

Well #1

Identification No. 11 7115
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 K. D. Smith Phone: 801-277-9347
post office address 4001 Saturn Avenue, Salt Lake City, Utah 84117
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27 Township 16S
Range 43E B.M. Bear Lake 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 0.20 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. 0.20 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 8 inches; proposed depth of well is 150 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 \$ 1500.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27 Township 16S
Range 43E 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 30.
(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.	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	

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 Smith Brothers, a partnership

b. Who owns the land to be irrigated or place of use Smith Brothers, a partnership

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

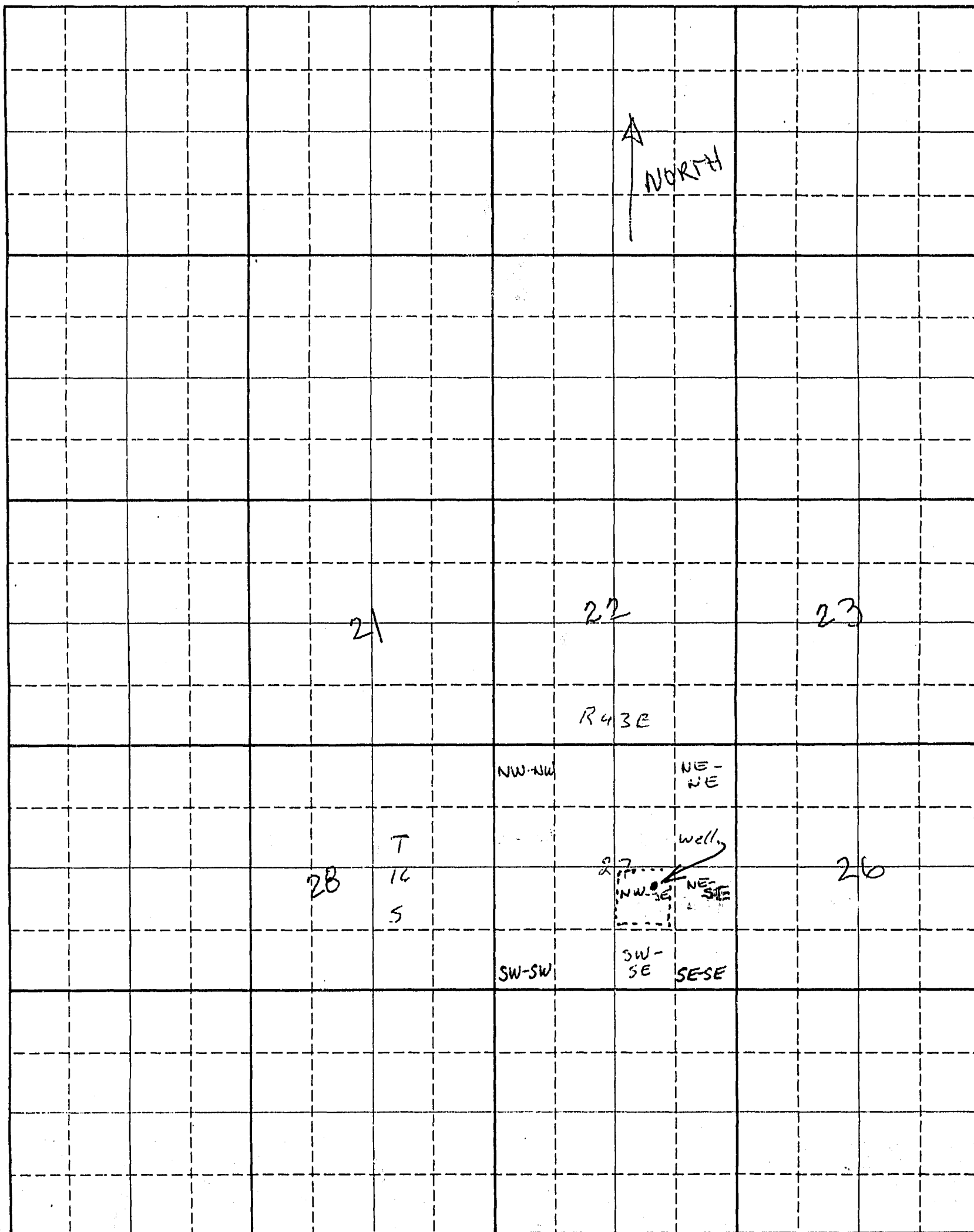
10. Remarks The contemplated development will initially contain a single cabin with 4-5 bedrooms, containing approximately 2,000 sq. feet. Later (estimated at 5-10 years) the development will be expanded to contain as many as 30 additional cabins housing 4-5 people per cabin.

In order to save well drilling costs we are requesting a well which will handle the final development of 30 cabins even though the intial development will be for a single cabin.

There will be no waste water returned to the streams.

The well driller has not been selected but will probably be a local driller from Bear Lake County, Idaho or Logan, Utah.

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.

