

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Theo L. or Samuel L. Smith Phone 852-1938
Post office address Rt 2 Preston, Idaho 83263
2. Source of water supply Spring which is a tributary of Sinks
3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21 Township 14S
Range 40E B.M. Franklin County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.04 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. collection box mainline to storage tank
then to single home domestic

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

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

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

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21 Township 14S
Range 40E B.M.

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

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

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water one (1).

(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.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

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

9. a. Who owns the property at the point of diversion Tony R. Guillen

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Condition of agreement in warranty deed.

10. Remarks This agreement made between Tony R Guillen and Theo L Smith and Samuel L Smith concerning use of water in the above described spring.

Tony R Guillen shall allow Theo L Smith and Samuel L Smith to maintain collection pipes and a water storage box situated below his storage box for culinary water not being used by him for the same purpose. This shall not be detrimental to his prior rights of culinary waters.

Subscribed & sworn before me
this 11th day of November, 1982.

John K. Smith J.P.
Comm. Exp. 2-16-83.

11-11-82

Tony R Guillen

11-11-82

Samuel L Smith

11-11-82

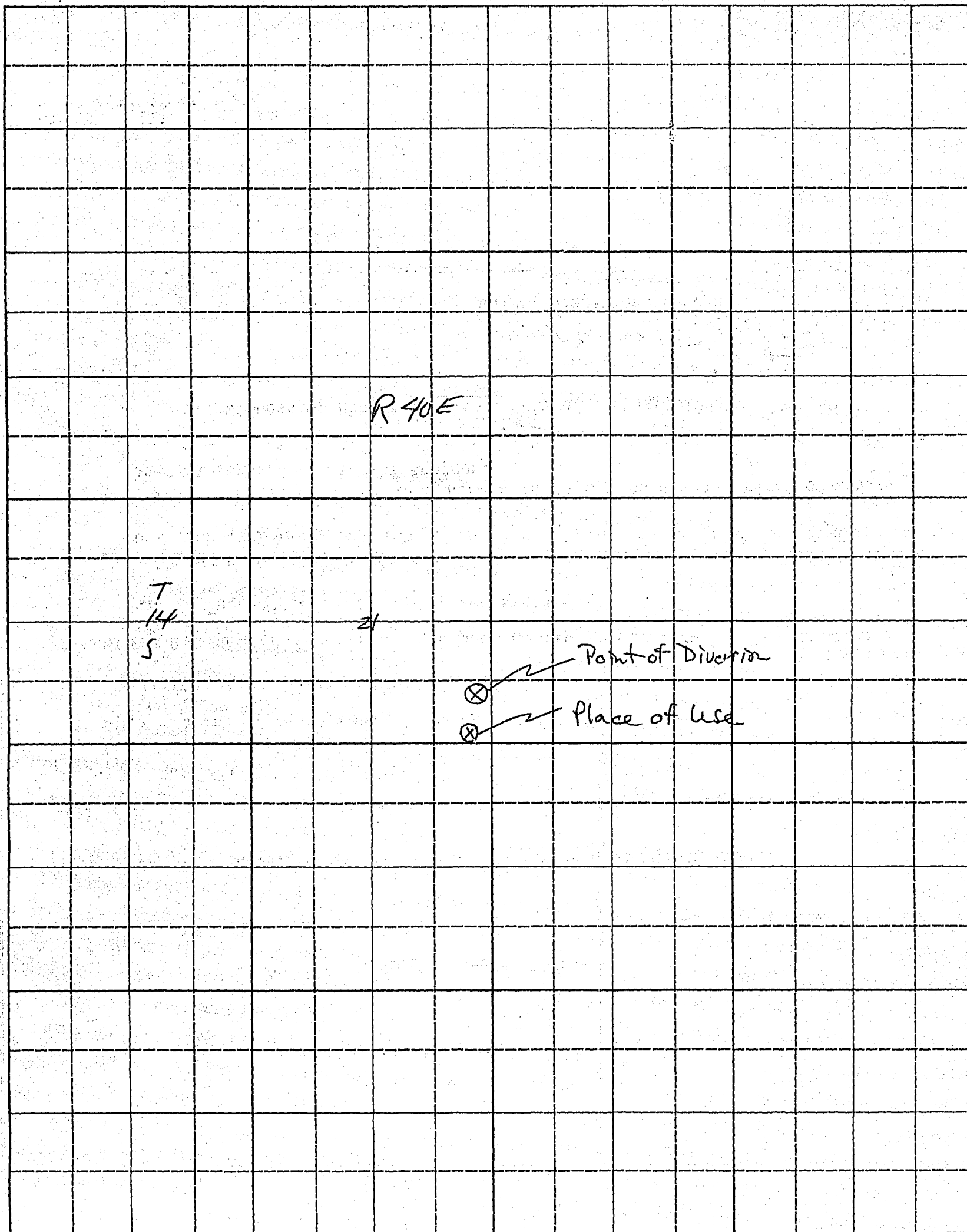
Theo L Smith

11-11-82 x ~~WED~~ + ~~THUR~~

OFFICE
OF
DIVISION

11 1981

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.

Robert L. Smith
(Applicant)

Proposed Priority 11/22/1982

Received by BP CW Date 11-22-82 Time 3:55p
11-16-82 Time 3:05p.

Preliminary check by HWT Fee \$ 30.00

Receipted by BP Date 11/22/82 # 22594

Publication prepared by BP Date 12-1-82

Published in Preston Citizen

Publication dates 12/9 - 12/16/82

Publication approved CW Date 1-10-83

