

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 95-17458

Priority: March 09, 2018

Maximum Diversion Rate: 0.08 CFS

Maximum Diversion Volume: 3.6 AF

It is hereby certified that:

DALE A SMITH PO BOX 841 SPIRIT LAKE ID 83869-0841 AND/OR
ERIN SMITH PO BOX 841 SPIRIT LAKE ID 83869-0841

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 09, 2018, and has submitted Proof of Beneficial Use on March 31, 2023. An examination confirms water is diverted from:

Source : GROUND WATER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.08 CFS	3.6 AF

Location of Point(s) of Diversion

GROUND WATER NE¼ NE¼, Sec. 20, Twp 54N, Rge 05W, B.M. BONNER County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
54N	05W	20	X																

Conditions of Approval

1. Domestic use is for 3 homes.
2. The irrigation occurring under this domestic use shall not exceed 1/2 acre per lot.
3. Place of use is located within Lots 1-3 ; Bullfrog Meadows Subdivision.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 3rd day of April, 2023.

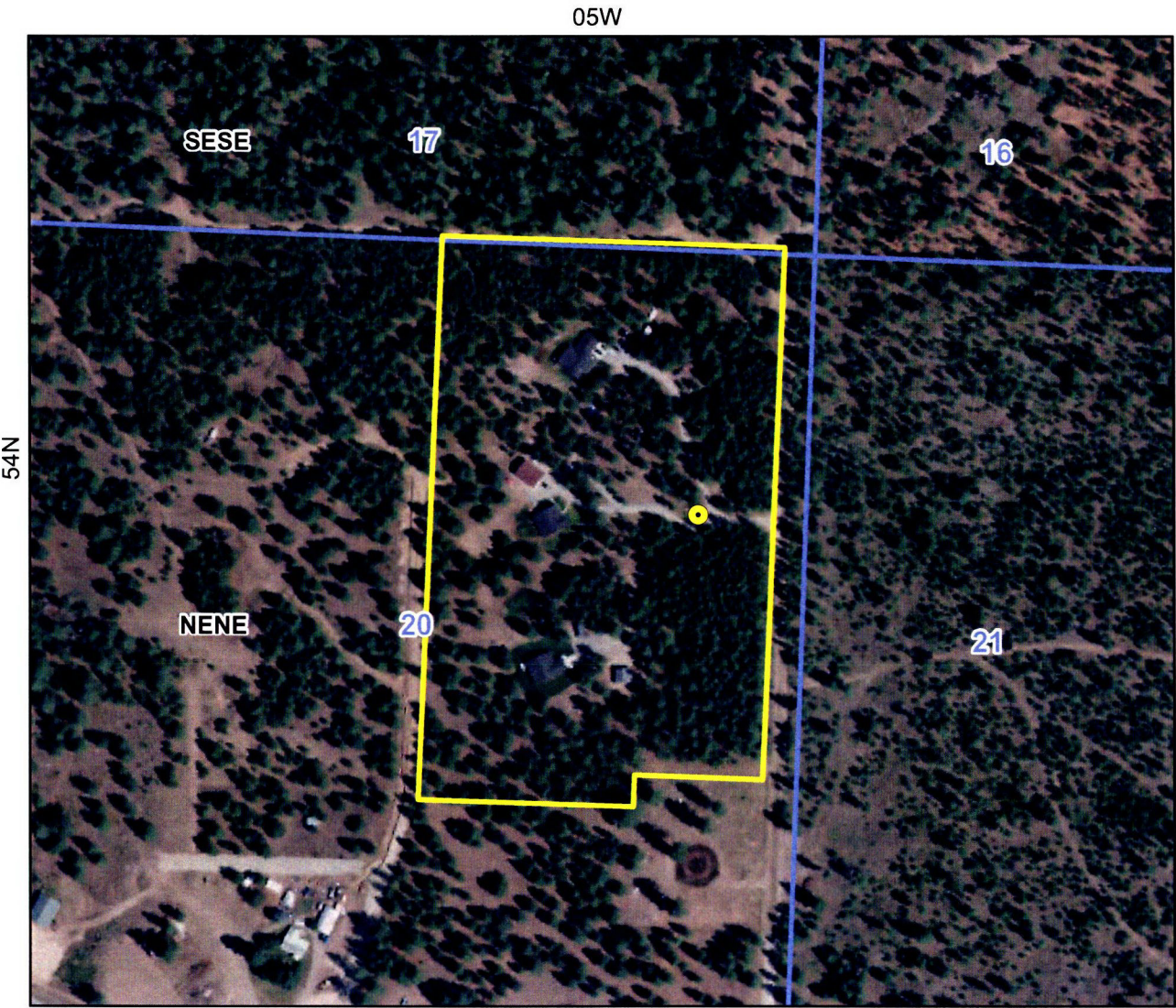


PHILL HUMMER
Water Rights Supervisor

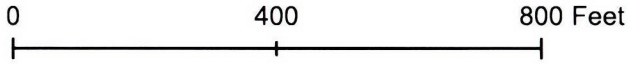
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State of Idaho
Department of Water Resources
Attachment to Water Right
95-17458

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion



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MAR 31 2023

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY
Amt. of Fee \$ 50 -
Receipt No. C115742
Received By Ku
Date Received 3.31.23

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

- Permit No. 9517458 Name of Permit Holder(s) Dale + Erin Smith
Telephone No. 208-818-1235 Email erin34smith@gmail.com
Mailing Address PO Box 841 City Spirit Lake State Id Zip 83869
- Source of Water groundwater If Ground Water (well), Date Drilled mo. June yr. 2018
Drilling Permit/Tag No. 00076646 Drilling Company's Name united crown drilling
- Extent of use(s) completed **as authorized by the water right permit:**
Domestic (No. households) 3 Irrigation (No. acres) 1/2 Stockwater (No. and stock type) _____
Other acre
- Total diversion rate or volume (storage only) for which proof is submitted .08 cfs OR _____ af
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.
- Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)
goes from well to pump house with 2 pressure tanks with 1 inch + quarter poly lines, one line to each house. It is a three horse power pump.
- Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:
Required? Yes No (If "Yes", attach required data, evidence of compliance, or evidence of installation)

☐	☐	Ground water level data, pumping information, or other diversion data
☐	☒	Mitigation plan
☐	☒	Lockable controlling works
☐	☒	Measuring device
☐	☒	Fish screen
☐	☐	Other requirements of the water right permit _____
☐	☐	Reasonably Anticipated Future Needs ("RAFN") Municipal use

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No
- Fee Enclosed \$ 50.00 or ☐ CWRE field report attached or ☐ No fee required
See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.
- Person to contact to accompany a Department representative during the field examination of the water system:
Name: Dale Smith Telephone No. 208-446-6979 Email erin34smith@gmail.com
Mailing Address PO Box 841 City Spirit Lake State Id Zip 83869

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 and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Dale Smith
SIGNATURE OF PERMIT HOLDER*

Dale A. Smith
PRINTED NAME AND TITLE

3-15-23
DATE

*Attach power of attorney if completing on behalf of permit holder.

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IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 03, 2023

DALE A SMITH
ERIN SMITH
PO BOX 841
SPIRIT LAKE ID 83869-0841

RE: License No. 95-17458

ISSUANCE OF LICENSE

Dear Water Right Holders:

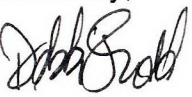
The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4925.

Sincerely,


for Phill Hummer

Water Rights Supervisor

Enclosures

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CERTIFICATE OF SERVICE

I hereby certify that on April 03, 2023, I served a true and correct copy of Water Right License No. 95-17458 by U.S. Mail, postage prepaid, to the following:

DALE A SMITH (Current Owner)
PO BOX 841
SPIRIT LAKE ID 83869-0841

ERIN SMITH (Current Owner)
PO BOX 841
SPIRIT LAKE ID 83869-0841



Debbi Judd
Technical Records Specialist

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATIONPermit No: 95-17458

Exam Date: 03/31/2023

1. Does this qualify for an in-office field exam (IDAPA 035.02.r)? X Y N
- Irrigation of 5 acres or less
 - Storage of up to 14.6 AF for stockwater purposes only
 - Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
 - Other < >

2. Current Owner: Name: Dale & Erin Smith
Owner of Record Correct? X Y N
Address of Record Correct? X Y N
If No: Address

3. Beneficial Use Fees have been paid: X Y N Receipt No: C115742

4. **SOURCE** TRIBUTARY

Ground Water

N/A

Method of Determination: GIS and Tax lot DataChange in Source: Y X N**B. OVERLAP REVIEW**

1. Other water rights with the same place of use (POU): YES Overlap

Water Right No.	Source	Purpose of Use	Basis
95-9893	Ground Water	Municipal/irrigation	decreed
95-9790	Ground Water	Municipal	Disallowed

Comments: The place of use (POU) is overlapped by municipal water rights 95-9893 and 95-9790 (see figure 1.4- disallowed). There are no concerns regarding any negative impact to municipal or irrigation company rights due to the purposed domestic license. The POU has been subdivided into 3 lots during development (as was stated by the permit holder on section 12 of the permit application). The parcel data still names Erin Smith as a current owner of two parcels. The parcel data on the southernmost parcel lists Dwight & Marilyn Smith as current owners.

2. Other water rights with the same point of diversion (POD): NO Overlap

Water Right No.	Source	Purpose of Use	Basis
None			

Comments: No water rights share the permit POD.

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**

Source	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.		County
Submersible Pump			NE	NE	20	54N	05W	B.M.	Bonner

Method of Determination: GIS and Tax lot data.Change in POD? X N Amendment Required? X N

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2. **PLACE OF USE:** USE: DOMESTIC

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
54N	05W	20	D																
Total Acres =																			

Method of Determination: GIS & Tax Lot dataChange in POU? X N Amendment Required? X N Delivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable.

X 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
D0076646	unknown	3	unknown	unknown	unknown

*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
NONE						

2. Measurements: No measurement is required for an in-house exam, but a theoretical calculation and Administrative Memo #22 were used to determine a reasonable diversion rate.**E. FLOW CALCULATIONS** Additional Computation Sheets Attached

Measured Method:

The proof of beneficial use section five provided the system information used for the theoretical calculation. The installed system has a 3 Hp pump installed feeding two pressure tanks, which supply 3- 1 1/4" poly lines to convey water to the 3 homes. A theoretical analysis shows that a diversion rate of 0.08cfs is possible with a 3 Hp pump. This calculation is assuming the system has not been upgraded since the previous field exam.

$$Q = (3 \text{ Hp}) (8.8) (0.80) / 180 \text{ ft lift} + (45 \text{ psi} \times 2.31) = 0.08 \text{ cfs}$$

Measurement = 0.08cfs

Recommendation = 0.08cfs

F. VOLUME CALCULATIONS1. Volume Calculations for Irrigation:
N/A- DOMESTIC

2. Volume Calculations for Other Uses:

This is a domestic use. According to processing memo #22, Domestic use for 1 home and up to 1/2 acre of irrigation can have up to 1.2 AFA, per year. I am recommending 3.6 AF for the purposed license for 3 homes with up to 1/2 acre of irrigation each.

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G. PURPOSE OF USEIrrigation ☒ Y ☐ N # Stock _____ Domestic # of Homes 3

Other: < >

Change in Purpose of Use? ☐ Y ☒ X ☐ NMethod of Determination: Tax lot data and GIS data.**H. NARRATIVE/REMARKS/COMMENTS**

This permit for domestic use at 3 homes with up to 1/2 acre of irrigation each qualifies for an in-house exam. The development of 3 homes with irrigated grounds <1/2 acre surrounding each at the permitted POU was confirmed using GIS imagery and Google Earth aerial imagery (Figures 1.1, 1.2, & 1.3). As stated by the permit holder on section 12 of the application for permit, the permit POU has been subdivided into 3 lots. Parcel data lists Erin Smith as a current owner of Bullfrog Meadows, Lots 3 & 4. However, Lot 1 parcel data lists Dwight & Marilyn Smith as current owners. There is currently no active application for permit for lot 1. Based on the system diagram submitted by the permit holder with the proof of beneficial use, the well is located in lot 2, which matches the well point location for the tag number provided on the proof of beneficial use.

A theoretical calculation and Administrative Memo #22 were used to determine if the requested diversion rate and volume were acceptable. Based on these considerations I am recommending that the license be issued for 0.08cfs and 3.6 AF for tic use at 3 homes with up to 1/2 acre of irrigation each.

I am recommending the license be issued with conditions X04, 187, and X60.

Have conditions of permit approval been met? ☒ X Yes ☐ No**I. RECOMMENDATIONS****1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Domestic	01/01 to 12/31	0.08 CFS	3.6 AF
<u>Totals:</u>		0.06 CFS	3.6 AF

2. Recommended Amendments

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

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ X None

Other: < >

J. AUTHENTICATION- Water Resources Agent- Bob HoweWater Resource Agent's Name Bob Howe Date 4/3/2023Reviewer P. Howe Date 4/3/23

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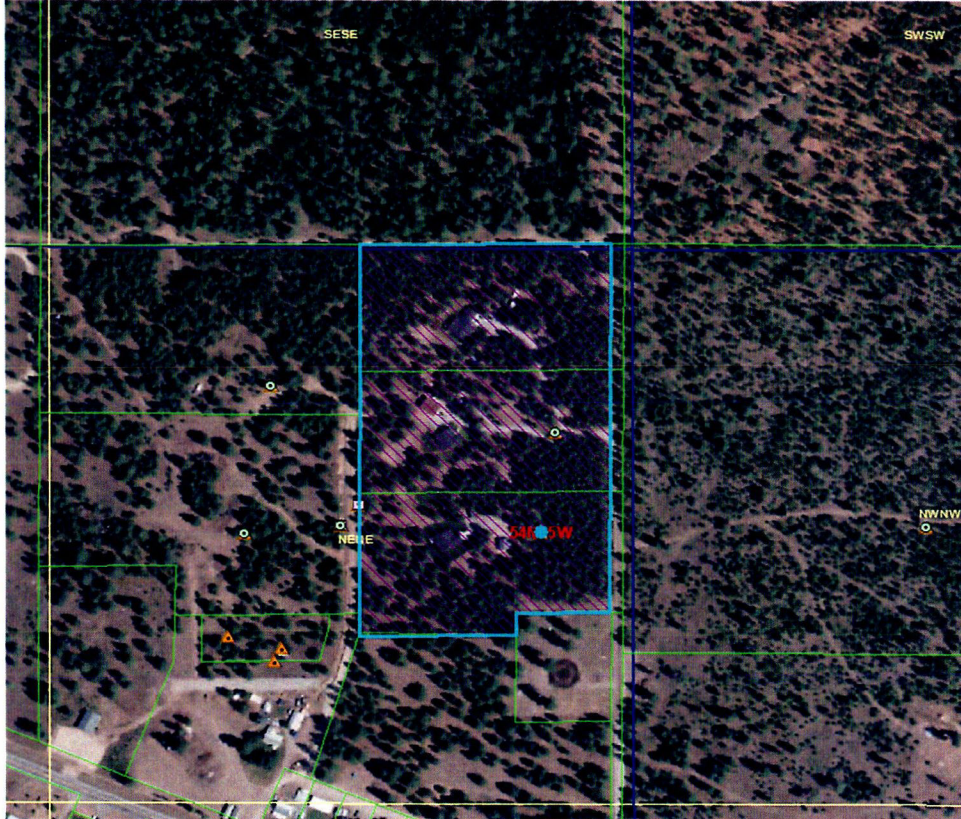


Figure 1.1- GIS image of the POU (outlined in light blue). Parcels are outlined in green. Based on the proof of beneficial use submitted by the permit holder the point of diversion is the green well point in the center parcel of within the POU.

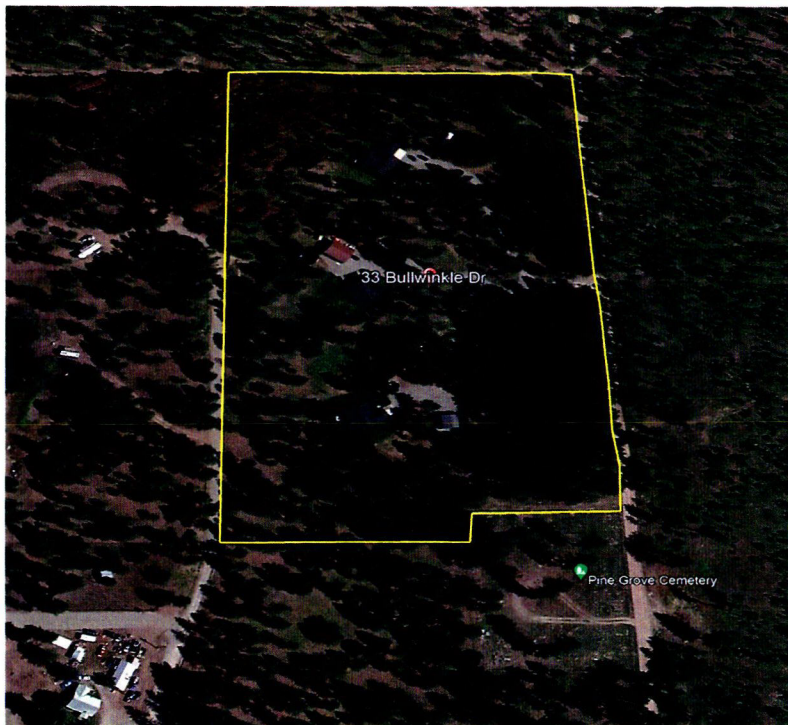


Figure 1.2- 2022-Google Earth image of the permit POU.

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Figure 1.3- 2022-Google Earth image of the permit POU zoomed in on the center. The 3 homes and irrigated grounds surrounding each is evident.

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OCT 31 2019
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
OCT 29 2019

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBA)
Case No. 49576)
Water Rights: See Attachment A
FINAL ORDER DISALLOWING WATER
RIGHT CLAIMS

On August 2, 2018, the Director of the Idaho Department of Water Resources filed the *Director's Report for Basin 95, Part 1*, recommending that the water right claims listed on Attachment A be disallowed. No objections were filed to these recommendations and the time for filing objections has expired.

THEREFORE IT IS ORDERED that the water right claims identified on Attachment A are hereby **disallowed with prejudice** and shall not be confirmed in any partial decree or in any final decree entered in the CSRBA, Case No. 49576, in whatever form that final decree may take or be styled.

DATED Oct. 29, 2019.

ERIC J. WILDMAN
Presiding Judge
Coeur d'Alene-Spokane River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED October 29, 2019.

ERIC J. WILDMAN
Presiding Judge
Coeur d'Alene-Spokane River Basin Adjudication

FINAL ORDER DISALLOWING WATER RIGHT CLAIMS
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Page 1 of 1

EXHIBIT A - BASIN 95, PT 1, DISALLOWED

Subcase Nos:

95-02011	95-10824	95-11787	95-13106	95-14840	95-17339
95-02063	95-10905	95-11789	95-13157	95-14909	95-17340
95-04000	95-10974	95-11791	95-13245	95-14987	95-17363
95-04090	95-11036	95-11793	95-13346	95-15008	
95-04172	95-11060	95-11807	95-13349	95-15073	
95-04182	95-11107	95-11859	95-13400	95-15198	
95-04199	95-11119	95-11862	95-13411	95-15227	
95-04358	95-11129	95-11863	95-13783	95-15335	
95-04482	95-11151	95-11927	95-13793	95-15355	
95-04483	95-11154	95-11931	95-13831	95-15377	
95-04508	95-11168	95-11933	95-13846	95-15415	
95-04509	95-11179	95-11977	95-13871	95-15551	
95-04608	95-11185	95-12042	95-13994	95-15555	
95-07093	95-11197	95-12076	95-14001	95-15581	
95-07235	95-11213	95-12114	95-14063	95-15720	
95-07376	95-11218	95-12119	95-14064	95-15773	
95-07552	95-11224	95-12137	95-14074	95-15783	
95-08807	95-11225	95-12170	95-14080	95-15828	
95-09263	95-11236	95-12210	95-14086	95-15830	
95-09445	95-11238	95-12219	95-14087	95-15840	
95-09503	95-11252	95-12322	95-14093	95-15918	
95-09745	95-11261	95-12334	95-14135	95-15945	
95-09790	95-11274	95-12387	95-14137	95-15985	
95-09855	95-11285	95-12409	95-14140	95-16026	
95-10051	95-11290	95-12422	95-14142	95-16032	
95-10181	95-11318	95-12518	95-14168	95-16221	
95-10187	95-11333	95-12536	95-14169	95-16222	
95-10308	95-11336	95-12537	95-14179	95-16362	
95-10309	95-11337	95-12538	95-14180	95-16373	

Figure 1.4- CSRBA final order disallowing 95-9790, found on the backfile for 95-9790, not yet updated within IDWR data.

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Beneficial Use Proof Evaluation

Permit Number: 95-17458 Reviewer: djudd Review Date: 3/31/2023

Acceptability

- 1) Is the contact on the request the current permit holder? Yes
- 2) Does the address of record need to be updated? No
- 3) Proof Submitted Date: 3/31/2023
- 4) Proof Due Date: 5/1/2023
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: -31
- 8) Proof received timely? Yes

Analysis

- 1) Are the water uses correct? Yes
- 2) Are one of the following items required?
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 3) Are the required items installed?
 - a. Measuring Device --
 - b. Lockable Device --
 - c. Fish Screen --
- 4) Is there a request to waive the required items?
- 5) Drilling Permit Number: 886480
- 6) Is a drilling permit upgrade needed? No
- 7) Was a well drillers report filed? Yes
- 8) Is proof accepted? Yes

Fees

- 1) Is a licensing exam fee required? Yes
- 2) Was proof submitted with an exam report from a CWE? No
- 3) Filing fee due: \$50.00
- 4) Filing fee submitted: \$50.00
- 5) Remaining fee or (refund): \$0.00

Receipt IDs

N033198

Comments

Proof deemed acceptable. Gave file to water right agent for in-house license review. Water right agent will enter the proof made date in AdHoc at the time of licensing.



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little
February 28, 2023

Director Gary Spackman

DALE A SMITH
ERIN SMITH
PO BOX 841
SPIRIT LAKE ID 83869

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 95-17458

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

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 **May 01, 2023**. Please complete and return the enclosed Statement of Completion for Submitting Proof of Beneficial Use (proof) if you have completed the water project authorized by your permit. The proof statement must be accompanied by either the appropriate license examination fee or a field examination report prepared by a certified water right examiner.

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 Idaho Code § 42-204. If you have been delayed by a government agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a \$50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof or an acceptable extension request must be received by this Department on or before the above proof due date. If neither is received, the Department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

CERTIFIED MAIL

7016 1370 0000 2018 4516

NO

SCANNED

MAR 01 2023