

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 N. Ross Smith Phone (208) 852-1449
Post office address 69 N. 100 E., Preston, ID 83263

2. Source of water supply Ed Jensen's spring which is a tributary of Williams Creek

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19 Township 12 South
Range 41 E B.M. Franklin County, additional points of diversion if any: _____

* Changes as per tele-con with Mrs. Smith 9-04-84 HWJ

4. Water will be used for the following purposes:

*
Amount 0.6 AF for Recreation 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. _____ cubic feet per second and/or b. 0.6 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. No diversion from existing stream bed.
* Earthen dam across existing stream channel.

b. Height of storage dam 7 feet, active reservoir capacity 0.6 acre-feet; total reservoir capacity 0.6 acre-feet, materials used in storage dam: Dirt - rock mix

Period of year when water will be diverted to storage Jan. 1 to Dec. 31 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 19 Township 12 S
Range 41 E 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 _____

(5) If water is to be used for other purposes describe: Recreational use for small fish pond.

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

[illegible]

Total number of acres to be irrigated

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

9. a. Who owns the property at the point of diversion N. Ross Smith d.b.a. Treasure Canyon Calcium Co.

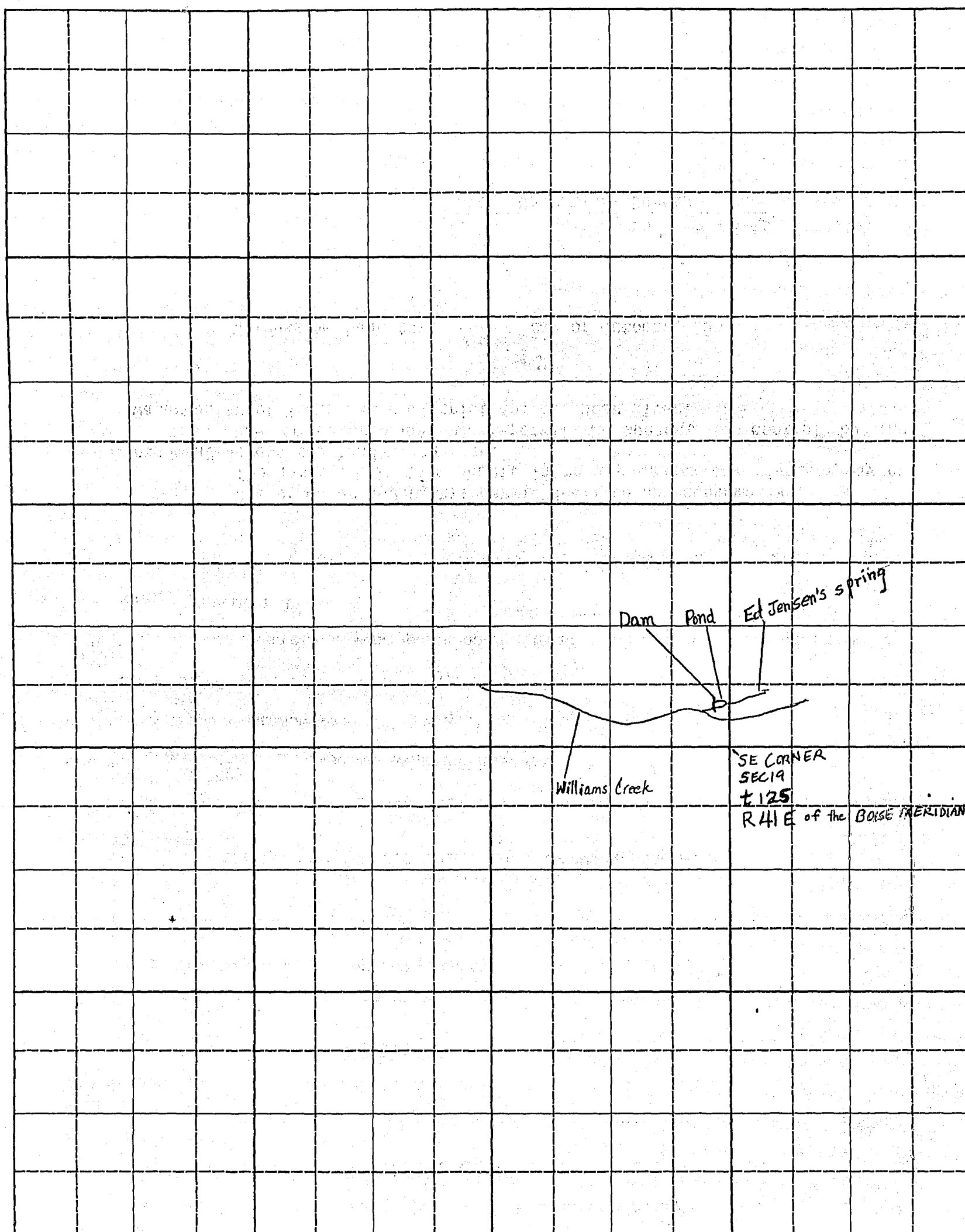
b. Who owns the land to be irrigated or place of use

