

Identification No. 13-7010

Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Everett Smith
post office address Route 1, Box 61, Grace, Idaho 83241
2. Source of water supply Groundwater which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 5 Township 10S
Range 40E B.M. Caribou 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 .70 for irrigation purpose from May 1 to Oct. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .06 for domestic / multiple 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)
5. Total quantity to be appropriated:
a. .76 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. drilled well, pump, motor, pipe
and sprinkler 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 12 inches; proposed depth of well is 105 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 \$ installed.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 5 Township 10S
Range 40E 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 three.
(5) If water is to be used for other purposes describe: _____

13-7010

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	
10S	40E	5															35		35

Total number of acres to be irrigated 35
None

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

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

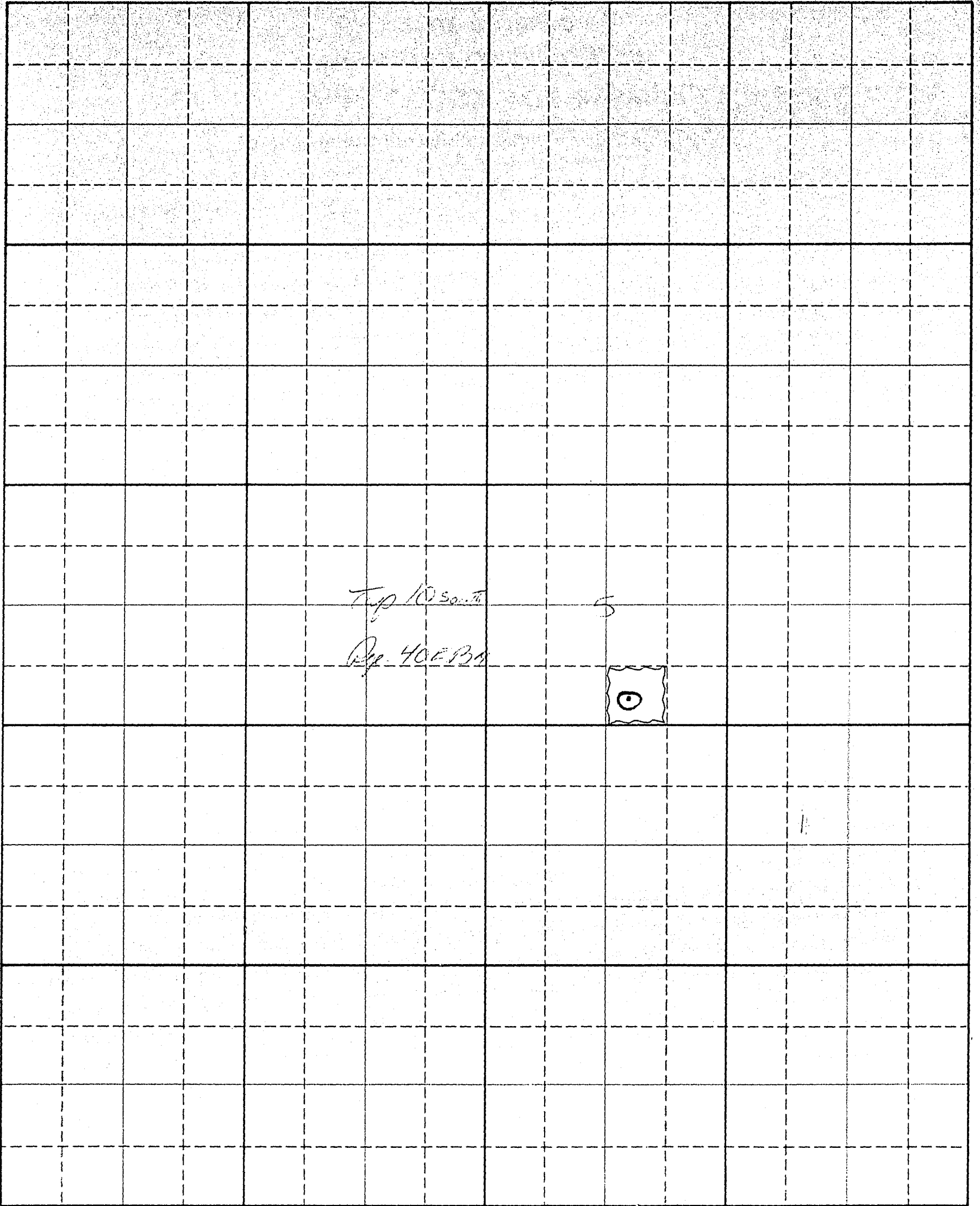
b. Who owns the land to be irrigated or place of use Self

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 Well drilled by Iven Bartz #51

Started 8-4-69, finished 8-20-69.

11. Map of proposed project:



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.

Conrad Smith
(Applicant)

13-7010

Received by Dell Date 3-5-70 Time 9:25 A
Preliminary check by Dell Fee \$ 20.00 Ecc# 4256
Receipted by 21 Date 3-5-70
Publication prepared by da Date 3-18-70
Published in Shane Herald
Publication dates 3-26 + 4-2, 1970
Publication approved da Date 5-1-70
Priority reduced to _____ Reason _____

APPROVED

Protests filed by: Mrs. + Mrs. DeRay Nelson

Copies of protests forwarded by da 4-16-70

Hearing held by L.A. Date 6-16-70

Recommended for approval denial by DeRay Nelson

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 13-7010, 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 75.
- c. Other: The permit holder shall permanently install and maintain a measuring device of a type approved by the department as part of the diverting works.

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

Witness my hand this 2nd day of July, 19 70.

R. Keith Hays
State Reclamation Engineer

GARY WILLIAMS
ATTORNEY AND COUNSELOR AT LAW
837 WASHINGTON STREET
MONTPELIER, IDAHO 83254
TELEPHONE 847-0805

RECEIVED

APR 10 1970

PROSECUTING ATTORNEY
BEAR LAKE COUNTY

April 6, 1970

Department of Reclamation
CITY ATTORNEY
MONTPELIER, IDAHO

Mr. Keith R. Higginson
State Reclamation Engineer
State House
Boise, Idaho

Re: Notice of Application No. 13-7010 to
Appropriate Public Waters

Dear Mr. Higginson:

I have been retained by Mr. and Mrs. DeRay Nelson of Grace, Idaho, to protest Water Application No. 13-7010, and I am hereby making a protest in behalf of Mr. and Mrs. Nelson in that said appropriation may interfere with their prior water rights located upon the following described real property:

The West Half of the East Half of Section 8, Township 10 South, Range 40 East of Boise Meridian, Idaho, containing 160 acres,

which said water right has been established on that land for culinary purposes.

