

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

(late proof)
License of Water Right No. 29-7313 Priority March 2, 1976 Amount 0.04 cfs

THIS IS TO CERTIFY, that Kenneth Arthur Smith
of Pocatello, Idaho, has complied with the terms and conditions of Permit
No. 29-7313 issued pursuant to Application for Permit dated March 1, 1976,
and has submitted proof to the Department of Water Resources on April 2, 1981,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.04 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
Domestic (1 unit)	from <u>January 1</u> to <u>December 31</u> at	<u>0.04</u> cfs and	<u>1.2</u> acre feet
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 0.04 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.2 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Twp.
6S, Rge. 36E in the County of Bannock

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 $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
6S	36E	29				X												

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, 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 26 day of
February, 19 82.

For the Director

Norman C. Young

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 29-7313
IN THE NAME OF KENNETH ARTHUR SMITH

ORDER OF REINSTATEMENT

WHEREAS, on March 1, 1976, Kenneth Arthur Smith applied to the Department of Water Resources for a permit to appropriate 0.04 cubic feet per second of water from a groundwater source to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, Twp. 6S, Rge. 36E B.M., Bannock County, to be used for domestic purposes; and,

WHEREAS, on April 27, 1976, the Department approved said application and issued Permit No. 29-7313 with the condition that proof of construction of works and application of water to beneficial use be submitted on or before April 1, 1981; and,

WHEREAS, on January 31, 1981, the Department notified the permit holder proof was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on April 1, 1981, the permit automatically lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code, provides that a permit may be reinstated upon a showing of reasonable cause within sixty days from the date of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on April 2, 1981;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 29-7313 be REINSTATED and the priority advanced to March 2, 1976.

Dated this ~~13~~th day of May, 1981.

L. Glen Saxton

L. GLEN SAXTON

Chief, Operations Bureau

MICROFILMED

1981-11-11

29 7313

Identification No. _____

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Kenneth Arthur Smith Phone: 775-3766
 post office address P.O. Box 4923, Pocatello, Idaho 83201
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29 Township 6S
 Range 36E B.M. Bannock County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ 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 0.04 for Domestic purpose from Jan. 1 to Dec. 31 (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. 0.04 cubic feet per second and/or
 b. _____ acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. well and pump

- 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 _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 6 inches; proposed depth of well is 110 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
 is 5 years.
 b. Estimated construction cost is \$ 1800.00.
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 NE $\frac{1}{4}$ of Section 29 Township 6S
 Range 36E 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 one.
 (5) If water is to be used for other purposes describe: _____