X. D. Smith
(Applicant)

Proposed Priority 4/ 5/77

Received by CW Date 4-22-77 Time 11:00 A
CW Date 4-05-77 Time 10:35 A

Preliminary check by LF Fee \$ 10.00

Receipted by CW Date 4-22-77 # 6558

Publication prepared by CW Date 4-29-77

Published in Newspaper

Publication dates May 5 & 12-1977

Publication approved me Date June 13, 1977

Priority reduced to _____ Reason _____

Protests filed by: Utah Power & Light

Copies of protests forwarded by CW

Hearing held by _____ Date _____

Recommended for approval denial by RAC jo

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. 11-7115, 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.

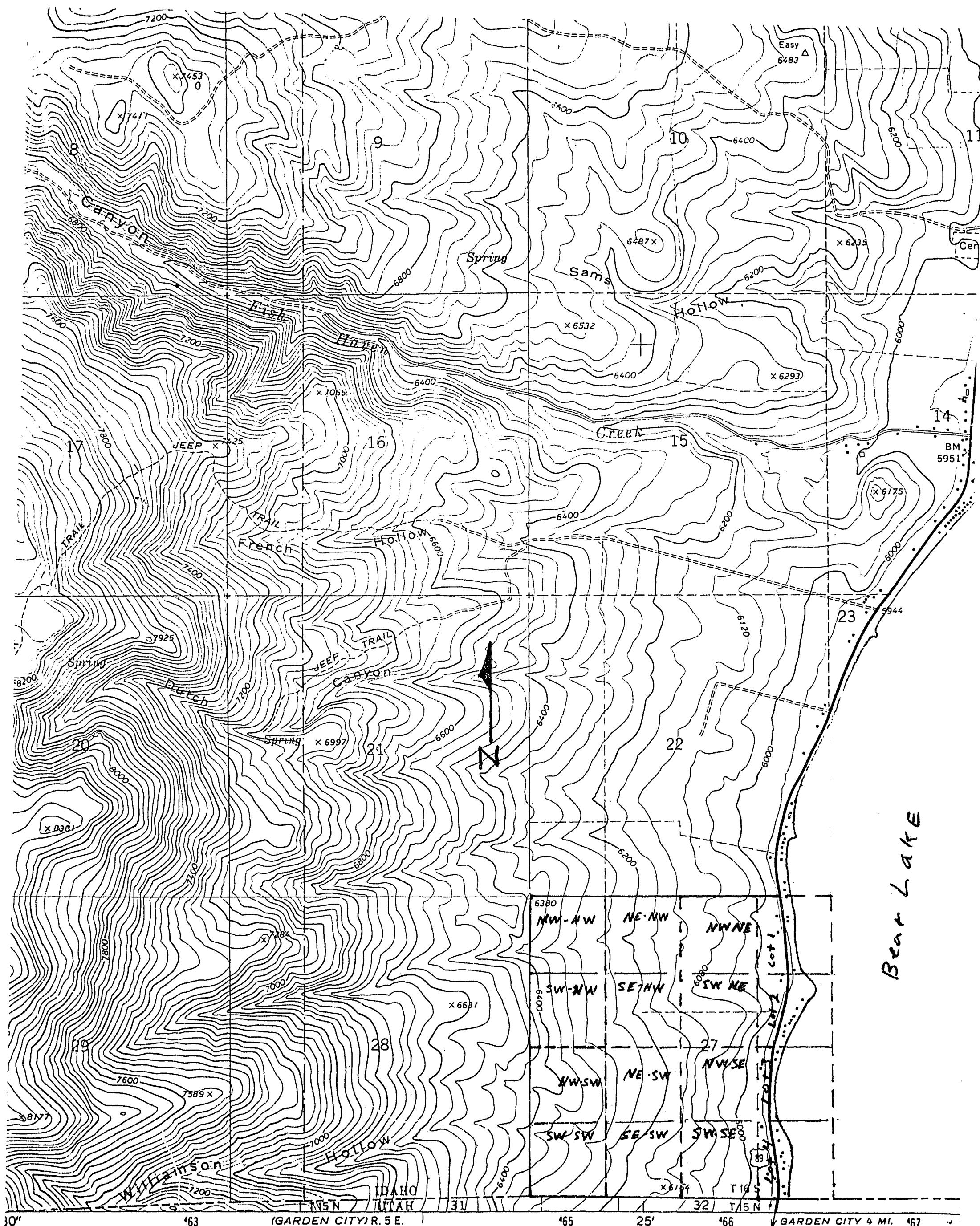
b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 82.

c. Other: _____

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

Witness my hand this 10 day of August, 19 77.

[Signature]
Deputy, Director



Bear Lake

(GARDEN CITY) R. 5 E. 3767 IV NW
SCALE 1:24 000

1 MILE

RECEIVED

Primary h

Nº 617

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Bear Lake

ss.