Yours sincerely,


Gary Williams

GW:vm

13-7010

DEPARTMENT OF RECLAMATION

STAFF ANALYSIS

Application No. 13-7010 Name Everett Smith

Source groundwater

Point of Diversion SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, T. 10S, R. 40E, B.M., Caribou County

Quantity .70 Use irrigation Period May 1 - Oct. 15

Quantity .06 Use mult. domestic Period Jan. 1 - Dec. 31

Quantity Use Period

Well Size 12 Diameter Proposed Depth 105 Feet

Use irrigation of 35 acres, domestic supply for three families

Date Forwarded 3-16-70 Date Returned 3-23-70 Received by DM

RECOMMENDATIONS: aquifer: Probably Basalt. No well
driller reports in the area.

Qty. .70 Use ir Period 5-1-10-15 AF AFA

Qty. .06 Use Dom Period Jan 1-Dec 31 AF AFA

may allowable Qty. .70 Use ir Period 4-1-11-1 AF 3.0 AFA 105

ACTION: Approved X Denied

Conditions of approval or reason for denial:

INVESTIGATION

By

Shel H. Chapman

Title

W.R.I.A.T.

Date 3-23-70

13-7010

No 1722

RECEIVED

MAY 1 1970

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ES.

County of Franklin

Wayne D. Bell

being duly sworn,

deposes and says:

That he is the *C. - publisher* of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; 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

April 2, 19 *70*, and ending

with the issue of *April 9*, 19 *70*.

Wayne D. Bell

Fees, \$ *9.66*

Subscribed and sworn to before me this *22* day

of *April*, 19 *70*.

Delana D. Giddes

Notary Public, Residing at Preston, Idaho

My Commission Expires *11-March*, 19 *74*

Department of Reclamation

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that Everett Smith, Route 1, Box 61, Grace, Idaho, has on March 5, 1970, submitted Application No. 13-7010 to appropriate the public waters of a groundwater source. The proposed uses are .70 cfs for

1 to Oct. 15 and .06 cfs for multiple domestic purposes from Jan. 1 to Dec. 31.

The application proposes a maximum diversion and appropriation of 0.76 cubic feet per second of water to be diverted by well, pump, motor, pipe and sprinkler system within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 5, T. 10S, R. 40E, B.M., Caribou County, and is to be used within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, T. 10S, R. 40E, B.M. for the irrigation of 35 acres and domestic use for three dwellings.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE

WATERMASTER. Any protest against this application must be filed with the Idaho Department of Reclamation on or before April 12, 1970.

R. KEITH HIGGINSON
State Reclamation
Engineer

Published in the Grace Citizen, Grace, Idaho, on April 2 and April 9, 1970.

Legal No. 1722—Pub. April 2, 9, 1970.

13-7010

July 9, 1970

Re: Permit No. 13-7010

Everett Smith
Route 1, Box 61
Grace, Idaho 83241

Dear Mr. Smith:

Enclosed is a copy of your approved Application for Permit No. 13-7010. We direct your attention to the conditions of approval on the fourth page under approval of the State Reclamation Engineer.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

C. Stephen Allred, Deputy
State Reclamation Engineer

CSA:kh
Enclosures: Copy of permit
2 informational letters

13-7010

RECEIVED

JUN 18 1970

Department of Reclamation

Route 1 Box 55
Grace, Idaho 83241
19 June 1970

Mr. Stephen Allred
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Re: Application No. 13-7010

Dear Mr. Allred:

We wish to withdraw our protest of Water Application
No. 13-7010 - Everett Smith, since tests indicate there
is no interference with the water supply in our well at
this time.

Yours truly,

DeRay H. Nelson

Beverly S. Nelson

DeRay H. Nelson
Beverly S. Nelson

cc: Mr. Gary Williams
837 Washington Street
Montpelier, Idaho 83254

13-7010

MEMO

Re: Application for Permit No. 13-7010

On June 16, 1970, a conference was held with the applicant and protestant regarding the above numbered application for permit. After discussing the issues involved and a subsequent pump test which seemed to indicate that there would be no interference, the protestant seemed to be satisfied that his water right would not be adversely affected. He agreed to withdraw his protest by letter. In the event that such a letter is not forthcoming within 15 days, we should write and inquire.

C. STEPHEN ALLRED, Deputy
State Reclamation Engineer

CSA:kh

Dated: June 22, 1970

Edwin Red

Bensonff Idaho

has water, land, info
on Producers and

Shel Chapman

13-7010

6-16-70

13-7010

Protestants are now satisfied that
there will still not be adversely
affected and will withdraw
protest by letter.

AH.

13-7010

ROSTER OF ATTENDANCE

13-7010 - Everett Smith

Probate Court Room Caribou County Courthouse

Soda Springs, Idaho

June 16, 1970 at 1:00 p.m.

NAME	ADDRESS	REPRESENTING
Everett Smith	Grace, Idaho.	
De Ray H. Nelson	Grace, Idaho.	
Beverly A. Nelson	Grace, Idaho	

AGRICULTURAL SERVICES, Inc.

Fertilizers

Pumps and Irrigation Equipment

Phone SU 5-1717

P. O. Box 627

Blackfoot, Idaho

WELL TESTING REPORT AND AGREEMENT

There for all well testing to be cash upon completion of test

NAME Mr. S. J. Smith LOCATION Gracie DATE Aug 29, 1969

I.D. Well 3 Well Depth 102' Amount of Casing in Well 125'

Static Water Level 86' Will Well Pump Sand? No Orifice Size 6"

Bowl Capacity Max 57 gals 6" Discharge Pipe to Use 8" Size of Col. & Length 95' x 6"

Time	Water Level Ft. from Top	R.P.M.	Orifice Reading Inches	G.P.M.	Minor Inches	Remarks — Sand? Cascading Water? etc.
						Pumped well for 2 hrs. got 400 GPM last 1/2 hr. Screen
						was plugging up w/rocks could only get 380 GPM
						After pulling pump checked hole & it measured 94'
						Static 86'

A minimum charge of \$.....for installing and pulling test pump, \$.....for one hour engine time, plus \$.....per hour for each succeeding hour of engine time. An additional charge of \$.....per foot for 8" column or smaller, or \$.....per foot for 10" column will be charged for every foot over 200'.

\$..... Plus \$..... Plus \$..... Plus \$..... Equals \$.....
(Column Setting) (1st Hr. Engine) (Hrs. @ \$.....) (Mileage) (Total Minimum Charge)

Without grace for value received, I promise to pay to the order of the Agricultural Services, Inc., the above mentioned amounts payable upon completion of well test. I also agree that if this note be placed with an attorney for collection or suit, I agree to pay a reasonable attorney's fee. If not paid at maturity, this note shall thereafter draw interest at the rate of eight per cent (8%) per annum until paid. Agricultural Services, Inc., will in no way be held liable for any damage or loss to customer's well that may occur during well testing.

APPROVED BY:

(Owner of Well)

(Date Well Tested)

APPROVED BY:

(Agricultural Services, Inc.)

