



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

June 4, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

STMB WATER ASSN
C/O HOMER SEMMONS
PO BOX 902
POCATELLO ID 83204

RE: Notice of Error Reply for water right claim number 29-4405

Dear Homer:

Thank you for taking the opportunity of returning the "notice of error" reply. Upon the notice of error you indicated that you believed that the domestic claimed amount should reflect 0.10 cfs not the amount of 0.08 cfs. You also indicated that the department advised you in 1983 that based upon a the capacity of the well producing 25,344 gallons per day for serving four households, seven horses, and irrigating 13 acres of land that you were using approximately 0.10 cfs domestic, 0.10 for irrigation, and 0.02 for stockwater.

After reviewing the file for this water right and discussing the system via telephone, I comment the following:

- Our adjudication claim file shows a "243 claim" that indicates the amounts that you said that we advised you on. The 243 claim is based upon Idaho statute 42-243 which required all that had appropriated water through beneficial means that it was required of them to register their water right with the department. The filing of the claim did not confirm the water right as is done under other means of appropriation (permit, license, decree, etc).
- The capacity of the system, when it was installed, was greater than recent. Hence, a new well has been installed at or nearby the original well site. When used together, these wells produce near equal to the original amounts. For purposes of the adjudication, I have included a second point of diversion located within the same 10-acre tract to reflect the second well. If this is not correct, please let me know.
- Accordingly, I have revised the preliminary recommendation. Please find included with this letter, a copy of the revised preliminary recommendation to a water right. Upon the revised recommendation I have included 0.10 for domestic.

If you have any questions regarding this matter, please feel free to call me at 525-7161.

Respectfully submitted,


W. Roger Warner
Adjudication Specialist

Enclosure(s) Revised Preliminary Water Right Recommendation 29-4405.

06/04/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-4405

NAME AND ADDRESS: STMB WATER ASSN
C/O HOMER SEMMONS
PO BOX 902
POCATELLO ID 83204

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS
20.000 AFY

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/01/1960

POINT OF DIVERSION:

T07S R35E S30 NWSWSE Within BANNOCK County
T07S R35E S30 NWSWSE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.100 CFS 20.00 AFY
DOMESTIC	01/01 12/31	0.100 CFS
STOCKWATER	01/01 12/31	0.010 CFS

Domestic use is for 4 homes.

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S30 NWSE 5.0

DOMESTIC same as IRRIGATION
STOCKWATER same as IRRIGATION

5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use