

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES **APPROVED**
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Wayne Cecil Smart Phone 747-3556
Post office address Rt. #1 Box 159, Clifton, ID 83228

2. Source of water supply groundwater and spring* which is a tributary of sinks

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16 Township 14S
Range 38E B.M. Franklin County, additional points of diversion if any: _____

*See remarks section for period of use and type of use for springs.

4. Water will be used for the following purposes:

GROUNDWATER SOURCE

Amount 0.08 cfs for domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.13 cfs for stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 2.64 cfs for irrigation purposes from 4/1 to 11/1 (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: From Spring 0.11 cfs; From G.W. 2.85 cfs = 2.96 cfs

a. 2.96 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, 10,000 gal.
collection tank from spring to a common system to three homes
and dairy barn

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

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

c. Proposed well diameter is 12 inches; proposed depth of well is 210 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 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: NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16 Township 14S
Range 38E 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 120 dairy cattle

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 3.

(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	
G.W.																			
14S	38E	16			10	20				2	30	20	15		15	20			132
Springs			(Acres irrigated from Spring included in area																under G.W.)
14S	38E	16								2									

Total number of acres to be irrigated 132

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

Claim for first home on spring in February 1, 1882.

9. a. Who owns the property at the point of diversion Applicant
- b. Who owns the land to be irrigated or place of use Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

*Springs: 0.06 cfs for irrigation from 4/1 to 11/1

0.06 cfs for domestic from 1/1 to 12/31

0.11 cfs for stockwater from 1/1 to 12/31

This topographic map depicts a section of the Colorado River and surrounding terrain. The map is overlaid with a grid with letters A through S and numbers 1 through 29. Key features include:

- Topography:** Contour lines are shown, with elevations ranging from 4700 to 5300 feet.
- Water Features:** The Colorado River is shown flowing from the top left towards the bottom right. A "Point of Diversion (Spring)" is marked with a circle and a cross, and a "Point of Diversion (well)" is marked with a circle. A "Place of Use" is indicated by a dashed line.
- Infrastructure:** A "Corral" is marked in the bottom left. An "AQUEDUCT" is shown near Clifton. A "TRAIL" is marked with a dashed line.
- Handwritten Annotations:** "R38E" is written in the upper center. "Point of Diversion (Spring)" and "Point of Diversion (well)" are written near their respective locations. "Place of Use" is written near the dashed line. "Clifton" is written near the aqueduct.
- Grid:** The grid is labeled with letters A through S and numbers 1 through 29.


(Applicant)

Proposed Priority 5-27-83

Assisted By Kaw 5-27-83
Received by _____ Date _____ Time 2:15 p.

Preliminary check by AWJ Fee \$.85⁰⁰

Receipted by AW Date 5-27-83 #26338

Publication prepared by BP Date 6/1/83

Published in Preston Citizen

Publication dates 6/9 & 6/16/83

Publication approved BP Date 7/7/83

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RDC TC

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. 13-7392, 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, 1988.
- 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:

An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Witness my hand this 27th day of July, 1983.

A. Glen Saxton

Chief, Operations Bureau

#875

JUN 8 0 1983

No 1859

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

June 9, 1983 and ending
with the issue of June 16, 1983...

Fee \$ 16.88

J. Walter Ross

Subscribed and sworn to before me this 30th dayof June, 1983.

Ken O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1986

RECEIVED

JUL 6 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:
13-7392
SMART, WAYNE CECIL
RT 1 BOX 159, CLIFTON, ID 83228
Source: GROUNDWATER
SPRING: Lib. to SNKS
Dated Filed: 05/27/1983
Diversion Pt: NESW Sec 16 T 14S R 38E
Use: IRRIGATION (2.96 CFS)
STOCKWATER (0.13 CFS)
DOMESTIC (0.08 CFS)
In: SWNE SENE SENW NESW NWSW SWSW NESE NWSE Sec 16 T 14S R 38E FOR 132 ACRES
The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 15 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JUNE 27, 1983.
KEN DUNN, Director
Published 6/9 & 6/16/83
Legal No. 1859 -27L- Published June 9, 16, 1983

13-2392

SMART, WAYNE CECIL

RT. 1. BOX 159. CLIFTON. ID 83228

Source: GROUNDWATER
SPRING trip. to SINKS

Date Filed: 05/27/1983

Diversion Pt: NESW Sec. 16 T 145 R 38E

Use: IRRIGATION	(2.96 CFS)
STOCKWATER	(0.13 CFS)
DOMESTIC	(0.08 CFS)

In: SWNE SENE SENW NESW NWSW SWSW NESE NWSE Sec 16 T 145 R 38E
FOR 132 ACRES

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 Shour Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JUNE 27, 1983.

KEN DUNN, Dir.

Published 6/9 & 6/16/83.



John V. Evans
Governor

A. Kenneth Dunn
Director

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

July 6, 1983

RE: Claim to a Water Right No. 13-4227 SMART
Application for Permit No. 13-7392 SMART

Preston Citizen
P.O. Box 472
Preston, ID 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 June 9 and 16, 1983.

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: HUT APPLICATION NUMBER: 13 7392

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: June 27, 1983
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: July 6, 1983
☒ 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? _____
5/27/83 Date of priority recommended.
✓ Special conditions of approval or cover letter. _____

By: Roc Date: 7/14/83

STATE OFFICE REVIEW:

SLW/LIT, L03 26 OLC 111L 21 1983

☐ See attached sheet for more information.
By: [Signature] Date: 7/25/83 Department of Water Resources

RECEIVED

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

SMART, WAYNE CECIL
RT. 1, BOX 159
CLIFTON, ID 83228

AUGUST 02, 1983

RE: PERMIT NO. 13-7392

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.

THE 1982 IDAHO LEGISLATURE ADDED A REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

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 INTO A LICENSE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE, OR AN ACCESS PORT TO PROVIDE FOR THE INSTALLATION OF MEASURING EQUIPMENT BY THE DEPARTMENT. ENCLOSED PLEASE FIND A LIST OF MEASURING DEVICE OPTIONS, AND SPECIFICATIONS FOR THE INSTALLATION OF THE ACCESS PORT.

RE: PERMIT 13-7392

PAGE 01
AUGUST 02, 1983

SINCERELY,

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

ENCLOSURE

Form 204-p
6/82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 13-7392
Name(s) of Permit Holder(s): Wayne Cecil Smart
Post Office Address: H. C. 73, Box 159
Clifton, Id. 83228 Tel. No. 747-3556

☒ I hereby certify that construction of diversion works for the above referenced permit began on 10 Sep 83 ^(date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is
not an acceptable reason.

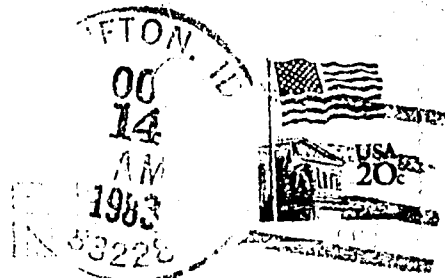
8 Oct 83
Date

Wayne Cecil Smart
Signature of Permit Holder

Wayne C. Smart
H.C. 73, Box 159
Clifton, Id. 83228



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



OCT 14 1983

Department of Water Resources

138642
CERTIFIED MAIL
May 31, 1988

SMART, WAYNE CECIL
RT. 1, BOX 159
CLIFTON, ID 83228

PROOF DUE NOTICE

RE: Permit No. 13-7392

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, 1988. (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, or the permit will no longer be of any force nor effect.

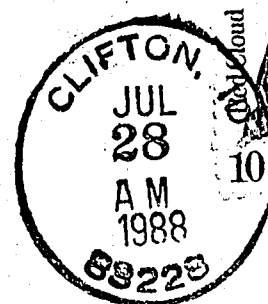
Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

Mr and Mrs Wayne Smart
5805 NW Side Hwy
Clifton, ID 83228

CERTIFIED
P 128 734 396
MAIL



State of Idaho
Dept. of Water Resources
Statehouse
Boise, Idaho 83720

To: File 13-7392

From: Groundwater Protection

Date: 8/26/88

Drilling Permit: ☒ Not Applicable
☐ Found and in file
☐ Not Found

Well Drillers Report: ☒ Not found, due to reported age of well
probably not available
☐ Found and is in file
☐ Not found

Follow-up ☐ Request from permit holder the well
drillers report and/or the name of the
well driller.
☐ Ask permit holder when well was drilled
and notify holder of drilling permit
requirement if after July 01, 1987.

No Action recommended JTB

Form 217
03/86

RECEIVED
AUG - 1 1988

For Office Use Only
Fee Received \$100.00
Date 8/02/88
Receipt # 0002103
Receipt by dm
Reviewed by js
Sent to region

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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. 13-7392

Name(s) of Permit Holder: Wayne Cecil Smart

Post Office Address: 5805 North Westside Hwy., Clifton, Id. 83228

Telephone No. 747-3556

Source of Water: Groundwater and Springs

Extent of Use:

Domestic 3 (number of households) Stockwater 120 Dairy Cattle (number and type of stock)

Irrigation 132 (acres) Other/Remark

Total rate and/or volume for which proof is submitted .11 from Springs
.66 from well cfs acre-feet

Show the date water was first diverted and beneficially used under this permit: Springs: Feb 1, 1882
Groundwater: Nov. 1979

Measuring Device: Required? Yes ☒ No
Installed? Yes ☒ No
Fee enclosed \$ 100.00
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☒ Yes ☒ No
Installed? Yes ☒ No It is scheduled to be installed 2 Aug 88.

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

Wayne Cecil Smart
(Name)

747-3556
(Telephone Number)

5805 No. Westside Hwy., Clifton, ID 83228
(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.

July 27, 1988
Date

Wayne Cecil Smart
Signature of Permit Holder (and title, if appropriate)