13-7010

AUG 29 1959

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

Use other side for additional remarks

June 4, 1970

C
O
P
Y
Everett Smith
Rt 1, Box 61
Grace, Idaho 83241

Dear Mr. Smith:

Upon reviewing the data submitted to me for a determination of potential well interference, I find there is insufficient evidence to determine this. In order to analyze the problem of well interference I would need (1) the drawdown and discharge of your well during pumping, (2) the distance from the protestant's well, and (3) the depth and static water level of the protestant's well. With these data it is possible to estimate possible well interference. If you will forward these data to me I will try to determine if a potential for well interference exists.

Sincerely,

Sherl L. Chapman
Geologist

SLC:mr

13-7010

June 12, 1970

Everett Smith
Rt 1, Box 61
Grace, Idaho 83241

Dear Mr. Smith:

Upon calculating out the discharge you gave to me over the phone I find that you are pumping approximately 220 gpm. With the additional data you provided me concerning drawdown in your well and the W. Samuel Smith well, it is my opinion that no significant well interference is present. The data that you presented to me per our telephone conversation should be submitted to the hearing officer in Soda Springs June 16th. According to department policy, if the matter should come to a formal hearing, my opinion will not be allowed as evidence.

If I can be of further service please let me know.

Sincerely yours,

Sheri L. Chapman
Geologist

SLC:mr

Gra

13-7010

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and address where delivered ☐ Deliver ONLY to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

CERTIFIED NO.

21862

INSURED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

Frederick Smith

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Mr. E. E. Smith

DATE DELIVERED

5/28/70

SHOW WHERE DELIVERED (only if requested)

13-7010

13-7010

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

**PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300**

**POSTMARK OF
DELIVERING OFFICE**

**INSTRUCTIONS: Show name and address below and
complete instructions on other side, where applicable.
Moisten gummed ends, attach and hold firmly to back
of article. Print on front of article **RETURN**
RECEIPT REQUESTED.**

**RETURN
TO**

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Annex # 2 Statehouse

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered ☐ Deliver ONLY
to addressee
(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

21863

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

Gary Williams

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

5-28-70

13-7010

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300



POSTMARK OF
DELIVERING OFFICE

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

RETURN
TO

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Annex # 2 Statehouse

POST OFFICE, STATE, AND ZIP CODE

POISO, Idaho 83707

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and address where delivered ☐ Deliver ONLY to addressee
(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

218664
INSURED NO.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

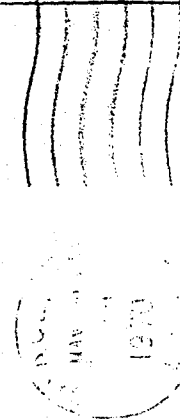
DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

13-7010

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300



POSTMARK OF

DELIVERING OFFICE

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.

RETURN

TO



NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Annex # 2 Statehouse

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

May 27, 1970

C
O
P
Y

Probate Court
Caribou County Courthouse
Soda Springs, Idaho 83276

Dear Sirs:

This letter is to confirm the use of the Probate Court Room for meetings to be held by our office. Our first meeting will begin at 3:00 p.m. on the 15th of June and we will hold meetings during the entire day of the 16th.

Thank you for your assistance in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:kh

13-7010

BEFORE THE STATE RECLAMATION ENGINEER
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 13-7010 in the name of
EVERETT SMITH

)
) NOTICE OF CONFERENCE
) AND/OR HEARING ON PROTEST
)

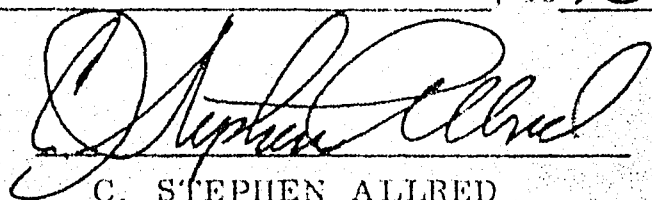
On March 5, 1970, Everett Smith, Grace, Idaho, filed with the Department of Reclamation an application to appropriate the public waters of the State of Idaho. On April 10, 1970, Gary Williams filed in behalf of Mr. & Mrs. DeRay Nelson, Grace, Idaho, a protest against issuance of Application for Permit No. 13-7010.

The Department of Reclamation has set the matter of protest for conference and/or a hearing on June 16, 1970, at 1:00 p.m., in the Probate Court Room, Caribou County Courthouse, Soda Springs, Idaho. 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 Reclamation. 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 of Reclamation without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 27 day of May, 1970.



C. STEPHEN ALLRED
Deputy State Reclamation Engineer

Mailed this 27th day of May, 1970, to Everett Smith, Route 1, Box 61, Grace, Idaho,
certified No. 21862; Gary Williams, 837 Washington Street, Montpelier, Idaho, certified No.
21863; Mr. & Mrs. DeRay Nelson, Grace, Idaho, certified No. 21864. Copy of protest
letters included with Mr. Smith's.

By Layne Henderson

13-7010

April 28, 1970

Re: Application for Permit No. 13-7010 - Everett Smith

Preston Citizen
P.O. Box 389
Preston, Idaho 83263

Gentlemen:

Enclosed we are returning the affidavit of publication submitted in connection with the above referenced application for permit.

In checking the affidavit, we discovered that the first half of the last paragraph was missing. May we ask that you attach a complete notice to the affidavit? Upon return receipt of the affidavit, we will submit the certified bill for \$9.66 to accounting department for payment.

Your cooperation in this matter is most appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enclosure

13-7010

RECEIVED

APR 30 1970

Department of Reclamation

Route 1 Box 55
Grace, Idaho 83241
17 April 1970

Donald W. McEldowney
Appropriation Supervisor
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. McEldowney:

We received your letter of 13 April 1970 and note that an error has been made by your office. The Permit No. should be 13-7010 - Everett Smith as stated in our protest, instead of 13-7011 - Clyde E. Palmer as quoted in your letter.

The purpose of our protest is to protect, and to establish with your department, the water rights on the well at the former W. Samuel Smith home which we recently purchased along with the farm. This well is used for culinary purposes and has been in use for many years.

Yours truly,

DeRay H. Nelson
Beverly S. Nelson

DeRay H. Nelson
Beverly S. Nelson

cc: Mr. Gary Williams
837 Washington St.
Montpelier, Idaho 83254

13-7010

April 16, 1970

Re: Application for Permit No. 13-7010

Mr. Everett Smith
Route 1, Box 61
Grace, Idaho 83241

Dear Mr. Smith:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your application No. 13-7010 by Mr. Gary Williams in behalf of Mr. & Mrs. DeRay Nelson. You should be aware that the following are items which, under Section 42-203 of the Idaho Code, we can consider at a hearing in approving or denying an application for permit:

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 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, or an annual amount of 5 acre feet of water per acre of land, unless the applicant can show that more is required due to soil or climate conditions.
(Sec. 42-202, I.C.)

