State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 74-16258

Priority: April 15, 2022 **Maximum Diversion Rate:** 0.25 CFS

This is to certify that

JENNIE SMITH
156 LEMHI RD
SALMON ID 83467-5140

has applied for a permit to appropriate water from:

Source : WASTE WATER **Tributary:** LEMHI RIVER

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

Beneficial Use	Period of Use	Rate of Diversion
IRRIGATION	3 /15 to 11/15	0.25 CFS

Location of Point(s) of Diversion
WASTE WATER NE¼ NE¼, Sec. 9, Twp 21N, Rge 22E, B.M. LEMHI County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	22E	10						12.6											12.6

Total Acres: 12.6

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2023.**
2. Subject to all prior water rights.
3. Rights 74-434 and 74-16258 when combined shall not exceed a total diversion rate of 0.25 cfs, a total annual maximum diversion volume of 44.1 af at the field headgate, and the irrigation of 12.6 acres.
4. 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. 74.
5. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to employ an alternative method to determine and record the amount of water diverted.
6. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.

SCANNED
OCT 14 2022

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 74-16258

9. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
10. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 13th day of October, 2022.

JAMES CEFALO
Eastern Regional Manager

SCANNED
OCT 14 2022

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 Mathew Weaver

October 13, 2023

JENNIE SMITH
156 LEMHI RD
SALMON ID 83467-5140

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 74-16258

Dear Permit Holder(s):

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.

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 or at the Department's website at www.idwr.idaho.gov .

If you have any questions concerning the field examination, please contact the Eastern Region Office of the Department located in Idaho Falls at (208) 525-7161.

Sincerely,

Amanda Veibell
Technical Records Specialist

Enclosure(s)

c: ROGER SMITH

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OCT 11 2023
DEPARTMENT OF WATER RESOURCES

Form 42-217 Rev. 6/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY	
Amt. of Fee $	100 -
Receipt No.	C117159
Receipted By	IC M
Date Receipted	10.11.23

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.

1. Permit No. 74-16258 Name of Permit Holder(s) Jennie Smith

Telephone No. (208) 871-8583 Email jnrsm@yahoo.com

Mailing Address 156 Lemhi Rd City Salmon State ID Zip 83467

2. Source of Water Waste Water 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) _____ Irrigation (No. acres) 12.6 Stockwater (No. and stock type) _____

Other _____

4. Total diversion rate or volume (storage only) for which proof is submitted 0.25 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.)

Headgate → ditch → 5 HP pump → 60' lift → irrigation pod system

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 (data logger)
☐	☐	☐	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

See attached request for variance. -RS.

7. Fee Enclosed $ 100.00 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:

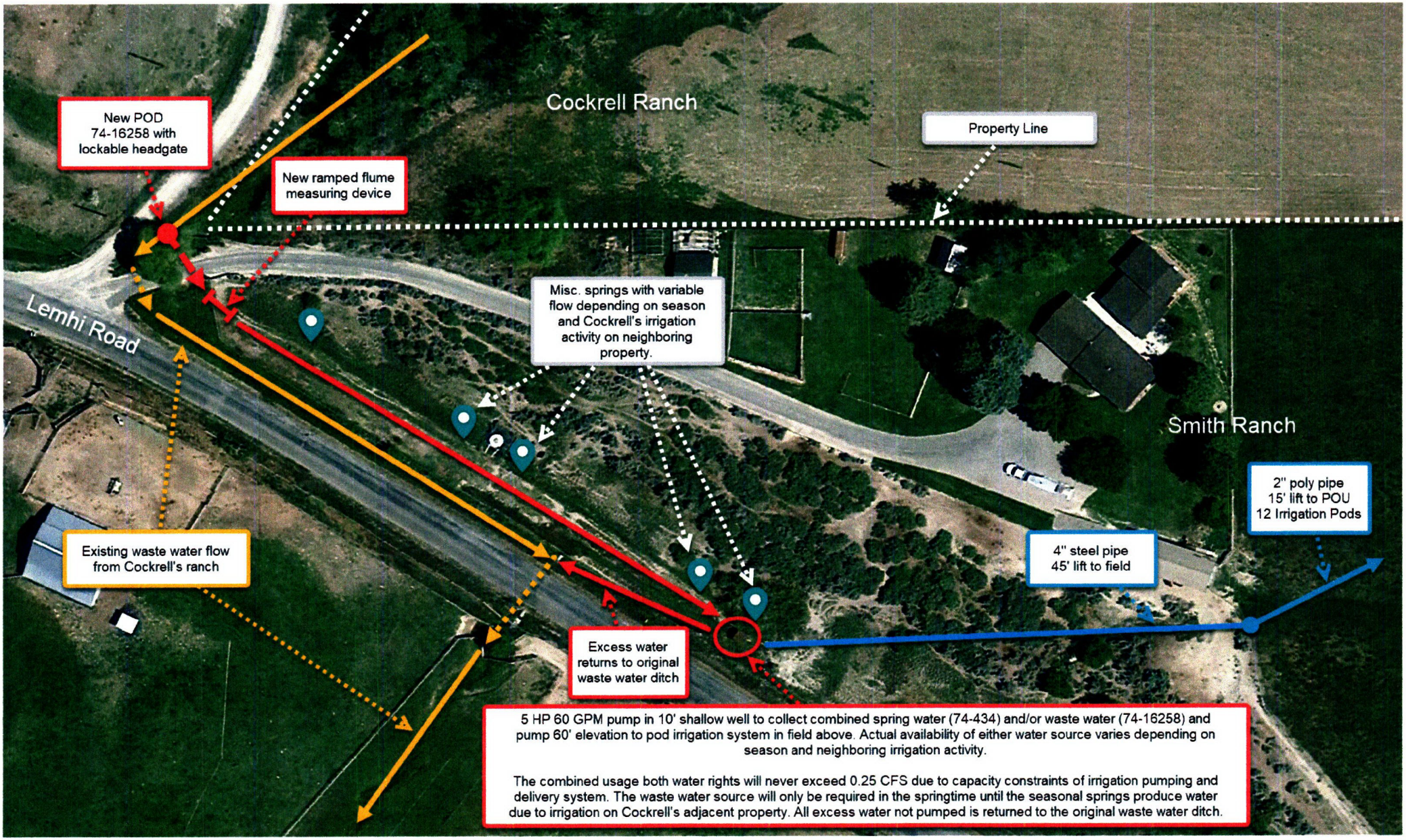
Name: Roger Smith Telephone No. 208-871-8259 Email roger@smithadventure.com

