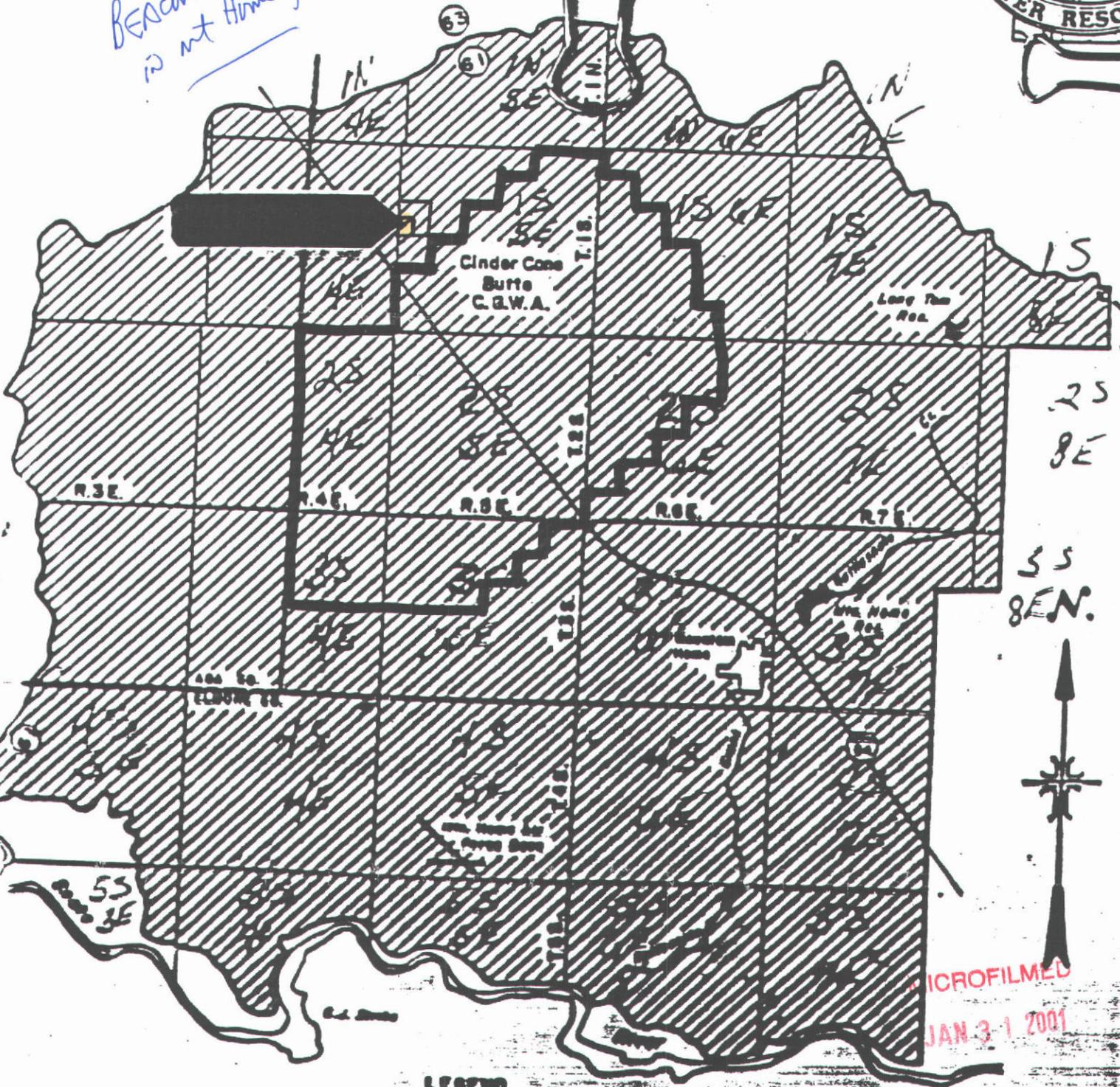


govt
 Lots 3+4
 S. 18
 T. 15
 R. 5E

MICROFILMED
 JAN 31 2001

Beacon Heights Subd.
is not Home ground

COPY



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8E
55
8EN.

MICROFILMED
JAN 3-1 2001

- LEGEND**
- ▨▨▨▨ Groundwater Area
 - ⊙ Hydrologic Basin No.

MOUNTAIN HOME GROUNDWATER MANAGEMENT AREA
(Designated Nov. 9, 1982)

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 1/12/01

No. 61-07760 Name: Smith Corp. Officers N/A Ad ok Govt Lots _____

AREA OF CONCERN: No/Yes _____ Moratorium MH GWMA _____ TRUST/NON-TRUST _____

GROUNDWATER: (√Flow Chart)

DRILLING PERMIT

- All wells - 046(**P23**)
- Basin 34 - 084 (if necessary)
- Irr. w/in WD - **P05**
- WMD - North/East/West
- ≤ 0.24 cfs/5 acres - No MD
- > 0.24 cfs/5 acres - 067
- ~~WMD~~
- Supp irr (irr = only use) - 065-104
- Supp irr (+ other uses) - 100-105
- ≤ 0.24 cfs/5 acres - No MD
- > 0.24 cfs/5 acres - 01M

LOCATION:

- ~~Boise Front LoGeo~~ - 058 (<85 GW)
- Mitigation - 121
- 42-248 Area - **P84**
- Swan Falls Flag -
- Trust - 051(**P74**) (consumptive uses)
- Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

- STORAGE - 18A-01H(**P01**), 01P-18B(**P09**)-NA
- IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
- > 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
- STOCKWATER - R37 (BLM/USFS)
- MINING - 054-106(**P10**)
- FISH PROP - 029(70'S only)-007-042-106 (**P10**)
- HEAT/COOL - R07(injection well)
- FIRE PROT. - 077

SURFACE WATER: (√Flow Chart)

- F&G contacted - Yes/No Response _____
- In/Above MSF - WB9
- PLANNING REVIEW/RESPONSE _____
- In-stream development - **P52**
- WD - R04 (WD# _____)
- ≤ 0.20 cfs/others - 01H(**P01**), 01P or No MD
- > 0.20 cfs - 01J(**P08**)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

- ≤ 0.24 cfs/5 acres - No MD
- > 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

- Snake R (01) - W22(**P04**), N/A (02,03) - 007 (w/ remark WB9 if above Weiser)
- Payette R (65) - 047(**P04**) (Payette Lake)
- Salmon R (70's) - 029 (fish screens)
- Weiser R (67) - 086-087

USES:

- POWER - 17H-17K (+uses)-08A-025(**P18**)-01N-106 (**P10**)
- MUNICIPAL
- Restricted area - 022,075
- Irr., GW supp to SW - 102
- DOMESTIC W01(67)
- Surface water - WB5 (Big Wood or Boise above Star Bridge) 27A (Payette R)
- >1 in restricted area - 070-071-075 (no parks/common areas, etc)
- Irr use listed separate - WB5
- Moratorium approvable - W03 (2500 gpd - meets domestic definition i.e. D/convenience store)

BENEFICIAL USE DUE: 1 / 01 / 2006

MISC CONDITIONS/REMARKS:

- ~~Protested~~ - 020-W19 - w/drawn
- Development Period - **P16** *cond. all listed on permit*
- ≤ 1 yr - **P16**
- > 1 yr - 26A(**P17**)
- Ownership - 004
- Non-consumptive - 027
- Water Quality - 106-R07

- Multiple pd's per ¼/¼ - W32 (2)
- Subd lot desc (pd) - W59
- Subd lot desc (pu) - W60 *Beacon Heights Subd.*
- Use definitions - W02 *example - S/50 range*
- Pre-1987 development - 068-074 (allow 120 days for proof due)
- Single pd intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS special cond from pro agreement/Gary's memo

COMMENTS _____



Name: Baton Heights
 Owner: Fred + Fran Smith
 Scale: 1/4" = 40' (1" = 160')
 Green area = lots 3 + 4
 Legend: The site is on the SW 1/4
 Section 18, T15, R35
 By: Elmore G. White

1/4" = 40' for contour heights
 7/3 inches for 100 ft.