13-7010

Page 2
Mr. Everett Smith
Re: 13-7010
April 16, 1970

The waters intended to be appropriated must be public water of the State of Idaho or if private waters, as defined under Sec. 42-212, I.C., the applicant must have authority from the owner of the land on which the water lies to divert the water.

The Department of Reclamation may reject an application for permit or may partially approve or grant the permit upon conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish right-of-ways over private or governmental lands. Right-of-ways or easements 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 can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Copy of protest

13-7010

April 16, 1970

Re: Application for Permit No. 13-7010 - Everett Smith

Mr. & Mrs. DeRay Nelson
Grace
Idaho 83241

Dear Mr. & Mrs. Nelson:

This is to advise that we made a mistake in our letter of April 13, 1970, to you. We inadvertently referenced the wrong application number and name at the top of our letter. The reference should have been Application for Permit No. 13-7010 - Everett Smith.

We hope that we have not caused any inconvenience to you.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

cc: Mr. Gary Williams
837 Washington St.
Montpelier, Idaho 83254

13-7010

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

April 13, 1970

Re: Application for Permit No. 13-7011 - Clyde E. Palmer

Mr. & Mrs. DeRay Nelson
Grace
Idaho 83241

Dear Mr. & Mrs. Nelson:

We are in receipt of your protest concerning the above referenced application for permit. The following are items which, under Section 42-203 of the Idaho Code, can be considered at a hearing in either approving or denying an application:

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?

Please bear in mind that the State Reclamation Engineer may reject such application and refuse issuance of a permit, he may partially approve the permit, he may approve the permit for a quantity of water less than applied for, or he may approve the permit subject to special conditions.

13-7010

Page 2

Mr. & Mrs. DeRay Nelson

Re: 13-7011

April 13, 1970

A permit issued by this office does not in any way convey or establish a right-of-way over private or governmental lands. Right-of-ways or easements 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 a conference and/or hearing to discuss the matters of protest. If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

cc: Mr. Gary Williams
837 Washington St.
Montpelier, Idaho 83254

13-7010

April 13, 1970

Re: Application for Permit No. 13-7010 - Everett Smith

Grace Herald
Grace
Idaho

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced item(s). The legal notice was to be published in your paper on March 26 and April 2, 1970.

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

May we please have your prompt attention to this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

Nellie Johnson

425-3498

Grace Citizen

Preston Citizen

13-7010

**NOTICE OF APPLICATION
FOR PERMIT TO
APPROPRIATE THE
PUBLIC WATERS OF THE
STATE OF IDAHO**

Notice is hereby given that Everett Smith, Route 1, Box 61, Grace, Idaho, has on March 5, 1970, submitted Application No. 13-7010 to appropriate the public waters of a groundwater source. The proposed uses are .70 cfs for irrigation purposes from May 1 to Oct. 15 and .06 cfs for multiple domestic purposes from Jan. 1 to Dec. 31.

The application proposes a maximum diversion and appropriation of 0.76 cubic feet per second of water to be diverted by well, pump, motor, pipe and sprinkler system within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 5, T. 10S, R. 40E, B.M., Caribou County, and is to be used

within in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, T. 10S, R. 40E, B.M. for the irrigation of 35 acres and domestic use for three dwellings.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Reclamation on or before April 12, 1970.

R. KEITH HIGGENSON
State Reclamation
Engineer

Published in the Grace Citizen, Grace, Idaho, on April 2 and April 9, 1970.

Legal No. 1722—Pub. April 2, 9, 1970.

XN

13-7010

March 18, 1970

Re: Application for Permit No. 13-7010 - Everett Smith

Grace Herald
Grace
Idaho 83241

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 ample 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 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 of Reclamation along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

(Signature of the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Legal notice

*Bill submitted
5-1-70
ds*

13-7010

NOTICE OF APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that Everett Smith, Route 1, Box 61,

Grace, Idaho, has on March 5, 1970,

submitted Application No. 13-7010 to appropriate the public waters of
a groundwater source

The proposed uses are .70 cfs for irrigation purposes from May 1 to Oct. 15 and
.06 cfs for multiple domestic purposes from Jan. 1 to Dec. 31

The application proposes a maximum diversion and appropriation of 0.76
cubic feet per second ~~acre/feet~~ of water to be diverted by well, pump,
motor, pipe and sprinkler system within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 5,
T. 10S, R. 40E, B.M., Caribou County,

and is to be used within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, T. 10S, R. 40E, B.M. for the
irrigation of 35 acres and domestic use for three dwellings

Any permit issued pursuant to this application will be subject to ALL PRIOR
WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest
against this application must be filed with the Idaho Department of Reclamation on
or before April 12, 1970.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Grace Herald, Grace, Idaho,

on March 26 and April 2, 1970.

KH

13-7010

May 1, 1975

CERTIFIED MAIL

#26739

Re: Permit No. 13-7010

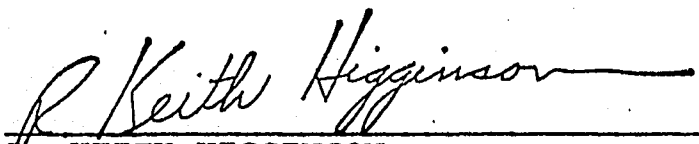
Everett Smith
Route #1, Box 61
Grace, ID 83241

Dear Mr. Smith:

One of the conditions of approval of your water Permit No. 13-7010 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before July 1, 1975. Enclosed is an affidavit form which must 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 affidavit 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.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

PS Form 3811, Nov. 1973/11-15

SENDER: Complete items 1 and 2.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

☐ Show to whom and date delivered..... 15¢

☐ Show to whom, date, & address of delivery.. 35¢

☒ DELIVER ONLY TO ADDRESSEE and show to whom and date delivered..... 65¢

☒ DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	36239	

(Always obtain signature of addressee or agent)

I have received the article described above

SIGNATURE *Robert Smith*

4. DATE OF DELIVERY *2/3/75* POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.

PM

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE: \$300



RETURN
TO



DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED

Identification No. 13-7010

Permit No. _____

JUL 7 1975 OK *jk*

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Everett Smith
 b) Post Office Address Rt 1 Box 62 Grdce, Idaho 83241
2. Permit Number _____
3. Date of Priority that you are prepared to establish _____
4. a) Source from which water was appropriated Ground water
 b) Location of the point of diversion: SW 1/4 SE 1/4, Section 5
 Township 10 S, Range 4 E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
 Amount .76 cfs for _____ purposes from _____ to _____ incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 Amount .70 for irrigation purposes from MAY 1 to Oct 15 incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 Amount .06 for multiple domestic purposes from JAN 1 to Dec 31 incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 b) Total amount appropriated .76 cfs cfs and/or acre-feet per annum
 c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Badger water meter
Ivan Bortz (well driller)
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
 a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
Deep well
 b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Pump size 7 C.S. - 3 stage
20 H.P. Electric motor - 5 inch column
8 1/2 inch well casing 105 Ft deep
 b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
4 inch Badger meter
 c) Give well driller's name and address and the date the well was completed: _____
Ivan Bortz Grdce, Idaho
Completed 8-20-69
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____
.06 cfs for domestic use
3 dwellings

Exam typed 7-3-75 by *jk*

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

20 acres in the SW 1/4 of SE 1/4 of Sec 5

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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 irrigated 20

10. Remarks: _____

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

June 30, 1975
(Date)

Everett Smith
(Signature)

State of Idaho)

County of Caribou) ss.