Loren W. Thompson
being duly sworn,

deposes and says:

That he is the *publisher* of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

May 5, 19*77*, and ending

with the issue of *May 12*, 19*77*

Fees, *12.28*

Subscribed and sworn to before me this *7* day

of *June*, 19*77*

Paula L. Thompson
Notary Public, Residing at Montpelier, Idaho

My Commission Expires *March 13*, 19*79*

RECEIVED

JUN 10 1977

Department of Water Resources
Eastern District Office

LEGAL NOTICES

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that K. D. Smith, Salt Lake City, Utah has on 4-22-77 submitted Application No. 11-7115 for a permit to appropriate 0.20 cubic feet per second of water from a ground-water source by means of well and pump within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 27, T. 16S, R. 43E, B.M., Bear Lake County; to be used from Jan. 1 to Dec. 31 for domestic purposes for 30 families within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 27, T. 16S, R. 43E, 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 May 23, 1977.

C. STEPHEN ALLRED
Director

Published in The News Examiner, Montpelier, Idaho on May 5 and May 12, 1977.

M5-12

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 11-7115

☒ 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) LH 4-22-77

In form to receipt yes

(2) " "

Send Copies to:

☒ Idaho State Health Department
☒ Idaho Fish and Game Department
☒ Bureau of Land Management

(3) " "

☒ Att Tackett
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. DP-57

(6) " "

Located within Water District No. 11A

(7) " "

Critical groundwater area: yes no ☒

(8) " "

Groundwater levels:

Declining, Stable, Increasing

(comment) NO Healthy Obs Wells

(9) " "

Other rights on the same place of use

(10) " "

Comments: Permit 11-7017 - 27 cfs. Plot indicates
5/2 of section 27.

(11) Qu 6-10-77

Affidavit of Publication received (date) June 10-77

(12) Qu 5-12-77

Final date for protests May 23, 1977
Protests received: yes no ☒

(13) RDC 6/29/77

All requested information received from agencies or applicant: yes no

(14) " "

Action recommended:

☒ Approve Deny

4/22/77 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 6/29/77

Copy Sent

RECEIVED

MAR 16 1977

Department of Water Resources

4001 Saturn Ave.
Salt Lake City, Utah 84117
March 8, 1977

Mr. Donald W. McEldowney
Appropriation Supervisor
State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. McEldowney:

Please find enclosed an application for 2 water permits for development of a proposed cabin near Fish Haven, Idaho, in Bear Lake County.

I am enclosing \$40.00 for the 2 wells. This cost was per a 1971 Fee Schedule. In the event your fees have gone up please inform me of the extra costs I owe you.

Thank you and I shall appreciate hearing from you.

Very truly yours,

K. D. Smith

Mr. K. D. Smith

KDS/jn

Enclosure



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 18, 1977

Mr. K. D. Smith
4001 Saturn Avenue
Salt Lake City, Utah 84117

Dear Mr. Smith:

We are returning your application for permit and check No. 92-154 in the amount of \$40.00 for the following reasons:

1. The fee submitted was excessive for the amount of water filed on.
2. The amount of water filed on was excessive for the purpose intended.

The amount of water normally allowed for a single home development is 0.04 c.f.s. (18 gpm). This is normally the capacity of the type of system installed for home use.

Since your application states that two systems are to be developed, a separate application should be filed for each system. This allows the systems to be developed and brought to license independently.

For your convenience, we have prepared two applications from the information provided. If the applications meet with your approval, please sign and return them to this office with a \$10.00 filing fee for each application.

Very truly yours,

LOREN HOLMES
Assistant Regional Supervisor

LH:cw

Attachment

Enclosure

RECEIVED

MAR 28 1977

Department of Water Resources
Eastern District Office

4001 Saturn Ave.
Salt Lake City, Utah 84117
March 23, 1977

Mr. Loren Holmes
Asst. Regional Supervisor
State of Idaho
Dept. of Water Resources
1515 Lincoln Rd.
Idaho Falls, Idaho 83401

Dear Mr. Holmes:

Thank you for your letter of March 18, 1977 concerning my application for a well water permit.

You stated in your letter that the fee submitted was excessive for the amount of water filed on and that the normal allowed for a single home development is 0.04 cfs.

Our plans are initially for a single large lodge cabin development. However there are 60 members of the family and we eventually plan on developing 60 single homes of this type. This was the reason for applying for 1.0 cfs of water at each well head. This would allow us to drill 2 single wells instead of multiple wells in the future. Would you please advise me on how to file for such a permit.

Thank you.

Very truly yours,

K D Smith

Mr. K. D. Smith

March 29, 1977

C
Mr. K. D. Smith
4001 Saturn Avenue
Salt Lake City, Utah 84417

Dear Mr. Smith:

Your original application did not indicate that 60 single dwellings were to be connected on your system, so I assumed that only one cabin would be served from each well.

In filing applications for larger domestic systems such as this, the amount of water is normally arrived at by allowing 50 gallons per day for each person and assuming that the total amount would be pumped in a two-hour period. Table 3 on Page 37 of the enclosed Water Users Handbook gives the method of calculation and requirements for various uses.

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

Very truly yours,

LOREN O. HOLMES
Assistant Regional Supervisor

LOH:cw

Enclosures



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

April 7, 1977

Mr. K. D. Smith
4001 Saturn Avenue
Salt Lake City, Utah 84417

Dear Mr. Smith:

I regret that I must once again return your two applications for permit. I am unable to make the map position of the two wells as shown on the application maps agree with the legal description given. Part of this difficulty may arise from the fact that Section 27 is bordered by both the Utah border and shoreline of Bear Lake. Please indicate the position of the two wells on the attached copy taken from a USGS map. This will enable me to redraw the application maps so that the maps and descriptions agree.

Also, Item 8a(4), should indicate the number of families to be serviced from each well.

If you have any further questions, please contact this office.

Very truly yours,

LOREN O. HOLMES
Assistant Regional Supervisor

LOH:CW

Enclosure

Attachment: Check No. 97-154 (\$20.00)

Dear Mr. Holmes,
Enclosed please find the two re-worked applications & the check for \$20.00. We hope we have corrected it appropriately. *K D Smith*

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that K. D. Smith,
Salt Lake City, Utah
has on 4-22-77 submitted Application No. 11-7115
for a permit to appropriate 0.20 cubic feet per second ~~acre feet per annum~~
of water from a ground-water source
by means of well and pump
within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 16S, R. 43E, B.M., Bear Lake County;

to be used from Jan. 1 to Dec. 31 for
~~for~~ domestic purposes for 30 families
within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 16S, R. 43E, 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 May 23, 1977.

C. STEPHEN ALLRED
~~XXXXXXXXXXXXXXXXXXXX~~
R. KEITH HIGGINSON

Director

Published in the News Examiner, Montpelier, Idaho
on May 5 and May 12, 1977

*Called
6-07-77
CW*

*Mc
-D
CW-L*

April 29, 1977

RE: Claim to a Water Right No. 11-4061 PETERSON
Application for Permit No. 11-7115 SMITH
11-7116 SMITH
11-7117 DAINES

News Examiner
P.O. Box 278
Montpelier, Idaho 83254

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 _____ by _____

RDC:CW

Enc: Legal Notice (4)

April 29, 1977

RE: Application for Permit No. 11-7115 and 11-7116

K. D. Smith
4001 Saturn Avenue
Salt Lake City, Utah 84117

Dear Mr. Smith:

Attached herewith is departmental receipt No. 6558 in the amount of \$20.00 for the above referenced applications.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Attachment

April 29, 1977

RE: Application for Permit No. 11-7115 and 11-7116 SMITH

Mr. Kirby Vickers
Public Health Engineer
Department of Health & Welfare
636 Pershing
Pocatello, Idaho 83201

Dear Mr. Vickers:

We are enclosing a copy of two applications that may be of interest to your agency. Please review the applications and if you have any comments, submit them to our Department as soon as possible. The last date of protest is May 23, 1977, 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:CW

Enclosures (2)

April 29, 1977

RE: Applications for Permit No. 11-7115 and 11-7116 SMITH

Mr. Art Tackett
Regional Director
Idaho State Planning & Community Affairs Agency
600 East Oak, Suite B
Pocatello, Idaho 83201

Dear Mr. Tackett:

We are enclosing a copy of two applications that may be of interest to your agency. Please review the applications and if you have any comments, submit them to our Department as soon as possible. The last date of protest is May 23, 1977, 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:CW

Enclosures (2)



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

RECEIVED
MAY 12 1977

DIVISION OF ENVIRONMENT
636 Pershing
Pocatello, Idaho
83201

Department of Water Resources
Eastern District Office

10 May 1977

C

K. D. Smith
4001 Saturn Avenue
Salt Lake City, Utah 84117

Re: Applications #11-7115 and
#11-7116 (Bear Lake County)

Dear Mr. Smith:

O

We have been apprised of your applications to appropriate public waters of the State of Idaho to provide culinary water service for sixty families (individual connections), thirty per each application.

P

Such a purveyance of water under the circumstances you propose defines a public water system. Title 39-118 of the Idaho Code requires that plans and specifications for water systems must be reviewed and approved by our Department prior to construction. Further, such a system must conform with the Idaho Drinking Water Standards (1964). A copy of these standards are enclosed for your information.

Y

If you have any questions concerning our requirements, please do not hesitate to contact us.

Yours very truly,

Henry L. Moran, P.E.
Rgnl. Environmental Supervisor

HLM/md
enc.
CC: Ron Carlson ✓

EQUAL OPPORTUNITY EMPLOYER

4001 Saturn Ave.
Salt Lake City, Ut. 84117
May 18, 1977

RECEIVED

MAY 24 1977

Department of Water Resources
Eastern District Office

Henry L. Moran, P. E.
State of Idaho
Dept. of Health & Welfare
Division of Environment
636 Pershing
Pocatello, Idaho 83201

Dear Mr. Moran:

Thank you for your letter of May 10th concerning my well applications #11-7115 and #11-7116 in Bear Lake County.

My intentions on the wells are to drill a single well at the present time and to appropriate water for culinary water service for a single cabin for one family. My reasons for applying for service for 30 families per well was to eliminate the costs of multiple drillings. Therefore, although the well applied for will service 30 families it will not be used in the near future. If during the next 5 years we elect to service 30 families we will provide you with the required plans and specifications on the water system.

Also I would appreciate knowing the definition of a public water system. May I hear from you on this subject? Thank you.

Very truly yours,

K D Smith

Mr. K. D. Smith

cc: State of Idaho
Dept. of Water Resources
Idaho Falls, Idaho

UTAH POWER & LIGHT COMPANY

P. O. BOX 899
SALT LAKE CITY, UTAH 84110

LEGAL OFFICES
SIDNEY G. BAUCOM
SENIOR VICE PRESIDENT
AND
GENERAL COUNSEL

May 11, 1977

RECEIVED
MAY 12 1977

Department of Water Resources
Boise District Office

ROBERT GORDON
350-3214

THOMAS W. FORSGREN
350-3213

VERL R. TOPHAM
350-3650

SAM F. CHAMBERLAIN
350-3825

ROSEMARY RICHARDSON
350-3798

MARY STIRK
LEGAL ASSISTANT
350-3217

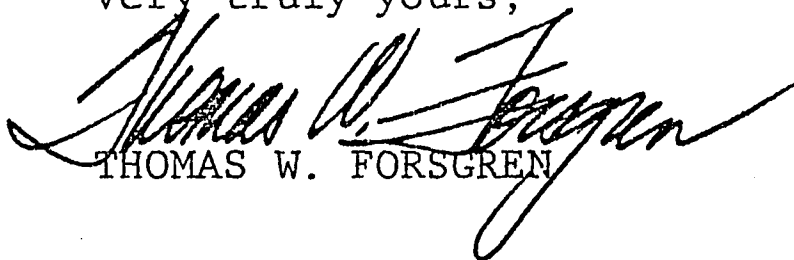
Idaho Department of Water Resources,
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Sir:

Enclosed for filing please find Protests of
Utah Power & Light Company concerning Application Nos.
11-7115, 11-7113, 13-7170, 13-7172, 13-7171, 11-7116,
11-7117, 11-7112, 11-7114, 29-7387, 13-7167, 13-7169,
and 13-7168.

Thank you.

Very truly yours,


THOMAS W. FORSGREN

TWF:mb

Enc.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

June 1, 1977

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

C. Stephen Allred
Director

RE: Applications for Permits No. 11-7113, 11-7114, 11-7115, 11-7116, 11-7117,
13-7176, 13-7168, 13-7169, 13-7170,
Mr. Thomas W. Forsgren, Attorney 13-7171, 13-7172, 13-7174, 13-7175,
Utah Power & Light Company 13-7176, 13-7177, 13-7178, 21-7110
P.O. Box 899
Salt Lake City, Utah 84110

Dear Mr. Forsgren:

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?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

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 individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

June 1, 1977

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

C. Stephen Allred
Director

Mr. K. D. Smith
4001 Saturn Avenue
Salt Lake City, Utah 84117

Dear Mr. Smith:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 11-7115. 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: CW

cc: IDWR - State Office

Department of Water Resources
Eastern District Office

IN THE MATTER OF THE APPLICATION :
OF K. D. SMITH TO DIVERT 0.20 :
C.F.S. OF WATER FROM A GROUND- : PROTEST OF
WATER SOURCE BY MEANS OF WELL :
AND PUMP LOCATED IN BEAR LAKE : UTAH POWER & LIGHT COMPANY
COUNTY, UTAH.

COMES NOW the protestant UTAH POWER & LIGHT COMPANY (Utah Power) and protests the Application of K. D. Smith.

1. Utah Power holds Water Rights decreed in the matter of Utah Power & Light Company vs. The Last Chance Canal Company, Limited, et al, In Equity No. 203, July 14, 1920, and Utah Power & Light Company vs. Richmond Irrigation Company, et al, February 21, 1922, as well as other rights in the Bear River.

2. The Bear River below Stewart Dam is fully appropriated.

3. K. D. Smith filed an Application with the Office of the Idaho Department of Water Resources numbered 11-7115 seeking to appropriate 0.20 cubic feet per second of water at points of diversion specified in said Application.

4. The granting of the Application of K. D. Smith
for the appropriation of 0.20 cubic
feet per second of water would adversely affect the aforementioned
water rights of Utah Power & Light Company.

WHEREFORE, protestant prays that the Application of
K. D. Smith be denied inasmuch as there is
no unappropriated water in the proposed source and the proposed use
will impair existing rights.

DATED this 11th day of May, 1977.

SIDNEY G. BAUCOM
THOMAS W. FORSGREN

BY Mamas W. [Signature]
Attorneys for Protestant
Utah Power & Light Company
1407 West North Temple
Salt Lake City, Utah 84116



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

June 16, 1977

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

C. Stephen Allred
Director

Mr. Thomas W. Forsgren, Attorney
Utah Power & Light Company
P.O. Box 899
Salt Lake City, Utah 84110

Dear Mr. Forsgren:

I have reviewed your proposals of June 8, 1977, and find proposal "A" to be quite acceptable. The Department will, and does, issue all permits for both surface and ground water subject to all prior water rights.

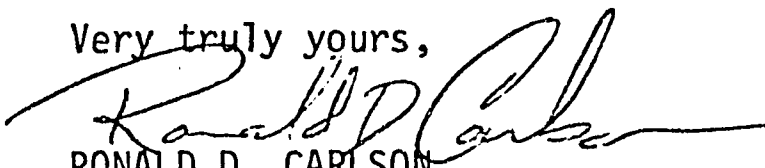
I have enclosed a Stipulation for your review which would take care of any present protests against ground water applications or future objections unless Utah Power and Light has a specific reason for protesting a given application.

Your second proposal is not acceptable because water either is available or is not available for a given application. If water is available, the statutes require the Department to issue a permit. If it is not available, then the permit must be denied or approved with conditions to protect prior existing water rights.

I believe a preferable approach would be for Utah Power and Light to prepare a letter expressing their concern and any data that they have available concerning the water supply, and rather than protesting the applications simply request that both the Department and the applicant consider this information in any further action they might take.

Unless Utah Power and Light can decide upon a plan of action that will be acceptable to both the Department of Water Resources and themselves in the very near future, it will be necessary for us to proceed scheduling conferences and/or hearings to dispose of the protests we now have in our files. We are tentatively planning to send out hearing notices and schedule conferences and/or hearings in the matter of these protests during the last week in June. It is, therefore, imperative that I hear from you prior to that time if we are to resolve these protests without going to required hearings.

Very truly yours,


RONALD D. CARLSON
Supervisor, Eastern Region

RDC:CW

Enclosure

STIPULATION

Utah Power and Light is becoming increasingly concerned over the growing number of applications for permit within the drainage area of the Bear River. Unfortunately, the data available do not show a direct connection between ground water and surface water sources and, therefore, it is difficult to demonstrate damage at this time. Therefore, Utah Power and Light will withdraw any and all protests submitted against ground water applications with the understanding that the Department imposes as a condition of approval, a statement clearly showing that the permit is subject to all prior water rights.

Signed at _____ this _____ day of _____, 1977.

THOMAS W. FORSGREN, Attorney
Utah Power and Light Company

UTAH POWER & LIGHT COMPANY

P. O. BOX 899

SALT LAKE CITY, UTAH 84110

LEGAL OFFICERS
SIDNEY G. BAUCOM
SENIOR VICE PRESIDENT
AND
GENERAL COUNSEL

June 8, 1977

RECEIVED

JUN 9 1977

Department of Water Resources
Eastern District Office

ROBERT GORDON
850-8214

THOMAS W. FORSOREN
850-8218

VERL R. TOPHAM
850-8050

HAM F. CHAMBERLAIN
850-8826

ROSEMARY RICHARDSON
850-8700

MARY BIRK
LEGAL ASSISTANT
850-8217

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

Re: Applications filed with Idaho Department
of Water Resources effecting Utah Power &
Light Company Water Rights

Dear Mr. Carlson:

I am taking this opportunity to submit for your Department's consideration the following procedures concerning applications filed with the Idaho Department of Water Resources which effect Utah Power & Light Company water rights:

A. Applications to Appropriate Ground Water. Utah Power & Light Company will not protest these applications and the State Engineer, if issuing a permit, will do so subject to all prior rights.

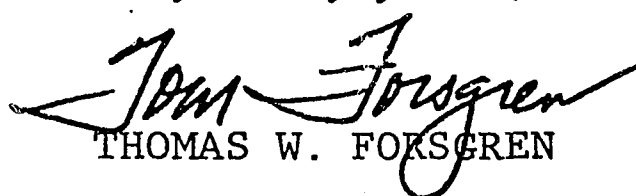
B. Applications to Appropriate Surface Water. Utah Power & Light Company will protest these applications but will withdraw the protest in the event the applicant agrees to compensate the Power Company for its losses incurred by virtue of the applicant's acquisition of the water.

Mr. Ronald D. Carlson
June 8, 1977
Page Two

If the above procedure is acceptable or if you wish to treat the subject applications in some other manner, please so notify me.

Thank you for your cooperation.

Very truly yours,


THOMAS W. FORSGREN

TWF:mb

MEMORANDUM

TO: Bob Fleenor
FROM: Ron Carlson *ZDC*
RE: Protested Ground-Water Applications by Utah Power & Light
DATE: June 30, 1977

I am sending these applications to appropriate ground water to Boise with the recommendation that they be approved. I believe we have ample evidence in the file indicating that Utah Power & Light has no desire to pursue protests they have filed against ground water applications.

I feel badly that these applications have been delayed by the protests, since some of the applicants were seeking to complete their development in hopes of producing a crop during the 1977 season.

Enclosures: Applications No.	11-7115	13-7164	13-7175
	11-7116	13-7167	29-7387
	13-7155	13-7169	
	13-7161	13-7171	
	13-7163	13-7172	

August 11, 1977

C Re: Permit Nos. 11-7115 and 11-7116

O K D. Smith
4001 Saturn Avenue
Salt Lake City, UT 84117

P Dear Mr. Smith:

Enclosed are copies of your approved Applications for Permit Nos. 11-7115 and 11-7116.
We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

Y BOBBY D. FLEENOR
Chief, Operations Bureau

BDF/cah

Enclosures

RECEIVED MAR 8 1982

Form 204
3/81

MAY 5 1982

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
Fee Received <u>1.00</u>
Date <u>5-5-82</u>
Receipt # <u>22245</u>

REQUEST FOR EXTENSION OF TIME

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

MAY 10 1982

Department of Water Resources

Kay D. Smith

(Name)

4001 Saturn Ave., Salt Lake City

(Address)

State of Utah, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of
the State of Idaho No. 117115.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before
August 1, 19 82.

That he has heretofore performed the following work described under said permit: Contracted with

(This must be filled out! If no work has been completed put none.)

Forsgren-Perkins Engineering to locate well, develop well into a

water system and provide other assistance as required to get the

permit accepted by the State of Idaho

Costing \$ 500.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

The exact location of the well is going to depend on the outcome of

the Bear Lake West, Inc., bankruptcy which is currently in court. If

Bear Lake West liquidates, the well will have a different location than
if they are successful in reorganization. Rather than putting the well
in the wrong location and have to design around it, I am requesting a
time extension.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations
under said permit to August 1, 19 86.
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME.

Kay D. Smith

(Signature)*

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within
which to submit the statement of beneficial use is extended to August 1, 1986.

Signed this 19th day of May, 19 82.

A. Glen Saxton

Chief, Operations Bureau

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 11-7115
 Old No. _____ New No. _____

Record

1, 2 & 3 Original Owner: K. D. Smith
 Address: 4001 Saturn Ave.
 Present Owner: Salt Lake City, UT 84111
 Address: _____

4. A. Source of Water Groundwater
 B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): P
 B. Status (D,L,R,C,A,I,F - leave blank if valid): _____
 C. Priority Date: 4-5-1977
 D. County: 07
 E. Total Diversion Rate: .20
 F. Total Diversion Volume: _____
 G. Transfer/Amendment (P,T of A or blank): _____
 H. Water District: _____
 I. DLE/Carey Act (D,C or blank): _____
 J. Right Basis (for adjudication claims A,B,C only): _____

6. A. Point of Diversion NWSE 21 16S 43E

7. Period of Use, Use, Diversion Rate/Volume:
 from 1-1 to 12-31 for D purposes. Amount .2
 (cfs or AC-FT/yr)
 from _____ to _____ for _____ purposes. Amount _____
 from _____ to _____ for _____ purposes. Amount _____
 from _____ to _____ for _____ purposes. Amount _____
 from _____ to _____ for _____ purposes. Amount _____

8. Use Code:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SE¼	SW¼
16S	43E	21														X		

9. A. Decree Name:

B. Decree Date:

10. Remarks:

11. Other Uses (Non-irrigation explanatory information):

D/30 units.

12. Other Rights for Same Use:

13. A. Proof Due Date: 8-1-1982

B. Date Permit Approved or Denied: 8-10-1977

C. Protested Date: 5-11-1977

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval:

14. Diversion Means (brief narrative):

Well & pump.

QSA 8-8-77

RECEIVED

JUL 8 1977

Department of Water Resources
Eastern District Office

IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE APPLICATION)
OF K. D. SMITH TO DIVERT 0.20)
C.F.S. OF WATER FROM A GROUND-)
WATER SOURCE BY MEANS OF WELL)
AND PUMP LOCATED IN BEAR LAKE)
COUNTY, IDAHO.)

APPLICATION NO. 11-7115)

WITHDRAWAL OF PROTEST
OF
UTAH POWER & LIGHT COMPANY

COMES NOW the Protestant, Utah Power & Light Company,
and hereby withdraws its protest filed in the above matter with
the understanding that the permit issued by the Department of
Water Resources will be issued subject to prior rights.

DATED this 7th day of July, 1977.

SIDNEY G. BAUCOM
THOMAS W. FORSGREN

By Thomas W. Forsgren
Attorneys for Protestant
Utah Power & Light Company
1407 West North Temple
Salt Lake City, Utah 84116

UTAH POWER & LIGHT COMPANY

P. O. BOX 899
SALT LAKE CITY, UTAH 84110

LEGAL OFFICES
SIDNEY G. BAUCOM
SENIOR VICE PRESIDENT
AND
GENERAL COUNSEL

July 7, 1977

5DF
RECEIVED

JUL 8 1977

Department of Water Resources
Eastern District Office

ROBERT GORDON
350-3214
THOMAS W. FORSGREN
350-3213
VERL R. TOPHAM
350-3650
SAM F. CHAMBERLAIN
350-3825
ROSEMARY RICHARDSON
350-3796
MARY STIRK
LEGAL ASSISTANT
350-3217

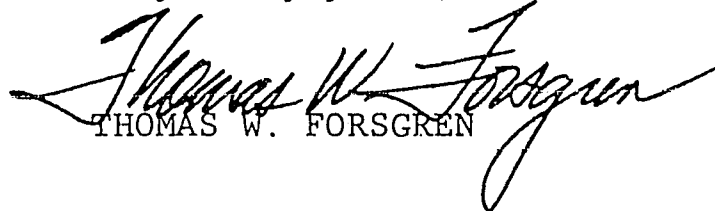
Mr. Ronald D. Carlson
Supervisor
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Carlson:

Enclosed please find Withdrawals of Protest concerning ground water applications previously filed with your Department. With regard to applications for other than ground water, I agree with your language in your June 16, 1977 letter in which you state, "If water is available, the statutes require the Department to issue a permit. If it is not available, then the permit must be denied or approved with conditions to protect prior existing water rights." I don't think there is any question but that the Bear River is fully appropriated and that there is no water which could be the subject of a new permit. As support for this conclusion, I would refer you to the Watermaster's Report on Flow and Diversion for Idaho District II. If you wish us to supply you with this report, we will be pleased to do so. In light of the above, we would respectfully submit that applications for surface water in the subject area be denied.

Thank you for your cooperation in this matter.

Very truly yours,


THOMAS W. FORSGREN

TWF:mb



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

May 6, 1982

RE: Extension #'s 11-7115 & 11-7116

Kay D. Smith
4001 Saturn Ave.
Salt Lake City, Utah 84117

Dear Mr. Smith:

Attached herewith is Departmental receipt numbers, #22244 and 22245 both in the amount of \$15.00 for the above referenced applications.

Very truly yours,

BARBARA L. POWERS
Secretary

Attachments

STATE OF IDAHO		Department of Water Resources		No 22244	22245
Boise, Idaho, <u>May 6</u> , 19 <u>82</u>					
RECEIVED FROM	<u>Kay D. Smith</u>	of	<u>Salt Lake City, Ut</u>	<u>\$ 15.00</u>	<u>Ut \$ 15.00</u>
<u>Fifteen Dollars and 00/100's</u>				DOLLARS	DOLLARS
FOR	<u>Extension</u>	\$	<u>15</u>	<u>00</u>	
		\$			
		\$			
		\$			
		\$			
TOTAL		\$	<u>15</u>	<u>00</u>	
				<u>Barbara L. Powers</u>	<u>Powers</u>

June 8, 1982

Mr. Kay D. Smith
4001 Saturn Avenue
Salt Lake City, UT 84117

Dear Mr. Smith:

Re: Permit No. 11-7115

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use is extended to August 1, 1986.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
MAY 31, 1986

SMITH, K. D.
4001 SATURN AVE.
SALT LAKE CITY, UT 84117

138669

PROOF DUE NOTICE

RE: PERMIT NO. 11-7115

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF THE ABOVE REFERENCED WATER PERMIT WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE AUGUST 1, 1986. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH WHEN ACCOMPANIED BY THE LICENSE EXAMINATION FEE OR A COMPLETED FIELD EXAMINATION REPORT PREPARED BY A CERTIFIED WATER RIGHT EXAMINER MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER AN ACCEPTABLE PROOF OF BENEFICIAL USE SUBMITTAL OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

Form 217
03/86

RECEIVED
JUL 29 1986

STATE OF IDAHO Department of Water Resources

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received 50.00
Date 7-29-86
Receipt # 38864
Receipt by [Signature]
Reviewed by [Signature]
Sent to region 8-14-86

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

Permit No. 11-7115

Name(s) of Permit Holder: K.D. Smith

Post Office Address: 4001 Saturn Av., Salt Lake City, Utah 84124

Telephone No. 801-277-9347

Source of Water: Deep Well

Extent of Use:

Domestic 30 (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 0.20 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 7/12/86

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

Fee enclosed \$50.00
(See License Examination Fee Schedule)

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

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

K.D. Smith
(Name)

801-277-9347
(Telephone Number)

4001 Saturn Av., Salt Lake City, Ut. 84124
(Address)

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

7/26/86
Date

K.D. Smith Partner -- Smith Family
Signature of Permit Holder (and title, if appropriate)