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LOG SPEED

FPW

100

NATURAL GAMMA

CPS

100

0

20

0

50

100

150

200

250

300

350

400

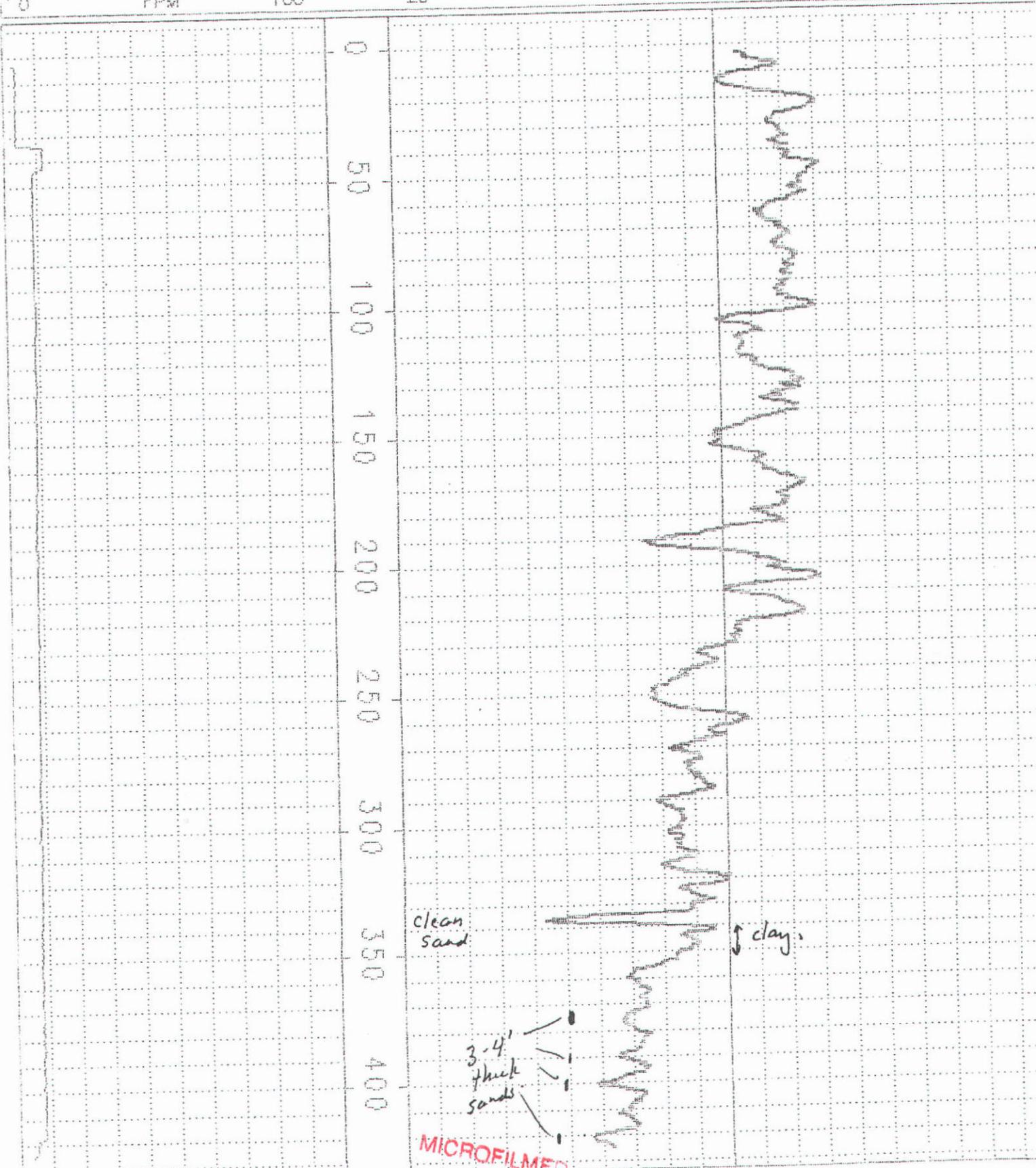
clean sand

clay

3-4' thick sands

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JAN 31 2001



FRED SMITH WELL 4-3-90

LOG SPEED
FPM

100

K 65

TEMPERATURE
DEGREES F

75



RECEIVED
JUL 03 2000

WATER RESOURCES
WESTERN REGION

Affidavit of Publication

NOTICE OF APPLICATION FOR WATER RIGHT

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

61-07760

SMITH, FRED T
HC 34 8675 N OLD HIGHWAY 30
BOISE, ID 83716

Source: GROUNDWATER
Diversion Pt: LOT 4 (SWSW) Sec
18 T 01S R 05E in ELMORE County.
Use: DOMESTIC (1.000 CFS)

Total Diversion: (1.000 CFS)

Date Filed: 5/3/2000

In: ELMORE County
T01S R05E S18 NESW
Lot 3(NWSW)

Lot 4(SWSW) SESW

Applicant agrees to mitigate consumptive use in the future as needed for a 67 home subdivision.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before JULY 10, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER,

Director

First Publication: June 21, 2000.

Last Publication: June 28, 2000.

County of Elmore } ss.
STATE OF IDAHO }

I, Coleen W. Swenson, do solemnly swear that I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 21st day of

June, 2000, and the last publication having been made on the 28th day of

June, 2000; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

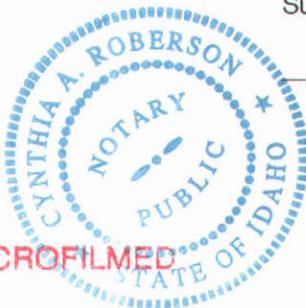
And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this 28th day of

June, 2000

Cynthia Roberson
Notary Public



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JAN 31 2001

Residing in Mountain Home, Elmore County, Idaho. My commission expires 09-09-2002.

State of Idaho
 Department of Water Resources
Permit to Appropriate Water

NO. 61-07760

Priority 05/03/2000

Maximum Diversion Rate 0.62 CFS

This is to certify, that FRED T SMITH
 HC 34 8675 N OLD HIGHWAY 30
 BOISE ID 83716

has applied for a permit to appropriate water from:

GROUND WATER

and a permit is APPROVED for development of water as follows

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.62 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 SW¼SW¼ Sec. 18, Twp 01S, Rge 05E, B.M. ELMORE County
 GROUND WATER L4 SW¼SW¼ Sec. 18, Twp 01S, Rge 05E, B.M. ELMORE County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE													
01S 05E 18									X	X	X	X					
										L3	L4						

CONDITIONS OF APPROVAL

- 1 Proof of application of water to beneficial use shall be submitted on or before **February 01, 2006**.
2. Subject to all prior water rights.
- 3 Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- 4 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code
5. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit
- 6 The right holder shall install a totalizing meter(s) of a type acceptable to the department to measure the total flow and volume diverted from the point(s) of diversion. The meter shall be maintained in working order at all times. The meter(s) shall be equipped with a sweep hand to measure instantaneous flow and a numerical volume accumulator display that will measure the discharge from the wells authorized by this water right. In addition, the water provided to each individual residence shall be metered

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JAN 31 2001

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 61-07760

- 7 The right holder shall install an access port and a sounding tube in the well(s). The sounding tube shall extend below the lowest elevation of anticipated drawdown. The right holder may alternatively construct a monitoring well on the property. The right holder shall allow the Idaho Department of Water Resources, the United States Geological Survey, and other entities gathering data to measure water depths in the well(s) under the provision of the owner of the well(s).
- 8 Upon completion of the well authorized by this permit, but prior to diversion of water for beneficial use, the water right holder shall conduct a pump test to determine the well drawdown, the capacity of the well, and the characteristics of the aquifer from which ground water is being diverted. A licensed engineer, geologist, or other qualified person as determined by the department shall submit the plan for the pump test to IDWR for review and approval. The permit holder shall submit the data and analysis to the department following the test.
- 9 Prior to diversion of water for beneficial use, the water right holder shall measure the temperature and pH of the ground water in the primary producing well, and shall test the ground water in the primary producing well for tritium, nitrates, total dissolved solids, sulfate, and chloride. The samples shall be taken by a person qualified to take the samples and shall be analyzed at a laboratory certified to analyze the water samples. Upon completion of the tests, the permit holder shall submit the information to the department.
10. The daily diversion for each residence including water for irrigated acreage is limited to 6,000 gallons per day. Irrigated acreage shall be limited to 1/4 acre in association with each residence. Yards shall only be irrigated from March 14 through November 15.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 17th day of January, 2001

Karl J. Dreher
for KARL J DREHER, Director

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JAN 31 2001

RECEIVED

JAN - 8 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

MAY 03 2000

Department of Water Resources

To appropriate the public waters of the State of Idaho

WATER RESOURCES
WESTERN REGION

1. Name of Applicant David T. Smith Phone 208-796-2702
Post Office address HC 34 8675 N. Old Hwy 30 Boise ID 83716

2. Source of water supply Ground Water which is a tributary of _____

3. Location of point of diversion is SW 1/4 of SW 1/4 of _____ 1/4, Govt. Lot 44
Sec. 18 Township 15 Range 5E B.M. Frank County; additional points of
diversion if any: possibly two wells in same area

4. Water will be used for the following purposes:

- Amount 1.0 for Domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1.0 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. wells, pump, pipe lines
& Reservoir (Storage Tank) for drinking water

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is 16" inches; proposed depth of well is 500' feet.

d. Is ground water with a temperature of greater than 85°F being sought? No

e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____

7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)

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

- a. Hydropower; show total feet of head and proposed capacity if KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. ttt
- d. Domestic; show number of households. 67 with yards
- e. Other; describe fully. _____

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38 1 001

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15	5E	18									D	D	D	D					
											L.3	L.4							

Total number of acres to be irrigated

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

- 11. a. Who owns the property at the point of diversion? applicant
- b. Who owns the land to be irrigated or place of use? applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing:

12. Remarks: Beacon Heights Subdivision.
Cfs includes .35 inhouse & .67 for estimated
33.5 acres of yards at 42 acre/home.

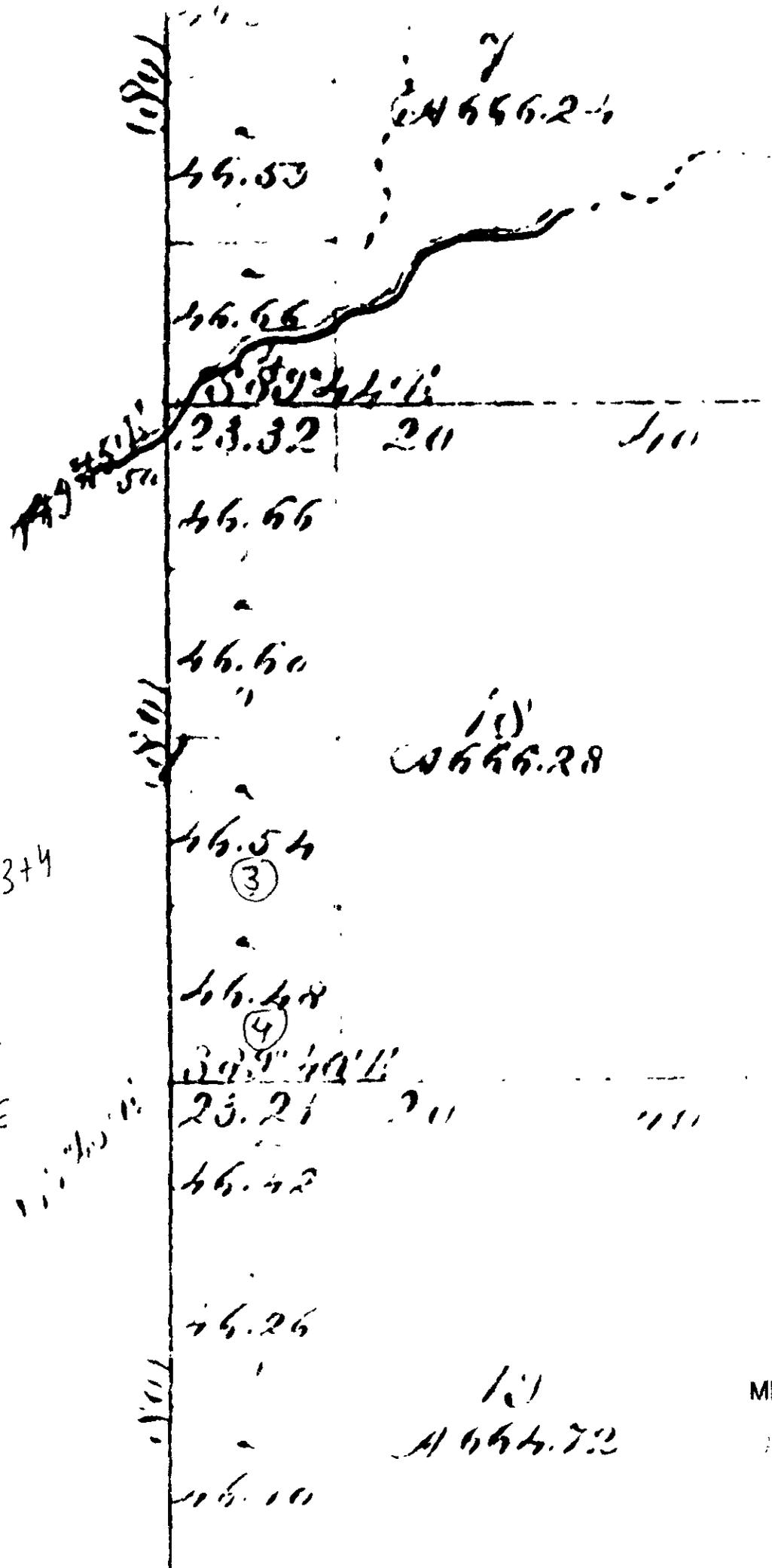
13. MAP OF PROPOSED PROJECT ATTACHED Show clearly the proposed point of diversion, place of use, section number, township and range number.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED
 JAN 31 2001

[Signature]
 (Applicant)

Received by [Signature] Date 5/3/00 Time 2:00 Preliminary check by DAN
 Fee \$ 100 Received by [Signature] # W026415 Date 5/3/00
 Publication prepared by [Signature] Date 6-27-00 Published in MOUNTAIN HOME NEWS
 Publication approved [Signature] Date 7-25-00



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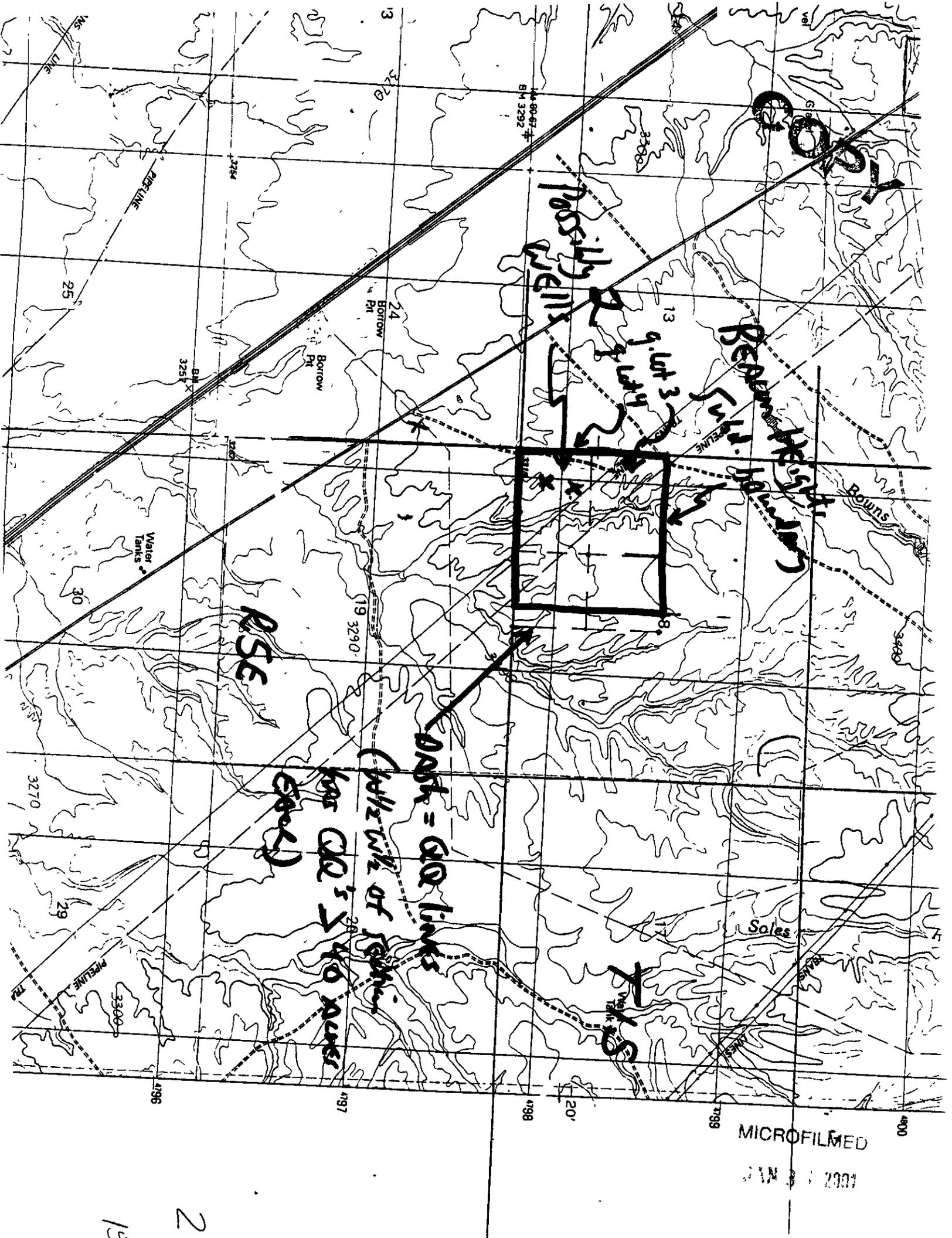
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90v4
 Lots 3+4
 S. 18
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JAN 3 1965



3070

Possibly 2 good wells

REPERM. MEASUREMENTS

RSE

DASH = GOOD LINKS

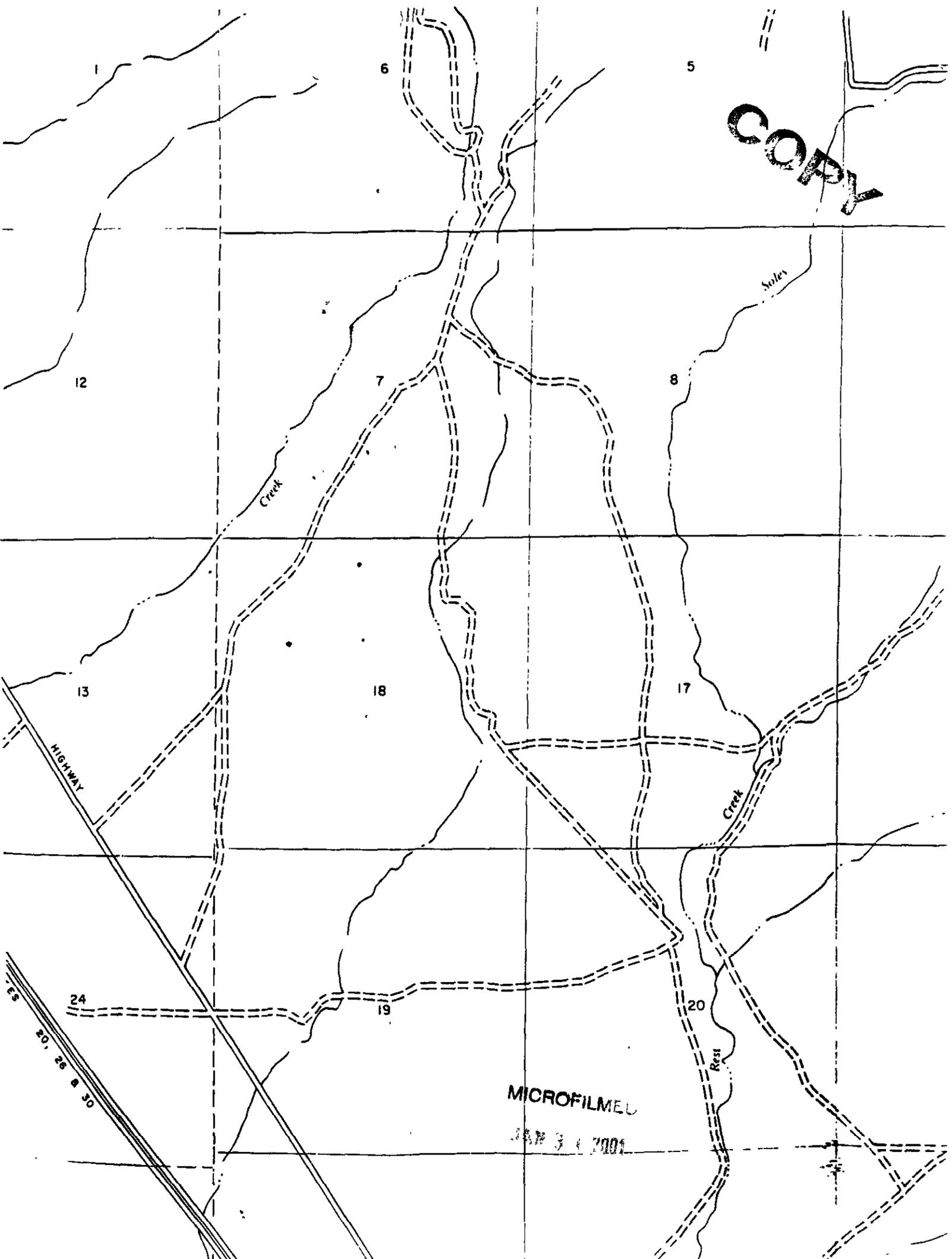
(with 1/2 of former
has 300' x 40 acres
each)

TMS

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JAN 8 2001

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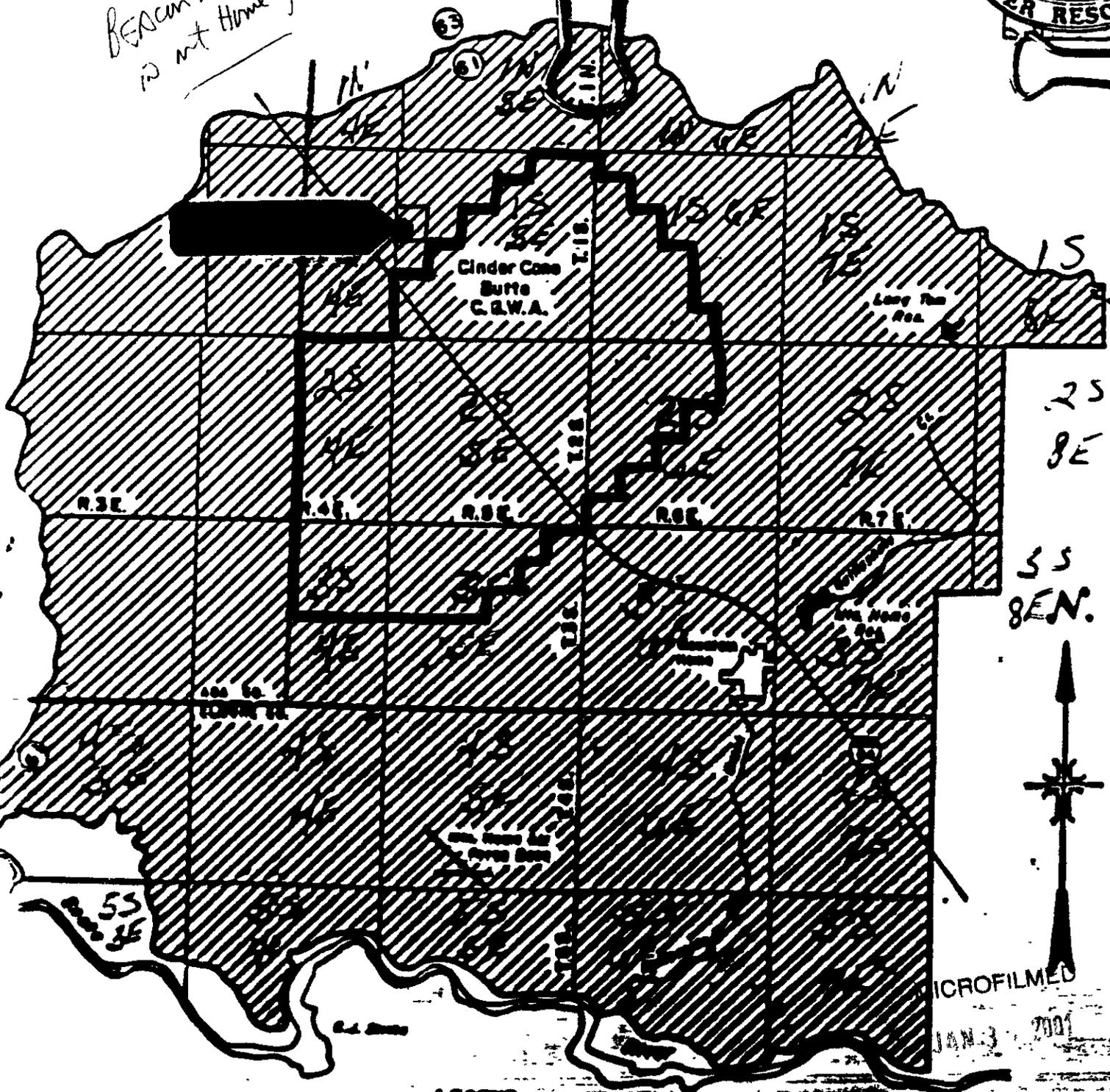
Applicant
will submit
8 1/2 x 11 subd.
plat. OK to
process while
pending.
Per office visit
5/3.

-82

COPY



*Beacon Heights Subd.
is not Home ground*



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MOUNTAIN HOME GROUND WATER
(Dec. 1952)

Ident. No. 61-07760

Comments: Date: 6/ 2/2000 User-ID: DNELSON

Subject: ADDITIONAL INFORMATION

APPLICANT: Domestic use is for 67 home subdivision also known as Beacon Heights Subdivision. Diversion rate includes .35 cfs for in-house use and .67 cfs for lawn irrigation for 33.5 acres of lawns at 1/2 acres per home.

IDWR: This application is in Mountain Home Groundwater Manage Area and just north of Cinder Cone Butte Critical Groundwater area.

MICROFILMED

6/ 4 73

Kari Lynn Townsend

Would you please ask
someone to place this
document in the file
for permit no. 61-07760?
Thanks.

Cary Spadman



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Lower Snake River District
Boise Field Office
3948 Development Avenue
Boise, Idaho 83705-5389
<http://www.id.blm.gov>

RECEIVED

JAN 30 2001

WATER RESOURCES
WESTERN REGION

In Reply Refer To

IDI-30643
2800

Fred & Frances Smith
HC - 34
8675 N. Old Highway 30
Boise, ID 83716

Dear Mr. and Mrs. Smith:

We have prepared an environmental analysis (EA), in draft, of your proposed road widening project on public lands. This road serves your property in the Browns Creek area south of the Simco Road Interchange. Our evaluation has addressed the widening of your access road by adding an additional 30' to its current width. Preliminary findings have recommended the granting of your request with some restrictions.

As you know, this area has been identified as having several candidate and sensitive species associated with it under the Endangered Species Act. This may still impose some consequence as to how or if we can offer a right-of-way grant to you. In this interim period you may conclude that we intend to grant your request with stipulations attached addressing construction methods, timing, etc. These stipulations will be specific to your new construction on public lands.

For example, you will be required to construct a fence along both sides of your road and you will be able to install a cattle guard where the road enters your property. The cattle guard, however, must be constructed at least half on your property. During its installation you shall not disturb the existing Cadastral survey monuments now in-place. The new road construction will be built to Elmore County Highway District standards for such rural, subdivision use.

We are holding off issuing the EA for the next 30 days, thereby allowing anyone who desires an opportunity to comment to us, in writing. All comments are to be sent to me at the address above. Once the 30 days have elapsed we will be in a position to know whether we can offer you

an amendment to your right-of-way or not. If you have any questions concerning this process please contact my Realty Specialist, Mike Austin, at (208) 384-3339.

Sincerely,

Daryl L. Albiston
Four Rivers Field Manger

cc: ~~Idaho~~ Department of Water Resources, Boise
US Fish and Wildlife Service, Boise
Elmore County Planning & Zoning Commission, Mtn. Home

RECEIVED

JAN 24 2001

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights
(Please print or type)

[] Water Right Number(s): 61-07760

[] Name(s): Fred T. &/or Frances Smith

[] Old Mailing Address. HC 34 8675 N OLD HIGHWAY 30
BOISE ID 83716

[] New Mailing Address: 2029 S TYLER RD
BOISE ID 83716

Telephone Number: (208) 796 - 2702

[] Signature(s) of Owner(s) *Fred T. Smith* **MICROFILMED**
JAN 31 2001
(Include your title if on behalf of company or organization)

Date: Jan 20, 2001

*database updated
1.24.01 Ket*



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

January 18, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

FRED T SMITH
HC 34 8675 N OLD HIGHWAY 30
BOISE ID 83716

RE Permit No 61-7760

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

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

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

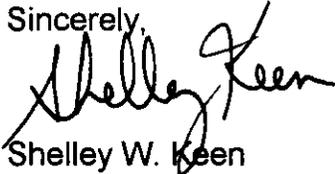
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JAN 31 2001

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. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,



Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
JAN 31 2001

CERTIFICATE OF MAILING

I hereby certify that on the January 18, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 61-7760

**FRED T SMITH
HC 34 8675 N OLD HIGHWAY 30
BOISE ID 83716**



**Kari Lynn Townsend
Secretary**

**MICROFILMED
JAN 31 2001**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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).

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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 issuance 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.

MICROFILMED
JAN 31 2001

Frances

2029 S Tyler Rd
Brise 83716

MICROFILMED

~~208~~ 362-4356

Be sure to call the
permit holder's attention
to the conditions
of approval in
the ~~transmitted~~
~~letter~~
1.17.01

~~MS~~
1-17-01

Karilynn -
Please call Mr Smith
when this gets signed;
he has a meeting
Thurs. and will
probably need a copy
before that.
Done 1.17.01 ~~MS~~



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

FAX TRANSMITTAL COVER SHEET

DIRK KEMPTHORNE GOVERNOR

KARL J. DREHER DIRECTOR

DATE: 1.17.01

TO: Frances Smith (for Fred Smith) 362-4356

FROM: Kari Lynn Johnson IDWR

DOCUMENT DESCRIPTION: Letter and approved permit

COMMENTS:

COVER SHEET + 4 PAGES

PLEASE CONTACT Kari Lynn Johnson 327-7941 ENTIRE DOCUMENT

IF YOU DON'T RECEIVE THIS

MICROFILMED JAN 31 2001

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 1/12/01

No. 61-07760 Name: Smith Corp. Officers N/A Ad ok Govt Lots _____

AREA OF CONCERN: No/Yes _____ Moratorium MH GWMA _____ TRUST/NON-TRUST _____

GROUNDWATER: (√Flow Chart)

DRILLING PERMIT

- All wells - 046(P23)
- Basin 34 - 084 (if necessary)
- Irr w/in WD - P05
- WMD - North/East/West
- ≤ 0.24 cfs/5 acres - No MD
- > 0.24 cfs/5 acres - 067
- ~~WMD~~
- Supp irr (irr = only use) - 065-104
- Supp irr (+ other uses) - 100-105
- ≤ 0.24 cfs/5 acres - No MD
- > 0.24 cfs/5 acres - 01M

LOCATION:

- ~~Boise Front LoGeo~~ - 058 (<85 GW)
- Mitigation - 121
- 42-248 Area - P84
- Swan Falls Flag -
- Trust - 051(P74) (consumptive uses)
- Non-Trust - 048-049 (consumptive uses or non-cons > 1.0 cfs)

USES:

- STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
- IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
- > 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
- STOCKWATER - R37 (BLM/USFS)
- MINING - 054-106(P10)
- FISH PROP - 029(70'S only)-007-042-106 (P10)
- HEAT/COOL - R07(injection well)
- FIRE PROT - 077

SURFACE WATER: (√Flow Chart)

- F&G contacted - Yes/No Response _____
- In/Above MSF - WB9
- PLANNING REVIEW/RESPONSE _____
- In-stream development - P52
- WD - R04 (WD# _____)
- ≤ 0.20 cfs/others - 01H(P01), 01P or No MD
- > 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

- ≤ 0.24 cfs/5 acres - No MD
- > 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

- Snake R (01) - W22(P04), N/A
- (02,03) - 007 (w/ remark WB9 if above Weiser)
- Payette R (65) - 047(P04) (Payette Lake)
- Salmon R (70's) - 029 (fish screens)
- Weiser R (67) - 086-087

USES:

- POWER - 17H-17K (+uses)-08A-025(P18)-01N-106 (P10)
- MUNICIPAL
- Restricted area - 022,075
- Irr, GW supp to SW - 102
- DOMESTIC W01(67)
- Surface water - WB5 (Big Wood or Boise above Star Bridge)
- 27A (Payette R)
- > 1 in restricted area - 070-071-075 (no parks/common areas, etc)
- Irr use listed separate - WB5
- Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

BENEFICIAL USE DUE: 1/01/2006

MISC CONDITIONS/REMARKS:

- ~~Protected~~ - 020-W19 w/drawn
- Development Period
- ≤ 1 yr - P16 cond all
- > 1 yr - 26A(P17) listed on
- Ownership - 004 permit
- Non-consumptive - 027
- Water Quality - 106-R07

- Multiple pd's per 1/4 - W32 (2)
- Subd lot desc (pd) - W59
- Subd lot desc (pu) - W60 Beacon Heights Subd.
- Use definitions - W02 example - S/50 range
- Pre-1987 development - 068-074 (allow 120 days for proof due)
- Single pd intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map) IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS special cond from pre agreement / fringe memo

COMMENTS _____

ILLINOIS DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
JAN 8 2000
DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: DAN DATE: 6-2-2000 APPLICATION: ~~61-07760~~

REQUIRED INFORMATION

- Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- Address:
- Source: (See USGS Quad for names of water sources)
- Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- County:
- Quantity: (flow and/or volume)
- Period of use:
- Nature of proposed use: (Include description of use)
- Description of diverting works:
- Time required for beneficial use of water:
- Place of use or acres irrigated:
- Map: (show T, R, S, QQ &/or QQQ)
- Subdivision plat: (for > 1 home in restricted area. \geq 5 homes in non-restricted area)
- Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- Correct fee paid

Gov't. Lots:
yes P/D
yes PIU

need map

ADDITIONAL INFORMATION

YES ADVERTISE REMARK(S)
(Reviewer identify which remarks)

X T FLAG CHANGED TO P FLAG

YES NO

- Overlapping place of use: (Describe source & relationship to present application on next page.)
- Overlapping point of diversion.
- Critical groundwater area: JUST NORTH OF ~~CINDER CON D~~ CINDER CON D
- Groundwater management area: JUST NORTH OF MT HOME GWS NA APPROXIMATE COMMUNITY WELL
- 1992 moratorium:
- Surface water source, IDFG letter needed.
- Protected river or minimum flow reach, notify water planning bureau.
- E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- E-mail to Dam Safety staff: (for any storage)
- Mitigation plan: Check any that apply.
 - immediate = acceptable plan required and submitted.
 - future = open areas, acceptance of condition of approval is in file.
- Send power requirement letter &/or fish farm requirement letter.
- Power residency affidavit:
- Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Plot map of subdivision

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO. 077160

YES NO

In form for advertising:
 Statewide advertising: (> 10 cfs &/or 1000 af)
 Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

I.D. Health & Welfare
 I.D. District Health
 I.D. Fish & Game
 I.D. Lands

YES NO

U.S. BLM
 U.S. Forest Service
 Water Dist. # _____
 Water Planning Bureau
 Other Maintain Home Advisory Committee

took to MIT&WAC mtg. 6-14-00

FINAL REGIONAL PROCESSING REVIEW:

YES NO

Affidavit of publication received:
 Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:
 Final date for protest 7-10-00

Protests received.

Recommendations attached:

Measuring device required:

Water delivered by water master? District # _____

Special conditions of approval or cover letter: See memo dated 12/19/2000

This application has been discussed with Norm Young on several occasions. Norm should probably see the application before it is approved.

See below for additional information

Recommended Date or Priority 5/3/2000

Recommended by: Gay S Date: 12/26/2000

ADDITIONAL INFORMATION:

There are no overlapping rights.
This application is in the Mthuma
JUST NORTH OF CINDER CONE BUTTE
CLWA.

MEMORANDUM

To: File No. 61-07760; Fred T. Smith
From: Gary Spackman *Gary*
Date: December 19, 2000

Re: Conditions of Approval

Fred T. Smith filed application for water right no. 61-07760, seeking to appropriate 1.0 cfs for domestic use in 67 homes. The application is related to a proposed residential development named Beacon Heights, located 3-4 miles northeast of the Simco Road exit of Interstate 84. The proposed wells (two) will be located in the Mountain Home Groundwater Management Area.

The application was protested by Charles Olson. Two prehearing conferences were conducted. At the conclusion of the second prehearing conference, the parties settled the contested case and signed an agreement. The agreement and conditions for approval are contained in the file.

Water levels of the regional aquifer in the general area where the wells are proposed have remained stable or even increased, while water levels in wells located in the critical ground water area south of the proposed wells continue to decline. The proposed wells will be located hydrologically up-gradient from a portion of the critical ground water area where water levels are declining. Upgradient ground water probably recharges the aquifer where declines have been observed. With limited data, IDWR is unable to determine why the water near the proposed development is not declining as a result of declines in down-gradient aquifer levels.

I suggest IDWR approve application no. 61-07760 with some very strict conditions. I communicated with Helen Harrington and Shane Bendixson about the conditions, and they both suggested language to insure proper monitoring.

1. The flow rate approved shall be limited to 0.62 cubic feet per second. (This can be incorporated into the flow provisions of the permit, and does not have to be a separate condition).

2. The daily diversion for each residence is limited to 6,000 gallons per day. Irrigated acreage shall be limited to one-fourth acre in association with each residence. Yards shall only be irrigated from March 14 through November 15.

3. The water right holder shall install a totalizing meter(s) of a type acceptable to IDWR to measure the total flow and volume diverted from the point(s) of diversion. The meter shall be maintained in working order at all times. The meter(s) shall be equipped with a sweep hand to measure instantaneous flow and a numerical volume accumulator display that will measure the discharge from the wells authorized by this water right. In addition, the water provided to each individual residence shall be metered.

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JAN 7 1991

4. The water right holder shall install an access port and a sounding tube in the well(s). The sounding tube shall extend below the lowest elevation of anticipated drawdown. The water right holder may alternatively construct a monitoring well on the property. The water right holder shall allow IDWR, the United States Geological Survey, and other entities gathering data to measure water depths in the well(s) under the supervision of the owner of the well(s).

5. Upon completion of the well authorized by this permit, but prior to diversion of water for beneficial use, the water right holder shall conduct a pump test to determine the well draw down, the capacity of the well, and the characteristics of the aquifer from which ground water is being diverted. A licensed engineer, geologist, or other qualified person shall submit the plan for the pump test to IDWR for review and approval. The data and analysis shall be submitted to IDWR following the test.

6. Prior to diversion of water for beneficial use, the water right holder shall measure the temperature and pH of the ground water in the primary producing well, and shall test the ground water in the primary producing well for tritium, nitrates, total dissolved solids, sulfate, and chloride. The samples shall be taken by a person qualified to take the samples and shall be analyzed at a laboratory certified to analyze the water samples. Upon completion of the tests, the information shall be provided to IDWR.

7. (121)

8. (046)

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JAN 31 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

December 14, 2000

KARL J. DREHER
DIRECTOR

Fred T. Smith
HC 34
8675 N. Old Hwy 30
Boise, ID 83716

Re: Agreement for Withdrawal of Protest

Dear Fred:

Enclosed is an amended agreement and withdrawal of protest we spoke about earlier. As you can see, the flow rate in the first numbered paragraph was changed from 0.5 cfs to 0.62 cfs. Charles Olson stopped by this office yesterday to talk about another matter, and he agreed that the flow rate should be able to produce the 6,000 gallon per day per residence limitation. He signed the document, and I am forwarding it to you for signature. After you sign the agreement, please return it to me for filing.

I will be sending your application to our state office for final processing. The prompt return of the amended agreement will expedite final review.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

c. Charles Olson

Enclosure

MICROFILMED
JAN 31 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

DEC 20 2000

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 61-07760 IN THE)
FRED T. SMITH.)
_____)

AGREEMENT AND WITHDRAWAL
OF PROTEST

Fred T. Smith, applicant for application for water right no. 61-07760, and Charles Olson, protestant, agree that the following conditions shall be placed on an approval of application no. 61-07760 by the Idaho Department of Water Resources (IDWR). Charles Olson conditionally withdraws his protest to application for water right no. 61-07760 based on this agreement.

The parties agree upon the following conditions:

1. The flow rate approved shall be limited to 0.62 cubic feet per second. (This can be incorporated into the flow provisions of the permit, and does not have to be a separate condition).

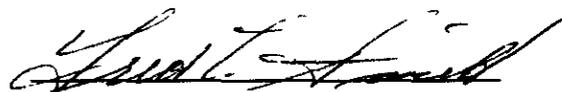
2. The daily diversion for each residence is limited to 6,000 gallons per day. Irrigated acreage shall be limited to one-fourth acre in association with each residence. Yards shall only be irrigated from March 14 through November 15.

3. The water right holder shall install a totalizing meter. The meter shall be equipped with a sweep hand to measure instantaneous flow and a numerical volume accumulator display that will measure the discharge from the well authorized by this water right. In addition, the water provided to each individual residence shall be metered.

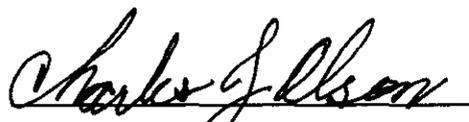
4. The water right holder shall install an air line in the well for the purpose of measuring water depths in the well. The water right holder shall allow IDWR, the United States Geological Survey, and other entities gathering data to measure water depths in the well under the supervision of the owner of the well.

5. Upon completion of the well authorized by this permit, the water right holder shall conduct a pump test to determine the well draw down, the capacity of the well, and the characteristics of the aquifer from which water is being diverted. A licensed engineer, geologist, or other qualified person shall submit the plan for the pump test to IDWR for review and approval.

Dated this 18 day of December 2000.


Fred T Smith

Dated this 13th day of December 2000.


Charles Olson

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JAN 2 2001

APPLICATIONS CHECKLIST

APPLICATION NO. 61-02760 **APPLICANT:** Fred Smith

- Log in Apps.lis**
- Make files & labels**
- Add bar code**
- Advertise**
- Put dates & newspaper in file**
- Comment letters**
- Proof Affidavit**
- Send to S.O. (Apps.lis & Bar Code)**

IF PROTESTED

- Put protest date in data base**
- Change bar code**
- Put protest in apps.lis**
- Green sticker on file**
- Protest letters**
- Send copy to vault (thru Norm)**
- Remind people to send copies of their corres. to app & prot**
- Do protest info sheet**
- Conference notices**
- Send copy to Glen**
- Conf. room confirmation letter**
- Put conf. date on calendars (Gary's & mine)**
- Make sure mtg rooms are handicap approved.**
- Make sure all parties are on the mailing list.**
- Remove prot date from data base**
- Change apps.lis**
- Change bar code**
- Send to SO**

TRANSFERS

- Put protest date in lowest number water right (T file)**
- Make copies for file, Jan & SO (Pam & Jim)**
- Add dates and transfer no. to advertising**
- Transfer by computer to S.O.**



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

November 21, 2000

KARL J. DREHER
DIRECTOR

FRED SMITH
2029 S TYLER RD
BOISE ID 83716

CHARLES OLSON
RT 1 BOX 777E
MOUNTAIN HOME ID 83647

Re: Draft Agreement and Withdrawal of Protest

Gentlemen:

Enclosed is a draft agreement and withdrawal of protest we discussed at the prehearing conference conducted on November 2, 2000. Please review the document and submit any suggested changes to me by December 1, 2000. Remember also to carbon copy the other side with suggested changes. If I receive no suggestions, I ask that Charles Olson sign the document first, and forward it to Fred Smith for his signature. Upon receiving the agreement and withdrawal of protest, I will continue to process the water right application.

Sincerely,

Gary Spackman

GS:st

Encl. Draft Agreement and Withdrawal of Protest

MICROFILMED

JAN 31 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

DRAFT

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 61-07760 IN THE)
FRED T. SMITH.)

AGREEMENT AND WITHDRAWAL
OF PROTEST

Fred T. Smith, applicant for application for water right no. 61-07760, and Charles Olson, protestant, agree that the following conditions shall be placed on an approval of application no. 61-07760 by the Idaho Department of Water Resources (IDWR). Charles Olson conditionally withdraws his protest to application for water right no. 61-07760 based on this agreement.

The parties agree upon the following conditions:

1. The flow rate approved shall be limited to 0.5 cubic feet per second. (This can be incorporated into the flow provisions of the permit, and does not have to be a separate condition).
2. The daily diversion for each residence is limited to 6,000 gallons per day. Irrigated acreage shall be limited to one-fourth acre in association with each residence. Ards shall only be irrigated from March 14 through November 15.
3. The water right holder shall install a totalizing meter. The meter shall be equipped with a sweep hand to measure instantaneous flow and a numerical volume accumulator display that will measure the discharge from the well authorized by this water right. In addition, the water provided to each individual residence shall be metered.
4. The water right holder shall install an air line in the well for the purpose of measuring water depths in the well. The water right holder shall allow IDWR, the United States Geological Survey, and other entities gathering data to measure water depths in the well under the supervision of the owner of the well.
5. Upon completion of the well authorized by this permit, the water right holder shall conduct a pump test to determine the well draw down, the capacity of the well, and the characteristics of the aquifer from which water is being diverted. A licensed engineer, geologist, or other qualified person shall submit the plan for the pump test to IDWR for review and approval.

Dated this ____ day of December 2000.

Fred T Smith

Dated this ____ day of December 2000.

Charles Olson

NON-FILMED

2001

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of November 2000, I mailed a true and correct copy, postage prepaid, of the Agreement and Withdrawal of Protest to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

FRED T SMITH
2029 S TYLER ROAD
BOISE ID 83716

CHARLES OLSON
RT 1 BOX 777E
MOUNTAIN HOME ID 83647

MICROFILMED
JAN 31 2001

Mr. Fred T. Smith
2029 S. Tyler Road
Boise, Idaho 83716-3421
208-796-2702

RECEIVED

OCT 19 2000

WATER RESOURCES
WESTERN REGION

October 16, 2000

Mr. Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

RE: 2nd Prehearing Conference

Dear Mr. Spackman:

After receiving the notice to appear at the November 2, 2000 meeting I sat and reviewed my notes. The most pronounced item was the fact that I was told it was required for an advertising period for people who wished to file a protest, then a meeting to care for those protests. My application for permit was May 3, 2000. The meeting was held on June 14, 2000, which at that time there were no protests filed so I presented my proposed use of the water. There were very few comments and questions at that time. Therefore, I felt this was all that was required.

Then July 6, 2000 a protest was filed by Charles Olsen, a person that lives about 25 miles east of me and not in my aquifer. My first meeting with Mr. Olsen produced the fact that he was a prior member of the Mountain Home Water District of the Water Resources Department. He also made it known to me that his son was presently a member of the board and had asked his father to file. Now I can't speak for either of these men but I felt the time for filing a protest had passed as my experience with other State offices held the time to 30 days with the advertising.

Since my filing I've had three meetings with you and two with Mr. Olsen. I've presented the facts from USGS that proves over the past 30 years the aquifer has risen in this area. I also agreed to cutting the volume of water per day to each resident in half or 6,500 gals per day, this with a letter of approval from the State. There were many other items discussed but I never agreed to any of them. My time has been taken for some time to check the validity of my request for a large well to be used for Subdivision. It took me to DEQ and I found they require two wells with strict control for the preservation of health which I have whole heartily supported.

According to Water Resources I must have a 50,000 gallon tank as a reservoir. This is fine as I intend to place a pump on it for fire protection trucks to receive water. Presently we have no fire protection in our area, to verify this I spoke with the fire chief of Mountain Home and found we are out of their district. Because my permit would cover the water source for 60 plus residents and is not for crop watering I feel this protest is in error. Protests from any local large well users in my area has not been received.

My reason for writing this letter is to inform you that I have presented my case at previous meetings and feel the matter should have been closed long ago with the result of giving me the permit as requested. If this is not the case then my concern for the protection of the purity of the aquifer is still prime and my water company would most certainly enhance this. My presence at a further hearing will not change the results as they presently are, unless Mr. Olsen drops his protest. My only recourse if you do not issue my well permits is to let each land owner dig his own well with no controls for water usage or quality to the aquifer.

I have DEQ behind me on this as per our telephone conversation of October 11, 2000. I will await further word from you on this matter.

Sincerely,



MICROFILMED

JAN 31 2001

Mr. Dan Henis
2792 Desert Wind Road
Mountain Home, Idaho 83647
208-796-2747

October 17, 2000

Mr. Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Dear Mr. Spackman

I was talking to my neighbor Fred smith the other day about his subdivision. The part that disturbs me is that he said a man from the other side of Mountain Home protests his drilling of two large water wells.

Now, first off the increase in population in this area is inevitable. Therefore, my concern is that it is done with a lot of thought and planning. I've sat with Fred many times and talked of the need we have for fire protection, controlled use of the water and the forming of a solid design for the people to have what they need rather than just a piece of land, a hole in the ground for water with no controls or thinking of your neighbor

I don't want the people to drill a well on each lot such as will happen next to me at Soles rest, to much chance of contamination. DEQ has the answer if only they were given the chance. That's what I like about Fred's plan DEQ is involved plus the State with PUC.

Now, I want my area to be protected, can you insure this if each land owner drills a well. There are many other things that we need in this area and if Leonard Eisenman and Fred Smith get a chance this area will have a church, grocery store and most important fire protection.

Don't let that person that protests stop us from a good designed and protected neighborhood.

Sincerely,



RECEIVED

OCT 19 2000

WATER RESOURCES
WESTERN REGION

MICROFILMED

OCT 19 2000

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 61-07760 IN THE)
NAME OF FRED SMITH.)**

**NOTICE OF PREHEARING
CONFERENCE**

On May 3, 2000, Fred T. Smith filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Charles Olson.

IDWR has scheduled a second prehearing conference for the protest to be held on **Thursday November 2, 2000, at 10:00 a.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility, which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the IDWR within (10) days prior to the conference.

Dated this 2nd day of October 2000.



Gary Spackman

MICROFILMED

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of October 2000, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

FRED T SMITH
HC 34 8675 N OLD HWY 30
BOISE ID 83716

CHARLES OLSON
RT 1 BOX 77E
MOUNTAIN HOME ID 83647

DEL BALE
BLM
3948 DEVELOPMENT AVE
BOISE ID 83705

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

MICROFILMED

JAN 31 2001

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter.

At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

MICROFILMED
JAN 31 2001

8/16/00

Hold for two
weeks. Inquire about
Sept. 1, 2000 re;
further negotiations.
Possibly draft an
agreement.

Dany

MICROFILMED

JAN 31 2001



CENTRAL
DISTRICT
HEALTH
DEPARTMENT

MAIN OFFICE • 707 N. ARMSTRONG PL. • BOISE, ID 83704-0825 • (208) 375-5211 • FAX 327-8500

To prevent and treat disease and disability; to promote healthy lifestyles; and to protect and promote the health and quality of our environment.

April 19, 2000

Elmore County Planning and Zoning Commission
Sandy Krueger, Administrator
190 South 4th East
Mountain Home, ID 83647

Re: Conditional Use Permit, Fred and Fran Smith East Half of the Southwest Quarter,
Section 18, Township 1 South, Range 5 East, B.M., Elmore County, Idaho. Beacon
Heights

Dear Ms Krueger:

Mr. Smith has made application with Central District Health Department for Phase I of
the above-mentioned subdivision, consisting of fifteen (15) lots.

He is planning on residences being served by a central water system and individual
sewage systems.

The water system design plans must be submitted and approved by the Idaho Department
of Environmental Quality.

Test holes have been reviewed by Central District Health Department and by a
representative of West Tech. A detailed engineering report is required prior to final
approval.

Central District Health Department has no objections to preliminary approval or for the
conditional use permit being granted.

Please call me at 587-9225 if you have questions.

Sincerely:

Jerry Davis, Sr. EHS
Elmore County, Idaho

Serving Valley, Elmore, Boise, and Ada Counties

Ada / Boise County Office
707 N. Armstrong Pl
Boise, ID 83704
Enviro Health 327-7499
Family Planning: 327-7400
Immunizations 327-7450
Senior Nutrition: 327-7460
WIC 327-7488
FAX 327-8500

Ada-WIC Satellite Office
1606 Roberts
Boise, ID 83705
Ph 334-3355
FAX: 334-3355

Elmore County Office
520 E 8th Street N
Mountain Home, ID 83647
Enviro. Health: 587-3521
Family Health: 587-4407
WIC 587-3521
FAX 587-3521

Valley County Office
703 N 1st Street
P.O. Box 1448
McCull, ID 83638
Ph 634-7194
FAX 634-2174



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JAN 31 2001

LOG SPEED

NATURAL GAMMA

FPM

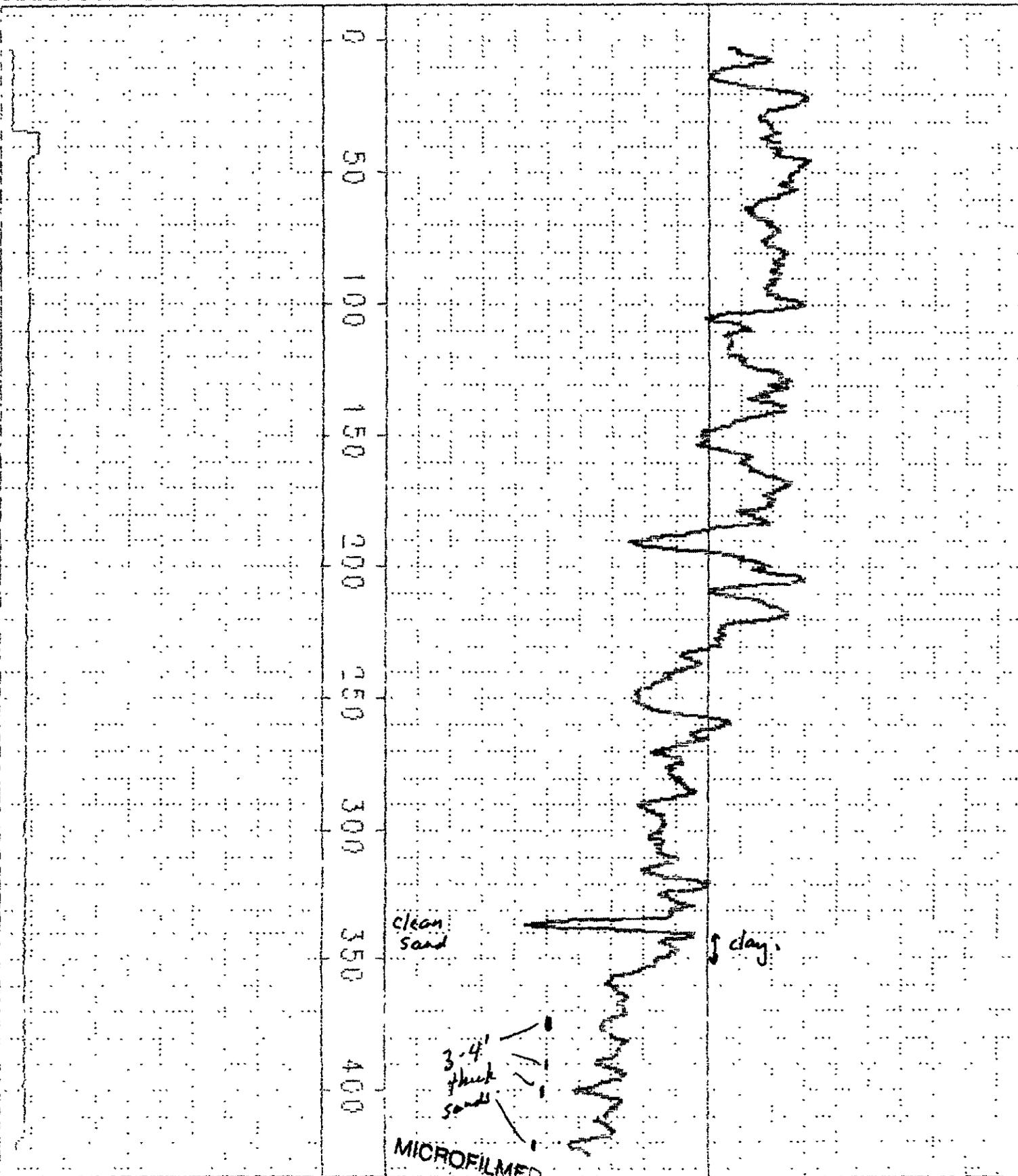
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clean sand

3-4' thick sands

clay

MICROFILMED

JAN 3 1 2001

FRED SMITH WELL 4-3-90

LOR SPEED

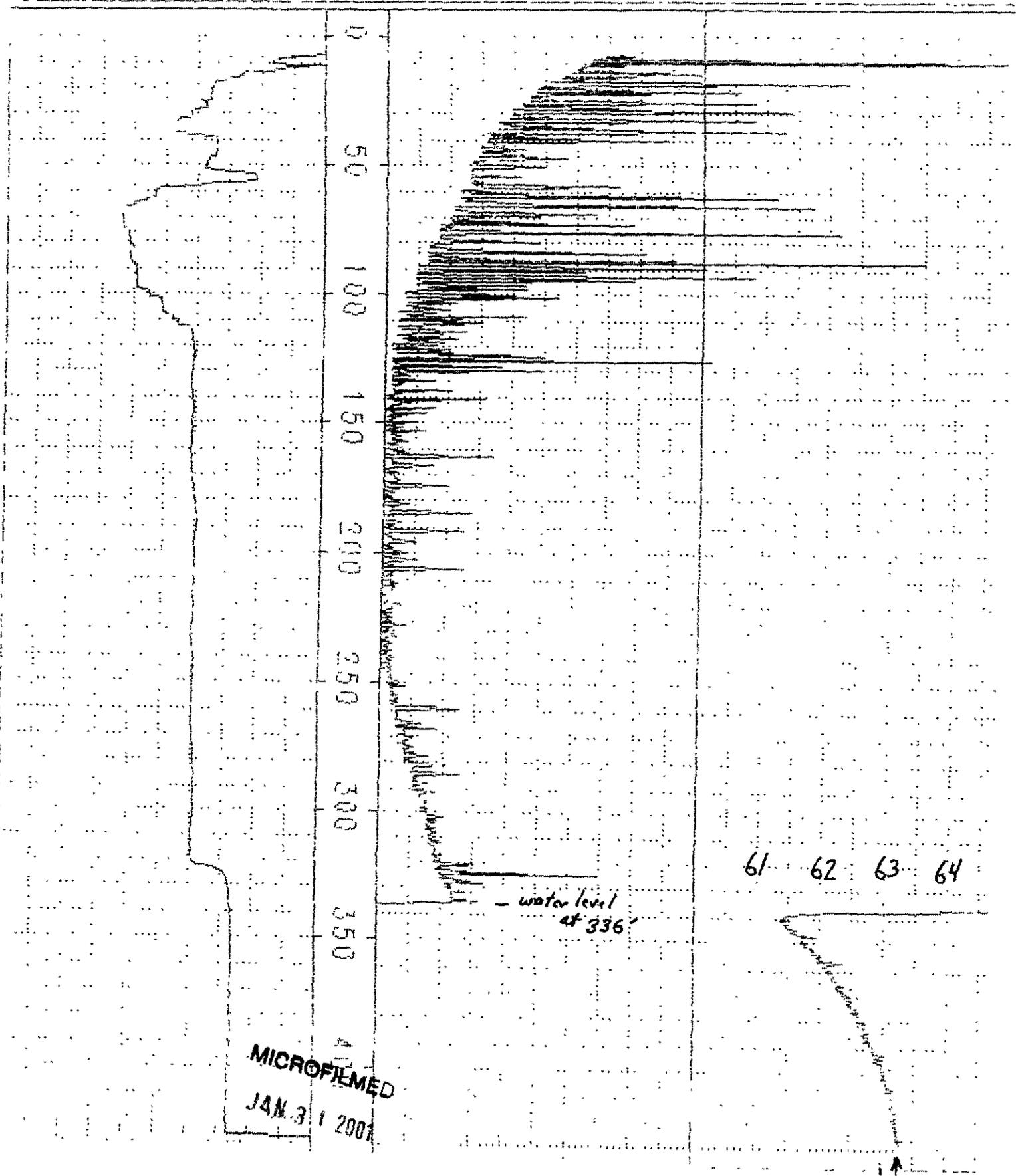
TEMPERATURE

0 FPM 100

65

DEGREE F

75



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JAN. 31 2001

61 62 63 64

water level
at 336'

UNIVERSITY OF IDAHO
Certificate of Analysis

Project ID: Idaho Farm Bureau
LAB #: W9202224
Submitter ID: 3421
Sample Type: Water

Test: EPA 353.2 - Nitrogen-/Nitrate/Nitrite
Reference: 12/02/1992 04:00:07 pm

EPA 353.2	RESULTS	(EDL)	UNITS
Nitrogen-NO3/NO2	0.42	(0.1)	mg/L

Samples will be discarded one month after date of final report, unless otherwise requested.
All samples classified as hazardous waste will be returned to the submitter after analysis.

MICROFILMED

ND - None Detected EDL - Estimated Detection Limit QNS - Quantity Not Sufficient for Analysis
NA - Not Applicable BDL - Below Detection Limit

JAN 31 2001

1130 1/11/98 3 19

Analysis of System Capacity for Subdivisions

Operator: Cindy
Date: 4/29/98
Right No.: proposed

Existing or Proposed System

Storage capacity in gallons	20000 gal	- (50,000)
Pump horsepower	75 hp	
Dynamic lift	500 ft	
Pump discharge pressure	30 psi	
Theoretical pumping capacity	0.81 cfs	364.2 gpm
Measured pumping capacity	0.81 cfs	363.5 gpm

Requirements

Number of homes	60 homes
Gallons per day per home	500 gal
Area irrigated	30 acres
Peak demand period	60 min

Calculations

Peak instantaneous demand	0.98 cfs	440.9 gpm
Suggested pump capacity	0.29 cfs	132.3 gpm
Peak demand volume	42611 gal	
Max potential daily diversion vol.	323136 gal	
Total daily volume required	62314 gal	0.1912 af
Time required to pump daily vol.	4.6 hr	278 min
Time required to refill storage	3.2 hr	190 min

Key Questions

Does existing storage capacity exceed peak demand volume?	No
Does existing pumping capacity meet or exceed the suggested pumping capacity?	Yes
Can the system produce the required daily volume in under 24 hours?	Yes

Notes:

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JAN 31 2001



**CENTRAL
DISTRICT
HEALTH
DEPARTMENT**

ELMORE COUNTY OFFICE • 520 E 8TH ST N • MOUNTAIN HOME, ID 83647 • (208) 587-4407 • FAX (208) 587 3521

To prevent and treat disease and disability; to promote healthy lifestyles; and to protect and promote the health and quality of our environment.

August 10, 2000

Fred and Francis Smith
HC 34
8675 North Old Highway 30
Boise, ID 83716

Re: Beacon Heights Drinking Water

Dear Mr. and Mrs. Smith:

In response to your letter of August 3, 2000 requesting an opinion of the Health Department's position on central water systems vs. individual drinking water supplies.

According to the U.S. Department of Health and Human Services in their document "Healthy People 2010" section 8-5 the goal is to "increase the proportion of persons served by community water systems..." This is also Central District Health Department's position.

Certainly from our viewpoint, one water system that is engineered, constructed, tested and approved by the Idaho Department of Environmental Quality and meets all requirements of the Safe Drinking Water Act is safer for the public's health than sixty two (62) individual wells with no oversight, no testing requirements and no engineering standards.

Please call me at 587-9225 if you have questions.

Sincerely:

Jerry Davis Sr EHS

Jerry Davis, Sr. EHS
Elmore County, Idaho

Reviewed (copy) 12/19/00

Serving Valley, Elmore, Boise, and Ada Counties

Ada / Boise County Office
707 N. Armstrong Pl
Boise, ID 83704
Enviro Health 327-7499
Family Planning 327-7400
Immunizations 327-7450
Senior Education 327-7466
NR 327-7186
FA 327-8500

Ada-WIC Satellite Office
1606 Hobart St
Boise, ID 83705
Ph 327-7499
FAX 327-7255

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JAN 31 2001

Elmore County Office
520 E 8th St North
Mountain Home, ID 83647
Enviro Health 587-9225
Family Health 587-4407
WIC 587-4409
FAX 587-3521

Valley County Office
703 N 1st St
PO Box 1448
McCall, ID 83358
Ph 634-7194
FAX 634-2174

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 61-07760 IN THE)
NAME OF FRED T. SMITH.)
_____)

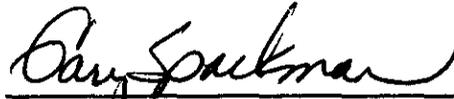
**NOTICE OF PREHEARING
CONFERENCE**

On May 3, 2000, Fred T. Smith filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Charles J. Olson.

IDWR has scheduled a conference for the protest to be held on **Wednesday, August 16, 2000, at 10:00 a.m. at the Mountain Home City Hall, 160 S. 3rd St., Mountain Home, Idaho 83647.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise IDWR within (10) days prior to the conference.

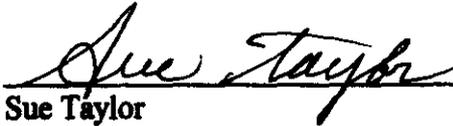
Dated this 27th day of July 2000.



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of July 2000, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

FRED T. SMITH
HC 34 8675 N OLD HWY 30
BOISE ID 83716

CHARLES OLSON
RT 1 BOX 777E
MOUNTAIN HOME ID 83647

DEL BALE
BLM
3948 DEVELOPMENT AVE
BOISE ID 83705

MICROFILMED
JAN 31 2001

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

MICROFILMED
JAN 31 2001

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

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MICROFILMED
JAN 31 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

July 27, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

FRED T SMITH
HC 34 8675 N OLD HWY 30
BOISE ID 83716

Re: Application for Permit No. 61-07760

Dear Applicant:

Enclosed is a protest filed against the issuance of a permit pursuant to the above-referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (per Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for August 16, 2000, at 10:00 a.m. at the Mountain Home City Hall, 160 E. 3rd St., Mountain Home, Idaho 83647.

The department suggests you contact the protestant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If the matter cannot be resolved at the prehearing conference, a formal hearing will be arranged for a future date.

Please contact this office if you have questions regarding this procedure.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".
Gary Spackman

MICROFILMED

GS:st
Enclosure: Copy of protest(s)

JAN 31 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

July 27, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CHARLES J OLSON
RT 1 BOX 777E
MOUNTAIN HOME ID 83647

Re: Application for Permit No. 61-07760 in the Name of Fred T. Smith

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for August 16, 2000, at 10:00 a.m. at the Mountain Home City Hall, 160 S. 3rd St., Mountain Home, Idaho 83647.

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If the matter cannot be resolved at the prehearing conference, a formal hearing will be arranged for a future date.

If this office can be of further assistance, please contact us.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".
Gary Spackman

MICROFILMED

GS:st
CC: Application

JAN 31 2001

W026704
Kb

Rt. 1 Box 77E
Mtn. Home ID 83647
6 July 2000

Karl J. Dreher, Director
Dept. of Water Resources, Western Region
2735 Airport Way
Boise ID 83705

RECEIVED

JUL 07 2000

WATER RESOURCES
WESTERN REGION

Sir

I am filing a protest on the application to appropriate the State of Idaho water number 61-07760. The basis for my protest is that this application lies in the Mountain Home Ground Water Management Area.

A study was conducted of this Mountain Home Ground Water Management Area, prior to November 1982, indicating that the anticipated ground water discharge would exceed the anticipated ground water recharge, in other words over appropriation

This over appropriation would be considered mining of the aquifer and the possible injury to water rights in the Mountain Home Ground Water Management Area,

Sincerely,



Charles J. Olson

MICROFILMED

JAN 31 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 28, 2000

MOUNTAIN HOME CITY HALL
160 S 3RD E
PO BOX 10
MOUNTAIN HOME ID 83647

Re: Conference Room Reservation

This letter is to confirm the conference room reservation made by the Department of Water Resources for Wednesday, August 16, 2000, at 10:00 a.m.

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

Sue Taylor
Senior Secretary

MICROFILMED
JAN 31 2001

W026704
Kb

Rt. 1, Box 777E
Mtn Home ID 83647
6 July 2000

Karl J. Dreher, Director
Dept. of Water Resources, Western Region
2735 Airport Way
Boise ID 83705

RECEIVED
JUL 07 2000
WATER RESOURCES
WESTERN REGION

Sir,

I am filing a protest on the application to appropriate the State of Idaho water number 61-07760. The basis for my protest is that this application lies in the Mountain Home Ground Water Management Area.

A study was conducted of this Mountain Home Ground Water Management Area, prior to November 1982, indicating that the anticipated ground water discharge would exceed the anticipated ground water recharge, in other words over appropriation.

This over appropriation would be considered mining of the aquifer and the possible injury to water rights in the Mountain Home Ground Water Management Area,

Sincerely,



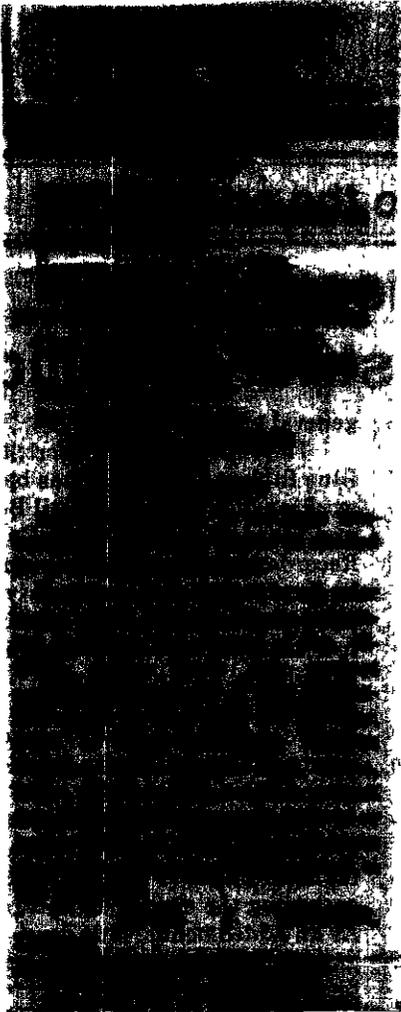
Charles J Olson

MICROFILMED

JAN 31 2001

RECEIVED
JUL 03 2000
WATER PUMP
WESTERN REGION

Affidavit of Publication



County of Elmore }
STATE OF IDAHO } ss.

I, Coleen W. Swenson, do solemnly swear that I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 21st day of June 2000, and the last publication having been made on the 28th day of June, 2000; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

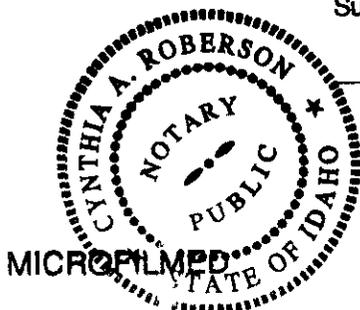
And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this 28th day of

June 2000

Cynthia Roberson
Notary Public



MICROFILMED
IAN 31 2001

Residing in Mountain Home, Elmore County, Idaho. My commission expires 09-09-2002.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

June 15, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CENTRAL DISTRICT HEALTH DEPT
707 N ARMSTRONG PL
BOISE ID 83704

Re: Application for Permit No. 61-07760 in the Name of Fred Smith

Dear Sir:

Enclosed is a copy of the above-referenced application for permit which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by July 10, 2000.

If you have any questions regarding the application, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

Encl.

MICROFILMED
JAN 31 2001

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE THREE ALTERNATIVES BELOW

Name of Applicant Fred T. Smith
Mailing Address 8675 N. Old Hwy 30
HC 34
Application No. Boise, Idaho 83716
(if known)

IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature Fred T. Smith
Date May 3, 2000

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

MICROFILMED

JAN 31 2001

Mountain Home Area Groundwater Advisory Committee

"Planning Today for Water Tomorrow"

June 7, 2000

FRED T SMITH
HC 34 8675 OLD HWY 30
BOISE ID 83716

Re: Application for Permit No. 61-07760

Dear Sir:

On June 14, 2000, at 8:00 a.m. the Mountain Home Groundwater Advisory Committee will hold its monthly meeting at the Mountain Home City Hall. At this meeting we will be reviewing new applications for water rights in the Mountain Home Area. The above-referenced application in the name of Fred T. Smith will be presented to the committee on June 14, 2000. You are welcome to attend this meeting.

If you have any questions please call Gary Spackman at the Department of Water Resources at 334-2190.

Sincerely,



Gary Spackman

GS:st

MICROFILMED

JAN 31 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR
JUNE 13, 2000

Legal Notices Department
Mountain Home News
PO Box 1330
Mountain Home, ID 83647

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JULY 10, 2000.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MICROFILMED

JAN 31 2001

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

JAN 31 2006

61-07760

SMITH, FRED T
HC 34 8675 N OLD HIGHWAY 30
BOISE, ID 83716

Source: GROUNDWATER

Diversion Pt: LOT 4 (SWSW) Sec 18 T 01S R 05E in ELMORE County.

Use: DOMESTIC (1.000 CFS)
Total Diversion: (1.000 CFS)

Date Filed: 5/ 3/2000

In: ELMORE County
T01S R05E S18 NESW Lot 3(NWSW) Lot 4(SWSW) SESW

Applicant agrees to mitigate consumptive use in the future as needed for a 67 home subdivision.

NOT RECORDED

JAN 31 2001

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before JULY 10, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 6/21/2000 & 6/28/2000

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JAN 31 2001