On this 30 day of June, 1975, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Robert Miller
Notary Public residing at Idaho

My commission expires February 9, 1977

July 14, 1975

Re: Permit No. 13-7010

Mr. Everett Smith
Route 1, Box 62
Grace, Idaho 83241

Dear Mr. Smith:

We acknowledge receipt of the affidavit submitted as proof of beneficial use 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 during which part of the irrigation season this examination will be made, however, our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions concerning the field exam, please contact our District Office in Idaho Falls.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 13-7010 Priority March 5, 1970 Amount 0.68 cfs

THIS IS TO CERTIFY, that EVERETT SMITH
of Grace, Idaho, has complied with the terms and conditions of Permit
No. 13-7010 issued pursuant to Application for Permit dated March 5, 1970,
and has submitted proof to the Department of Water Resources on July 1, 1975,
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 0.68 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>May 1</u> to <u>October 31</u>	at <u>0.68</u> cfs and	<u>105</u> acre feet
Domestic (3)	from <u>January 1</u> to <u>December 31</u>	at <u>0.06</u> cfs and	<u>3.6</u> acre feet
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.68 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
_____ acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5,
Twp. 10S, Rge. 40E, B.M. in the County of Caribou

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				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 $\frac{1}{4}$	
10S	40E	5															X 35	(domestic)	35

Total number of acres irrigated 35

Condition: A measuring device of a type approved by the Department
shall be maintained as a part of the diversion works.

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 14 day of
February _____, 19 78.

Director

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

RECEIVED
JUL 17 1975

1. Name of permit holder Everett Smith
Post office address Route 1, Box 62, Grace, ID
Person to contact Kevin Smith
Tributary to: _____
2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)

Phone _____
Department of Water Resources
Eastern District Office

3. Water will be used for the following purposes:

Amount 0.70 c.f.s. for Irrigation
_____ AF/Annum (nature of use)

Period of Use: from May 1 to Oct. 15
(mo.-day) inclusive (mo.-day)

Amount 0.06 c.f.s. for Domestic (3)
_____ AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 13-7010
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 0.76 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 10S N/S, Range 40E E/W, B.M., Section 5, Subdivision SW $\frac{1}{4}$ SE $\frac{1}{4}$, Caribou County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Other Points of Diversions: _____

Description of diverting works: pump size 7cs - 3 stage bowl assembly, 20 hp electric motor,
5 inch column, 8 5/8 inch

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				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 $\frac{1}{4}$	
10S	40E	5															35	X	35

TOTAL ACREAGE 35

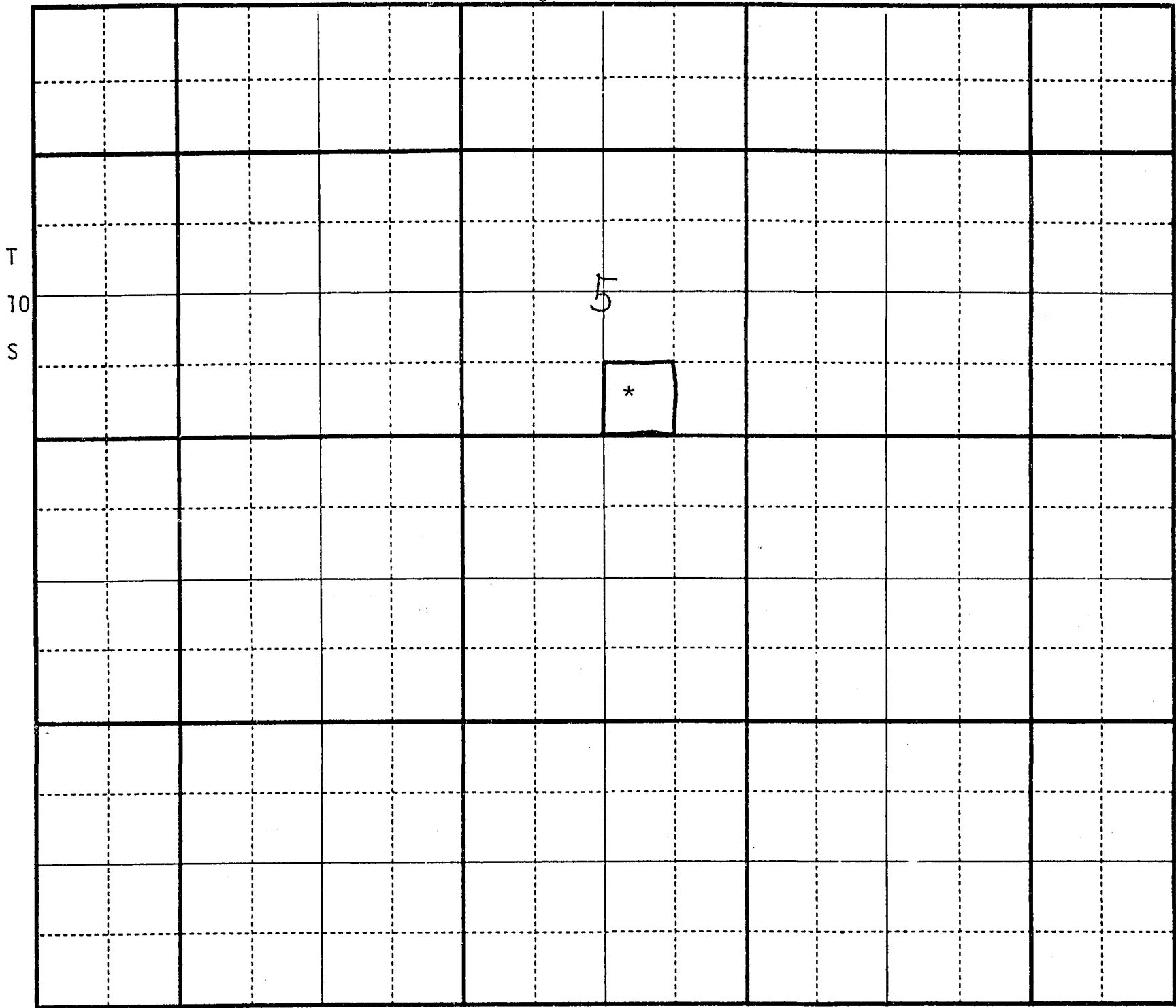
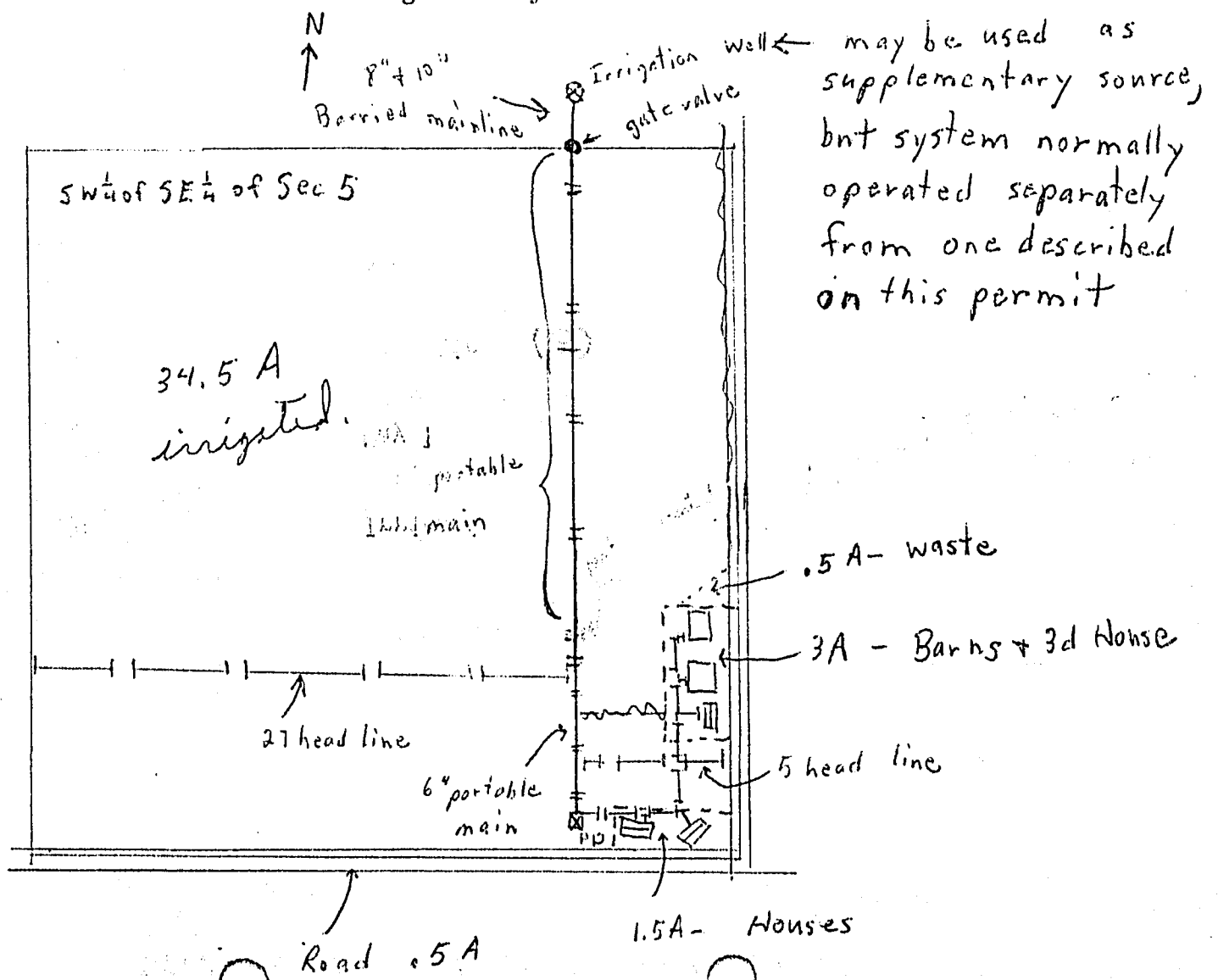


