

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 74-16241

Priority: July 17, 2020

Maximum Diversion Rate: 0.20 CFS

It is hereby certified that:

ROCKWELL D SMITH 400 WITHINGTON CREEK RD SALMON ID 83467-5291 AND/OR
BEVERLY A SMITH 400 WITHINGTON CREEK RD SALMON ID 83467-5291

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 17, 2020, and has submitted Proof of Beneficial Use on September 07, 2023. An examination confirms water is diverted from:

Source : WITHINGTON CREEK

Tributary: LEMHI RIVER

Beneficial Use**Period of Use****Rate of Diversion**

DOMESTIC

01/01 to 12/31

0.04 CFS

FIRE PROTECTION

01/01 to 12/31

0.20 CFS

Location of Point(s) of Diversion

WITHINGTON CREEK SE¼ NE¼, Sec. 19, Twp 20N, Rge 23E, B.M. LEMHI 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	
20N	23E	19				X									X				

Place of Use: FIRE PROTECTION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	23E	19				X									X				
20N	23E	20							X										

Conditions of Approval

1. The quantity of water diverted under water rights 74-16241, 74-16242 and from the domestic well on the property (constructed in 2015), in combination, shall not exceed 13,000 gallons per day.
2. Domestic use is for external use for 1 home.
3. The irrigation occurring under all domestic uses at the place of use shall not exceed 1/2 acre.
4. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74J.

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 74-16241

6. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

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.

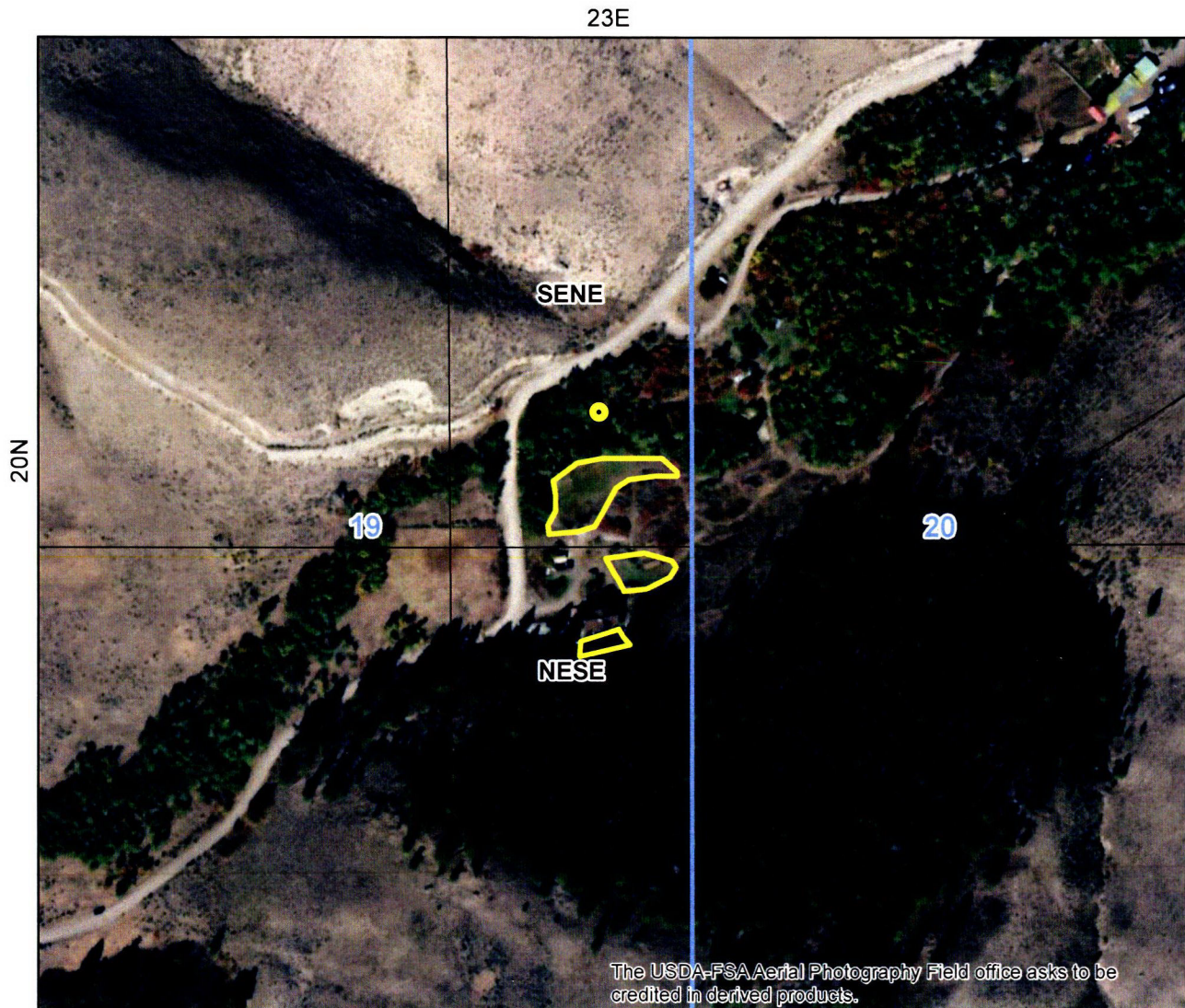
Signed this 7th day of December, 2023.



PHILL HUMMER
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right
74-16241

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.



0 0.035 0.07 0.14 Miles

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

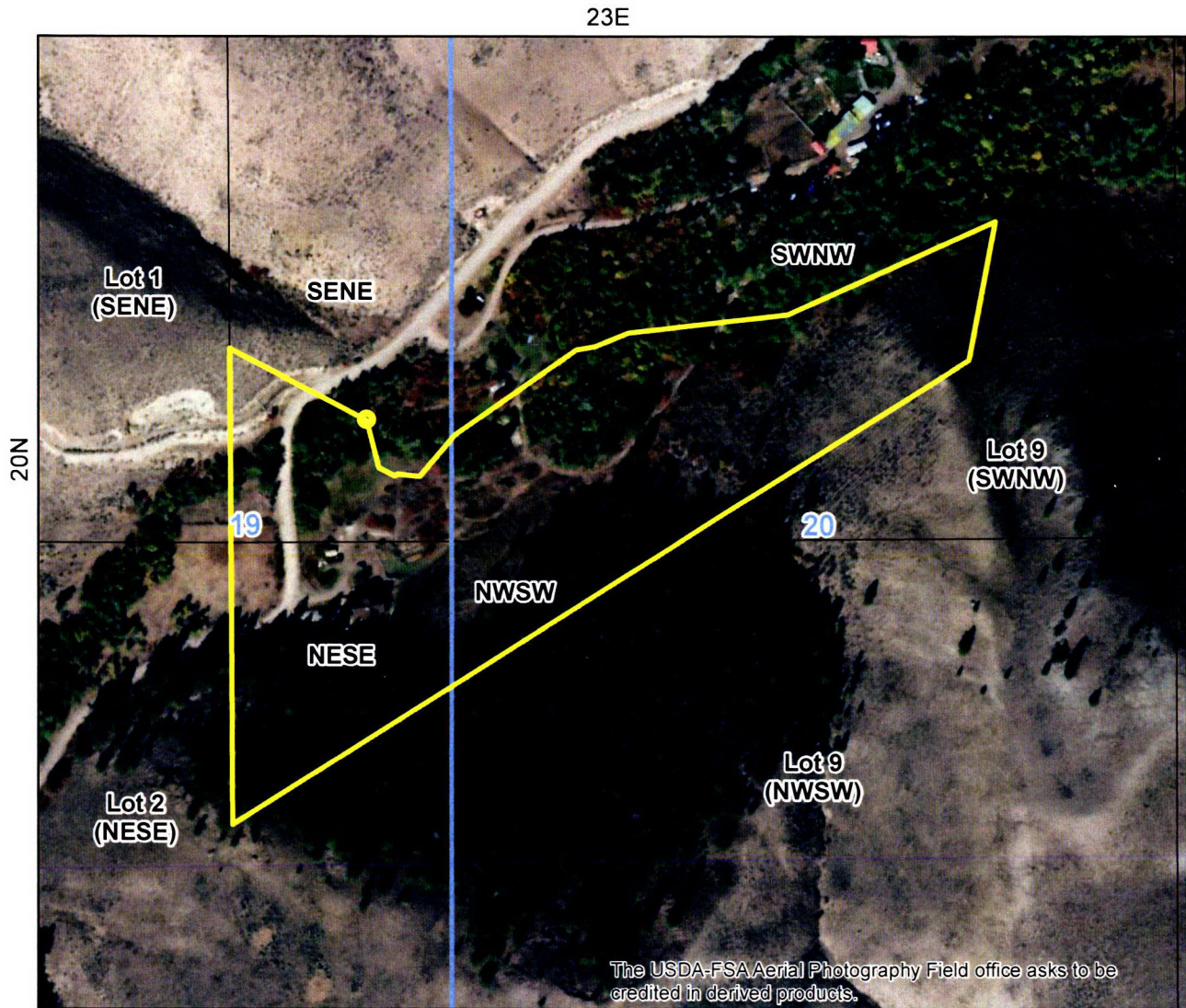


State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

74-16241

This map depicts the FIRE PROTECTION 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.



0 0.04 0.08 0.16 Miles

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



RECEIVED

SEP 07 2023

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

FOR OFFICE USE ONLY	
Amt. of Fee \$	<u>50 -</u>
Receipt No.	<u>C117026</u>
Received By	<u>KM</u>
Date Received	<u>9-7-23</u>

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.

1. Permit No. 74-16241 Name of Permit Holder(s) Beverly A Smith / Rockwell D. Smith
Telephone No. (208) 756-6413 Email rockwellsmith@gmail.com

Mailing Address 400 Withington Cr. Rd. City Salmon State ID Zip 83467

2. Source of Water Withington Creek If Ground Water (well), Date Drilled mo. ____ / yr. ____

Drilling Permit/Tag No. _____ Drilling Company's Name _____

3. Extent of use(s) completed as authorized by the water right permit:

Domestic (No. households) 1 Irrigation (No. acres) 0.35 Stockwater (No. and stock type) _____

Other _____

4. Total diversion rate or volume (storage only) for which proof is submitted 0.04 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.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

Pump

6. 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

7. 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.

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: Rockwell Smith Telephone No. 208-756-6413 Email rockwellsmith@gmail.com

Mailing Address 400 W. Withington Cr. Rd. City Salmon State ID Zip 83467

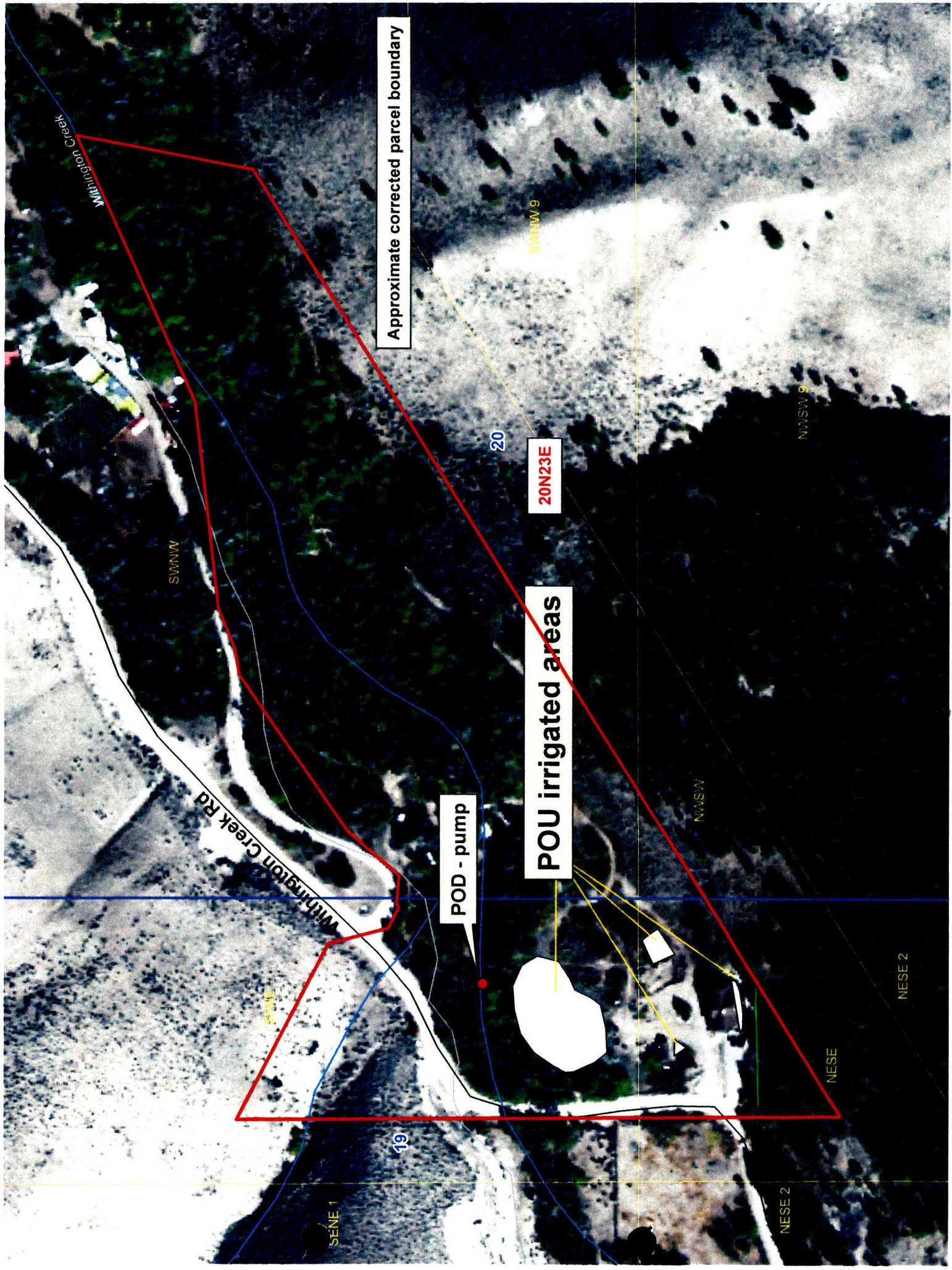
The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Rockwell Smith
SIGNATURE OF PERMIT HOLDER*

Rockwell Smith / owner
PRINTED NAME AND TITLE

9-4-23
DATE

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



Approximate corrected parcel boundary

POU irrigated areas

POD - pump

20N23E

20

SWNW 9

NWSW 9

SWNW

NWSW

SENE

NESE 2

NESE

NESE 2

SENE 1

19

Wilmington Creek

Wilmington Creek Rd



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 Mathew Weaver

December 11, 2023

ROCKWELL D SMITH
BEVERLY A SMITH
400 WITHINGTON CREEK RD
SALMON ID 83467-5291

RE: License No. 74-16241

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

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,

Phill Hummer

Phill Hummer
Water Rights Section Manager

Enclosure(s)

Mansfield, Debra

From: Mansfield, Debra
Sent: Friday, December 8, 2023 3:23 PM
To: jhdhorses@gmail.com
Subject: RE: Issuance of License, 74-16241
Attachments: 4732_001.pdf

Hello Jeremy,

Please see the attached letter for Issuance of License No. 74-16241 for Rockwell D Smith & Beverly A Smith.

Thank you,

Debra Mansfield | Technical Records Specialist 1
IDWR – State Office
322 E Front St, Boise ID 83702-7371
(208) 287-4921 | Debra.Mansfield@idwr.idaho.gov

CERTIFICATE OF SERVICE

I hereby certify that on December 08, 2023, I served a true and correct copy of Water Right License No. 74-16241 by U.S. Mail, postage prepaid, to the following:

BEVERLY A SMITH (Current Owner)
400 WITHINGTON CREEK RD
SALMON ID 83467-5291

ROCKWELL D SMITH (Current Owner)
400 WITHINGTON CREEK RD
SALMON ID 83467-5291

WATER DISTRICT #74J
JEREMY DRAKE (Watermaster)
213 S SAINT CHARLES RD
SALMON ID 83467-5225



Debra Mansfield
Technical Records Specialist 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document 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 of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 fourteen (14) 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director 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 Director 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 service date 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 74-16241
Exam Date: 11/28/2023

1. Does this qualify for an in-office field exam (IDAPA 37.03.02.035.01.r)? x Y N

- a. Irrigation of 5 acres or less
- b. Storage of up to 14.6 AF for stockwater purposes only
- c. X Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
- d. Other < >

2. Current Owner:

ROCKWELL D SMITH 400 WITHINGTON CREEK RD SALMON ID 83467-5291 AND/OR
BEVERLY A SMITH 400 WITHINGTON CREEK RD SALMON ID 83467-5291

3. SOURCE:

WITHINGTON CREEK

Tributary

LEMHI RIVER

Method of Determination: GIS ArcMap Tools, Aerial Imagery, and Taxlot Data

B. OVERLAP REVIEW

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

Water Right No.	Source	Purpose of Use	Basis
74-16242	Spring	Domestic	Permit

Comments: Potential POU overlap with WR Permit 74-16242, though this right's "Domestic" use is strictly for irrigation purposes and 74-16242 does not authorize any irrigation.

2. Other water rights with the same point-of-diversion: YES Overlap

Water Right No.	Source	Purpose of Use	Basis

Comments:

C. DIVERSION AND DELIVERY SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:**

WITHINGTON CREEK SE¼ NE¼, Sec. 19, Twp 20N, Rge 23E, B.M. LEMHI County

Method of Determination: GIS ArcMap Tools, Aerial Imagery, and Taxlot Data

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	
20N	23E	19				X									X				

PLACE OF USE: FIRE PROTECTION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	23E	19				X									X				
20N	23E	20							X										

Method of Determination: GIS ArcMap Tools, Aerial Imagery, and Taxlot Data

3.

Delivery System Diagram Attached (required). Indicate all major components and distances between components.
 _____ Indicate weir size/pipe as applicable.

 X Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be
 1:24,000 or greater.

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

_____ Photo of Diversion and System Attached

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A	N/A	N/A	N/A	N/A	N/A

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A	N/A	N/A	N/A	N/A	N/A	N/A

2. Measurements: No measurement is required for an in-office examination.

E. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method: None. Recommended rate is based upon Applications Processing Memo 22: Definition of "Domestic."

F. VOLUME CALCULATIONS

1. Volume Calculations for domestic: since this right is for irrigation purposes under "domestic" use and is appropriating from a natural stream for "irrigation" purposes, volume reporting is not required as per IDAPA 37.03.02.35.J.ii/viii.

2. Volume Calculations for Other Uses: Volume reporting is not required for Fire Protection as per IDAPA 37.03.02.35.J.iv.

G. NARRATIVE/REMARKS/COMMENTS

This permit qualifies for an in-office exam because for Domestic and Fire Protection purposes with a combined diversion rate less than 0.24 cfs. The exam was conducted November 28, 2023, by Justin Shearer. At the time of exam, ownership of the permit is in the name of Beverly A Smith and Rockwell D Smith. Current Lemhi County taxlot data represents the Smiths own the land appurtenant to the place of use (POU) and point of Diversion (POD). Proof of Beneficial use was submitted on September 9, 2023.

The original application from 2020 indicated that a pump from Withington Creek in conjunction with a domestic well will be used to irrigate no more than ½ acre of lawn, garden, and meadow associated with a single family residence. Additionally,

an auxiliary pump will be used for protection. The permit authorized 0.04 cfs for Domestic purposes and 0.20 cfs for fire protection purposes. The permit was conditioned to explain that the domestic use was for the irrigation associated with one home and that the irrigation occurring under all domestic uses at the place of use shall not exceed $\frac{1}{2}$ acre. In addition, WR permit 74-16242 diverts from a nearby spring tributary to Withington Creek for Domestic purposes, so the quantity of water diverted under both rights/permits and the domestic well on the property are limited to 13,000 gallons per day. ArcMap tools and aerial imagery were able to confirm that domestic structure is in place and associated irrigation was less than $\frac{1}{2}$ acre. Thus, I am recommending 0.04 cfs for domestic purposes and 0.20 cfs for fire protection purposes. I am not recommending volumes for either use as both are exempt from volume reporting requirements as per the Beneficial Use Rules.

All the conditions of this permit have been met. Applicant confirmed that their intake is a 1 $\frac{1}{4}$ inch pvc pipe with a screened intake so condition 029 can be considered satisfied and can be dropped as per the condition usage description. All other conditions on the permit will be carried over to the license.

*condition 201 should be changed to 239, the standard condition for external domestic use for home

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS

1. Recommended Amounts

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	
DOMESTIC	01/01 to 12/31	0.04 CFS	
FIRE PROTECTION	01/01 to 12/31	0.20 CFS	

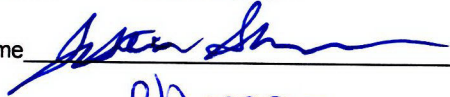
Totals: 0.20 CFS

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 ☒ None

I. AUTHENTICATION Justin Shearer -

Field Examiner's Name  Date 11/29/2023

Reviewer  Date 12/7/23

Beneficial Use Proof Evaluation

Permit Number: 74-16241 Reviewer: AVeibell Review Date: 9/15/2023

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: 9/7/2023
- 4) Proof Due Date: 10/1/2023
- 5) Days added for weekend due date? 2
- 6) Days added for holiday due date? 0
- 7) Number of days late: -26
- 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? Yes
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 4) Is there a request to waive the required items? No
- 5) Drilling Permit Number:
- 6) Is a drilling permit upgrade needed? No
- 7) Was a well drillers report filed? No
- 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

E046119

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.



Governor Brad Little

Director Gary Spackman

July 31, 2023

BEVERLY A SMITH
ROCKWELL D SMITH
400 WITHINGTON CREEK RD
SALMON ID 83467-5291

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 74-16241

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(s):

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 **October 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 Section 42-204, Idaho Code. 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,

Water Right Section

Enclosure(s)

CERTIFIED MAIL

7022 1670 0001 2370 9881

NO

SCANNED

AUG 02 2023