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC RC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 13-7371, 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 February 1, 19 84.

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

d. Other: The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 20th day of January, 1983.

A. Glen Saxton
Chief, Operations Bureau

875
DEC 30 1982

No 1752

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. Walter Ross

being duly sworn,

deposes and says:

That he is the Co-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 2 consecutive weeks in the regular and entire issue of said paper during the period of 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

Dec. 9, 1982, and ending with the issue of Dec. 16, 1982

Fee \$ 16.90

Subscribed and sworn to before me this 31st day of Dec., 1982

Karl O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1984

RECEIVED

JAN 7 1983

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION
FOR WATER RIGHT
The following application(s) have been filed to appropriate the public waters of the State of Idaho
13-7371
SMITH, THEO L. &/or SAMUEL L.
RT. 2, PRESTON, ID 83263
Source: SPRING tributary to SINKS
Date Filed: 11/22/1982
Amount: 0.04 CFS
Diversion Point: SESE Sec 21 T 14S R 40E, FRANKLIN Co.
Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31
Place of Use: SESE Sec 21 T 14S R 40E
Diversion Means: COLLECTION BOX, MAINLINE & TANK
The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before DECEMBER 27, 1982.
KEN DUNN, Dir.
Published 12/9 & 12/16/82.
Legal No. 1752 -26L- Published December 9, 16, 1982.

November 17, 1982

Samuel Smith
Rt. 2
Preston, ID 83263

Dear Mr. Smith:

Enclosed you will find your application for permit and check #92-171 for \$35.00. The application seems correct in content but the check was for \$5.00 too much.

Since we don't have the ability to return excess amounts of money, I need you to resubmit the application with a fee of \$30.00.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWJ:bp

Enclosures

13-7371

SMITH, THEO L. &/or SAMUEL L.

RT. 2, PRESTON, ID 83263

Source: SPRING tributary to SINKS

Date Filed: 11/22/1982

Amount: 0.04 CFS

Diversion Point: SESE Sec 21 T 14S R 40E, FRANKLIN Co.

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: SESE Sec 21 T 14S R 40E

Diversion Means: COLLECTION BOX, MAINLINE & TANK

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before DECEMBER 27, 1982.

KEN DUNN, Dir.

Published 12/2⁹ & 12/16/82.