Diagram of System



DATE OF EXAM 8/18/76

ACREAGE
Found 34.5 A
Recommended 34.5 A

Irrigation Requirement 3.0 AF/ac Ac Ft/Ac

USE
Irrigation Q= 0.68 c.f.s. V= 103.5 AF/Ann. from May 1 to Oct 15
Domestic Q= 0.06 c.f.s. V= 3.6 AF/Ann. from Jan 1 to Dec 31
Livestock Q= 0.00 c.f.s. V= 0.0 AF/Ann. from Jan 1 to Dec 31
Total Q= 0.74 c.f.s. V= 107.1 AF/Ann.

Is water co-mingled? yes no X

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Exchange? yes no X

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Total Q measured 0.68 c.f.s Method of measurement _____

Total Q recommended 0.74 c.f.s Meter No. MD 644648 Type Badger Condition Std Cond

Total V recommended 103.5 AF/Ann. Note: 1000 gal / 196 sec
Domestic water taken out
above M.D. therefore not measured.
2.15 gpm

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:

$Q = \left(\frac{1000 \text{ gal}}{196 \text{ sec}} \right) \left(\frac{60 \text{ sec}}{1 \text{ min}} \right) \left(\frac{19 \text{ gpm}}{448.8 \text{ c.f.s}} \right) = 0.68 \text{ c.f.s}$

$V = 3 \times 35 \text{ acres} + 3 \times 1.2 = 105 + 3.6 = 108.6$
Wttn

SYSTEM DESCRIPTION:

Pump motor - US 20 HP SN: R100302; Pump - Johnston, model 6469
to 4" main w/ 3" lateral to pressure tanks - 4 w/ H-X-Trol
100 gal pressure tank w/ bladders - 12" barried lines to 9 households.
4" barried main 4" irrigation runs 50 ft N then to 6" portable
main line running N. for 1/4 mi System operates 2-handlines -
one w/ 27 heads and second w/ 5 heads

REMARKS:

System shown by Mrs Everett Smith and Kevin Smith.
System operating at 40 lb pressure

Examiner's Signature William J. Graham Date 10-20-76

Checked by Ernest M. Carlson Date 11/2/76

Approved by _____ Date _____

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 13-7010 Priority 3-5-70 Amount 0.74 cfs

THIS IS TO CERTIFY, that Everett Smith
of Grace, ID, has complied with the terms and conditions of Permit
No. 13-7010 issued pursuant to Application for Permit dated 3-5-70,
and has submitted proof to the Department of Water Administration on 5-30-75,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.76 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from Groundwater
tributary of _____, is hereby confirmed in the following amounts:

Amount 0.70 cfs for Irrigation from May 1 to Oct 15 (both dates inclusive)

Amount 0.06 cfs for Domestic from Jan 1 to Dec 31 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.76 cfs of water be diverted at
any one time, said waters to be diverted within the SW 1/4 of SE 1/4 of Sec 5,
T10S, R40E, B.m.

in the county of Caribou; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 105 ~~105~~ acre feet per year or _____
3.0 acre feet per acre.