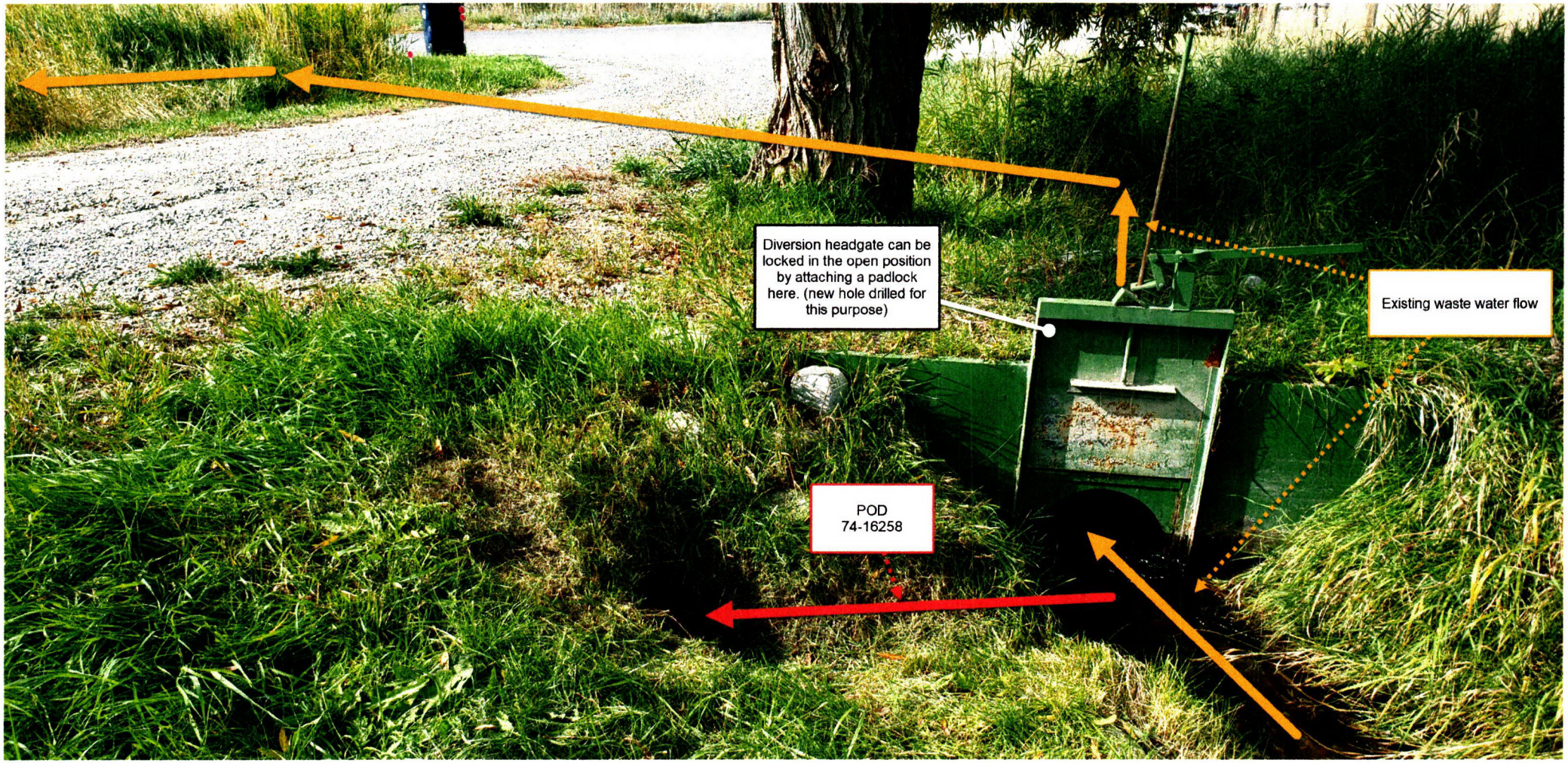
Mailing Address 178 Lemhi Rd City Salmon State ID Zip 83467

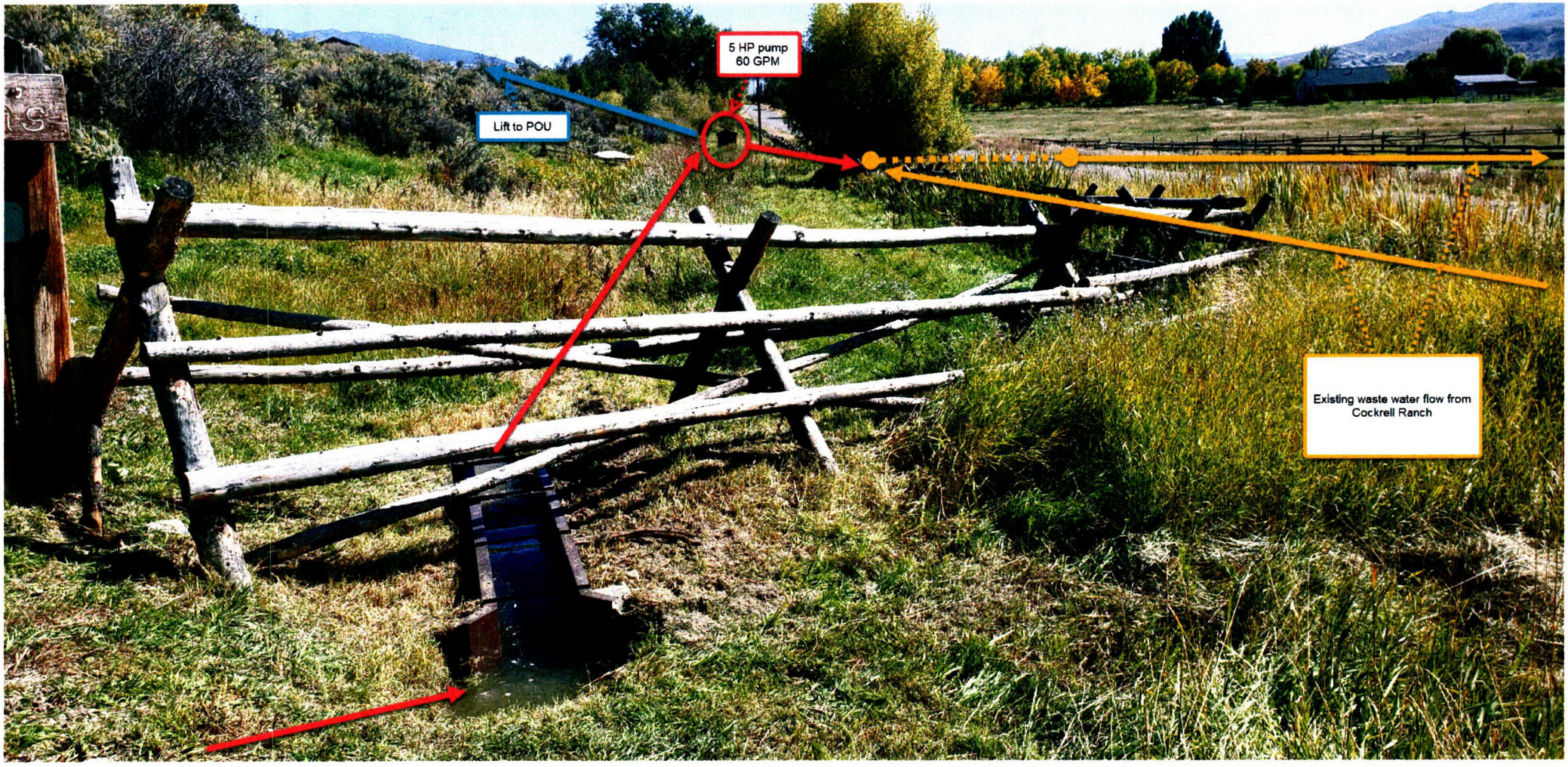
The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

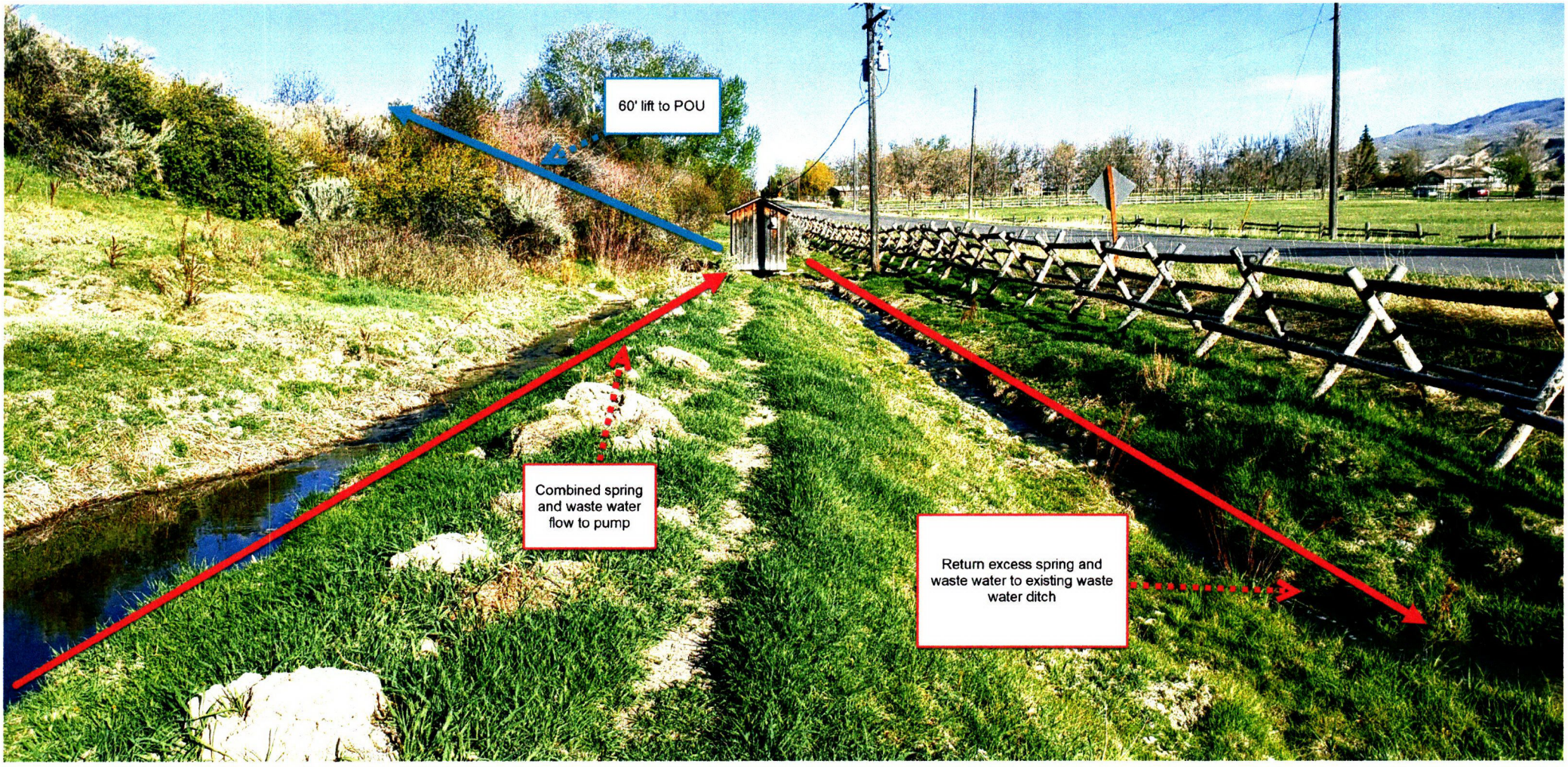
SIGNATURE OF PERMIT HOLDER*	PRINTED NAME AND TITLE	DATE
Roger Smith	Roger Smith (POA)	10/6/2023

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


New POD
74-16258 with
lockable headgate
New ramped flume
measuring device
Cockrell Ranch
Property Line
Lemhi Road
Misc. springs with variable
flow depending on season
and Cockrell's irrigation
activity on neighboring
property.
Smith Ranch
2" poly pipe
15' lift to POU
12 Irrigation Pods
Existing waste water flow
from Cockrell's ranch
4" steel pipe
45' lift to field
Excess water
returns to original
waste water ditch
5 HP 60 GPM pump in 10' shallow well to collect combined spring water (74-434) and/or waste water (74-16258) and pump 60' elevation to pod irrigation system in field above. Actual availability of either water source varies depending on season and neighboring irrigation activity.
The combined usage both water rights will never exceed 0.25 CFS due to capacity constraints of irrigation pumping and delivery system. The waste water source will only be required in the springtime until the seasonal springs produce water due to irrigation on Cockrell's adjacent property. All excess water not pumped is returned to the original waste water ditch.


Diversion headgate can be locked in the open position by attaching a padlock here. (new hole drilled for this purpose)
Existing waste water flow
POD
74-16258


5 HP pump
60 GPM
Lift to POU
Existing waste water flow from
Cockrell Ranch


60' lift to POU
Combined spring and waste water flow to pump
Return excess spring and waste water to existing waste water ditch

IDAHO DEPARTMENT OF
WATER RESOURCES

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DEPARTMENT OF
WATER RESOURCES

REQUEST FOR VARIANCE

A request for variance from data logger installation requirements. Variances may be considered on a case-by-case basis by the Idaho Department of Water Resources (IDWR or Department). If a request ***is not approved,*** the owner or operator of the diversion must install a data logger as required. An IDWR approval or denial letter will be mailed to the applicant following receipt of their request.

INSTRUCTIONS:
To request a variance, submit the completed form to IDWR (see address on page 2). Complete <u>one</u> form per diversion location. Only <u>one</u> owner or operator should complete and submit this form for a shared diversion.

SECTION I: DIVERSION INFORMATION

Applicant Name: Jennie Smith					IDWR Water District No.: 74
Local Diversion Name or Site Tag					Water Source *(local stream name)*: waste water
Diversion Description ☒ Ditch diversion ☐ Piped/pump diversion					Description of Headgate or Controlling Structure
Diversion Location	Township: 21N	Range: 22E	Section: ~~10~~ 9	QQ	Latitude: 45.171587 Longitude: -113.852656

OWNER(S) AND OPERATOR(S) OF DIVERSION	WATER RIGHT(S) or PERMIT(S) ASSOCIATED WITH DIVERSION	
Jennie Smith	74-434	74-16258
	.25 CFS	.25 CFS
	spring	WASTE WATER

SECTION II: VARIANCE REQUEST

A variance may only be considered if the alternative is a suitable device that regularly monitors and records the rate of the diversions. Provide a detailed explanation and reason for the request in the space below.

Diversion of waste water from neighboring ranch to seasonally augment irrigation water from spring (74-434) which doesn't flow until 6 weeks after neighboring ranch begins surface irrigation. Both sources flow to pump in the same ditch, so it's impossible to seperately measure the amount of water consumed by either. 5 HP pump is only capable of pumping 85 GPM (0.19 CFS) maximum. All surplus un-pumped water is returned to original waste water ditch, so none is wasted. Also, the available flow of waste water varie by the hour depending on how it's used upstream from me. Please see attached photos.

SECTION IV: OWNER OR OPERATOR CONTACT INFORMATION

Roger Smith, (POA for Jennie Smith)
Print Name | Title or Business (if applicable)

156 Lemhi Rd. Salmon ID 83467
Mailing Address

~~roger@smithadventure.com~~ (208) 871-8259
Email Address | Home Phone # | Cell Phone #

roger@smithadventure.com

Return this completed and signed form to:
Idaho Department of Water Resources
Attn: Water Rights Section
PO Box 83720
Boise, ID 83720-0098

Idaho Department of Water Resources Receipt

Receipt ID: C117159

Payment Amount	$100.00	Date Received	10/11/2023	Region	STATE
Payment Type	Check	Check Number	8391		
Payer	SMITH, JENNIE H				
Comments	STATEMENT OF COMPLETION FOR SUBMITTING PROOF OF BENEFICIAL USE PERMIT # 74-16258 FOR: JENNIE SMITH * REQUEST FOR VARIANCE JENNIE SMITH'WATER SOURCE - WASTE WATER 74-16258				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
$100.00	BENEFICIAL USE	56104	0229	21		1155

Signature Line (Department Representative)

Copy - Roger has original

Instrument # 312985 # Pages: 4
LEMHI COUNTY, Idaho
Aug 20, 2018 3:54:00 pm Fee: $ 25.00
For: ROBERT ALDRIDGE
TERRI J. MORTON, Recorder
HSMITH, Deputy

ROBERT L. ALDRIDGE, CHARTERED
Attorney at Law
1209 North Eighth Street
Boise, Idaho 83702-4297
Telephone: (208) 336-9880
Fax: (208) 336-9882

IDAHO
STATUTORY FORM POWER OF ATTORNEY
IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent can make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the act.

This power of attorney does not authorize the agent to make health-care decisions for you. You should select someone you trust to serve as your agent. The agent's authority will continue until your death unless you revoke the power of attorney or the agent resigns.

Your agent is entitled to reasonable compensation unless you state otherwise in the Special Instructions.

This form provides for designation of one agent. If you wish to name more than one agent you may name a coagent in the Special Instructions. Coagents are not required to act together unless you include that requirement in the Special Instructions.

If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

DESIGNATION OF AGENT

I, **Jennie Howard Smith**, the principal, 156 Lemhi Road, Salmon, Idaho 83467, name the following as my agent:

Name of Agent:	Roger Rulon Smith
Agent's Address:	12610 West View Ridge Drive, Boise, Idaho 83709
Agent's Cell Number:	(208) 871-8259

DESIGNATION OF SUCCESSOR AGENTS

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent:	Laurel Lee Smith
Successor Agent's Address:	6160 South Basalt Trail Place, Boise, Idaho 83716
Successor Agent's Cell Number:	(208) 871-8581

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second Successor Agent:	Anita Coreen Smith
Second Successor Agent's Address:	12610 West View Ridge Drive, Boise, Idaho 83709
Second Successor Agent's Cell Number:	(208) 412-1712

If my successor agent is unable or unwilling to act for me, I name as my third successor agent:

Name of Third Successor Agent:	Mariah Ashley Smith
Third Successor Agent's Address:	6160 South Basalt Trail Place, Boise, Idaho 83716
Third Successor Agent's Cell Number:	(208) 871-4006

GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the act: (INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects you may initial "All Preceding Subjects" instead of initialing each subject.)

_____ Real Property
_____ Tangible Personal Property
_____ Stocks and Bonds
_____ Commodities and Options
_____ Banks and Other Financial Institutions
_____ Operation of an Entity or Business
_____ Insurance and Annuities
_____ Estates, Trusts, and Other Beneficial Interests
_____ Claims and Litigation
_____ Personal and Family Maintenance
_____ Benefits from Governmental Programs or Civil or Military Service
_____ Retirement Plans
_____ Taxes
JS All Preceding Subjects

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below: (CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)

_____ Create, amend, revoke, or terminate an inter vivos trust
_____ Make a gift, subject to the limitations of the act and any special instructions in this power of attorney
_____ Make a gift without limitations except any special instructions in this power of attorney
_____ Create or change rights of survivorship
_____ Create or change a beneficiary designation
_____ Authorize another person to exercise the authority granted under this power of attorney
_____ Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
_____ Exercise fiduciary powers that the principal has authority to delegate

LIMITATION ON AGENT'S AUTHORITY

An agent that is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

SPECIAL INSTRUCTIONS

DIGITAL ASSETS, ETC. My agent shall have the power to access, use, control, and assume the ownership rights of my digital or electronic devices, including, but not limited to, desktop, laptop, table, or other types of computers and their peripheral equipment, storage devices, mobile telephones, "smart" phones, personal digital assistants, electronic books, electronic watches, electronic body and activity monitoring equipment, cameras, audio and video recorders, and any similar digital or electronic devises, which I, alone or with others, own or lease. My agent shall have the power to access, manage, modify, deactivate, delete, control, sell or transfer any digital assets, electronically stored information, and/or electronic communications owned by me, alone or with others, including, but not limited to, e-mail accounts, short message and text accounts, records of electronic communications, digital music, digital photographs, digital video, digital voice and voicemail, video games and virtual "worlds" or fantasy accounts created by any such games or other programs, "apps", accounts, networking websites, blogs, file sharing accounts, financial accounts, domain registrations, names, or DNS service accounts, online accounts at stores or other organizations and entities, social media, membership or patronage accounts with all inherent rights and benefits, and other online accounts or rights, which either currently exist or may exist at any time. My agent may obtain copies of any such digital information and may authorize others to have access to such digital information. My agent may employ agents or advisors to assist in collecting such electronic data, including, but not limited to, accessing such accounts, resetting passwords, or other authenticating protocols, either decrypting or encrypting digital information, and dealing with such information in furtherance of the administration of my affairs. The powers granted to my agent by this paragraph shall be broadly construed and shall not be limited or restricted by any web or electronic service provider. My agent shall have the authority to protect or enhance my, or any other person's, privacy by directing that any stored information owned or created by me, alone or with others, about any of my past activities, or of any other person, on the internet, or all other forms of electronic activities, or about me, or any other person, be deleted and that any links to or search results about me, or any other person, and such information be deleted or otherwise deactivated. My agent shall have all the rights, authorities, and privileges that I have with regard

to any such digital assets. This authorization is to be construed to be my lawful consent under the Electronic Communications Privacy Act of 1986, as amended, the Computer Fraud and Abuse Act of 1986, as amended, the Revised Uniform Fiduciary Access to Digital Assets Act under Idaho Code §§15-14-101 et seq., as amended, and any other applicable federal or state data privacy law or criminal law.

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it is terminated or invalid.

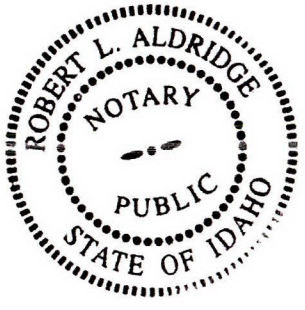
SIGNATURE AND ACKNOWLEDGMENT

Your signature: Jennie Howard Smith
Date: August 16, 2018
Your name printed: Jennie Howard Smith
Your address: 156 Lemhi Road, Salmon, Idaho 83467
Your phone number: (208) 871-8583

STATE OF IDAHO)
) ss.
County of Ada)

On this August 16, 2018, before me, Robert L. Aldridge, a Notary Public in and for said State, personally appeared Jennie Howard Smith, personally known to me, or identified to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is attached to the within instrument and acknowledged to me that said person executed the same.

IN WITNESS WHEREOF, I have hereunto placed my official hand and seal the day and year in this Certificate first above written.



Notary Public for Idaho
Residing at Meridian, Idaho
My commission expires on 07-01-2024

Beneficial Use Proof Evaluation

Permit Number: 74-16258 Reviewer: AVeibell Review Date: 10/12/2023

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: 10/11/2023
4) Proof Due Date: 11/1/2023
5) Days added for weekend due date? 0
6) Days added for holiday due date? 0
7) Number of days late: -21
8) Proof received timely? Yes

Analysis

1) Are the water uses correct? Yes
2) Are one of the following items required?
    a. Measuring Device -- Yes
    b. Lockable Device --Yes
    c. Fish Screen -- No
3) Are the required items installed? Yes
    a. Measuring Device -- Yes
    b. Lockable Device --Yes
    c. Fish Screen -- No
4) Is there a request to waive the required items? Yes
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: $100.00
4) Filing fee submitted: $100.00
5) Remaining fee or (refund): $0.00

Receipt IDs

T112495

Comments

Proof Acknowledged

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

August 31, 2023

JENNIE SMITH
156 LEMHI RD
SALMON ID 83467-5140

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 74-16258

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 **November 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,

Amanda Veibell
Technical Records Specialist

Enclosure(s)

c: ROGER SMITH

SCANNED
SEP 07 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little Director Gary Spackman

October 13, 2022

JENNIE SMITH
156 LEMHI RD
SALMON ID 83467-5140

RE: Permit No. 74-16258

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued 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.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

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OCT 14 2022

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3784.

Sincerely,

James Cefalo
Eastern Regional Manager

Enclosure(s)

SCANNED
OCT 14 2022

CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2022, I served a true and correct copy of Permit to Appropriate Water No. 74-16258 by U.S. Mail, postage prepaid, to the following:

JENNIE SMITH
156 LEMHI RD
SALMON ID 83467-5140

ROGER SMITH
178 LEMHI RD
SALMON ID 83467-5140

Christina Henman
Administrative Asst. I

SCANNED
OCT 14 2022

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.

SCANNED
OCT 14 2022

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.

SCANNED
OCT 14 2022

Jennie Smith
PO Box 1032
Salmon, ID 83709
m (208) 871-8583
jnrsm@yahoo.com

Idaho Department of Water Resources

October 7, 2022

RE: Water Right Place of Use for:
- Existing water right #74-434
- New water permit application #74-16258

To whom it may concern:

Roger Smith, my son, has my permission to apply water from the water rights and/or permits for my property located at 156 Lemhi Rd, Salmon ID, to the adjacent land Roger owns at 178 Lemhi Rd.

The Point Of Use currently identified for these water rights is a single agricultural field comprised of both Roger's property and mine.

Until recently both properties were owned and operated by myself, and at some point in the future ownership of my remaining portion will likely also transfer to Roger. In the meantime it is currently our mutual intent to continue operating and irrigating this land as a single agricultural entity.

Thank you.

Regards,

Jennie Smith

Jennie Smith

SCANNED

Holliday, Michael

From: Roger Smith <roger@smithadventure.com>
Sent: Friday, October 7, 2022 2:03 PM
To: Holliday, Michael
Subject: Re: water permit application 74-16258
Attachments: Jennie Smith IDWR Letter 20221007 (signed).pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hi Michael,

The requested document is attached. Sorry for the delay in getting it to you.

Please confirm that you've received it.

Kind regards,

Roger Smith
178 Lemhi Rd
Salmon ID 83467
m (208) 871-8259

------ Original Message ------
From "Holliday, Michael" <Michael.Holliday@idwr.idaho.gov>
To "roger@smithadventure.com" <roger@smithadventure.com>
Cc "jnrsm@yahoo.com" <jnrsm@yahoo.com>
Date 9/29/2022 2:32:40 PM
Subject water permit application 74-16258

Roger,

I just left you a phone message but thought I would also follow up with an email. As you are probably aware, Jennie has filed an application for a water permit. The proposed place of use includes some of your land. Please provide us with written evidence indicating you are okay with having the water permit on your property. Feel free to call if you have any questions. Thanks.

Michael Holliday
Water Rights Supervisor
Phone: 208-525-7161
Fax: 208-525-7177

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OCT 14 2022