-Suite 15

December 28, 1982

RE: Claim to a Water Right No. 13-7213 CITY OF CLIFTON
Application for Permit No. 13-7371 SMITH

Preston Citizen
P.O. Box 472
Preston, Idaho 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on December 9 and 16, 1982.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: HWS

APPLICATION NUMBER: 13 7371

CHECK:

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

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☐ Other _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: Dec. 27, 1982 ✓
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 1-07-83 ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
11-22-1982 Date of priority recommended.
Special conditions of approval or cover letter. _____

Cole. 04.26

By: Ernest Carlson Date: Jan. 12, 83

STATE OFFICE REVIEW:

- SLW/Lib 01
☐ See attached sheet for more information.
By: [Signature] Date: 1/18/83

RECEIVED
JAN 17 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

SMITH, THED L. & SAMUEL L.
RT. 2
PRESTON, ID 83263

FEBRUARY 01, 1983

RE: PERMIT NO. 13-7371

DEAR PERMIT HOLDER:

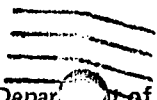
ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

WE HAVE ENCLOSED INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT. ALSO ENCLOSED FOR YOUR CONVENIENCE IS THE STATEMENT OF BENEFICIAL USE POSTCARD THAT MUST BE SUBMITTED WHEN YOUR PROJECT IS COMPLETED.

SINCERELY,

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

ENCLOSURE



DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 13-7371.

Name(s) of Permit Holder: Theo L. & Samuel L. Smith

Post Office Address: RT #2, Preston, Ida, 83263

Tel. No. 852-1938

Source of Water: SPRING

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

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

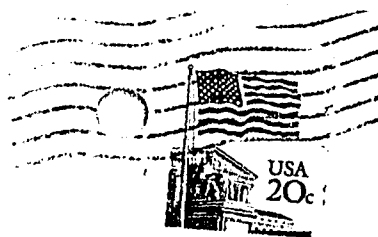
Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

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

2-12-83
Date

Theo L. Smith
Signature of Permit Holder

Theo L. Smith
RFD #2
Preston, Idaho 83263



RECEIVED
FEB 14 1983



DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 13-7371 Priority November 22, 1982 Amount 0.02 cfs

THIS IS TO CERTIFY, that Theo L. or Samuel L. Smith
of Preston, Idaho, has complied with the terms and conditions of Permit
No. 13-7371 issued pursuant to Application for Permit dated November 22, 1982,
and has submitted proof to the Department of Water Resources on February 14, 1983,
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 0.02 cfs of water from a spring,
tributary to sinks, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (1 Unit)	from <u>January 1</u> to <u>December 31</u>	at <u>0.02</u> cfs and	<u>1.2</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.2 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21,
Twp 14S, Rge 40E in the County of Franklin

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 $\frac{1}{4}$	
14S	40E	21																X	

Total number of acres irrigated _____

CONDITIONS OF APPROVAL

- a. 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.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
- c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19TH day of MAY, 19 86.

Acting for the Director

Norm C. Young

John



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

March 10, 1983

Theo L. & Samuel L. Smith
Rt. #2
Preston, ID 83263

RE: Permit No. 13-7371

Dear Permit Holder:

We acknowledge receipt of your statement 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.

 A field examination of your system has been scheduled for .

If this time and date is not convenient for you, please contact this office as soon as possible.

 X A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWJ:CW

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 16 1984

Department of Water Resources
13-7371
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 8-26-83 Accompanied by Ther Smith Total Q measured 0.02 cfs ✓
Source Spring Tributary to Sinks Supp. annubar measurement sheet used? _____
If source is surface water, estimate total flow of source _____
Methods of measurement Bucket & stopwatch Meets permit requirements? _____

Measurement calculations: measured at overflow 2 gallons/20 sec. or 6gpm
allow 0.02 cfs + 1.2 afa

WELL/DIV. NO.*	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS

System Description Gravity flow system from spring to Terry Guillen storage tank then
overflow from this tank to Ther Smith storage tank + then to a line
to a mobile home.