Description and location of place of use:

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	
10 S	40 E	5															34.5		35.0

Total number of acres irrigated 35.0

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 _____ day of

_____, 19____.

Director

February 1, 1978

Re: Permit No. 13-7010

Mr. Everett Smith
Route 1, Box 62
Grace, Idaho 83241

Dear Mr. Smith:

A representative of this Department made an examination of the works covered by your Permit No. 13-7010 on August 18, 1976, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.68 cfs Source: groundwater

The maximum quantity diverted shall not exceed 108.6 acre feet per year.

Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, Twp. 10S, Rge. 40E, B.M.

Beneficial use: Domestic (3) and irrigation of 35 acres

Priority date established: March 5, 1970

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF/cah

February 15, 1978

Re: Permit No. 13-7010

Everett Smith
Route 1, Box 62
Grace, ID 83241

Dear Mr. Smith:

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

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

8-10

RECEIVED

MAR 18 2000

DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 22 2000

Department of Water Resources

RECEIVED

MAR 01 2000

Department of Water Resources
Eastern RegionSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIPPlease print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 13-7010
Adjudication Claim No(s): _____
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
 - OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.
3. Name and Address of Former Owner/Claimant Everett SMith
1670 Turner Road, Grace, ID 83241
4. New Owner/Claimant(s) Terry C. Jorgensen et ux & Keith C. Jorgensen
Name Connector (Check one): ☐ and ☐ or ☐ and/or
New Mailing Address 1928 Old Highway 30 503 Bench Lago Road
City, State and ZIP Code Bancroft, ID 83217 Grace, ID 83241
New Telephone Number (208) 425-3864 208-425-3138
5. Date you acquired the property _____
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners**. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____	Number and type of stock _____
Diversion rate in CFS _____	Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s) Keith C. Jorgensen
Terry C. Jorgensen
Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

146937

WARRANTY DEED

The Grantor, FARM CREDIT BANK OF SPOKANE, successor by merger to THE FEDERAL LAND BANK OF SPOKANE, a corporation, for and in consideration of the sum of TEN AND NO/100 DOLLARS, (\$10.00), and other valuable consideration in hand paid, conveys and warrants to JORGENSEN BROTHERS, an Idaho general partnership, whose complete mailing address is 1928 Old Hwy 30 Bancroft, Idaho 83217, the following described real estate situated in the County of Caribou, State of Idaho:

SEE EXHIBIT "A" ATTACHED HERETO AND
INCORPORATED HEREIN BY REFERENCE

Grantor hereby expressly conveys unto the Grantee their successors and assigns, forever, all oil, gas, coal, ores, minerals and fossils of every name, kind or description, not previously reserved which may be in or upon said lands above described or any part thereof. PROVIDED, HOWEVER, Grantor does not warrant or covenant with said Grantee with respect to the existence or nonexistence of any pollutants, contaminants or hazardous waste prohibited by federal, state or local law or claims based thereon arising out of the actual or threatened discharge, release, disposal, seepage, migration or escape of such substances at, from or into the demised premises.

DATED This 13 day of December, 1993.

FARM CREDIT BANK OF SPOKANE

STATE OF IDAHO } ss.
County of Caribou }

146937

By Kim Heininger
Title: Authorized Agent

I hereby certify that this instrument was filed at the request
of: Caribou Title
at 3:30 o'clock P on 17 day of
Feb, 1993 in my office and duly
recorded in Microfilm Records
E: Edie Pratt 9⁰⁰
Ex-Officio Recorder Deputy CT

146937

CARIBOU COUNTY IDAHO

Township 9 South, Range 40 East of the Boise Meridian:

Section 32: S $\frac{1}{2}$ S $\frac{1}{2}$.

Section 33: SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$.

Township 10 South, Range 40 East of the Boise Meridian:

Section 4: Lots 2,3,4, S $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

Section 5: N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$. EXCEPTING THEREFROM: Beginning at a point on the North Right of Way Line of the 66 ft. wide right of way of the Grace Turner Road[F.A.P. RS-1775(4)] at Highway Station 102+08.94, said point being 1292.2 feet West and 33 feet North of the Southeast Corner of Section 5, Township 10 South, Range 40 East of the Boise Meridian; thence running West along said right of way line 420.0 feet; thence North 207.43 feet; thence East 420 feet; thence South 207.43 feet to the Point of Beginning and containing 2.0 Acres, more or less, AND ALSO INCLUDING a permanent and irrevocable easement reserved for ingress and egress across the Westerly 85 feet of said tract; and to an access easement across the Easterly 25 feet of said tract.

EXHIBIT

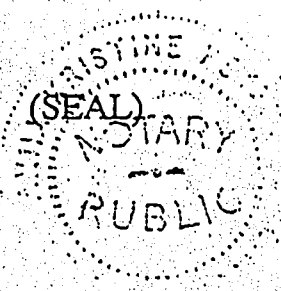
A

146937

STATE OF IDAHO)
County of Twin Falls)
SS

On this 13 day of December, 1993, before me, the undersigned Notary Public in and for said county and state, personally appeared KIM HERZINGER, known or identified to me to be the authorized agent of the corporation that executed the foregoing instrument, and acknowledged to me that he executed the same on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Christine L. ...
NOTARY PUBLIC for Idaho
Residing at: Heyburn
Commission Expires: 12-07-94

147660 STATE OF IDAHO
County of Caribou

March 31, 1994

Time: 4:30 P.M.

Microfilm Records

Recorder: Edie Izatt

Deputy: Denise Harsley

Fee: 900 CT

WARRANTY DEED

THIS INDENTURE, Made this 10th day of March, 1994, between of JORGENSEN BROTHERS, an Idaho general partnership of Bancroft, County of Caribou, State of Idaho, hereinafter called First Party, and TERRY CARL JORGENSEN and MELONIE JORGENSEN, husband and wife; KEITH C. JORGENSEN and BECKY JILLENE JORGENSEN, husband and wife, of 1928 Old Highway 30, Bancroft, County of Caribou, Idaho, 83217, hereinafter called Second Party:

WITNESSETH: That the said First Party, for and in consideration of the sum of TEN DOLLARS, lawful money of the United States of America, to said First Party in hand paid by the said Second Party, the receipt of which is hereby acknowledged, does by these presents, Grant, Bargain, Sell and Convey and Confirm unto said Second Party, and to said Second Party's heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Caribou, State of Idaho, more particularly described as follows, to-wit:

See EXHIBIT "A" attached hereto and incorporated herein by reference

SUBJECT to all easements, rights of way, and public roads or highways adjoining or crossing said property, and further subject to retention or reservation of mineral, oil and gas rights by prior owners of said real property or by the United States of America or the State of Idaho.

TOGETHER with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said Second Party, and to their heirs and assigns forever. And the said First Party, and their heirs the said premises in the quiet and peaceable possession of the said Second Party, their heirs and assigns against the said First Party, and their heirs and assigns and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

147660

IN WITNESS WHEREOF, The said First Party has hereunto set their hands and seals, the day and year first above written.

