

RECEIVED
MAY 11 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 15-7150

Department of Water Resources To appropriate the public waters of the State of Idaho

1. Name of applicant D. Ty or Cindy L. Smith Phone 766-2600
Post office address 145 W St. John Rd, Malad, Id 83252
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is _____ $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 20 Township 14S Range 36E B.M. ONEIDA County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 1.16 for IRRIGATION purposes from 4/15 to 10/15 (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) 1.16 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. well pump mainline to laterals with sprinklers
 - 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 14 inches; proposed depth of well is 250 feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? NO; 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
2 years (minimum 1 year).

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

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

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
14s	36E	20	19	39															58

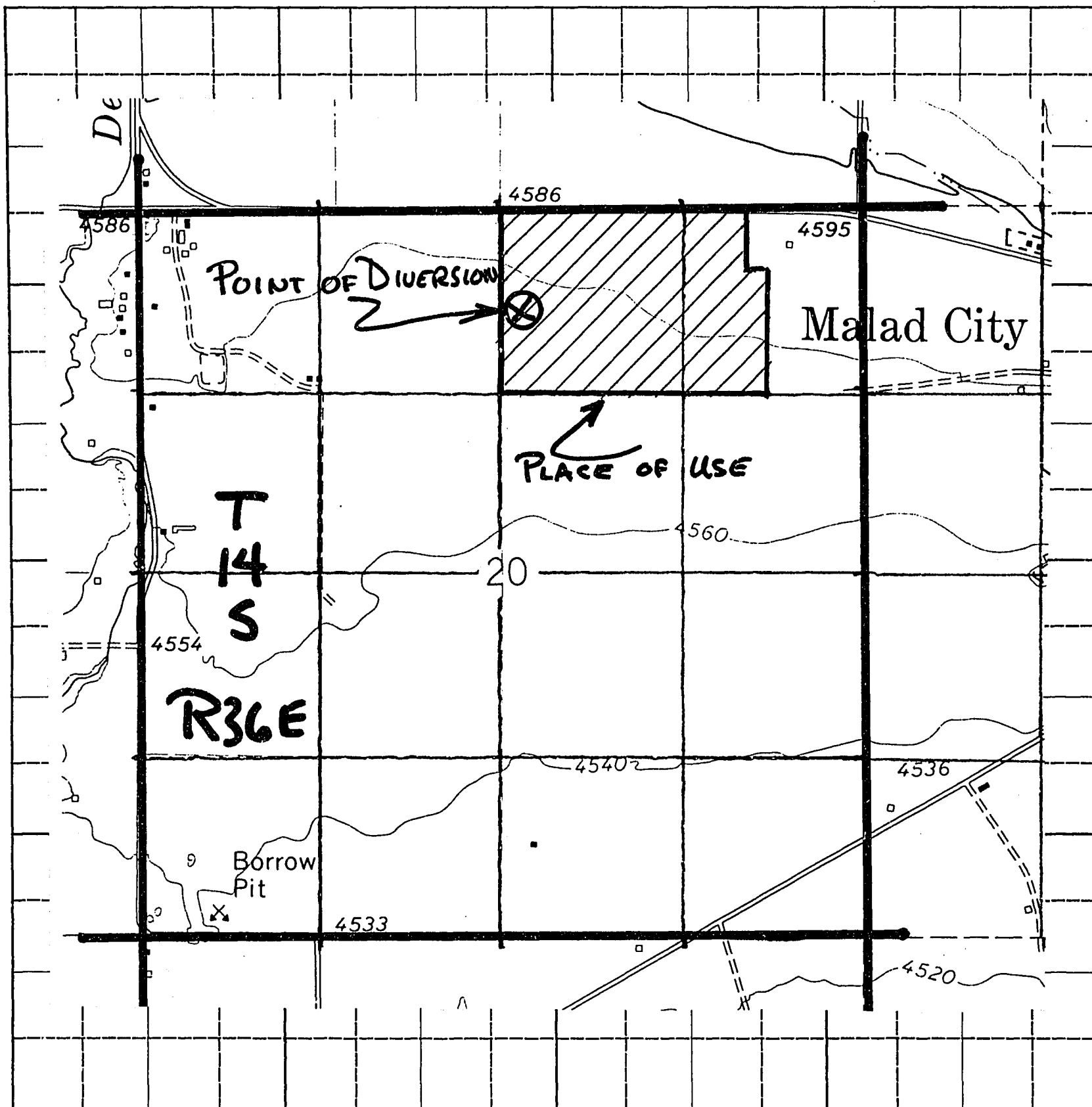
Total number of acres to be irrigated 58

10. Describe any other water rights used for the same purposes as described above. NONE

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

12. Remarks: Place of use has been irrigated for approximately 30 years from a well within the SE¼, SE¼ Sec 17, T14S, R36E. Well is open discharged into a ditch and the place of use was (and is) flood irrigated. No record of a water right was found in Dept. of Water Resource files.

13. 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)

Assisted by KCW Date 3/23/95 Time 1045 hrs Preliminary check by HWT
Received by KCW Fee \$ 120⁰⁰ Receipted by KCW # E020801 Date 3/23/1995
Publication prepared by LB Date 4-6-95 Published in Idaho Enterprise
Publication approved _____ Date _____

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. 15-07150

Proposed Priority: March 23, 1995 Maximum Diversion Rate: 1.16 CFS

This is to certify, that D TY SMITH
CINDY L SMITH
145 W ST JOHN RD
MALAD ID 83252

has applied for a permit to appropriate water from: GROUNDWATER

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>
IRRIGATION	04/15 to 10/15	1.16 CFS

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 20, Township 14S, Range 36E
ONEIDA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14S	36E	20	NENE 19.0	NWNE 39.0		58.0

Total number of acres irrigated: 58.0

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1997.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. Construction of the well must comply with Idaho well construction standards.
8. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

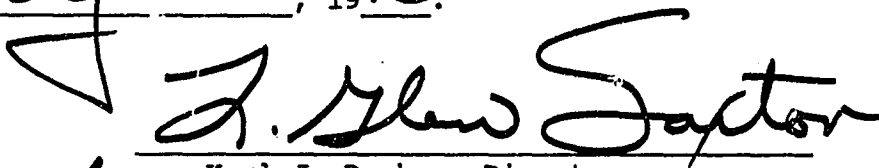
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 15-07150

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

23 day of May, 1995.


for Karl J. Dreher, Director



March 28, 1995

D TY OR CINDY L SMITH
145 W ST JOHN RD
MALAD ID 83252

RE: Application for Permit No. 15-07150

Dear Mr. & Mrs. Smith:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Idaho Enterprise on April 6 & 13, 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 application 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
Harold W. Jones
Water Right Supervisor

HWJ/rb

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 APRIL 24, 1995.

R. KEITH HIGGINSON, Director

Published: 4/ 6/1995 & 4/13/1995

15-07150

SMITH, D TY
SMITH, CINDY L
145 W ST JOHN RD
MALAD, ID 83252

Source: GROUNDWATER

Diversion Pt: NWNE Sec 20 T 14S R 36E in ONEIDA County.

Use: IRRIGATION	(	1.160 CFS)
Total Diversion:	(	1.160 CFS)

Date Filed: 3/23/1995

In: ONEIDA County		
T14S R36E S20	NENE	NWNE

58.0 ACRES TOTAL

Nº 2869

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Oneida } ss.

Donna Saltsen

being duly sworn
deposes and says: That she is the Secretary of THE
IDAHO ENTERPRISE, a weekly newspaper published at Malad
in the County of Oneida and State of Idaho; that said paper has
been and is in general circulation in the county aforesaid, and
the vicinity of Malad; that the advertisement, a copy of which
attached hereto, was published in said newspaper once a week /
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

April 6, 19 95, and ending
with the issue of April 13, 19 95

Donna Saltsen

Subscribed and sworn to before me this 1 day
of May, 19 95.

Susan Swittman

Notary Public, Residing at Malad, Idaho

My Commission Expires 2-9-19-2000

NOTICE OF APPLICATION FOR WATER RIGHT

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

15-07149

SCHOENENBERGER, NEIL
695 W 1100 N
NORTH SALT LAKE CITY, UT
84954

Source: GROUNDWATER

Diversion Pt: SWSW Sec 12 T

16S R 36E in ONEIDA

County.

SWNE Sec 14 T 16S R

36E in ONEIDA County.

Use: IRRIGATION (3,000 CFS)

Total Diversion (3,000 CFS)

Date Filed: 3/13/1995

In: ONEIDA County

T16S R36E S14 NWNE SWNE

NENW NWNW SWNW

SENW NESW NWSW

NWSE

S15 SENE

191.0 ACRES TOTAL

15-07150

SMITH, D TY

SMITH, CINDY L

145 W ST JOHN RD

MALAD, ID 83252

Source: GROUNDWATER

Diversion Pt: NWNE Sec 20 T

14S R 36E in ONEIDA

County.

Use: IRRIGATION (1.160 CFS)

Total Diversion: (1.160 CFS)

Date Filed: 3/23/1995

In: ONEIDA County

T14S R36E S20 NENE NWNE

58.0 ACRES TOTAL

The permit(s) will be subject to
all prior water rights. Protests must
be filed with the applicant and the
Director, Dept. of Water Re-
sources, along with a \$25.00 filing
fee, Eastern Region, 900 N Sky-
line, Idaho Falls, Idaho 83402 on
or before APRIL 24, 1995.

R. KEITH HIGGINSON, Director

Published: 4/6/1995 & 4/13/1995

L. 2069 T 2

RECEIVED
MAY 11 1995
Department of Water Resources



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

May 23, 1995

D TY SMITH
CINDY L SMITH
145 W ST JOHN RD
MALAD ID 83252

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 15-07150

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

If a well has not already been constructed you are required to obtain a "drilling permit" from the department. The right to drill a well is not a part of this permit to appropriate water.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

APR 11 1997

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 15-07150

Name(s) of Permit Holder: D. Ty & Cindy L Smith

Mailing Address: 145 W ST John Rd Malad ID 83252

Date Proof is Due: _____ Telephone No. 208 766-2600

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Pivot/mainline installed, electricity to property
phase converter installed.

Costing \$ ~40,000

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

I have been working on the above

Permit holder(s) request an extension to 6, 19 2001.

FEE: \$50.00

(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to June 1, 2001.

Signed this 15th day of April, 19 97

J. Glen Saylor
Chief, Water Allocation Bureau

March 31, 1997

D TY SMITH
CINDY L SMITH
145 W ST JOHN RD
MALAD ID 83252

PROOF DUE NOTICE

RE: PERMIT NO. 15-07150

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 June 1, 1997. (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 complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

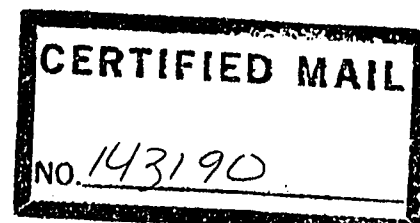
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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. 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,

JULIE L. YARBROUGH
Senior Secretary

Enclosures





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

April 15, 1997

D. Ty Smith
Cindy L. Smith
145 W. St. John Rd.
Malad, ID 83252

RE: Permit No. 15-07150

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit. The time within which to submit proof of beneficial use is extended to **June 1, 2001**. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of the development during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

Please contact me at (208)327-7953 if you have any questions regarding this matter

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

FOR OFFICE USE ONLY
Amt. of Fee \$: 125.00
Receipt No. 1034680
Receipt By: JM
Date Received: 7/5/01

RECEIVED

JUL - 5 2001

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.

1. Permit No. 15-7150 Telephone No. 208-766-2600

2. Name of Permit Holder(s): D. Ty Smith

3. Mailing Address: 220 Bannock ST
City Malad State ID Zip 83248

4. Source of Water: GROUNDWATER If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

Well Driller: Lavell Hooser Drilling Permit Number: 15-97-E0017-000
American Well Drilling

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): 7.16 55 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 1.16 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 _____ or No _____
Has the measuring device been installed? Yes _____ or No _____

8. Fee Enclosed: \$ 125.00 (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: D. Ty Smith Telephone Number: 208 766-2600

Address: 1550 W 1000 N Malad ID 83252
Formerly 145 ST John Rd

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature] Date: 4/13/01
(include your title, if on behalf of company or organization)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
15-07150 IN THE NAME OF) **REINSTATEMENT ORDER**
D. TY SMITH or CINDY L. SMITH)
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before June 1, 2001; and,

WHEREAS, the Department notified the permit holder on March 31, 2001 by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and,

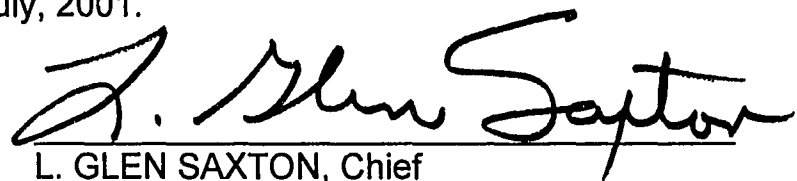
WHEREAS, the Department's State Office sent the permit holder a lapse notice on June 5, 2001, since the State Office had not received an acceptable proof of beneficial use statement or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting acceptable proof of beneficial use on July 5, 2001;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 15-07150 is **REINSTATED** with an advance in priority to **April 24, 1995**.

DATED this 30th day of July, 2001.


L. GLEN SAXTON, Chief
Water Allocation Bureau

March 31, 2001

D TY SMITH
CINDY L SMITH
145 W ST JOHN RD
MALAD, ID 83252

PROOF DUE NOTICE

RE: PERMIT NO. 15-7150

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 June 01, 2001. (See last page of your approval 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.

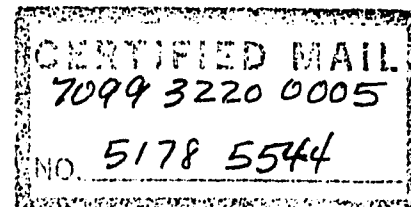
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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. 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,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures



June 5, 2001

D TY SMITH
CINDY L SMITH
145 W ST JOHN RD
MALAD, ID 83252

LAPSE NOTICE

RE: PERMIT NO. 15-7150

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated March 31, 2001. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

Sincerely,

L. Glen Saxton, Chief
Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 6/5/01
a ~~copy~~ original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

dy



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

July 30, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

D TY SMITH
CINDY L SMITH
220 BANNOCK ST
MALAD ID 83245

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 15-07150

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order reinstating the permit advancing the priority since proof was submitted after the proof due date.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

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 the field examination, please contact the Eastern Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region