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 Non-consumptive use only.

1000

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.

[Signature]
(Applicant)

Witnessed and signed:

Proposed Priority 8/30/84
Received by JW Date 8-30-84 Time 1:12 pm
Preliminary check by HWT Fee \$ \$3000 #34277
Receipted by CY Date 9-5-84
Publication prepared by CY Date 9-5-84
Published in Preston Citizen
Publication dates 9-13 & 20, 1984
Publication approved CY Date 10-4-84
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by EMC KW

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

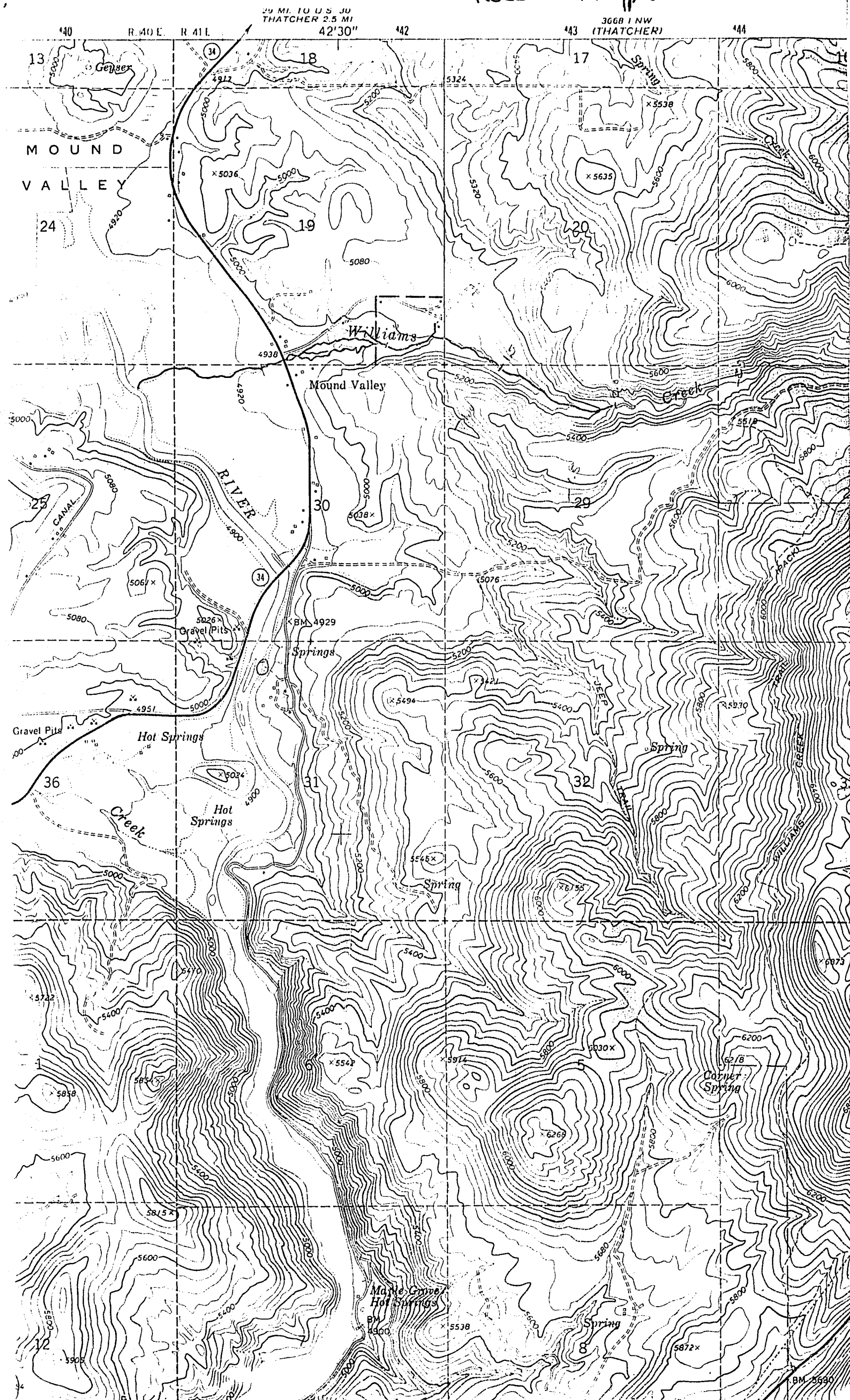
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 13-7422, and said application is hereby APPROVED.

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 November 1, 19 85.
 - 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: Use of water under this permit shall be non-consumptive.
The issuance of this permit in no way grants any right-of-way or easement across the land of another.
Use of water under this permit is subject to control by the watermaster of State Water District No. 11, Bear River.

Witness my hand this 15th day of October, 1984.

J. Glen Saylor
Chief, Operations Bureau

Ross & 11th Apple



#275
SEP 27 1984

No 2178

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

Sept. 13, 1984, and ending
with the issue of Sept. 20, 1984.

Fee \$ 19.25

Subscribed and sworn to before me this 30th day
of Sept., 1984.

Kenn O. Allen
Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1986.

RECEIVED

OCT 3 1984

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:

13-7422

SMITH, N. ROSS

89 N. 100 E., PRESTON, ID. 83263

Source: SPRING trib. to WILLIAMS CREEK

Date Filed: 08-30-1984

Diversion Pt: SESE Sec 19 T 12S R 41E

Use: RECREATION (0.6 AF)

In: SESE Sec 19 T 12S R 41E

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 OCTOBER 1, 1984.

KEN DUNN, Dir.

Legal No. 2178 -22L- Published
Sept. 13 and Sept. 20, 1984.

13-7422-

SMITH, N. ROSS

69 N. 100 E., PRESTON, ID 83263

Source: SPRING trib. to WILLIAMS CREEK

Date Filed: 08/30/1984

Diversion Pt: SESE Sec 19 T 12S R 41E

Use: RECREATION (0.6 AF)

In: SESE Sec 19 T 12S R 41E

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KEN DUNN, Dir.

Published 9/13 & 9/20.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

SEPTEMBER 5, 1984

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review 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 along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before OCTOBER 1, 1984.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

September 11, 1984

RE: Application for Permit No. 13-7422 SMITH

Idaho Department of Fish & Game
P.O. Box 5299
Pocatello, ID 83201

Gentlemen:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is October 1, 1984, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure



SEPTEMBER 17, 1984

Region 5
5205 S. 5th Avenue
Pocatello, Idaho 83201
Telephone: (208) 232-4703

RECEIVED

SEP 18 1984

Department of Water Resources
Eastern District Office

Mr. Ernest Carlson
Assistant Regional Supervisor
Department of Water Resources
150 Shoup, Suite 15
Idaho Falls, Idaho 83402

RE: Application for Permit #13-7422 by Ross Smith

Dear Mr. Carlson:

We have reviewed the above referenced application for .6 acre feet of water for the purposes of a small fish pond on a tributary spring of Williams Creek. We feel that the use of this water will not significantly impact fish and wildlife populations in the area.

Sincerely,

David Neider
Regional Supervisor

DN/JH/db

EQUAL OPPORTUNITY EMPLOYER

October 1, 1984

RE: Application for Permit No. 13-7422 SMITH

Preston Citizen
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 September 12 and 20, 1984.

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: HWJ APPLICATION NUMBER: 137422

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:

No named spring appears on USGS map.
Perhaps source should be listed as
"Spring" with Ed Jensen's Spring
in parenthesis below.

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☒ Idaho Fish and Game Department. CW 9-11-84
☐ 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. October 1, 1984
Final date for protests: _____
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 10-3-84
☒ 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
8-30-84 Date of priority recommended.
☒ Special conditions of approval or cover letter. #26

By: Ernest Carlier Date: 10-4-84

STATE OFFICE REVIEW:

L/K 27 04 05(11, Bear River)

- ☐ See attached sheet for more information.
By: KW Date: 10-10-84

Department of Water Resources

RECEIVED

OCT 10 1984

November 1, 1984

RE: Permit No. 13-7422

N. Ross Smith
69 N. 100th E.
Preston, ID 83263

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 a form entitled "Instructions for 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

DRT:sc
Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138282

SMITH, N. ROSS
69 N. 100 E.
PRESTON, ID 83263

PROOF DUE NOTICE

AUGUST 31, 1985

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 13-7422 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE NOVEMBER 01, 1985. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A FORM WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

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

SINCERELY,

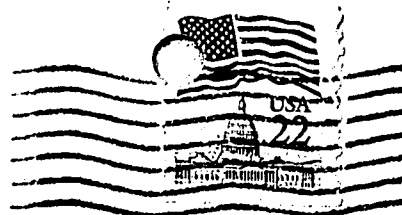
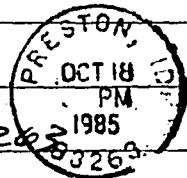
RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

N. Ross

68 N. 1st E.

Preston, Id., 83263



RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
OCT 21 1985 BOISE, IDAHO 83720

Department of Water Resources

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. 13-7422.

Name of Permit Holder: W. Ross Smith

Post Office Address: 69 N. 100 E.

PRESTON, ID., 83263 Tel. No. (208) 852-1449

Source of Water: Ed Jensen's Spring tributary of Williams Creek.

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☐ Irrigation (acres)
☒ Other Recreational use for small fish ponds.

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.

Oct 17, 1985
Date

W. Ross Smith
Signature of Permit Holder

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-07422

Priority: August 30, 1984

Maximum Storage Volume:

0.1 AF

This is to certify, that N. ROSS SMITH
69 N. 100 E.

PRESTON, ID 83263 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated August 30, 1984; and
has submitted Proof of Beneficial Use on October 21, 1985. An examination indicates
that the works have a storage capacity of .100 af of water from:

SPRING

tributary to WILLIAMS CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31		0.1 AF

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 19, Township 12S, Range 41E
FRANKLIN County

PLACE OF USE: RECREATION STORAGE

TWN RGE SEC

12S 41E 19

SESE

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this water right is subject to control by the watermaster of State Water District No. 11
5. Use of water under this right shall be non-consumptive.
6. Source known locally as Ed Jensen's Spring.

PAGE 2

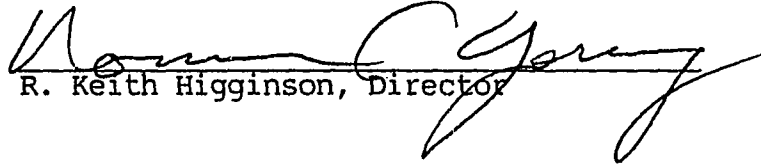
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-07422

This license is issued pursuant to the provisions of Section 42-219, Idaho Code,
Witness the seal and signature of the Director, affixed at Boise, this 8TH
day of MAY, 1990.

Acting for


R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

FEBRUARY 19, 1986

N. ROSS SMITH
69 N. 100 E.
PRESTON

ID 83263

RE: Permit No. 13-7422

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 examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Agent

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED

OCT 9 1986

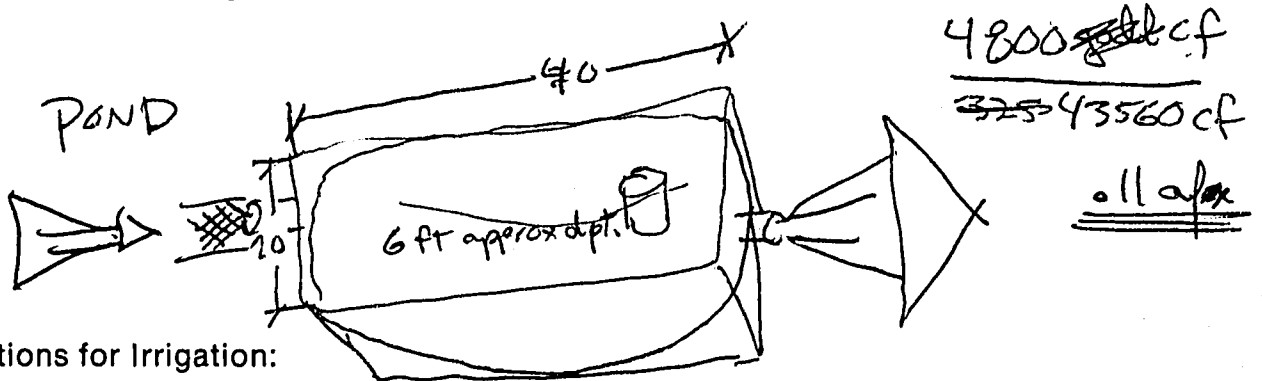
13-7422
Permit No.

1. Measurement Calculations

Department of Water Resources

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

No measurements taken; entry stream approx.
6 gpm but immeasurable conditions. drain pipe.
in center of pond. (pond) approx. ~~all~~ of water.
held back by dam.



b) Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \text{NA.}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \text{NA.}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \text{NA.}$$

c) Volume Calculations for Other Uses:

2. Overlap Review

a) Other water rights with same place of use: NA.

b) Other water rights with same point of diversion: NA.

c) Analysis:

RECOMMENDED AMOUNTS

Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity

4. Permit Holder: _____

Address: _____

5. Source: _____ tributary to _____

[illegible]

RECREATION 1/1 12/31 ~~1/3~~ ~~6.11~~

Allowable Maximums: 0.13 0.11

7. Point(s) of Diversion:

[illegible]

8. Place(s) of Use

[illegible]

9. Recommended Conditions/Remarks: This permit for

ended Conditions/Remarks: This permit for
USE IS NON-CONSUMPTIVE and diverted
from Spring.

10. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other _____

11. Examiner's Signature

Date 07-10-86

Checked in Regional Office by E. J. Jensen

Date 7-18-82

Approved in State Office by _____

Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED

OCT 9 1986

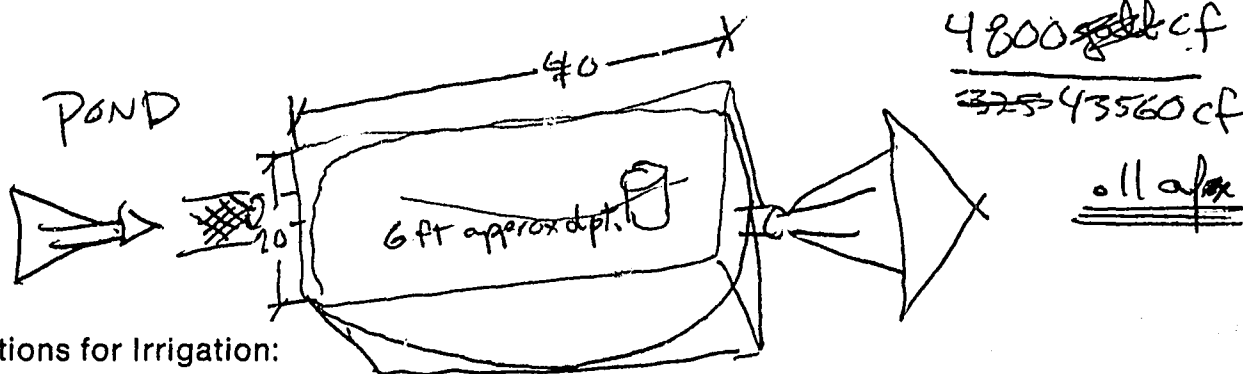
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$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \text{NA.}$$