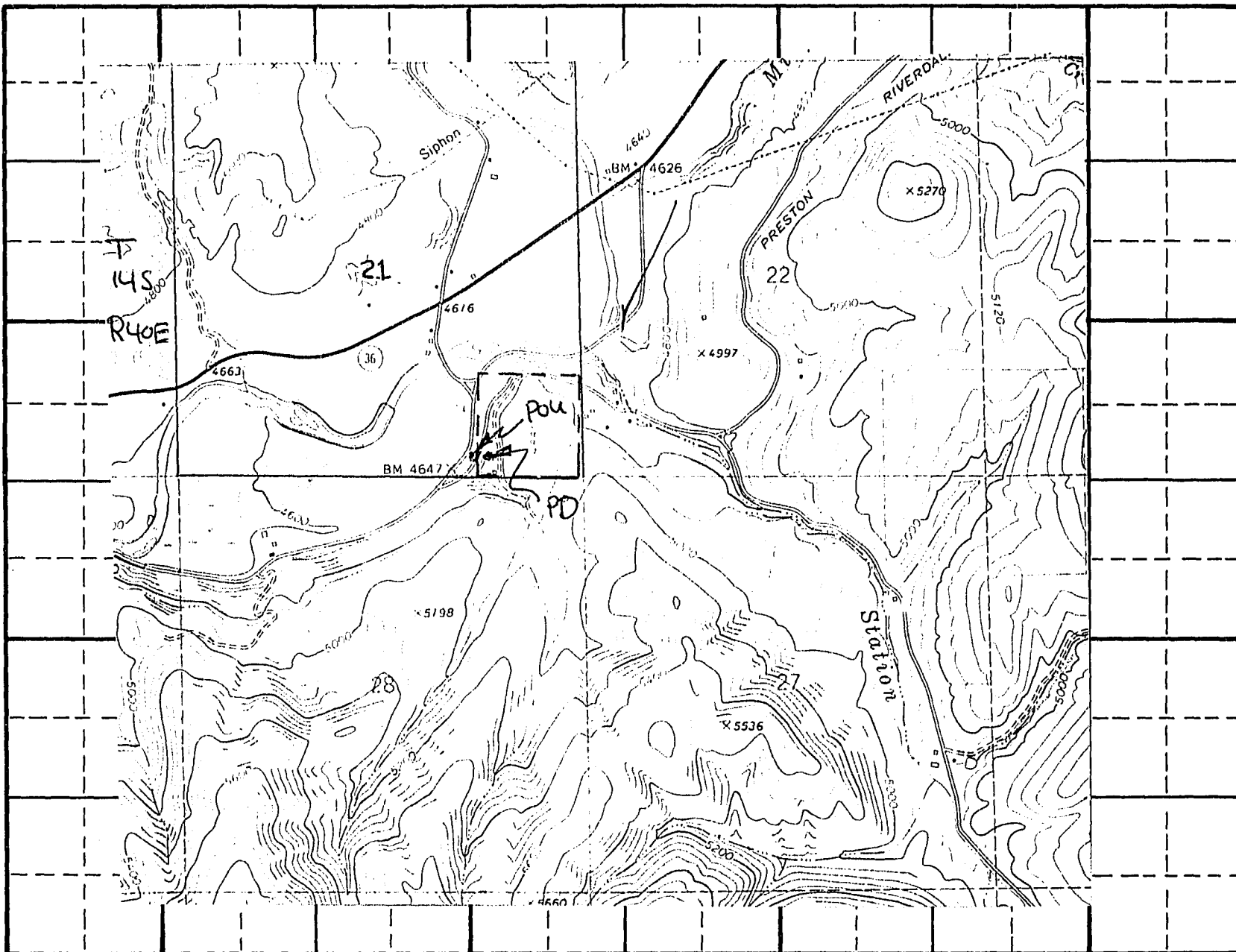
*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE	Irrigation requirement =		AFA/Acre	
	Q (cfs)	V (afa)	FROM	TO
<u>Domestic ✓</u> <u>(1 unit)</u>	<u>0.02 ✓</u>	<u>1.2 ✓</u>	<u>1-1 ✓</u>	<u>12-31 ✓</u>
Total	<u>0.02 cfs</u>	<u>1.2 AF</u>		