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres to be irrigated_____

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

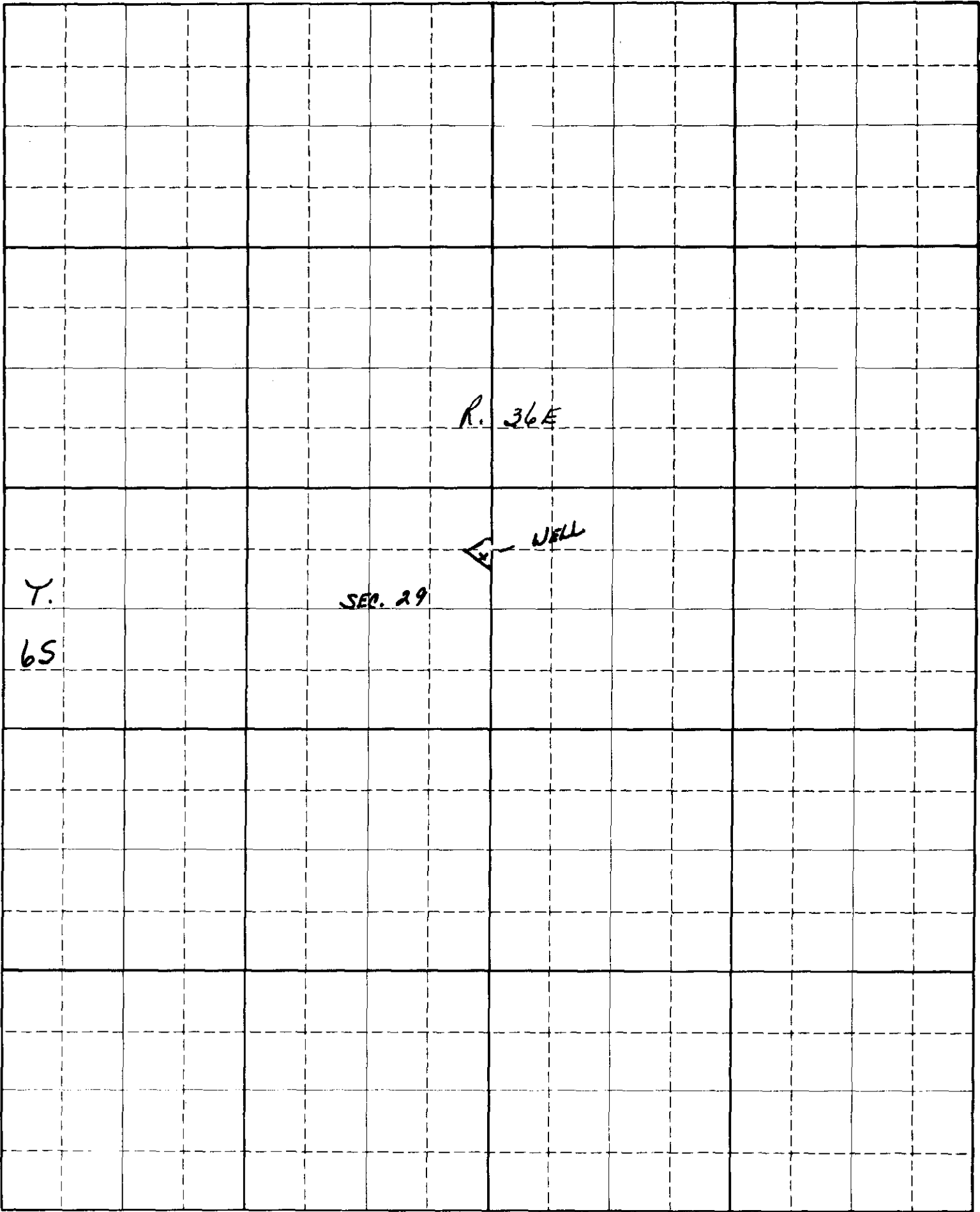
9. a. Who owns the property at the point of diversion Applicant

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.

Kenneth Arthur Smith
(Applicant)

Proposed Priority 3-01-76

Received by ME Date 3-01-76 Time 10:35A.

Preliminary check by WPH Fee \$ 10.00

Received by CW Date 3-02-76 # 15650

Publication prepared by CW Date 3-05-76

Published in Idaho State Journal

Publication dates March 14 & 18, 1976

Publication approved me Date 3-24-76

Priority reduced to _____ Reason _____

Protests filed by: Water District 29-7
Users

Copies of protests forwarded by CW

Hearing held by _____ Date _____

Recommended for approval denial by RDC DRT

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. 29-7313, 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, 1981.

c. Other: _____

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

Witness my hand this 27 day of April 1976.


Director

PROOF OF PUBLICATION **RECEIVED**

STATE OF IDAHO
County of Bannock

ss.

MAR 24 1976

Department of Water Resources
Eastern District Office

Katherine Wanner

**NOTICE OF APPLICATION
FOR WATER PERMIT**
Notice is hereby given that
Katherine Wanner, of Pocatello,
Idaho, has submitted
Application for a
permit to divert from a
stream within a
certain number of miles of
the mouth of the stream, the
water of said stream, to be used
for the purpose of irrigating
the land owned or jointly
owned by her and her family
situated in the County of Bannock,
State of Idaho.
The application for the granting of
the permit shall be filed with the
Idaho Department of Water
Resources, 475 Lincoln Road,
Idaho Falls, Idaho, 83401 on or
before March 21, 1976.
R. KENNEDY
Director
March 17, 1976
No. 995

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:

March 11	1976	19
March 18	1976	19
	19	19
	19	19
	19	19

That said paper has been continuously and uninterruptedly pub-
lished 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.

Katherine Wanner

Subscribed and sworn to before me this 22nd

day of March, 1976

Deella L. Leppard

Notary Public, State of Idaho

Residence: Pocatello, Idaho

My Commission Expires
March 5, 1977

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

REC-115
MAR 18 1976
Depot
Eastern District
Katherine Wanner

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Kenneth Arthur Smith, Pocatello, Idaho has on 3-01-76 submitted Application No. 29-7313 for a permit to appropriate 0.04 cubic feet per second of water from a ground-water source by means of well and pump within the SE1/4NE1/4, Sec. 29, T. 6S, R. 36E, B.M., Bannock County; to be used from Jan. 1 to Dec. 31 for domestic purposes for one family within the SE1/4NE1/4, Sec. 29, T. 6S, R. 36E, 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 March 29, 1976.
R. KEITH HIGGINSON
Director
March 11, 18, 1976
No. 905

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:

March 11, 1976, 19.....
March 18, 1976, 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.

Katherine Wanner

Subscribed and sworn to before me this 22nd
day of March, 1976

Notary Public, State of Idaho
Residence: Pocatello, Idaho

March 18, 1976

March 4, 1982

Re: 29-7313

Mr. Kenneth Arthur Smith
P. O. Box 4823
Pocatello, Id. 83201

Dear Mr. Smith:

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

Sincerely,

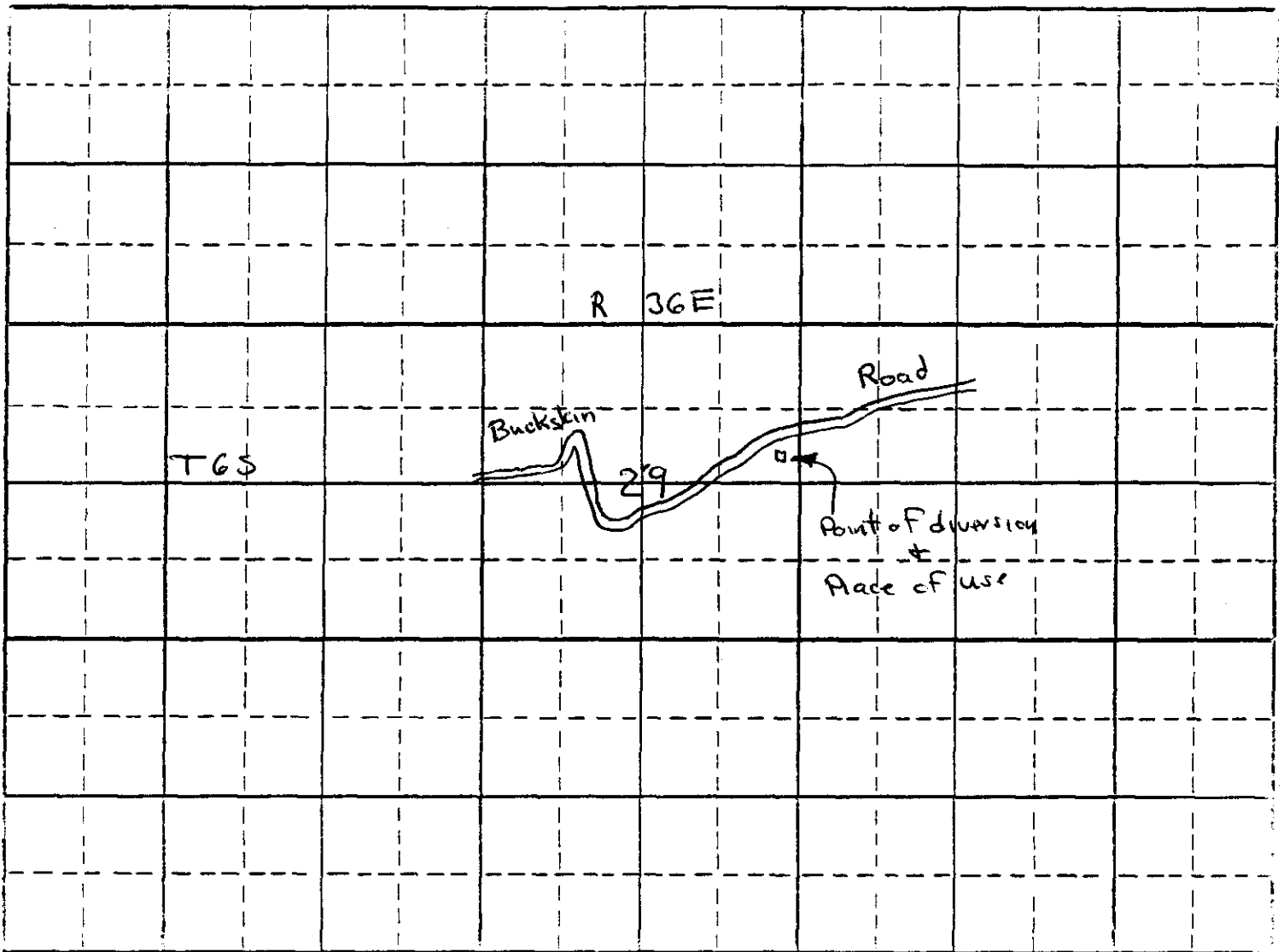


JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

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

Point(s) of diversion: SE 1/4 of NE 1/4 Section 29 T6S R36E

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	36E	29				X													

Recommended Amendments:

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☒ None
☐ Other

Examiner's Signature

Checked by

Approved by

[Handwritten signatures]

Date 12-22-81

Date 12-28-81

Date 2-4-82



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 7, 1981

RE: Permit No. **29-7313**

Kenneth Arthur Smith
P.O. Box 4923
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,

HAROLD W. JONES
Sr. Resource Agent

cc: IDWR - State Office

MICROFILMED

DEPARTMENT OF WATER RESOURCES

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. 24-7313.

Name(s) of Permit Holder: KENNETH ARTHUR SMITH

Post Office Address: P O Box 4923

POCATELLO, ID 83201 Tel. No. 775-3766

Source of Water: _____

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

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

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

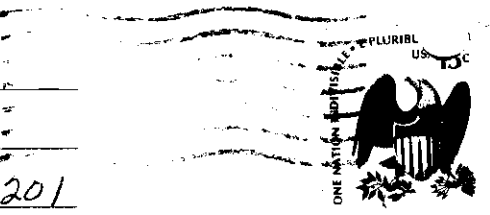
The above information is a true statement of the extent to which the above numbered permit has been developed.

3/24/81
Date

MICROFILMED

Kenneth A Smith
Signature of Permit Holder

KEN
P O Box 2423
POCATELLO, ID 83201



RECEIVED

APR 2 1981

Department of Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

MICROFILMED

S 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

SMITH, KENNETH ARTHUR
P.O. BOX 4923
POCATELLO, ID 83201

138355

JANUARY 31, 1981

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 29-7313 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE APRIL 01, 1981. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

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

SINCERELY,

RITA FLECK
SR. SECRETARY

ENCLOSURES

MICROFILMED

April 27, 1976

Re: Permit No. 29-7313

Kenneth Arthur Smith
P.O. Box 4923
Pocatello, ID 83201

Dear Mr. Smith:

Enclosed is a copy of your approved Application for Permit No. 29-7313 We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

IN THE MATTER OF)
PROTESTS FILED)
AGAINST 29-7313)
KENNETH ARTHUR SMITH)

WITHDRAWAL
OF
PROTEST

WE DO NOT OBJECT TO THE
APPLICANT APPROPRIATING DOMESTIC
WATER FROM A GROUND WATER SOURCE
AND THEREFORE WITHDRAW OUR PROTESTS
AGAINST THE GRANTING OF THIS PERMIT.

SIGNED AT POCOTELLO THIS 9th DAY OF APRIL,
1976.

Thomas H. Gilbert
Samuel D. Chandler
James V. Chandler
James B. Johnson
Arnold K. Smith
Elma Givote
Arthur L. Hargrave P.O. Box 972 Lathrop Id a

29-7313 - Kenneth Arthur Smith

Conference Room, Pocatello Municipal Airport, Pocatello, Idaho

April 9, 1976 - 11:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
------	---------	--------------

Name and
Address
of Sender

Indicate type of mail:
☐ REGISTERED ☐ REGISTERED
☐ C.O.D. ☐ CERTIFIED

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

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	REST. DEL. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
1 27	Mrs. Lyndon L. Smith, Rt 1, Box 98A, Inkom, Ida	13	30	15				29-23126 15
2 28	Mrs. Lyndon L. Smith, Rt 1, Box 98A, Inkom, Ida	13	30	15				"
3 29	Ray B. Johnson, Rt #1, Inkom, Ida	13	30	15				"
4 30	W.A. Helbert, Box 103, Inkom, Ida	13	30	15				"
5 31	Arthur L. Fitzgerald, Box 92, Inkom, Ida	13	30	15				"
6 32	James J. Chandler, Inkom, Ida	13	30	15				"
7 33	Walter N. Johnson, Rt. 1, Inkom, Ida	13	30	15				
8 34	John C. Fitzgerald, Box 14, Inkom, Ida	13	30	15				
9 35	George W. Chandler, Rt. 1, Box 82A, Inkom, Ida	13	30	15				
10 36	Kent Murdock, Inkom, Ida	13	30	15				
11 37	Melvin J. Anderson, Rt 1, Inkom, Ida	13	30	15				
12 38	Edna Dineen, Inkom, Ida	13	30	15				
13 39	Samuel J. Chandler, Rt. 1, Inkom	13	30	15				
14 40	Theresa M. Murdock, Rt. 1, Box 99, Inkom, Ida	13	30	15				
15 41	Myrtle A. Crafton, P.O. Box 191, Creston	13	30	15				13-712 3
16 42	W. Howard Spatz, Rt. 3, Creston, Ida	13	30	15				"
17 43	Paul E. Burkhart, World Adams, Ida	13	30	15				15-7026
18 44	J. W. Crothers, 60 N. Main, Malad, Ida	13	30	15				"
19 45	James D. Manning, Atty P.O. Box 139, Pocatello	13	30	15				"
20								

TOTAL NO. OF PIECES
LISTED BY SENDER

19

TOTAL NO. OF
PIECES REC'D AT P.O.

19

POSTMASTER PER (Name of receiving employee)

*Show under "Remarks" class postage paid if other than first or
if international

PS Form 3877, Dec. 1973

APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL

(Declaration of value is required on international registered mail)

* U. S. GOVERNMENT PRINTING OFFICE: 1973-585-735

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval
of Application for Permit No. 29-7312 and
No. 29-7313 in the name of KENNETH ARTHUR
SMITH

NOTICE OF CONFERENCE
AND/OR HEARING

On March 1, 1976, Kenneth-Arthur Smith filed with the Department of Water Resources two applications to appropriate the public waters of the State of Idaho. On March 26, 1976, the Department received a protest against approval of said applications from James V. Chandler, George W. Chandler, Roy B. Johnson, Helen N. Johnson, Lyndon R. Smith, Sam C. Hargraves, Mrs. Lyndon R. Smith, Samuel D. Chandler, Melvin J. Anderson, George W. Chandler, Elna Hinote, Norris M. Murdock, Kent Murdock, Arthur L. Hargraves, and D. H. Gilbert.

The Department has set the matter of protest for conference and/or hearing for Friday, April 9, 1976, at 11:00 a.m., in the Conference Room of the Pocatello Municipal Airport, Pocatello, Idaho. Because of the similarity of the issues involved this hearing has been combined with Application for Permit No. 29-7314 and No. 29-7315. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

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

Dated this 30th day of March, 1976.


RONALD D. CARLSON

Supervisor, Eastern Region

March 30, 1976

Mr. Merle Wilhelm
Airport Manager
Pocatello Municipal Airport
P.O. Box 1021
Pocatello, Idaho 83201

Dear Mr. Wilhelm:

This is to confirm the use of the Conference Room for conference and/or hearing to be held by this office on Friday, April 9, 1976 at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

March 30, 1976

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

R. Keith Higginson
Director

Mr. Kenneth A. Smith
P.O. Box 4923
Pocatello, Idaho 83201

Dear Mr. Smith:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 29-7313. You should be aware that the following are the principal items we can consider at a conference and/or hearing 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 purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required (Section 41-202, Idaho Code).

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME:CW

cc: IDWR - State Office

RECEIVED

MAR 26 1976

Department of Water Resources
Eastern District Office

Inkom, Idaho
Mar. 20, 1976

Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

We the undersigned of Water District 29-F protest the
granting of application No. 29-7312 by Kenneth Arthur Smith.
Also objection to application No. 29-7313 by Kenneth A. Smith.

James L. Carter *Inkom Ida*
George W. Chandler *Rt 1 Box 82A Inkom, Ida 83245*
Ray B. Johnson *Rt 1 Inkom, Ida 83245*
Helen M. Johnson *Rt. #1 Inkom, Ida 83245*
Lyndon R. Smith *Rt #1 Box 98A Inkom, Id.*
Sam C. Hargrave *Box 111 Inkom, Idaho*
Mrs. Lyndon R. Smith *Rt. #1 Box 98A - Inkom, Idaho*
Samuel P. Chandler *Rt #1 Inkom Idaho*
William Henderson *Route 1 Inkom, Idaho 83245*
George W. Chandler *Rt. 1 Box 82A Inkom, Idaho 83245*
Elna Hunt *Inkom*
Norm M. Murdoch *Rt. #1 Box 99-83245 Inkom Idaho*
Kent Murdoch *Inkom*
Arthur L. Hargrave *P.O. Box 92 Inkom, Idaho*
Ray B. Johnson *Rt 1 Box 91 Inkom*
Helen M. Johnson *" " " "*
D. H. Gilbert *Box 103 Inkom, Idaho*



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

March 29, 1976

RE: Application for Permit No. 29-7312 & 29-7313

D.H. Gilbert
Box 103
Inkom, Idaho 83245

Dear Mr. Gilbert:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing 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 purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

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Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: ME

cc: IDWR - State Office



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EASTERN DISTRICT

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(208) 523-7186

R. Keith Higginson
Director

March 29, 1976

RE: Application for Permit No. 29-7312 & 29-7313

Arthur L. Hargraves
P.O. Box 92
Inkom, Idaho 83245

Dear Mr. Hargraves:

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Supervisor,
Eastern Region

RDC:ME

cc: IDWR - State Office



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March 29, 1976

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

RE: Application for Permit No. 29-7312 & 29-7313

Kent Murdock
Inkom
Idaho 83245

Dear Mr. Murdock:

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Supervisor,
Eastern Region

RDC:ME

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EASTERN DISTRICT

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March 29, 1976

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

RE: Application for Permit No. 29-7312 & 29-7313

Norris M. Murdock
Rt. #1, Box 99
Inkom, Idaho 83245

Dear Mr. Murdock:

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RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: ME

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

March 29, 1976

RE: Application for Permit No. 29-7312 & 29-7313

Elna Hinote
Inkom
Idaho 83245

Dear Ms. Hinote:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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Very truly yours,

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Supervisor,
Eastern Region

RDC:ME

cc: IDWR - State Office



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DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

March 29, 1976

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

R. Keith Higginson
Director

RE: Application for Permit No. 29-7312 & 29-7313

Melvin J. Anderson
Rt. #1
Inkom, Idaho 83245

Dear Mr. Anderson:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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Supervisor,
Eastern Region

RDC:ME

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

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Director

March 29, 1976

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

RE: Application for Permit No. 29-7312 & 29-7313

Samuel D. Chandler
Rt. #1
Inkom, Idaho 83245

Dear Mr. Chandler:

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Eastern Region

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DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

March 29, 1976

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

R. Keith Higginson
Director

RE: Application for Permit No. 29-7312 & 29-7313

Mrs. Lyndon R. Smith
Rt. #1, Box 98A
Inkom, Idaho 83245

Dear Mrs. Smith:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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Supervisor,
Eastern Region

RDC: ME

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

March 29, 1976

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

RE: Application for Permit No. 29-7312 & 29-7313

Mr. Sam C. Hargraves
Inkom
Idaho 83245

Dear Mr. Hargraves:

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Supervisor,
Eastern Region

RDC:ME

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DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

March 29, 1976

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Idaho Falls, Idaho 83401
(208) 523-7186

R. Keith Higginson
Director

RE: Application for Permit No. 29-7312 & 29-7313 SMITH

Mr. Lyndon R. Smith
Rt. #1, Box 98A
Inkom, Idaho 83245

Dear Mr. Smith:

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Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

March 29, 1976

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

RE: Application for Permit No. 29-7312 & 29-7313

Ms. Helen M. Johnson
Rt. #1
Inkom, Idaho 83245

Dear Ms. Johnson:

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RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

March 29, 1976

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

RE: Application for Permit No. 29-7312 & 29-7313

Mr. Roy B. Johnson
Rt. #1
Inkom, Idaho 83245

Dear Mr. Johnson:

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RDC: ME

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Director

March 29, 1976

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RE: Application for Permit No. 29-7312 & 29-7313

Mr. George W. Chandler
Inkom
Idaho 83245

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Supervisor,
Eastern Region

RDC: ME

cc: IDWR - State Office



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R. Keith Higginson
Director

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

March 29, 1976

RE: Application for Permit No. 29-7312 & 29-7313

James V. Chandler
Rt. #1
Inkom, Idaho 83245

Dear Mr. Chandler:

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Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

cc: IDWR - State Office

March 5, 1976

RE: Application for Permit No. 29-7312 SMITH
" " " No. 29-7313 SMITH

Idaho State Journal
Box 431
Pocatello, Idaho 83201

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

RDC:CW

Enc: Legal Notice (2)

Bill submitted 3-24-76 by CW

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Kenneth Arthur Smith,
Pocatello, Idaho
has on 3-01-76 submitted Application No. 29-7313
for a permit to appropriate 0.04 cubic feet per second ~~acres feet per annum~~
of water from a ground-water source
by means of well and pump
within the SE 1/4 NE 1/4, Sec. 29, T. 6S, R. 36E, B.M., Bannock County;

to be used from Jan. 1 to Dec. 31
for domestic purposes for one family

within the SE 1/4 NE 1/4, Sec. 29, T. 6S, R. 36E, 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 March 29, 1976.

R. KEITH HIGGINSON

Director

Published in the Idaho State Journal, Pocatello, Idaho
on March 11 and March 18, 1976

D. M. H. m. h.

Identification No. _____

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 KENNETH ARTHUR SMITH Phone: 225-3766
 post office address PO Box 4923
2. Source of water supply GROUND WATER which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29 Township 6S
 Range 36E B.M. BANNOCK County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ 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 0.04 for DOMESTIC purpose from JAN 1 to DEC 31 (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. 0.04 cubic feet per second and/or
 b. _____ acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. Domestic system

- 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 _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 6 inches; proposed depth of well is 110 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years.
 b. Estimated construction cost is \$ 1800⁰⁰.
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 NE $\frac{1}{4}$ of Section 29 Township 6S
 Range 36E 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 ONE.
 (5) If water is to be used for other purposes describe: _____

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

[illegible]

Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes as described above. _____

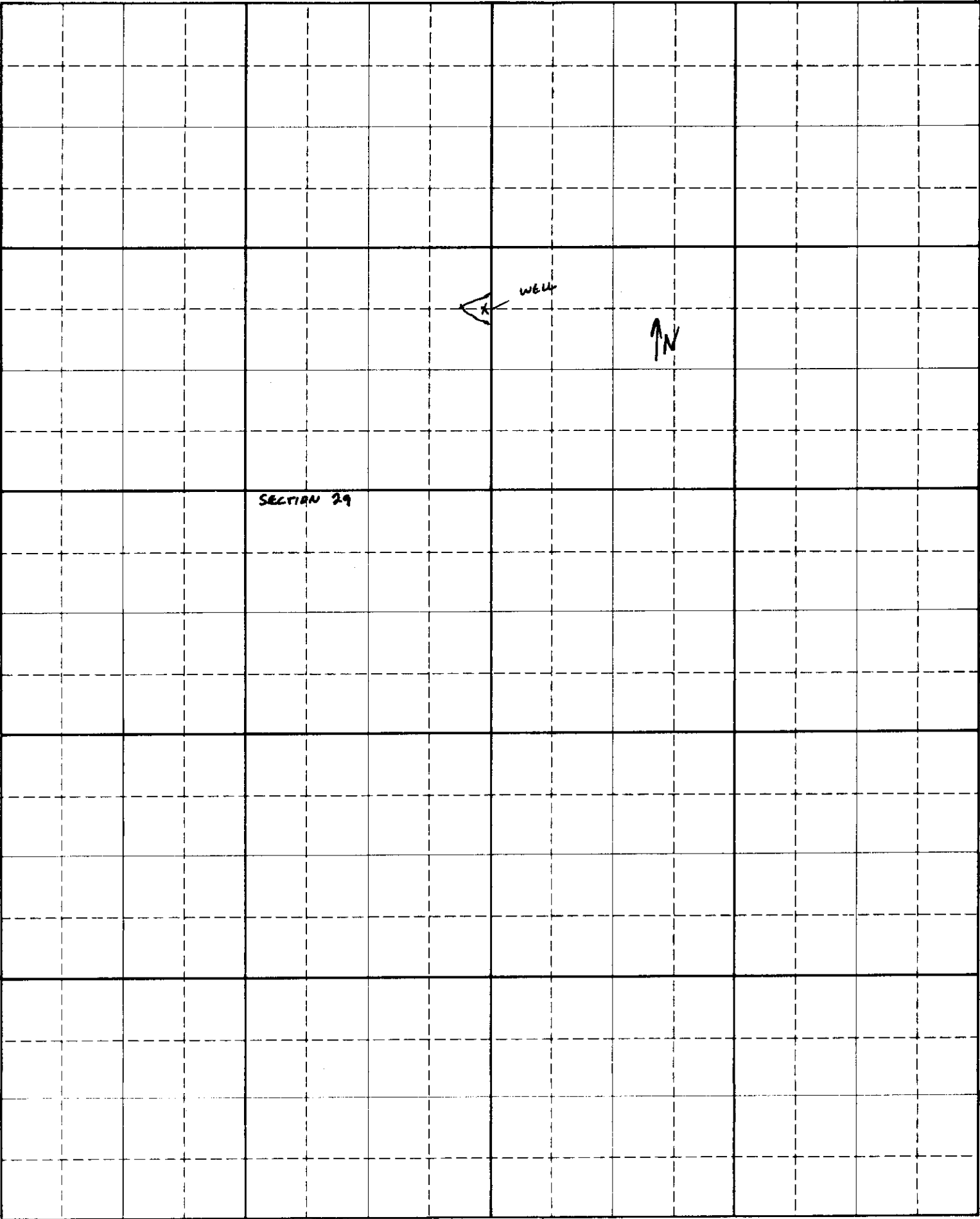
9. a. Who owns the property at the point of diversion I Do

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

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.

Kenneth Arthur Smith
(Applicant)

Received by me Date 3-01-76 Time 10:35 a.
Preliminary check by me Fee \$10.00
Received by ew Date 3-02-76 #15650
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
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

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 29-7213 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) WHL 3/3/76

In form to receipt

(2) WHL 3/3/76

Send Copies to:

☐ Idaho State Health Department
☐ Idaho Fish and Game Department N/A
☐ Bureau of Land Management

(3) WHL 3/3/76

☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M. N/A
☐ Request Information from Applicant

(4) WHL 3/3/76

In form for advertising

(5) WHL 3/3/76

Platted on Map No. T65, R36 E

(6) WHL 3/3/76

Located within Water District No. N/A

(7) WHL 3/3/76

Critical groundwater area: yes ☐ no ☒

(8) WHL 3/3/76

Groundwater levels:

☐ Declining, ☒ Stable, ☐ Increasing

(comment) End H₂O levels, 1973, T75, R35E, 23 cca1

(9) WHL 3/3/76

Other rights on the same place of use None

(10) WHL 3/3/76

Comments: None

(11) WHL 3-24-76

Affidavit of Publication received(date) March 24, 1976

(12) WHL 3-27-76

Final date for protests March 29, 1976
Protests received: yes ☒ no ☐

(13) RDC 4/16/76

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

(14) WHL WHL

Action recommended:

☒ Approve ☐ Deny

3/1/76 Proposed Priority

☐ Reason for Reduction

☐ Measuring device required

☐ See attached sheet for other conditions of approval

☒ No special conditions for approval

(15) District E By RDC Date 4/16/76

Copy
M. J. J.

March 2, 1976

RE: Applications for Permit No. 29-7312 and 29-7313

Mr. Kenneth A. Smith
P.O. Box 4923
Pocatello, Idaho 83201

Dear Mr. Smith:

Attached herewith is departmental receipt No. 15650 in the amount of \$20.00 for the above referenced applications for permit.

Pursuant to our telephone conversation this date, we have taken the liberty or retyping your applications and making the necessary changes required to conform to the statutory rate of diversion.

Please review this application, sign and return to this office as soon as possible.

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

Very truly yours,

WILLIAM GRAHAM
Senior Water Resource Agent

WG:CW

Enclosures

Attachment