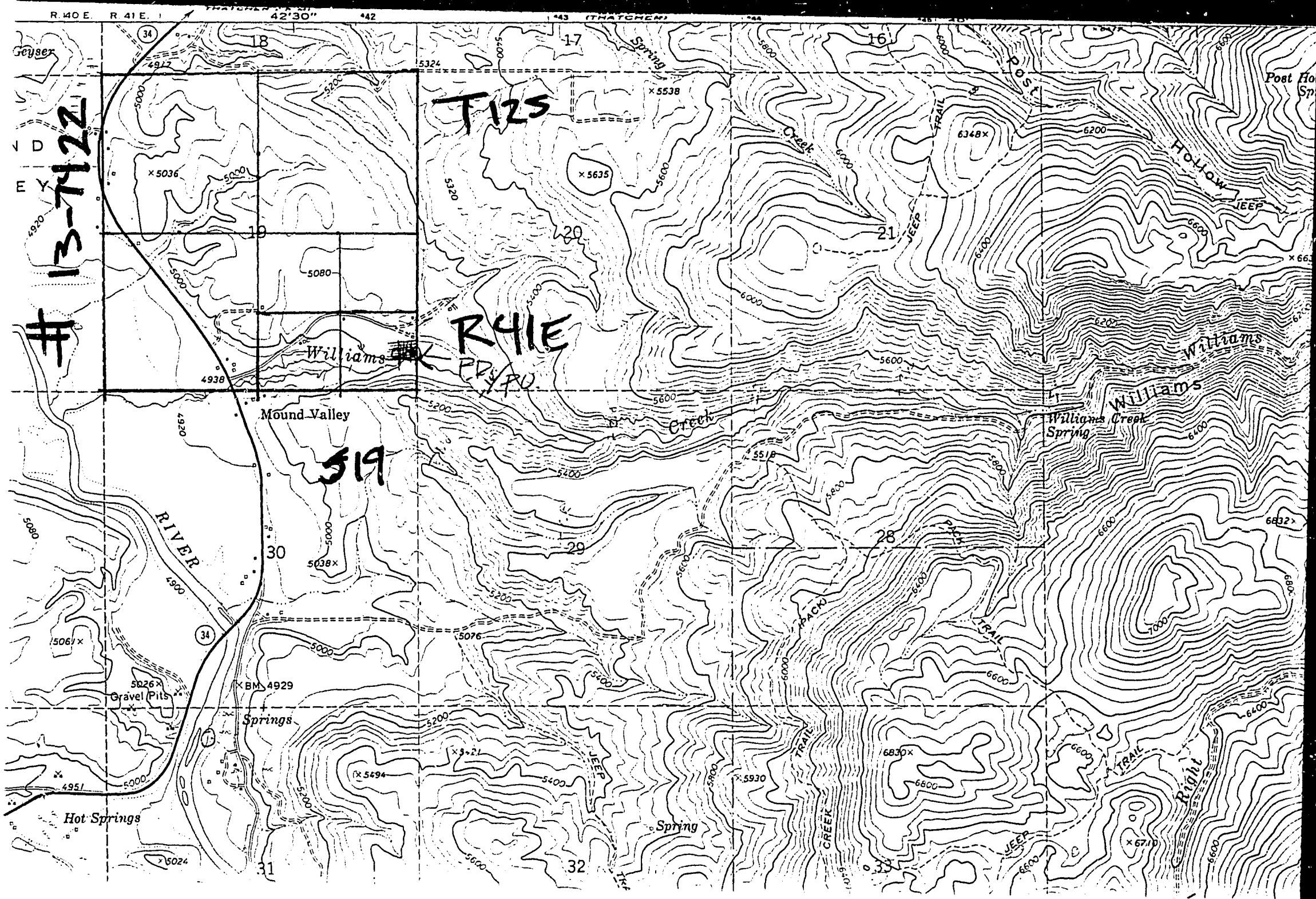
c) Volume Calculations for Other Uses:

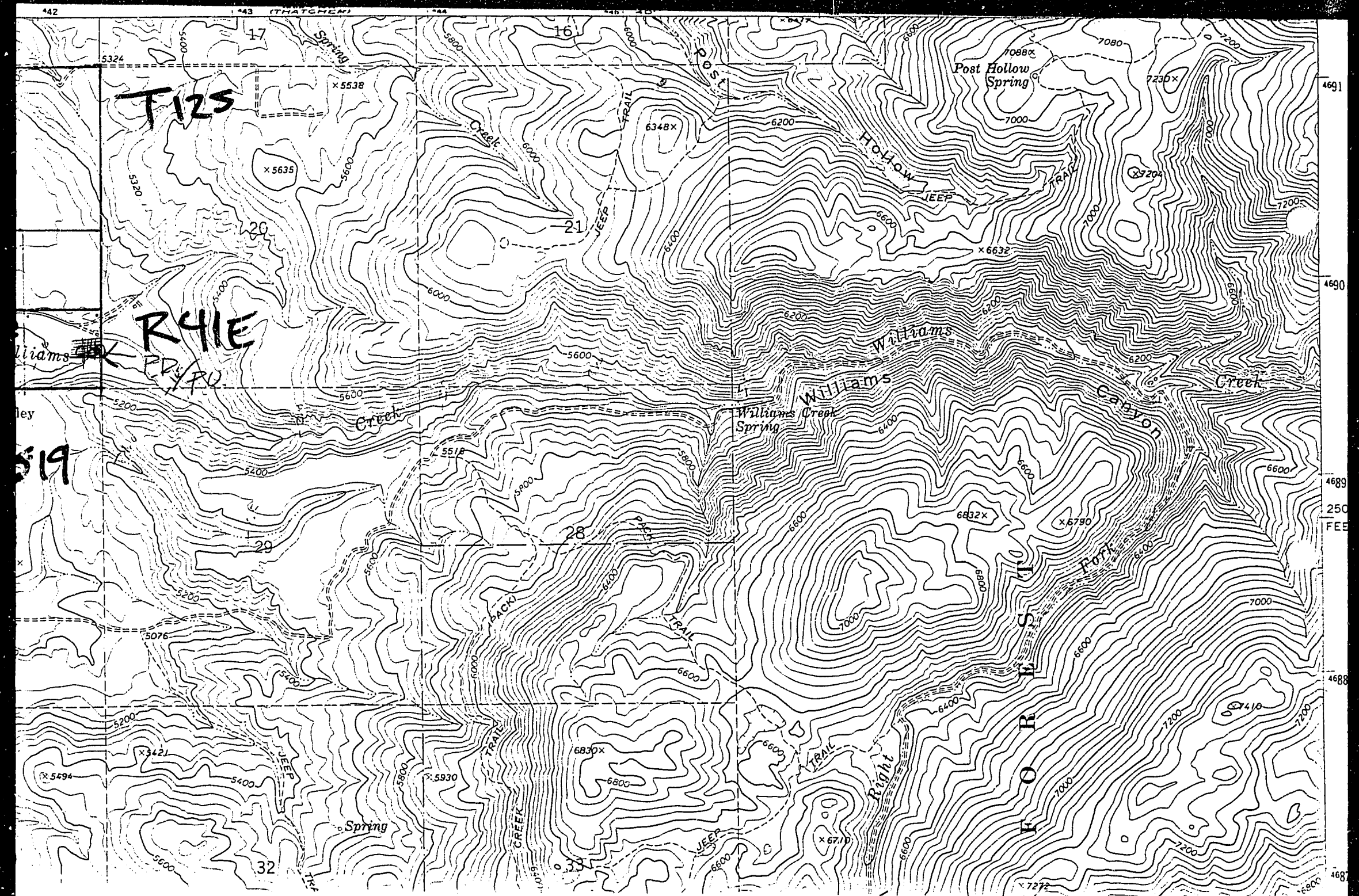
2. Overlap Review

a) Other water rights with same place of use: NA.

b) Other water rights with same point of diversion: NA.

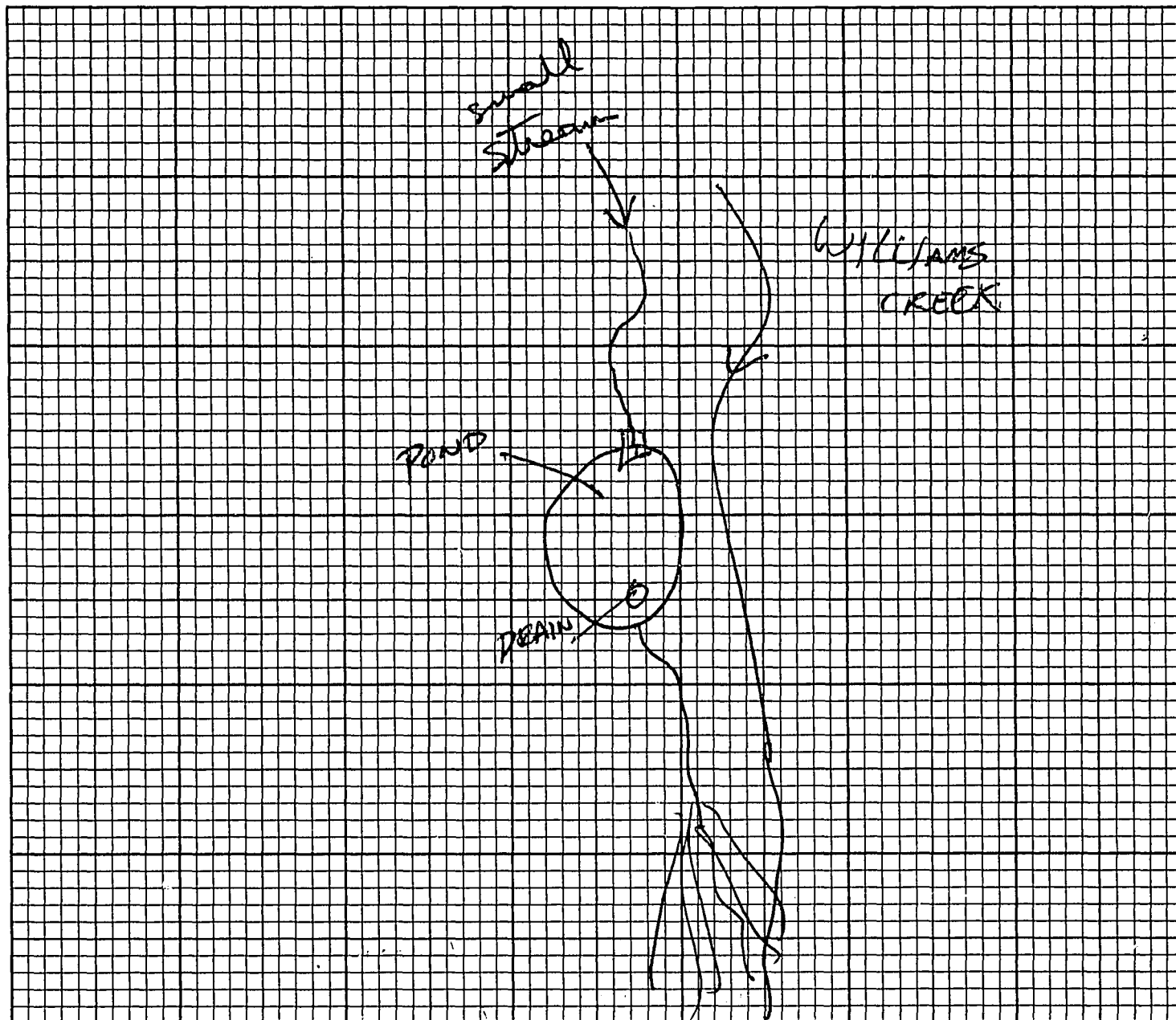
c) Analysis:





Irrigation - give acres served by system at time of exam.																			
Place(s) of Use:						Indicate Method of Determination <u>USGS</u>													
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	
12S	41E	19																	R
																			Total Acres _____

10. Other water rights on these lands NA.
11. Other water right diverted from same p.d. NA.
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached

☒ Aerial Photo of Place of Use Attached
or Map of Irrigated Acreage Attached

14. Remarks _____

15. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

16. Examiner's/Consultant's Signature [Signature]

Date 07-10-86

Consultant's License Number [Signature]

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date _____

CONSULTANT SEAL

April 11, 1990

N. ROSS SMITH
69 N. 100 E.
PRESTON, ID 83263

RE: PERMIT NO. 13-07422

Dear Permit Holder(s):

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

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

May 9, 1990

N. ROSS SMITH
69 N. 100 E.
PRESTON, ID 83263

RE: PERMIT NO. 13-07422

Dear Permit Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure