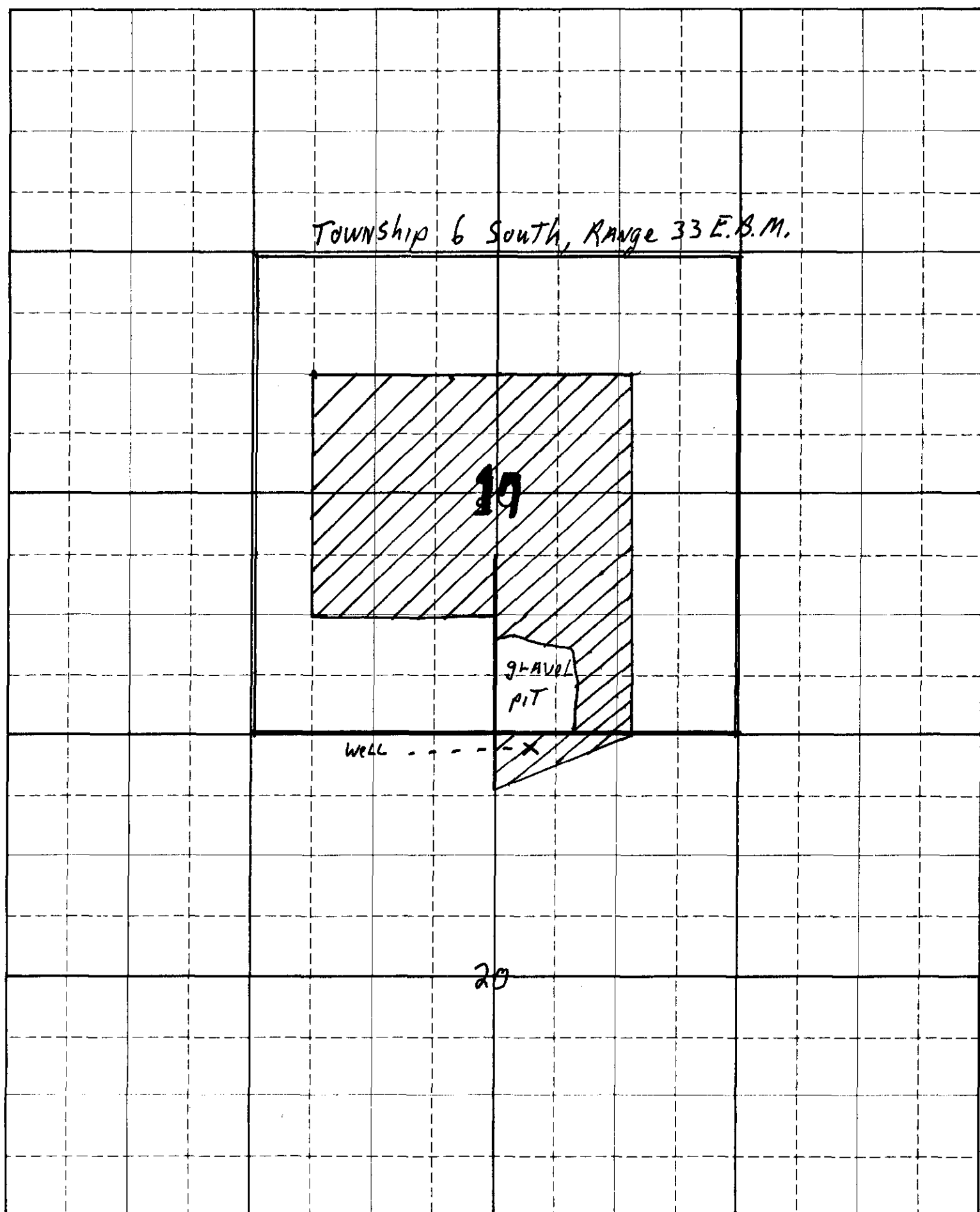
b. Who owns the land to be irrigated or place of use. City of Pocatello on Section 17

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

applicant to make this filing applicant is long term Lessee of said property
since 1963 on Section 17 ground

10. Remarks

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



Scale: $\frac{1}{4}$ 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.

Anton Smith
(Applicant)

Received by CW Date 5-23-77 Time 11:25 A.
Preliminary check by for Fee \$ 65.00
Receipted by CW Date 5-24-77 # 7299
Publication prepared by CW Date 6-03-77
Published in Boone County Press
Publication dates June 9 + 10 - 1977
Publication approved me Date June 20, 1977
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____ 19____.

Director

RECEIVED

JUN 1 1979

Department of Water Resources
Eastern District Office

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF POWER } S.S.

Phyllis Ringe

..... being first duly sworn

on oath, states:

That ..she..... is the ..principal clerk of the printer
of the Power County Press, a newspaper of general circulation
in Power County, Idaho, published weekly at American Falls
in said County; that said newspaper has been published in said
County uninterruptedly and continuously for over seventy-
eight consecutive weeks, prior to the first publication of the
annexed notice or advertisement:

That the annexed notice or advertisement was published as
per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for ².....
successive weekly issues thereof, the date of the first publica-

tion being the ..24th..... day of May....., 1979

the date of last publication being the

.....31st... day of May....., 1979.

(Signed) ..Phyllis Ringe..

Subscribed and sworn to before me this

.....24th..... day of May....., 1979

.....
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL) day of, 19

Published in The Power County Press,
American Falls, Idaho on May 24 and 31,
1979.

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that Application
for Permit No. 29-7403 in the name of
Anton Smith was filed for the diversion of
4.92 cfs of water from a groundwater source
with point of diversion within the
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 6S, R. 33E, B.M.,
Power County; to be used from March 1
to November 1 for the irrigation of 246
acres located within the S $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$ NW $\frac{1}{4}$,
N $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec.
20, T. 6S, R. 33E, B.M. Apr

The applicant now proposes to amend
Application No. 29-7403, requesting 0.32 cfs
for the irrigation of 16 acres located within
the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 6S, R. 33E,
B.M. to be used from March 15 to Novem-
ber 15.

Any protest to the proposed amending
of the application must be filed with the
Idaho Department of Water Resources, 1515
Lincoln Road, Idaho Falls, Idaho 83401
prior to June 11, 1979.

C. STEPHEN ALLAN
Director

MICROFILMED

Affidavit of Publication

STATE OF IDAHO

COUNTY OF POWER

} s.s.

Phyllis Ringe

being first duly sworn

on oath, states:

That she is the principal clerk of the printer of the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said County; that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for ...2... successive weekly issues thereof, the date of the first publica-

tion being the 2th day of June, 1977

the date of last publication being the

16th day of June, 1977

(Signed)

Subscribed and sworn to before me this

17th day of June, 1977

Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL) day of , 19

NOTARY PUBLIC
Residing in American Falls, Idaho
My Commission is for Life

RECEIVED

JUN 20 1977

Department of Water Resources
Eastern District Office

Published in the Power County Press, American Falls, Idaho on June 9 and June 16, 1977.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Anton Smith, Pocatello, Idaho has on 5-23-77 submitted Application No. 29-7403 for a permit for appropriate 4.92 cfs per second of water from a ground-water source by means of well and pump within the NW 1/4, Sec. 20, T. 6S, R. 33E, B.M., Power County, Idaho from Aug. 1 to Nov. 1 for the irrigation of 20 acres within the NW 1/4, NE 1/4, SE 1/4, Sec. 17, NE 1/4, Sec. 20, T. 6S, R. 33E, B.M.

T. 6S, R. 33E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Idaho Street, Idaho Falls, Idaho, 83401 on or before June 27, 1977.

C. Stephen Alton

Affidavit of Publication

STATE OF IDAHO

COUNTY OF POWER

} s.s.

Phyllis Hinge

being first duly sworn

on oath, states:

That she is the principal clerk of the printer of the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said County; that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publica-

tion being the 25th day of June, 1977

the date of last publication being the

16th day of June, 1977

(Signed)

Subscribed and sworn to before me this

17th day of June, 1977

Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL) day of 1977

Legal Notice

Published in the Power County Press, American Falls, Idaho on June 9 and June 16, 1977.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Anton Smith, Pocatello, Idaho has on 5-23-77 submitted Application No. 29-7403 for a permit to appropriate 4.92 cubic feet per second of water from a ground-water source by means of well and pump within the NW 1/4 NE 1/4, Sec. 20, T. 6S, R. 33E, B.M., Power County; to be used from Apr. 1 to Nov. 1 for the irrigation of 246 acres within the S 1/2 N 1/2, N 1/2 SW 1/4, SE 1/4, Sec. 17, NW 1/4 NE 1/4, Sec. 20, T. 6S, R. 33E, B.M.

T. 6S, R. 33E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before June 27, 1977.

C. Stephen Allred
Director

March 4, 1982

RE: Permit No. 29-7403

Anton Smith
Star Route, Box 182
Pocatello, ID 83201

Dear Mr. Smith:

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of your approved application for amendment. Also enclosed is Departmental Receipt No. 21788 in the amount of \$20.00.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosures

MICROFILMED

January 18, 1982

RE: Permit No. 29-7403 ANTON SMITH

Ben Cavaness, Attorney
P.O. Box 70
American Falls, ID 83211

Dear Mr. Cavaness:

Per your request in letter dated December 10, 1982, enclosed is a new amendment form and our normal cover letter.

If I can be of further assistance, please let me know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosures

MICROFILMED



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

January 18, 1982

RE: Permit No. 29-7403

Anton Smith
c/o Ben Cavaness, Attorney
P.O. Box 70
American Falls, ID 83211

Dear Mr. Smith:

A representative of this Department made an examination of the works covered by your Permit No. 29-7403 and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: **0.32 cfs** Source: **groundwater**

The maximum quantity diverted shall not exceed **56.0** acre feet per year.

Point of diversion: **NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Twp. 6S, Rge. 33E, Power County**

Beneficial use: **Irrigation of 16 acres within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, Twp. 6S, Rge. 33E**

Priority date established: **May 23, 1977**

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED

Cavaness and Beebe

BEN CAVANESS
MARK BEEBE

ATTORNEYS-AT-LAW
P.O. Box 70
American Falls, Idaho 83211

Telephone
(208) 226-2562

December 10, 1981

Mr. Jim Johnson
Water Distribution Supervisor
Department of Water Resources
Statehouse
Boise, Idaho 83720

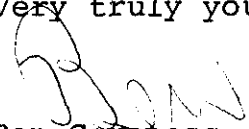
Re: Permit No. 29-7403
Anton Smith

Dear Mr. Johnson:

On December 3, 1981, my secretary called you regarding the Amendment for Water Permit for Mr. Anton Smith, explaining that the document had been lost or misplaced. You stated that you would mail a copy to this office at your earliest convenience. To date we have not received the same.

Please check into this matter and advise at your convenience.

Very truly yours,

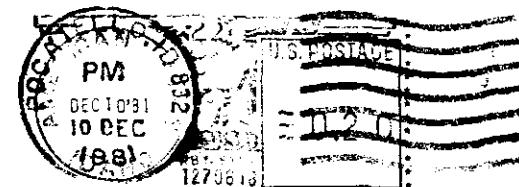

Ben Cavaness

BC:mg

cc: Mr. Anton Smith

MICROFILMED

Cavaness and Berbe
ATTORNEYS-AT-LAW
P. O. Box 70
American Falls, Idaho 83211



Mr. Jim Johnson
Water Distribution Supervisor
Department of Water Resources
Statehouse
Boise, Idaho 83720

MICROFILMED

November 25, 1981

RE: Permit No. 29-7403

Anton Smith
Star Route, Box 182
Pocatello, ID 83201

Dear Mr. Smith:

On October 13, 1981, we forwarded to you an Amendment for Water Permit so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received this amendment.

If we do not receive the amendment within fifteen (15) days, we will issue a Water Right License which reduces the amount that could have been allowable to you.

Since this license will be a permanent water right your prompt attention to this matter will be appreciated.

If you have any questions please contact us as soon as possible.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

J.
MICROFILMED

12/29
81 no Amendment
received
RC



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

October 13, 1981

Anton Smith
Star Route, Box 182
Pocatello, ID 83201

RE: Permit No. 29-7403

Dear Mr. Smith:

A representative of this Department made an examination of the works covered by your Permit No. 29-7403 and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.32 cfs Source: groundwater

The maximum quantity diverted shall not exceed 56.0 acre feet
per year.

Point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, Twp. 6S, Rge. 33E

Beneficial use: Irrigation of 1 acre in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 15 acres in the
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, Twp. 6S, Rge. 33E. Total 16 acres

Priority date established: May 23, 1977

Conditions (if any): The rate of diversion of water for irrigation under
this license and all other water rights on the same land shall not exceed 0.02
cubic feet per second for each acre of land.

In order for the Department to issue the above license, it will be necessary for
you to amend the permit to correspond with the findings of the field examiner. We
are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a
\$20.00 filing fee within 30 days in order that we might issue your license as set
forth above. If you do not concur with these findings or have any questions, please
contact us within the 30-day period.

Sincerely,

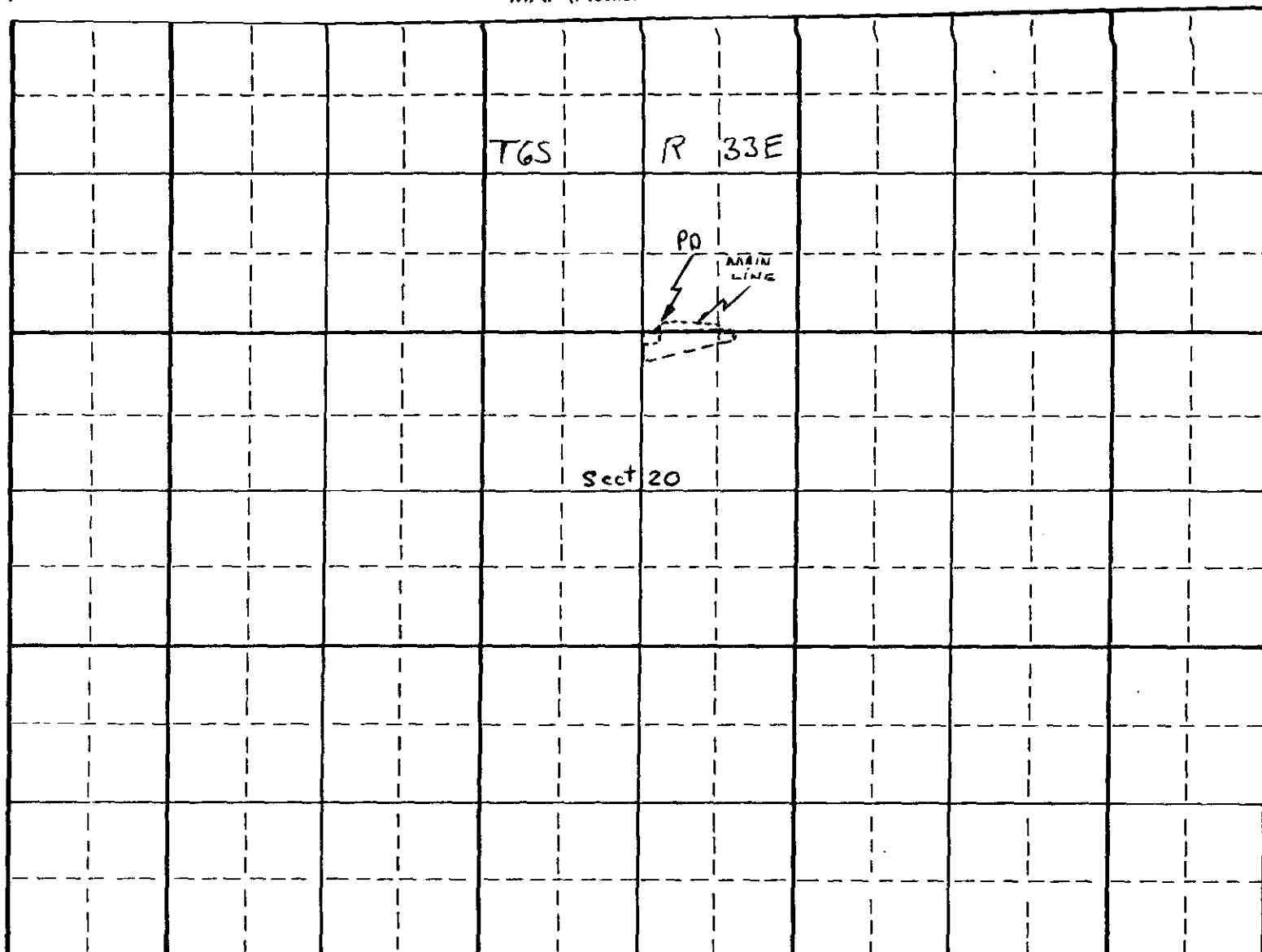
EM JOHNSON
Water Distribution Supervisor

cc: Cavanaugh & Beebe 10/26/81 KW

MICROFILMED

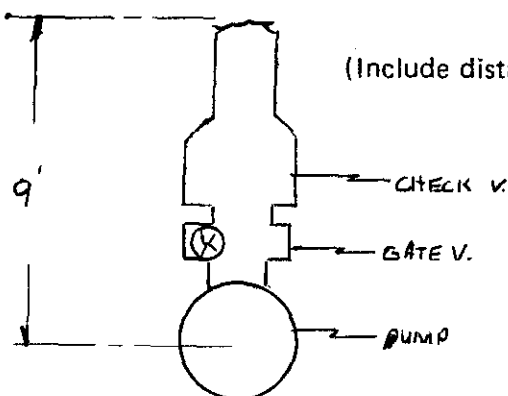
Clay
MICROFILMED

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

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



N

Point(s) of diversion: NW of NE Sect 20 T6S R33E

Place(s) of Use

TWP.	RGE.	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
6S	33E	20	1	13															14 16
				15															