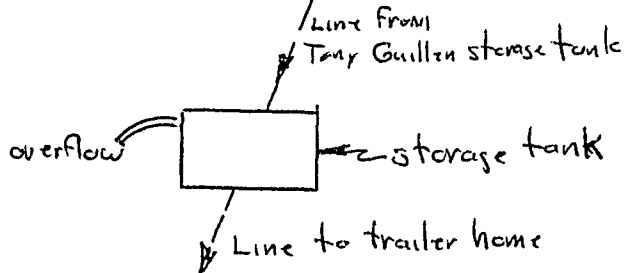
Remarks _____

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

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



Point(s) of diversion: SE 1/4 SE 1/4 Sect. 21 T14S R40E

Place(s) of Use ✓

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14S	40E	21																X	

Recommended Amendments:

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

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

- ☒ None
☐ Other

Examiner's Signature

H.W. Jones

Checked by

Keith C. Wilson

Approved by

K. Walker

Date

4-13-84

Date

9 Nov 1984

Date

4-22-86

PERMIT NO. 13-7371 Theo Smith
(Name)
Accompanied by: Theo Smith
EXAMINATION: DATE: 8-26-83

Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No.

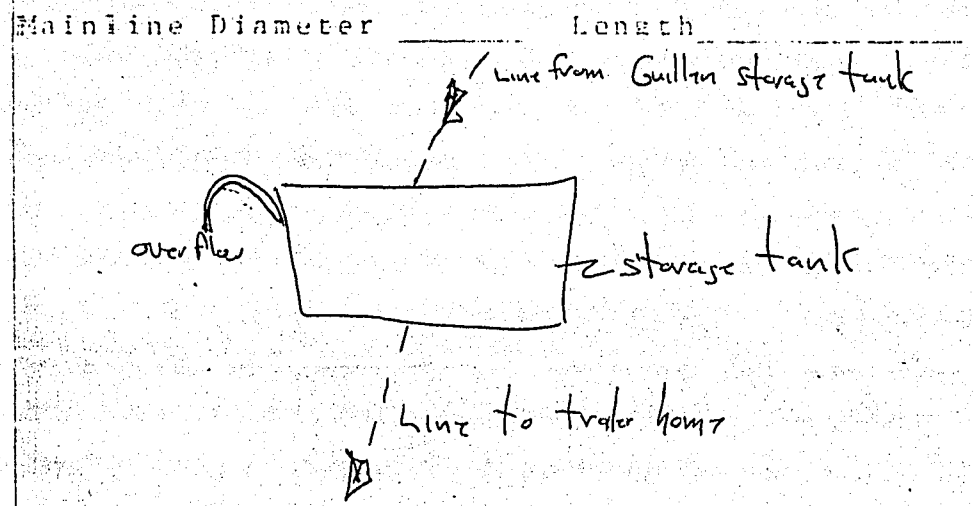
Measuring Device Type: _____
Meter # _____ Annubar # _____ Size # _____

Remarks: Gravity flow system

Measurement calculations:

Overflow 2 gallon / 20 sec
6 gpm

SCHEMATIC DIAGRAM OF SYSTEM





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUMN
Director

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

May 2, 1986

RE: Permit No. 13-7371

Theo L. or Samuel L. Smith
Rt. 2
Preston, ID 83263

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

If you do not concur with the information shown on the draft license, please advise the Department within ten (10) days. If you have any questions, please let us know; otherwise, the license will be issued as identified on the draft copy.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

May 22, 1986

RE: Permit No. 13-7371

Theo L. &/or Samuel L. Smith
Rt. 2
Preston, ID 83263

Gentlemen:

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure