

RECEIVED

Form 202

10/92

DEC 07 1995

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT FEB 26 1996

To appropriate the public waters of the State of Idaho

RECEIVED

Ident. No. 13-7538

Department of Water Resources

1. Name of applicant RICHARD P. SMITH Phone 427-6277
Post office address 6883 E. Williams Creek, Thatcher, ID. 83283
2. Source of water supply Williams Creek Spring which is a tributary of Williams Creek
3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 28 Township 12S Range 41E B.M. FRANKLIN County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.02 for DOMESTIC purposes from JAN 1 to DEC. 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 is (a) 0.02 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Existing point of diversion that is
already in place (My brother - STEVEN SMITH - Permit No. 13-07468) will be used.
I will just need to connect onto his (Stevens) line at my domicile - see above address
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
1 years (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. ONE
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	41E	19												D					

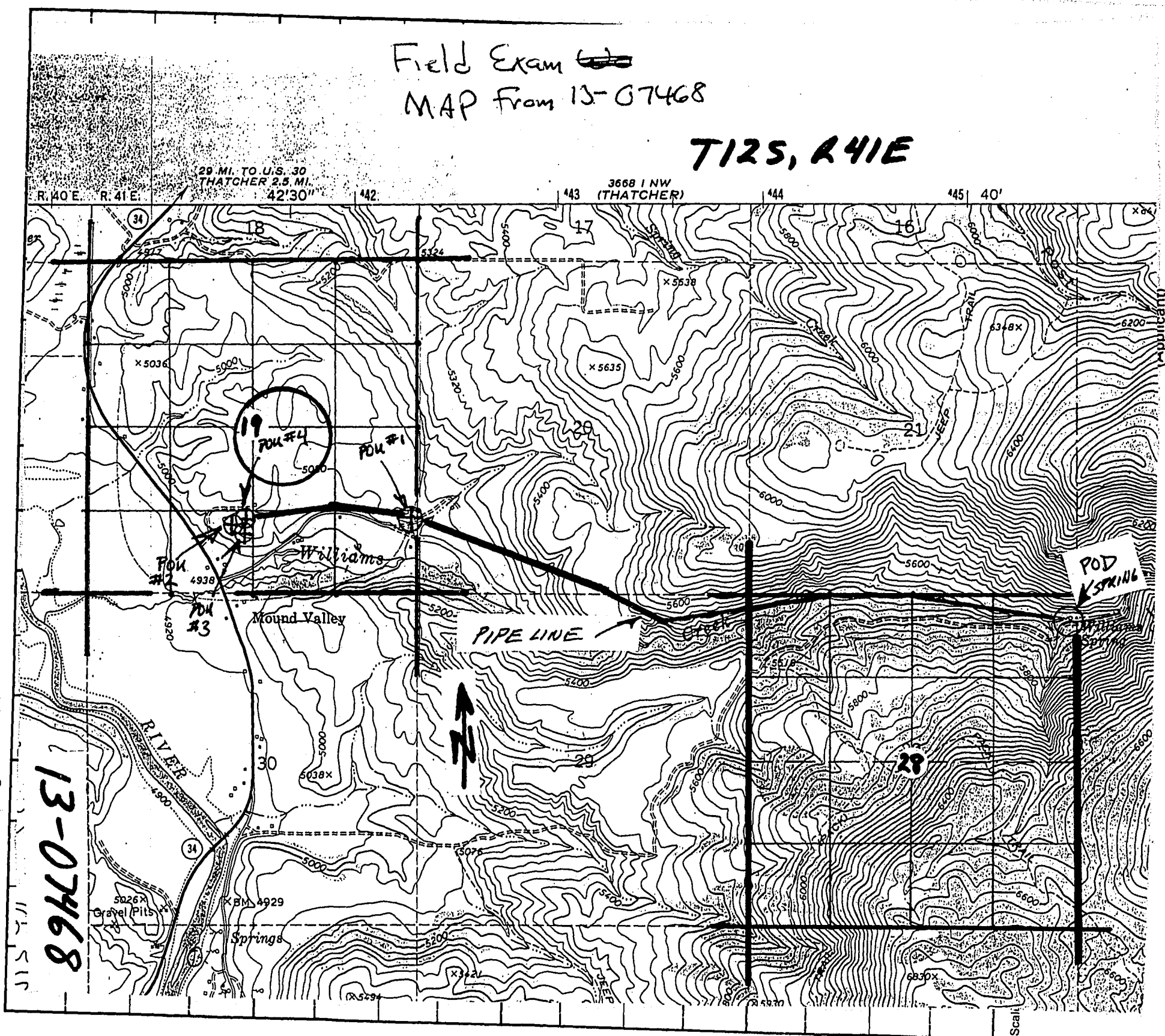
Total number of acres to be irrigated _____

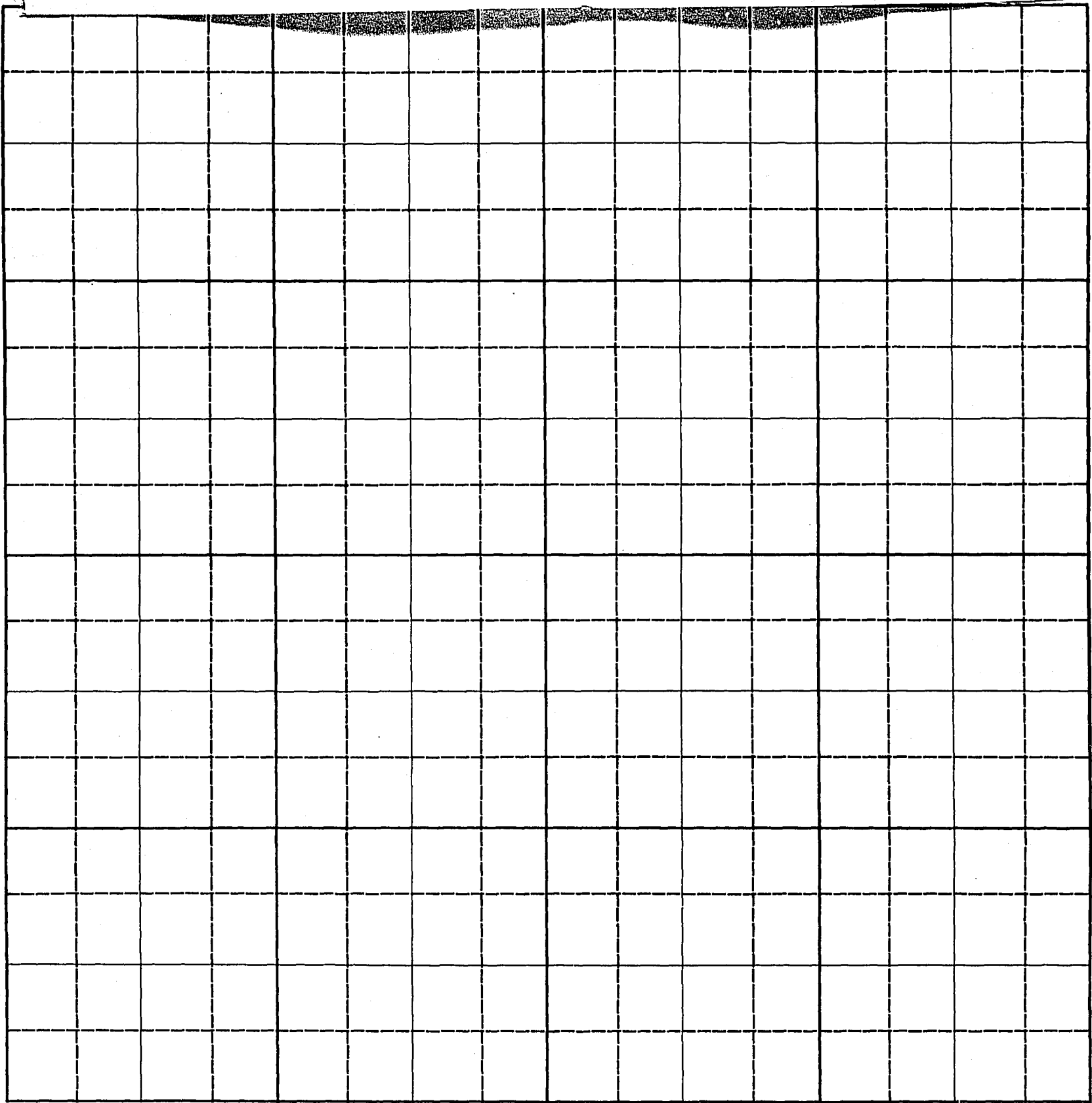
10. Describe any other water rights used for the same purposes as described above. _____

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

12. Remarks: NO CONSTRUCTION IS NEEDED BECAUSE OF EXISTING SYSTEM
(see Permit NO. 13,07468 - STEVEN SMITH) THE POINT OF ATTACHMENT
TO EXISTING SYSTEM WILL BE AT MY RESIDENCE
Piqu. #4 on Map

13-07468





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.

Richard P. Smith
(Applicant)

Received by HWT Date 12-8-95 Time 1:24 Preliminary check by _____
Fee \$ 50.00 Received by HWT # E021760 Date 12-8-95
Publication prepared by RB Date 12-21-95 Published in Poston Citizen
Publication approved RB Date 1-5-96

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. _____, and said application is hereby _____.

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 _____, 19 ____.
- 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. The water right acquired under this permit if 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 permit 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 permit.
- e. Other:

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 13-07538

Proposed Priority: December 8, 1995 Maximum Diversion Rate: 0.02 CFS

This is to certify, that RICHARD P SMITH
6883 E WILLIAMS CREEK
THATCHER ID 83283
has applied for a permit to appropriate water from:
WILLIAMS CREEK SPRING tributary of WILLIAMS CREEK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION: NENENE , Sec. 28, Township 12S, Range 41E
FRANKLIN County

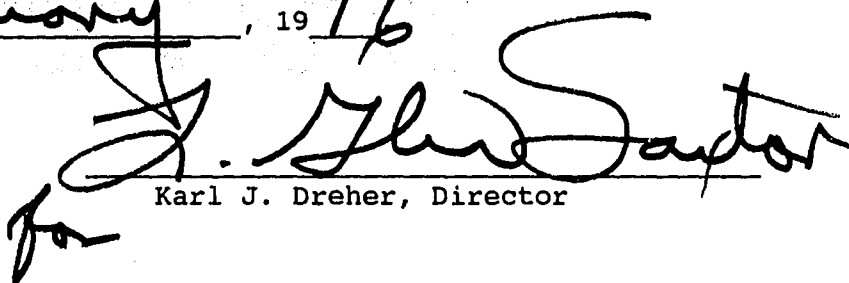
PLACE OF USE: DOMESTIC
TWN RGE SEC
12S 41E 19 SESW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1997.
2. Subject to all prior water rights.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 11.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

29th day of February, 1996


for Karl J. Dreher, Director

RECEIVED

MAR 07 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have 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, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 13-07538 Telephone No. 427-6277
2. Name(s) of Permit Holder(s): RICHARD P. SMITH
3. Mailing Address: 6883 E. Williams Creek THATCHER ID 83283
4. Source of Water: Williams Creek Spring If GROUNDWATER (well), Date Drilled: mo. / yr.
 - a. Well Driller: Drilling Permit Number: - -
 - b. **OPTIONAL:**
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock):
Irrigation (No. of acres): Other:
6. Total rate of diversion and/or volume for which proof is submitted: .02 cfs OR acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes <u> </u>	or	No <u>X</u>
	Has the measuring device been installed?	Yes <u> </u>	or	No <u>X</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes <u> </u>	or	No <u>X</u>
	Has the measurement port been installed?	Yes <u> </u>	or	No <u>X</u>
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: RICHARD SMITH Telephone Number: 427-6277
Address: 6883 E. Williams Creek THATCHER ID 83283
10. The information given on this form 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.
Signature of permit holder: Richard P. Smith Date: 3/6/96
(include your title, if on behalf of company or organization)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 13, 1995

RICHARD P SMITH
6883 E WILLIAMS CREEK
THATCHER ID 83283

RE: Notice of Application for Permit No. 13-07538

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right application. This office is currently in the process of advertising the applications in the Preston Citizen on December 21 & 28, 1995. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the applications and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones rb
Harold W. Jones
Water Right Supervisor

HWJ/rb



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 13, 1995

CARIBOU NATIONAL FOREST
FEDERAL BUILDING STE 282
250 S 4TH AVE
POCATELLO ID 83201

RE: Application No. 13-07537 & 13-07538

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is January 8, 1996, 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,

Harold W. Jones
Harold W. Jones
Water Right Supervisor

HWJ/rb
enc.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before JANUARY 8, 1996.

KARL J. DREHER, Director

Published: 12/21/1995 & 12/28/1995

13-07538

SMITH, RICHARD P
6883 E WILLIAMS CREEK
THATCHER, ID 83283

Source: WILLIAMS CREEK SPRING

Tributary: WILLIAMS CREEK

Diversion Pt: NENENE Sec 28 T 12S R 41E in FRANKLIN County.

Use: DOMESTIC (0.020 CFS)
Total Diversion: (0.020 CFS)

Date Filed: 12/ 8/1995

In: FRANKLIN County
T12S R41E S19 SESW

825

N 4189

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

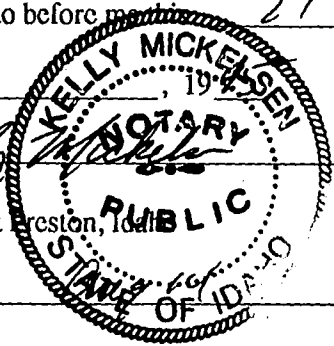
12-20, 1995, and ending
with the issue of 12-27, 1995

Fee \$ 50.63

Subscribed and sworn to before me this 27 day
of Dec, 1995

Notary Public, Residing at Preston, Idaho

My Commission Expires Dec 20, 1997



RECEIVED

JAN 03 1996

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:

13-07537

ELGAN, JESS B.
PO BOX 91
DAYTON, ID 83232
Source: FIVE MILE CREEK
Tributary: BEAR RIVER
Diversion Pt: NWNW Sec 21, T
15S R 38E in FRANKLIN County.
Use: STOCKWATER (0.020 CFS)
Total Diversion: (0.020 CFS)
Date Filed: 12/4/1995
In: FRANKLIN County
T15S R38E S21 NENE NWNW S22
NWNW

13-07538

SMITH, RICHARD P
6883 E WILLIAMS CREEK
THATCHER, ID 83283
Source: WILLIAMS CREEK
SPRING
Tributary: WILLIAMS CREEK
Diversion Pt: NENENE Sec 28 T
12S R 41E in FRANKLIN County.
Use: DOMESTIC (0.020 CFS)
Total Diversion: (0.020 CFS)
Date Filed: 12/8/1995
In: FRANKLIN County T12SR41E
S19 SESW

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the applicant and the Di-
rector, Dept. of Water Resources,
along with a \$25.00 filing fee, East-
ern Region, 900 N. Skyline, Idaho
Falls, Idaho 83402 on or before JANU-
ARY 8, 1996.

KARL J. DREHER, Director
Legal No. 4189 — Publish Dec. 20,
1995.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 29, 1996

RICHARD P SMITH
6883 E WILLIAMS CREEK
THATCHER ID 83283

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07538

Dear Permit Holder:

Enclosed is a copy of your approved application for permit.
Please be sure to thoroughly review the "CONDITIONS/REMARKS:"
listing on the permit.

Enclosed is a form entitled "Instructions for Proof of
Beneficial Use". Please read the instructions carefully since
you must take further action to develop this permit into a
licensed water right. Also enclosed is a form entitled "Proof of
Beneficial Use". If your project is already completed, you
should complete and submit this form immediately.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

March 13, 1996

RICHARD P SMITH
6883 E WILLIAMS CREEK
THATCHER ID 83283

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07538

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208) 525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-07538

Priority: December 8, 1995

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

0.6 AF

This is to certify, that RICHARD P SMITH
6883 E WILLIAMS CREEK
THATCHER ID 83283

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated December 8, 1995; and
has submitted Proof of Beneficial Use on March 7, 1996. An examination indicates
that the works have a diversion capacity of 0.240 cfs of water from:

WILLIAMS CREEK SPRING

tributary to WILLIAMS CREEK

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

ANNUAL VOLUME

DOMESTIC

01/01 to 12/31

0.02 CFS

0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

NENENE , Sec. 28, Township 12S, Range 41E
FRANKLIN County

PLACE OF USE: DOMESTIC

TWN RGE SEC

12S 41E 19

SESW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
6. Right 13-07468 is also diverted through the point(s) of diversion described above.
7. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

PAGE 2

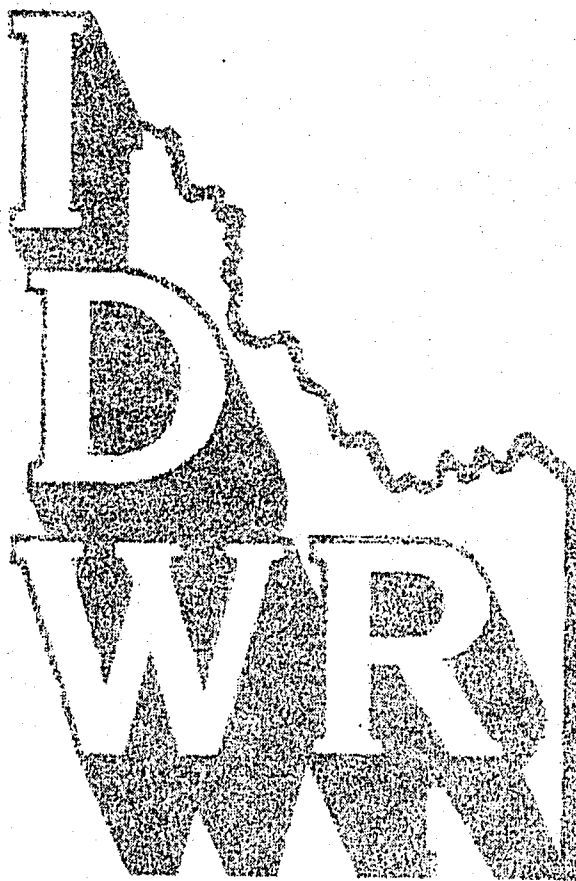
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-07538

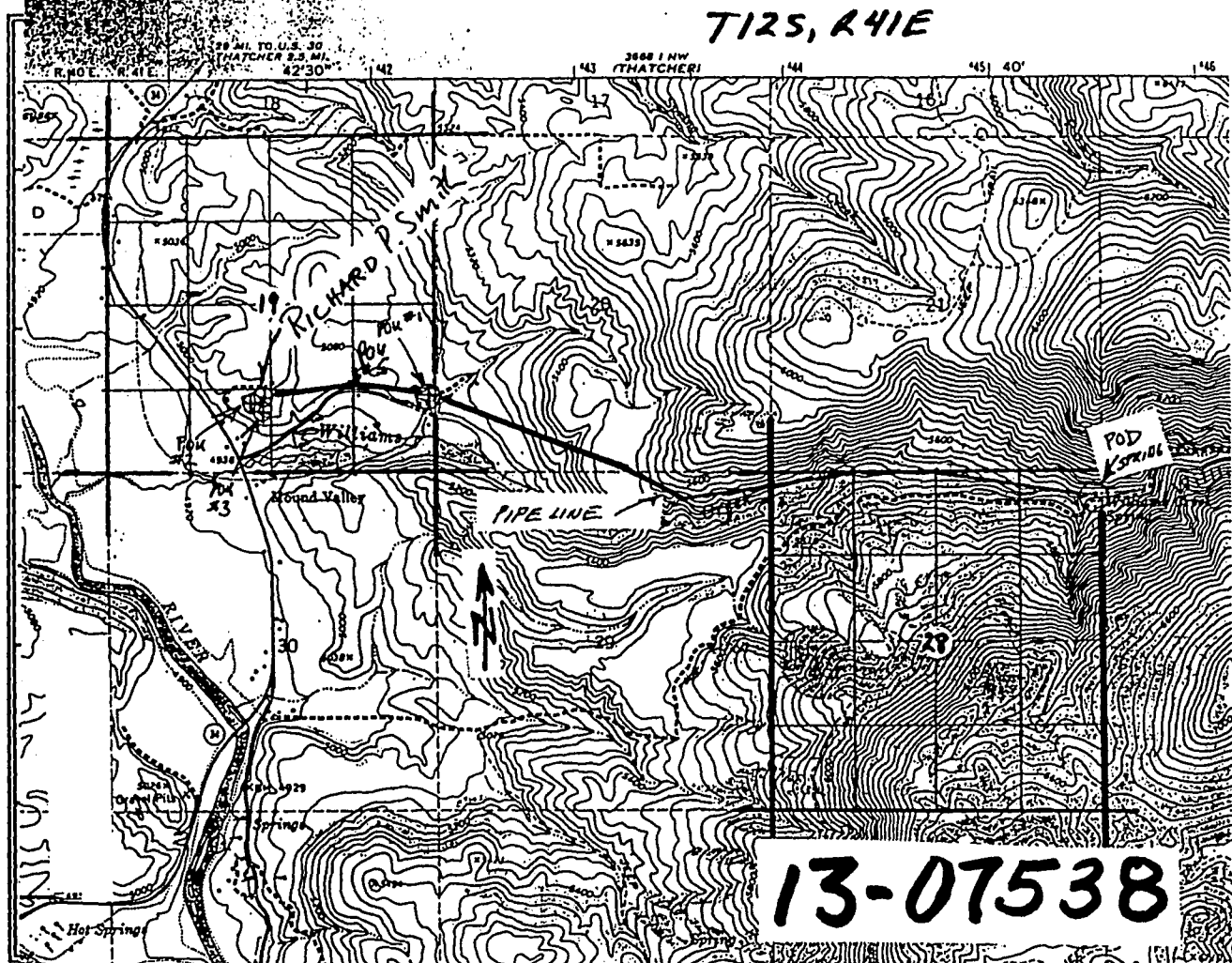
This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 6TH
day of MARCH, 1997.


KARL J. DREHER, Director



[illegible]

3. Delivery System Diagram: Include all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
PRESSURE		U.S.G.	0-100			

2. Measurements: 100 PSI AT HYDRANT.

E. NARRATIVE/REMARKS/COMMENTS

SEE ATTACHMENTS.

THERE IS AN OLD DOMESTIC SYSTEM THAT DELIVERS WATER
TO HOMES ALONG ROAD (WILLIAMS CREEK). THE ONLY HOUSE
ON THIS SYSTEM ATTACHED TO OLD SYSTEM IS POU #1.

ON 7/20/95 A BENEFICIAL USE FIELD EXAM WAS CONDUCTED WITH STEVEN SMITH FOR PERMIT # 13-07468. THE PERMIT TO APPROPRIATE WATER IS FOR DOMESTIC USE, FOR THREE HOMES. AT THE TIME OF INSPECTION THERE WERE SIX (6) POSSIBLE PLACES OF USE: 5 HOMES AND 1 HYDRANT HOOKUP.

WATER FOR THIS PERMIT IS DIVERTED AT WILLIAM CREEK SPRING WHICH IS APPROXIMATELY 2 1/2 MILES EAST OF THE PLACE OF USE. PIPING IS AS FOLLOWS: 20 FEET OF 8 INCH PIPE, 60 FEET OF 6 INCH PIPE, 9,000 FEET OF 4 INCH PIPE, AND 7,000 FEET OF 2 INCH PIPE. SYSTEM PRESSURE AS LOWEST PLACE OF USE WAS 100 PSI. THERE IS APPROXIMATELY 520 FEET OF DROP FROM POD TO POU.

TOTAL SYSTEM CALCULATIONS WILL BE LIMITED BY PERMIT.

PLACE OF USE indicated as P.O.U #4 on Map

Hazen-Williams Equation for Closed Pipe Flow

Assumptions: Head Loss due to bends, couplings, & valves is negligible

$$Q_{cfs} = 1.318 C_h (\pi D^2/4) \times (D/4)^{0.63} \times (H/L)^{0.54}$$

Q = Discharge (cfs)

D = Pipe Diameter (ft) = 0.33 ft .33

L = Pipe Length (ft) = 10560 ft 10560

H = Elevation Drop (ft) = 230 ft 230

C_h = Values for Types of Pipe = 120 80

150	-Plastic (PVC) > 6"	110	-Riveted Steel
140	-Very Smooth, PVC < 6"	100	-Old Cast Iron
130	-Cast Iron	80	-Badly Corroded Cast Iron
120	-Wood, Concrete, Welded Steel		

$$Q_{cfs} = 1.318 \left(\frac{C_h}{120} \right) \left[\pi \left(\frac{D}{0.33} \right)^2 / 4 \right] \times \left(\frac{D}{0.33} / 4 \right)^{0.63} \times \left(\frac{H}{230} / \frac{L}{10560} \right)^{0.54}$$

158.275 6.20898 6.12635

$$Q_{cfs} = \underline{4.19 \text{ cfs}} \text{ cfs}$$

ASSUMPTIONS:

- (1) 4" dia pipe = D
- (2) 120 - welded steel = C_h
- (3) 10560 ft = L
- (4) 100 psi x 2.308 = 230 ft

$$Q = 4.19 \text{ cfs}$$

Note: at worst Q = 0.24 cfs which is sufficient for approximately 30 homes
therefore system capacity exceeds necessary Q.

ASSUMPTIONS

- (1) D = 4" dia
- (2) C_h = 80 Badly corroded Cast Iron
- (3) L = 10560'
- (4) H = 100 psi x 2.308 = 230 ft

$$Q_{cfs} = 0.24 \text{ cfs}$$

Permit # 13-07538

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

$Q = 0.02 \text{ cfs}$
 $Q_{\text{LIMITED BY Permit to } 0.02 \text{ cfs}}$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$

2. Volume Calculations for Other Uses:

PERMIT IS FOR 1 AFA

 $V_{\text{DOM}} = 1 \times 1.2 = 1.2 \text{ AFA}$ **H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
DOMESTIC (1 UNIT)	1/1	12/31	0.02	1.2
Totals:			0.02 cfs	1.2 AFA

2. Recommended Amendments

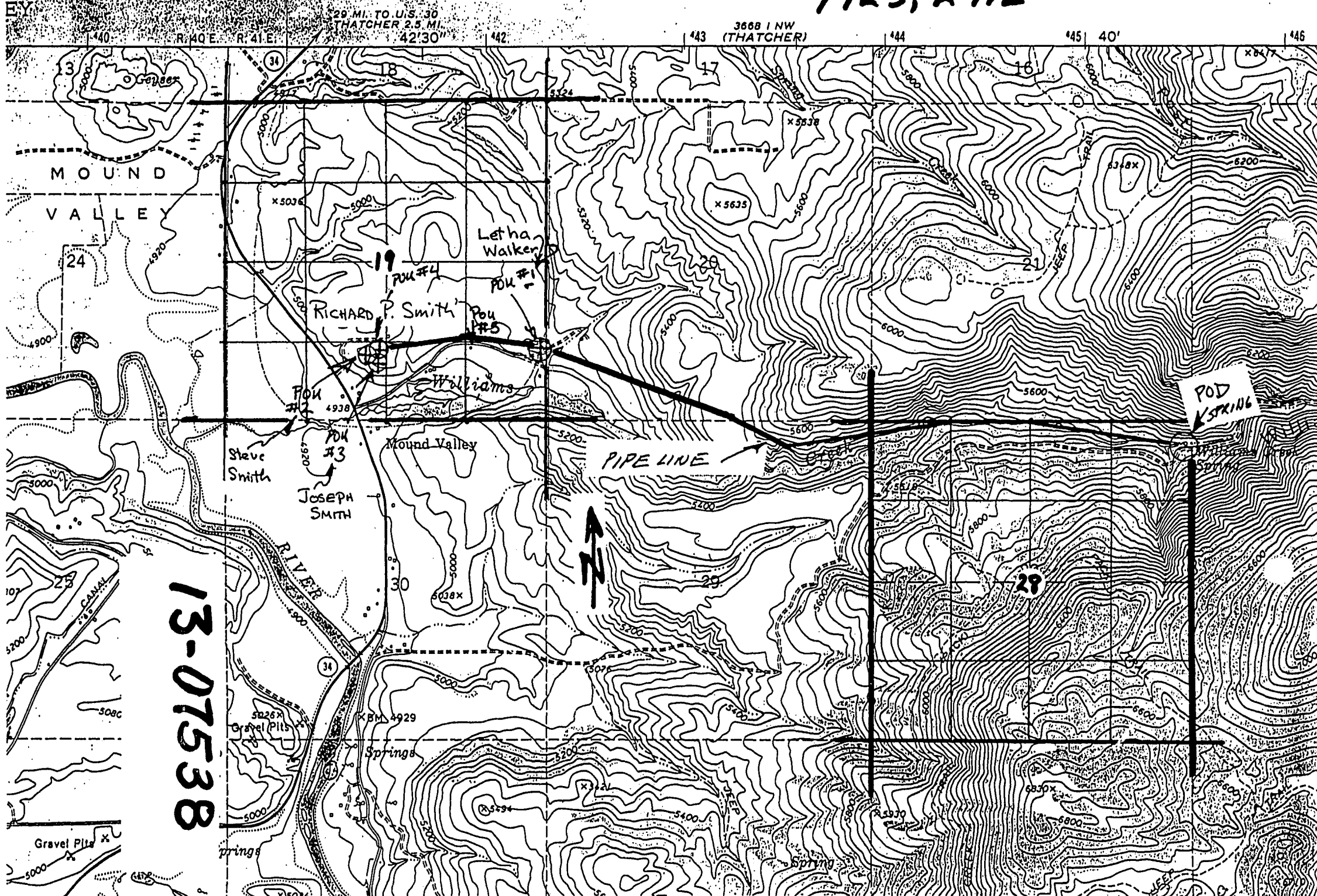
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

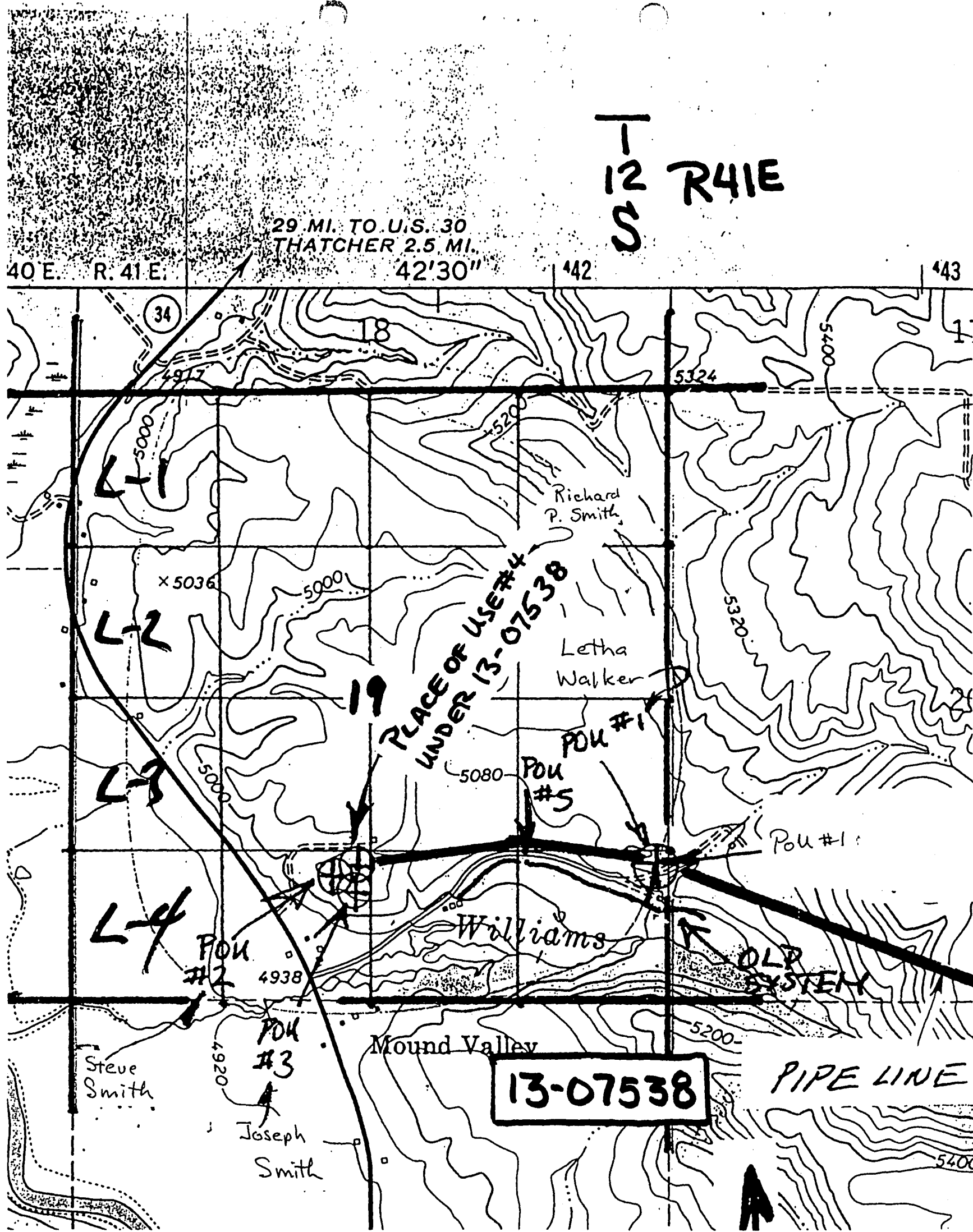
I. AUTHENTICATIONField Examiner's Name SIMPKINS Date 1/11/96Reviewer Keith C Wilson Date 1/7/1997

SEAL

INTERIOR
EYE

T125, R41E







State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

March 7, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RICHARD P SMITH
6883 E WILLIAMS CREEK
THATCHER ID 83283

RE: WATER RIGHT NO. 13-07538

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:ph

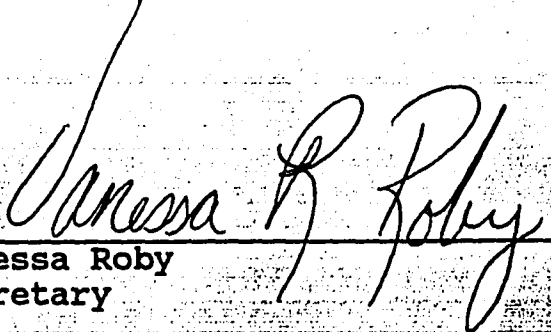
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of March, 1997, I mailed
a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 13-07538

RICHARD P SMITH
6883 E WILLIAMS CREEK
THATCHER ID 83283


Vanessa Roby
Secretary