

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 74-16242

Priority: July 17, 2020

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 0.6 AF

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, 2021. An examination confirms water is diverted from:

Source : SPRING

Tributary: WITHINGTON CREEK

Beneficial Use

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.04 CFS

Annual Volume

0.6 AF

Location of Point(s) of Diversion

SPRING SW¼ 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													
20N	23E	20							X										

Conditions of Approval

- Domestic use is for a camp trailer and water fountain and does not include lawn, garden, landscape, or other types of irrigation.
- 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.
- 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.
- 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.
- Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
- This right does not grant any right-of-way or easement across the land of another.

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 25th day of April, 2026.


Scott King
Western Regional Manager

State of Idaho
Department of Water Resources
Attachment to Water Right
74-16242

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.



- | | |
|-------------------------|--------------------|
| ● Point of Diversion | ▭ Townships |
| ▭ Place Of Use Boundary | ▭ Sections |
| ▭ State Outline | ▭ Quarter Quarters |



0 0.04 0.09 0.14 0.18 Miles



Imagery: 2023 Aerial Photography
Prepared By Englund, Kate



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

April 27, 2026

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

RE: License No. 74-16242

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, please contact me at 208-605-4628.

Sincerely,

Susan E Hobson

Susy Hobson
for

Scott King
Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2026, I served a true and correct copy of Water Right License No. 74-16242 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



Susy Hobson
Technical Records Specialist 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

The accompanying document is a “**Preliminary Order**” issued by the Idaho Department of Water Resources (“Department”) pursuant to Idaho Code § 67-5243. **This preliminary order can and will become a final order without further action of the Department, unless a party petitions for reconsideration, petitions for review, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

(See Idaho Code § 67-5243(3))

Any party may file a petition for reconsideration of this preliminary order with the Department within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The presiding officer will issue a written order disposing of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

PETITION FOR REVIEW (EXCEPTIONS)

(See Idaho Code § 67-5245)

Within fourteen (14) days after: (a) the service date of this preliminary order, (b) the service date of a denial of a petition for reconsideration of this preliminary order, or (c) the failure of the presiding officer to dispose of a petition for reconsideration of this preliminary order within twenty-one (21) days, any party may petition the Director in writing to review any part of this preliminary order by filing exceptions, and any supporting brief, with the Department.¹ Any parties opposing the exceptions shall have fourteen (14) days from the service date of the exceptions to file a brief. If the Director determines that oral argument is necessary, the Director will provide reasonable notice to the parties of the place, date, and hour for the argument.

The Director will issue a final order on exceptions within fifty-six (56) days of receipt of the final written brief or oral argument, whichever is later, unless extended for good cause. The Director may remand the matter for or hold an evidentiary hearing if further factual development of the record is necessary before issuing a final order.

REQUEST FOR HEARING

(See Idaho Code § 42-1701A(3))

Unless the right to a hearing before the Director or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order,

¹ The Director may decide to review this preliminary order upon his own motion. Should the Director decide to do so, the Director will provide written notice to the parties within the period the parties are allowed to petition the Director for review of the preliminary order.

or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Director to contest the action. The person shall file with the Director, within fifteen (15) days after receipt of written notice of the action issued by the Director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the Director and requesting a hearing. **Note: The request must be received by the Department within this fifteen (15) day period.**

CERTIFICATE OF SERVICE

(See IDAPA 37.01.01.053, 37.01.01.202)

All documents filed with the Department in connection with a petition for reconsideration, petition for review, or a request for hearing of this preliminary order shall be served on all other parties to the proceeding in accordance with Rules 53 and 202 of the Department's Rules of Procedure.

Henman, Christina

From: Yenter, Cindy
Sent: Monday, August 24, 2020 12:58 PM
To: Henman, Christina
Subject: FW: Smith applications 74-16241, 74-16242 Withington Ck

Additional comment: Christina, after talking to IDFG regarding these applications, I have two additional comments.

1. IDWR has agreed to include the standard fish screen condition on surface water rights in the Upper Salmon. Please make sure this condition appears on both rights. There will be a screen required for 74-16241 from Withington Creek, probably not from the spring but the condition is usually applied anyway.

2. Also on 74-16241, it would be a good idea to include language that diversions for fire protection be limited to times where there is an actively burning fire. The purpose would be to ensure that the entire authorized flow rate is used for irrigation purposes.

IDFG had these concerns but does not want to protest. I agree. If you have a problem with either condition please let me know.

*Cindy Yenter
Watermaster, Water District 170
IDWR Salmon Field Office
102 S Warpath, Salmon ID 83467
cindy.yenter@idwr.idaho.gov
208-742-0655
208-731-0901 cell*

From: Yenter, Cindy
Sent: Friday, August 14, 2020 12:45 PM
To: Henman, Christina <Christina.Henman@idwr.idaho.gov>
Cc: Stosich, Scott <Scott.Stosich@idwr.idaho.gov>; 'Steve Adams' <sadams1411@gmail.com>
Subject: Smith applications 74-16241, 74-16242 Withington Ck

These two applications represent two existing developments on upper Withington Creek that are not covered under any recorded water rights. The two systems are separate. Both diversions are upstream from the uppermost diversion administered by WD74J. The unauthorized diversions were found by a prior watermaster, but the downstream water users have never complained about them so they were not curtailed. There is most potential for injury to the upper 2 Withington irrigation diversions which are immediately downstream, but the diversion rates are sufficiently small that calls by senior rights further downstream are likely to be futile. Withington Ck is separately administered from the Lemhi River and there is no injury to the Lemhi minimum flow right.

Domestic uses from all water sources were excluded from Lemhi water districts in the 2018 WD170 Expansion Order. If these applications are not protested, their status should remain excluded (**WD Flag = EXC**). If the applications are protested it may be necessary to include them in WD74J for administration.