JORGENSEN BROTHERS, an Idaho
general partnership

Terry Carl Jorgensen
TERRY CARL JORGENSEN, General Partner

Melonie Jorgensen
MELONIE JORGENSEN, General Partner

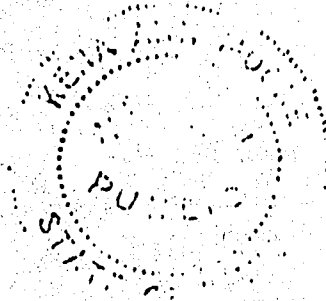
Keith C. Jorgensen
KEITH C. JORGENSEN, General Partner

Becky Jillene Jorgensen
BECKY JILLENE JORGENSEN, General Partner

STATE OF IDAHO)
 : ss.
County of Caribou)

On this 31st day of March, 1994, before me the undersigned, a Notary Public in and for said State, personally appeared Terry Carl Jorgensen, Melonie Jorgensen, Keith C. Jorgensen and Becky Jillene Jorgensen, known to me to be the partners in the partnership of Jorgensen Brothers and the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Notary Public
NOTARY PUBLIC for the State of Idaho
Residing at: Soda Springs, Idaho
Commission expires: March 31, 1995

147660

Caribou County Idaho:

Township 9 South, Range 40 East of the Boise Meridian:

Section 32: S $\frac{1}{2}$ S $\frac{1}{2}$.

Section 33: SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$.

Township 10 South, Range 40 East of the Boise Meridian:

Section 4: Lots 2, 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 5: N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPTING THEREFROM: Beginning at a point on the North right of way line of the 56 feet wide right of way of the Grace Turner Road [F.A.P. RS-1775(4)] at Highway Station 102+08.94, said point being 1292.2 feet West and 33 feet North of the Southeast Corner of Section 5, Township 10 South, Range 40 east of the Boise Meridian; thence running West along said right of way line 420.0 feet; thence North 207.43 feet; thence East 420 feet; thence South 207.43 feet to the Point of Beginning and containing 2.0 acres, more or less, AND ALSO INCLUDING a permanent and irrevocable easement reserved for ingress and egress across the Westerly 85 feet of said tract; and to an access easement across the Easterly 25 feet of said tract.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-12-1991
PAGE: A-52

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER						
13-07010	EVERETT SMITH 1670 TURNER RD. GRACE ID 83241	03/05/1970	IRRIGATION	04-15 10-15	.68	CFS
			DOMESTIC	01-01 12-31	105.0	AFY
					.06	CFS
					3.6	AFY
			TOTAL QUANTITY:		.68	CFS
			CONSUMPTIVE USE:		108.6	AFY
					87.5	AFY
	NON-IRRIGATION-USES:					
	DOMESTIC, 3 HOMES					
	POINT OF DIVERSION:					
	T10S R40E S05					
	PLACE OF USE: IRRIGATION		SWSE			
	T10S R40E S05		SWSE 35.0			
	35.0 ACRES TOTAL					
	PLACE OF USE: DOMESTIC					
	SAME AS OTHER USE					
29-07061	DON C. RIGBY P.O. BOX 187 BANCROFT ID 83217	11/12/1970	IRRIGATION	04-15 10-15	3.16	CFS
					474.0	AFY
			TOTAL QUANTITY:		3.16	CFS
			CONSUMPTIVE USE:		474.0	AFY
					395.0	AFY
	POINT OF DIVERSION:					
	T08S R39E S10		SENE			
	PLACE OF USE: IRRIGATION					
	T08S R39E S10		NESE 40.0	NWSE 39.0	SWSE 39.0	SESE 40.0
	158.0 ACRES TOTAL					

MAY 14 1991
10:00 AM
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 10 1992

143995

FILED

'92 JUL 28 PM 1 56

CARIBOU COUNTY CLERK

STATE OF IDAHO }
County of Caribou } SS.

I hereby certify that this instrument was filed at the request
of Department of Water Resources
at 10:00 o'clock A m this 5th day of
August, 1992 in my office and duly
recorded in Microfilm Records
Rebecca Jenkins-Smith
Stephanie Lansberry NEL
Ex-Officio Recorder Deputy

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CARIBOU

In the Matter of General	)	Civil No. 2919
Determination of the Rights to	)	
the Use of Surface and	)	
Groundwater in the Bancroft-Lund	)	FINAL DECREE
Area.	)	

R. Keith Higginson, Director of the Idaho Department of Water Resources, filed a Motion for Final Decree on July 1, 1992, 1992. The motion came on for hearing July 28, 1992.

Based on the motion and the argument presented at hearing, the court finds and concludes as follows:

The Director's Report for the Bancroft-Lund Area was filed November 15, 1992. The court entered an Order Amending Report, which amended Finding of Fact No. 14 and Conclusions of Law 16 and 18, and amended the List of Claims/Rights Not Recommended.

Last Chance Canal Company and Utah Power & Light Company filed objections to the report.

The adjudication statute provides for entry of partial decree of uncontested matters, entry of further partial decrees as

FINAL DECREE, Page 1

MAY 14 1996

143995

necessary to resolve objections and final decree incorporating all partial decrees. Idaho Code §42-1412(8)(9)(10). A List of the Uncontested Portions of Director's Report has been filed with the court as required by Idaho Code §42-1412(9), and hearing on the partial decree of uncontested matters is set for July 28, 1992.

A Stipulation Resolving Objections of Utah Power & Light Company and Last Chance Canal Company has been filed with the court along with a motion seeking approval of the stipulation. Hearing on the motion was set for July 28, 1992, immediately preceding hearing on partial decree of uncontested matters. Upon entry of the order approving stipulation there were no contested matters remaining to be resolved. Therefore, no partial decrees are necessary and the court may proceed with entry of the final decree completing the Bancroft-Lund adjudication.

THEREFORE, IT IS HEREBY ADJUDGED AND DECREED that:

All rights to the use of surface and groundwater from the Bancroft-Lund Area are as described in the Director's Report, except that:

1. The Findings of Fact and Conclusions of Law attached hereto are substituted for the Findings of Fact and Conclusions of Law in the Director's Report.
2. List of Claims/Rights Not Recommended attached hereto are substituted for the List of Claims/Rights Not Recommended in the Director's Report.

DATED this 28th day of July, 1992.

151
DANIEL C. HURLBUTT
District Judge

FINAL DECREE, Page 2

MAY 14 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 17, 2000

KEITH C JORGENSEN
503 BENCH LAGO RD
GRACE ID 83241

RE: Change of Ownership for Decreed Water Right 13-07010

Dear Mr. Jorgensen:

The department acknowledges receipt of correspondence changing ownership of the above referenced decreed water right to you and Terry Carl Jorgensen, et ux. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

cc: Terry Carl Jorgensen, et ux