Recommended Amendments:

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

Examiner's Signature

Checked by

Approved by

Date 9-19-80

Date 2-5-81

Date 10/5/81

29-7403

7 | 8
18 | 7

813

8 | 9
17 | 16

HS
7-17-80

18 | 17
19 | 20

PD
I I I

17 | 16
20 | 21

6
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29.4

MICROFILMED

19 | 20
30 | 29

28 | 27
29 | 28



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

June 16, 1980

RE: Permit No. 29-7403

Anton Smith
Star Route, Box 182
Pocatello, Idaho 83201

Dear Mr. Smith:

We acknowledge receipt of the proof of beneficial use card submitted for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our eastern regional office.

Very truly yours,

Bobbie R. Stephens
Senior Clerk

cc: IDWR - State Office

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 29-7403

Name(s) of Permit Holder: Anton Smith

Post Office Address: Star Route Box 182 Pocatello, Idaho

Tel. No. 232-5731⁸³²⁰¹

Source of Water: Groundwater

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 16 (acres)
☐ Other

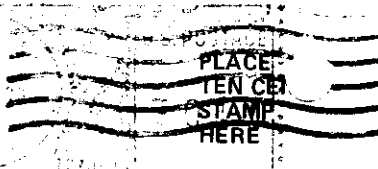
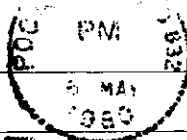
Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No

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

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

May 6, 1980
Date

Anton Smith
Signature of Permit Holder



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED

MAY 8 1980

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

SMITH, ANTON
STAR RT, BOX 182
POCATELLO, ID 83201

138423

APRIL 30, 1980

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 29-7403 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JULY 01, 1980. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

TA FLECK
SECRETARY

MICROFILMED

: 1



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

Anton Smith
Star Route, Box 182
Pocatello, ID 83201

Dear Mr. Smith:

RE: Permit No. 29-7403

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

Sincerely,

David R. Tuthill Jr.

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

DRT:lr

Enclosure

MICROFILMED

May 23, 1979

William L. Herrington
Deputy City Attorney
City of Pocatello
P. O. Box 4169
Pocatello, Idaho 83201

Dear Mr. Herrington:

Re: Amended Application for Permit No. 29-7403 - Anton Smith

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is June 11, 1979 and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MAY 18, 1979

Power County Press
174 Idaho Street
American Falls, Idaho 83211

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 JUNE 11, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

MICROFILMED

Galley group

Published in The Power County Press,
American Falls, Idaho on May 24 and 31,
1979.

NOTICE OF AMENDED APPLICATION
FOR WATER PERMIT

Notice is hereby given that Application for Permit No. 29-7403 in the name of Anton Smith was filed for the diversion of 4.92 cfs of water from a groundwater source with point of diversion within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 6S, R. 33E, B.M., Power County; to be used from March 1 to November 1 for the irrigation of 246 acres located within the S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 6S, R. 33E, B.M.

The applicant now proposes to amend Application No. 29-7403, requesting 0.32 cfs for the irrigation of 16 acres located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 6S, R. 33E, B.M. to be used from March 15 to November 15.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before June 11, 1979.

C. STEPHEN ALLRED
Director

OK

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that Application for Permit No. 29-7403 in the name of Anton Smith was filed for the diversion of 4.92 cfs of water from a groundwater source with point of diversion within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 6S, R. 33E, B.M., Power County; to be used from March 1 to November 1 for the irrigation of 246 acres located within the S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 6S, R. 33E, B.M.

The applicant now proposes to amend Application No. 29-7403, requesting 0.32 cfs for the irrigation of 16 acres located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 6S, R. 33E, B.M. to be used from March 15 to November 15.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before June 11, 1979.

C. STEPHEN ALLRED
Director

Published in the Power County Press, American Falls, Idaho on May 24 and 31, 1979.

87
MICROFILMED

Schou, Cavaness and Beebe

L. R. SCHOU
BEN CAVANESS
MARK BEEBE

ATTORNEYS-AT-LAW
P. O. Box 70
American Falls, Idaho 83211

TELEPHONE (208)
226-2562 or
226-2563

May 14, 1979

Mr. Ronald D. Carlson
Supervisor
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Application No. 29-7403

Dear Mr. Carlson:

Enclosed is the original of the Amended Water Application that we are filing on behalf of Mr. and Mrs. Anton Smith. This application has been executed by Mr. Smith and is being returned to you in accordance with your letter of May 8, 1979.

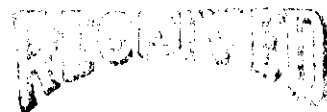
If I can be of any further assistance, please let me know.

Very truly yours,


Ben Cavaness

BC;mh

Encl.



MAY 16 1979

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

AMENDED APP

INITIAL REVIEW BY: JAG

APPLICATION NUMBER: 29-1403

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee. None required
☐ 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: LAG Map No. 65-33E.
☐ Yes ☐ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising. _____
Final date for protests: JUNE 11, 1979
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 6-1-79
☒ Application published correctly. If not, record action taken: PERIOD OF USE INCURRED - NO ACTION
☒ 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? _____
☒ 5/23/79 Date of priority recommended.
Special conditions of approval or cover letter. _____

By: Ernest Callan Date: 6/12/79

STATE OFFICE REVIEW:

Approved

- ☐ See attached sheet for more information.

By: Jam Date: 6/22/79 Department of Water Resources

RECEIVED

JUN 15 1979



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

May 8, 1979

RE: Amended Application No. 29-7403 ANTON SMITH

Mr. Ben Cavaness
Attorney at Law
P.O. Box 70
American Falls, Idaho 83211

Dear Mr. Cavaness:

Enclosed you will find an amended application for permit No. 29-7403 which requires your review and the signature of Mr. Anton Smith. This amended application reflects those changes requested by the application for amendment of permit recently received in our office, but was unfortunately not in correct form. Once Mr. Smith has signed the amended application, please return it to this office for processing.

We apologize for this oversight and appreciate your cooperation.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Analyst

EMC:cw

Enclosure

MICROFILMED

~~MARCH 28,~~
April 25, 1979

Ben Cavaness, Attorney
Schou, Caveness & Beebe
P. O. Box 70
American Falls, Idaho 83211

Dear Mr. Cavaness:

Re: Application for Amendment No. 29-7403

Attached herewith is Departmental receipt No. 11823 in the amount of \$10.00 for the balance owed for the above referenced application in the name of Anton Smith.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

L. R. SCHOU
BEN CAVANESS
MARK BEEBE

Schou, Cavaness and Beebe

ATTORNEYS-AT-LAW
P. O. Box 70
American Falls, Idaho 83211

TELEPHONE (208)
226-2562 or
226-2563

April 23, 1979

RECEIVED

APR 24 1979

Department of Water Resources
Eastern District Office

Mr. Ernest M. Carlson
Water Resource Analyst
State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Application for Amendment 29-7403

Dear Mr. Carlson:

I am in receipt of your letter of April 20, 1979 relative to the above. You are correct in your evaluation of the law relative to the maximum amount of water per acre, and I have accordingly reduced the Application for Amendment to .32 cfs. I have also enclosed a check in the amount of \$10.00 to cover the additional fee that is required for the amendment pursuant to your letter. I trust that this resolves the problems that you have with the enclosed matters.

Best personal regards.

Very truly yours,


Ben Cavaness

BC:mh

Encl.

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

April 20, 1979

Ben Cavaness, Attorney
Schou, Cavaness and Beebe
P. O. Box 70
American Falls, Idaho 83221

RECEIVED

APR 24 1979

Department of Water Resources
Eastern District Office

Dear Mr. Cavaness:

Re: Application for Amendment 29-7403
Application for Permit - Anton Smith

The Department has reviewed the application for permit and application for amendment of permit No. 29-7403 which your office recently submitted on behalf of Anton Smith and finds that the application for permit is in form to receipt, however, there are some minor difficulties with the application for amendment.

It appears that Mr. Smith desires to reduce Permit No. 29-7403 to sixteen acres and 4.00 cfs. This amount is in excess of the statutory maximum of one miner's inch (or 0.02 cfs) per acre, which would be equivalent to 0.32 cfs for the acres irrigated. If Mr. Smith feels the additional water is necessary, justification of his request will have to be provided by the Soil Conservation Service, taking into consideration soil characteristics and crop demand. We are, therefore, returning the application for amendment and request that the quantity of water be reduced to 0.32 cfs, unless the additional amount can be justified.

We have receipted the application for permit to establish a date of priority for the filing and deposited the check for \$45.00, even though the correct fee would be \$35.00. The \$10.00 not required for the application for permit will be applied to the filing fee of \$20.00 for the amendment when it is returned for processing with the additional \$10.00 still needed. Should the Department not receive the application for amendment and \$10.00 within the twenty (20) days, we will request that the state auditor refund the \$10.00 which we have already deposited.

Should there be any questions concerning this matter, or other water rights, feel free to contact us at our eastern regional office.

Respectfully submitted.

Ernest M. Carlsen
ERNEST M. CARLSEN
Water Resource Analyst

EMC:dh
Enclosures

MICROFILMED

April 20, 1979

Ben Cavaness, Attorney
Schou, Cavaness & Beebe
P. O. Box 70
American Falls, Idaho 83211

Dear Mr. Cavaness:

Re: Application for Permit - Anton Smith
Application for Amendment No. 29-7403 (1/2 pd.)

Attached herewith is Departmental receipt No. 11826 in the amount of \$45.00 for the above referenced applications in the name of Anton Smith.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

RECEIVED

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: Ernest

Right Number 29-7403 Applicant Anton Smith.

Purpose of Amendment: ☐ Change point of diversion. ☐ Add diversion point(s).
☐ Increase amount. ☒ Change place of use. ☒ Other Reduce Q to correspond with acreage reduction.

CHECK:

- ☒ Description of amended point(s) of diversion. No change
- ☒ Amount, nature and period of use. If increased, delay date of priority.
- ☒ Description of amended places of use. If expanded, delay date of priority.
- ☒ Ownership of point of diversion and place of use.
- ☒ Map.
- ☒ Signature (must be permit holder).
- ☒ Fee.
- ☒ Existing water rights from the same source, amended place of use.
- ☒ Right number(s) NONE.
- ☐ Yes ☒ No Should amendment be advertised?
- ☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received.
- ☐ Amendment published correctly.
- ☐ Protests processed.
- ☐ Approve.
- ☐ Deny.

Conditions _____

By _____ Date _____

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete. By _____ Date _____
- ☐ Approved copy sent to applicant and to Region. By _____ Date _____

MICROFILMED

February 21, 1979

Mr. Ben Cavaness, Attorney
Schou, Cavaness and Beebe
P. O. Box 70
American Falls, Idaho 83211

Dear Mr. Cavaness:

Re: Application for Permit No. 29-7403

As per your request of your letter of February 15, 1979, we are forwarding to you a copy of Application for Permit No. 29-7403 filed in the name of Anton Smith.

If we may be of further assistance to you, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Enclosure

MICROFILMED

Schou, Cavaness and Beebe

L. R. SCHOU
BEN CAVANESS
MARK BEEBE

ATTORNEYS-AT-LAW
P. O. Box 70
American Falls, Idaho 83211

TELEPHONE (208)
226-2562 or
226-2563

February 15, 1979

Mr. Ronald D. Carlson
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Application for Permit No. 29-7403

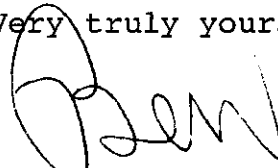
Dear Ron:

Subsequent to your letter of January 31, 1979, I have conferred further with my client relative to the way you wish us to proceed in the above permit. My client now indicates that he wishes to simply amend the permit to reduce the acreage down to the number of acres that he actually owns and exclude the City of Pocatello property. Since I did not keep a copy of the permit that was initially forwarded to you, I will need for you to make a photo copy of the original permit and return it to me so that I can make the appropriate corrections and amendments that will be required.

I am sending a photo copy of this letter to Mr. Will Herrington of the City of Pocatello so that he might be aware of how we are proceeding in this vein.

If you have any problems or questions with regards to our intentions, please let me know.

Very truly yours,



Ben Cavaness

BC:mh

cc: Mr. Will Herrington

RECEIVED

FEB 16 1979

Department of Water Resources
Eastern District Office

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

January 31, 1979

Ben Cavaness, Attorney
Schou, Cavaness and Beebe
P. O. Box 70
American Falls, Idaho 83211

Dear Mr. Cavaness:

Re: Application for Permit No. 29-7403 - Anton Smith

If I understand your letter of January 26 correctly, Application for Permit No. 29-7403 will have both the name of Mr. Anton Smith and the City of Pocatello included as named applicants. While I see no particular problem for the Department to allow the amendment you are proposing, there may be some additional factors that should be considered before the change is made. As you are aware, a permit is personal property until such time as it is perfected to a license, at which point it changes to real property and is then apertanent to the land. If Mr. Smith submits proof of beneficial use and the water right is licensed for the City of Pocatello, they then become owners of the water right by virtue of their possesory interest in the land.

The problem that I see with having both names on the permit is that it would require both entities to take any action affecting the permit, e.g., proof of beneficial use would have to be signed both by the City and Mr. Smith. If something should happen to either party that would prevent them from completing proof of beneficial use, the licensing process would be seriously complicated. It may be simpler to leave the permit in Anton Smith's name and simply have a written agreement with the City guaranteeing that the permit holder will submit proof of beneficial use before the permit expires in 1980.

I have presented these ideas for your consideration. If you still feel it is preferable to have both names on the permit, the enclosed assignment form could be executed and returned to

MICROFILMED

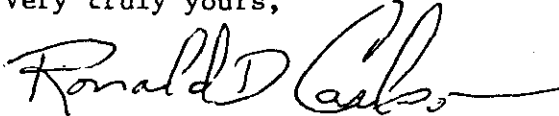
Ben Cavaness Attorney

January 31, 1979

Page 2

to this office with a copy of an agreement Mr. Smith has with the City of Pocatello. By making the assignment rather than amending the application, the \$20.00 amendment fee can be avoided. If you have any questions regarding this matter, please feel free to contact me at this office.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Ronald D. Carlson", with a long horizontal flourish extending to the right.

RONALD D. CARLSON

Supervisor

Eastern Region

RDC:dh

Enc.

Copy to: Wm. Herrington

Schou, Cavaness and Beebe

L. R. SCHOU
BEN CAVANESS
MARK BEEBE

ATTORNEYS-AT-LAW
P. O. Box 70
American Falls, Idaho 83211

TELEPHONE (208)
226-2562 or
226-2563

January 26, 1979

RECEIVED

JAN 26 1979

Mr. Ronald D. Carlson
Supervisor, Eastern Region
State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Department of Water Resources
Eastern District Office

Re: Application for Permit No. 29-7403 - Smith

Dear Mr. Carlson:

Subsequent to my last communication with your office relative to the above referenced permit, I have been in contact with Mr. Will Herrington of the legal department of the City of Pocatello. Mr. Herrington indicated that he would contact you relative to the above permit and advise you that we had reached an agreement relative to the same. Specifically, Mr. Smith is willing to allow the City of Pocatello to be named on the permit as a co-applicant and allow the water right received to be appurtenant to the subject property. This would mean that the City of Pocatello would have a license to the water in the permit on the proportionate basis that their tillable land bears to the total tillable land under the permit. The City of Pocatello agrees that the actual diversion point and diversion works will belong to Mr. Smith, since they are on his property and will agree to construct and maintain a separate diversion point in the event Mr. Smith fails to obtain a renewal of his lease.

I would appreciate it if you would review the application and advise as to whether or not you will be able to proceed with the application as it is presently drafted, or will require that a new one be prepared. If a new one is required, please send back a photo copy of the original application and I will cause a new permit to be prepared.

If you have any problems or questions in regards to the above, please let me know.

Very truly yours,

Ben Cavaness

MICROFILMED

BC:mh

City of Pocatello

POCATELLO, IDAHO 83201

MUNICIPAL BUILDING
P. O. BOX 4169

209 EAST LEWIS
208-232-4311

January 24, 1979

RECEIVED

JAN 25 1979

Department of Water Resources
Eastern District Office

RONALD D. CARLSON
Supervisor, Eastern Region
State of Idaho Department of
Water Resources
1515 Lincoln Road
Idaho Falls, ID 83401

Re: Application For Ground Water
Permit No. 29 7403

Dear Mr. Carlson:

The City of Pocatello hereby registers its continuing objection to the issuance of this permit for reasons outlined in the enclosed letter to the applicants' attorney, Ben Cavaness. It would appear that there are clearly issues of good faith and local public interest related to the issuance of this permit in its present form.

Very truly yours,

William L. Herrington

WILLIAM L. HERRINGTON
Deputy City Attorney

WLH:em
cc: Merle Wilhelm
Charles Moss

MICROFILMED

City of Pocatello

POCATELLO, IDAHO 83201

MUNICIPAL BUILDING
P. O. BOX 4169

209 EAST LEWIS
208-232-4311

January 24, 1979

RECEIVED

JAN 25 1979

Department of Public Works
Eastern District Office

BEN CAVANESS, ESQUIRE
P.O. Box 70
American Falls, ID 83211

Re: Application For Permit to Appropriate
Public Waters, No. 29 7403

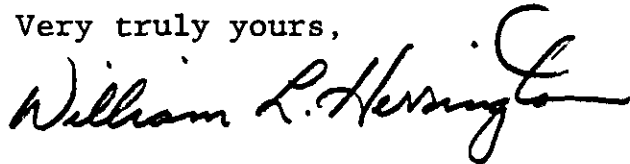
Dear Mr. Cavaness:

Merle Wilhelm, the Airport Manager, has provided me with copies of the above indicated application and communications relating to this permit. It is the City's position that water rights related to the 230 acres of City owned property presently leased to Mr. Smith should run with the land. The City is quite willing to cooperate in obtaining the water permit for use on land owned by the City and we will work with you to this end. However, the City objects to the permit in its present form.

It is the City's position that either separate applications should be made by Mr. Smith and by the City or a joint application should be made clearly specifying that water rights granted shall remain tied to the City's property and in the name of the City of Pocatello.

Therefore, the City will continue to object to the granting of this permit.

Very truly yours,



WILLIAM L. HERRINGTON
Deputy City Attorney

WLH:em

cc: Merle Wilhelm
Charles Moss
Ronald D. Carlson✓

RECORDED

January 4, 1979

Mr. Ben Cavaness
Attorney at Law
P. O. Box 70
American Falls, Idaho 83221

Dear Mr. Cavaness:

Re: Permit No. 29-7403

As per our telephone conversation of this day, enclosed please find copies of the letters you requested, along with a copy of the application for permit filed by Anton Smith. If we may be of further assistance to you, please feel free to contact this office.

Very truly,

DONNA HENRIQUES
Secretary

Enclosures

RECEIVED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

December 19, 1978

RE: Application for Permit No. 29-7403

Mr. Anton Smith
Star Route, Box 182
Pocatello, Idaho 83201

Dear Mr. Smith:

The Department still has not received a reply concerning our letters of June 28 and August 29, 1977, concerning this application for permit to irrigate lands owned by the City of Pocatello. Since we have not heard from you in this matter, we have taken no action on this application and must assume that you have not been able to renew your lease.

For your convenience, we will maintain your application in our files until February 1, 1979. If we have not heard from you by that time we will proceed to void your application in our records.

If you have any questions in this matter, please feel free to contact me.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Analyst

EMC:cw

cc: Ben Cavaness, Attorney at Law

MICROFILMED

CONVERSATION MEMORANDUM

DATE September 13, 1977

FILE 29-7403

NAME OF PARTY Ben Cavaness

EMPLOYEE Connie Dejournett

RE: Ben Cavaness telephoned on the above date concerning the
application for Anton Smith. He indicated Mr. Smith needed more
time than the 20-days. See letter dated August 29, 1977.

Callen

MICROFILMED

August 29, 1977

RE: Application for Permit No. 29-7403

Mr. Anton Smith
Star Route, Box 182
Pocatello, Idaho 83201

Dear Mr. Smith:

On June 28, 1977, we forwarded to you a copy of the letter provided to us by the City of Pocatello indicating that the land you proposed to irrigate was owned by the city and that the city was not considering extending your lease. We indicated to you, at that time, the Department could take no further action on this application until we had a copy of your renewed lease with the city.

Since we have not heard from you in this matter, we can take no further action on this application and must assume that you have not been able to renew your lease.

For your convenience, we will maintain your application in our files for an additional twenty (20) days, but if we have not heard from you by that time we will proceed to void your application in our records.

If you have any questions in this matter, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

June 28, 1977

RE: Application for Permit No. 29-7403

Mr. Anton Smith
Star Route, Box 182
Pocatello, Idaho 83201

Dear Mr. Smith:

Please find enclosed a copy of a letter we received from the City of Pocatello concerning your above referenced application for permit. In view of this letter, there appears to be some questions that must be answered before the Department can take further action on your application for permit.

First, the Idaho Code specifies that you may appropriate a maximum of one inch per acre for irrigation purposes unless you can demonstrate that soil condition or other factors make a higher rate necessary. Therefore, if you have other ground-water rights, as indicated in the enclosed letter, please indicate what you feel these rights are.

The second question needing your response involves the matter of your lease with the City of Pocatello. Because there are some questions that your lease may not be continued, it will be necessary for you to submit a copy of your renewed lease to show necessary possessory interest in the land you propose to irrigate.

We hope to hear from you at your earliest convenience. If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw

Enclosure

bc: Jan Grover

MICROFILMED

City of Pocatello

POCATELLO, IDAHO 83201

MUNICIPAL BUILDING
P. O. BOX 4169

209 EAST LEWIS
208-232-4311

June 22, 1977

RECEIVED

JUN 27 1977

Department of Water Resources
Eastern District Office

MR. RONALD D. CARLSON
Supervisor, Eastern Region
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1515 Lincoln Road
Idaho Falls, ID 83401

Dear Mr. Carlson:

SUBJECT: Application for Permit No. 29-7403 Smith.

I have examined the above indicated application for permit. I believe the following points are pertinent to this permit:

--- Most of the land to be irrigated is owned by the City of Pocatello. There are two existing wells on this property which should provide adequate water for irrigation. Furthermore, Mr. Smith has an additional well not far from the proposed well site on Mr. Smith's land which is also used for irrigating land owned by the City.

--- Mr. Smith's lease of the City owned property has but one year to run and there has been no consideration given to the extension of this lease. In that this area has attracted birds which have been a problem at the neighboring Pocatello Municipal Airport, there is a distinct possibility that the City will reduce or greatly limit agricultural uses on the property presently leased by Mr. Smith and on which he desires to use water from the applied for well.

Therefore, I cannot understand why Mr. Smith has made this application; I am curious as to why he needs more water and what use this water will be put to if his lease is not renewed.

Sincerely,

Merle Wilhelm

MERLE WILHELM
Airport Manager

jwb

cc: John Postlewait, Director of Public Works
Charles W. Moss, City Manager

RECEIVED

June 13, 1977

RE: Application for Permit No. 29-7403 SMITH

City of Pocatello
P.O. Box 4169
Pocatello, Idaho 83201

Gentlemen:

We are enclosing a copy of an application that may be of interest to you. Please review the application and if you have any comments, submit them to this office on or before June 27, 1977.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

MICROFILMED

June 9, 1977

RE: Claim to a Water Right No. 29-4086
Application for Permit No. 29-7403

ANTON SMITH

Mr. Ben Cavaness
Attorney at Law
P.O. Box 70
American Falls, Idaho 83211

Dear Mr. Cavaness:

Attached herewith is departmental receipt No. 7299 in the amount of \$75.00 for the above referenced applications.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Attachment

RECORDED

June 3, 1977

RE: Claim to a Water Right No. 29-4086 SMITH

Application for Permit No. 29-7403 SMITH

Power County Press
174 Idaho Street
American Falls, Idaho 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 6-20-77 by DW

RDC:CW

Enc: Legal Notice (2)

MICROFILMED

Published in the Power
County Press, American
Falls, Idaho on June 9 and
June 16, 1977.

NOTICE OF
APPLICATION FOR
WATER PERMIT

Notice is hereby given
that Anton Smith, Poca-
tello, Idaho has on 5-23-77
submitted Application No.
29-7403 for a permit to
appropriate 4.92 cubic feet
per second of water from
a ground-water source by
means of well and pump
within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec.
20, T. 6S, R. 33E, B.M.,
Power County; to be used
from Apr. 1 to Nov. 1 for
the irrigation of 246 acres
within the S $\frac{1}{2}$ N $\frac{1}{2}$,
N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 17,
Nw $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 6S,
T. 6S, R. 33E, B.M.

If issued, this permit will
be subject to all prior water
rights. Protests against the
granting of the permit must
be filed with the Idaho De-
partment of Water Re-
sources, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401
on or before June 27, 1977.

C. Stephen Allred
Director

NOTICE OF APPLICATION FOR WATER PERMIT

Anton Smith,

Notice is hereby given that
Pocatello, Idaho

has on 5-23-77 submitted Application No. 29-7403
for a permit to appropriate 4.92 cubic feet per second XXXXXXXXXXXXXXXXXXXXX
of water from a ground-water source
by means of well and pump
within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 6S, R. 33E, B.M., Power County;

to be used from Apr. 1 to Nov. 1
for the irrigation of 246 acres

within the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 6S, R. 33E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before June 27, 1977

C. STEPHEN ALLRED
XXXXXXXXXXXXXXXXXXXXX
R. KEITH HIGGINSON

Director
Power County Press, American Falls, Idaho

Published in the June 9
on June 9 and June 16, 1977

MICROFILMED

me - J. A.
me - H. A.
me - G. A.

Schou, Cavaness and Beebe

L. R. SCHOU
BEN CAVANESS
MARK BEEBE

ATTORNEYS-AT-LAW
P. O. Box 70
American Falls, Idaho 83211

TELEPHONE (208)
226-2562 or
226-2563

May 20, 1977

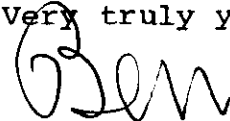
State of Idaho
Dept. of Water Admin.
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Sirs:

Enclosed is the original of the Claim to Water Right, four exhibits, and the original of the Application for Permit to appropriate water of an existing well. I have also enclosed our business account check in the amount of \$75.00 to cover the \$65.00 filing fee for the permit and \$10.00 filing fee for the Claim of Right.

Please review the enclosed and if you find the same to be in order, please file them and commence the publication of the requisite notices.

Very truly yours,



Ben Cavaness

BC:mh

Encl.

cc: Mr. Anton Smith

MINOR

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Antoni Smith

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) Jay 5/27/77

In form to receipt yes

(2) " "

Send Copies to:

Idaho State Health Department
Idaho Fish and Game Department
Bureau of Land Management
☒ city of Pocatello
Request Special Use Permit from U.S.F.S.
Request Easement from B.L.M.
☒ Request Information from Applicant
Request Dam Safety Information

(4) " "

In form for advertising yes

(5) " "

Platted on Map No. 65-32E

(6) " "

Located within Water District No. Basin 29

(7) " "

Critical groundwater area: yes no ☒

(8) " "

Groundwater levels:

Declining, Stable, ☒ Increasing

(comment) Obs well NE and SW indicate
stable water Table Bulletin # 27

(9) " "

Other rights on the same place of use None

(10) " "

Comments: Unknown conflicting water rights

(11) CW 6-20-77

Affidavit of Publication received (date) June 20-1977

(12) CW 6-27-77

Final date for protests June 27-1977

Protests received: yes no ☒

(13) " "

All requested information received from agencies or applicant: yes no ☒

(14) " "

Action recommended:

Approve Deny

Proposed Priority

Reason for Reduction

Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District 7 By Antoni Smith Date 6-27-77

Copy
Sent