

11/15/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 78-7179

GARY D SMITH
PO BOX 186
POLLOCK ID 83547
Telephone Number: (208) 628-3489

BARBARA J SMITH
PO BOX 186
POLLOCK ID 83547
Telephone Number: (208) 628-3489

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X

I AGREE with this proposed recommendation: no changes need to be made.

DATE:

11/28/06

SIGNATURE:

Barbara J. Smith

Please print your name: _____

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

07/05/2005

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

RIGHT NUMBER: 78-7179

NAME AND ADDRESS: GARY D SMITH
PO BOX 186
POLLOCK ID 83547

BARBARA J SMITH
PO BOX 186
POLLOCK ID 83547

SOURCE: DENNY CREEK

TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.020 CFS
0.100 AFY

PRIORITY DATE: 07/13/1981

POINT OF DIVERSION:

T23N R01E S29 SWNE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	10/01 06/15	0.020 CFS 0.10 AFY

PLACE OF USE: STOCKWATER Within IDAHO County

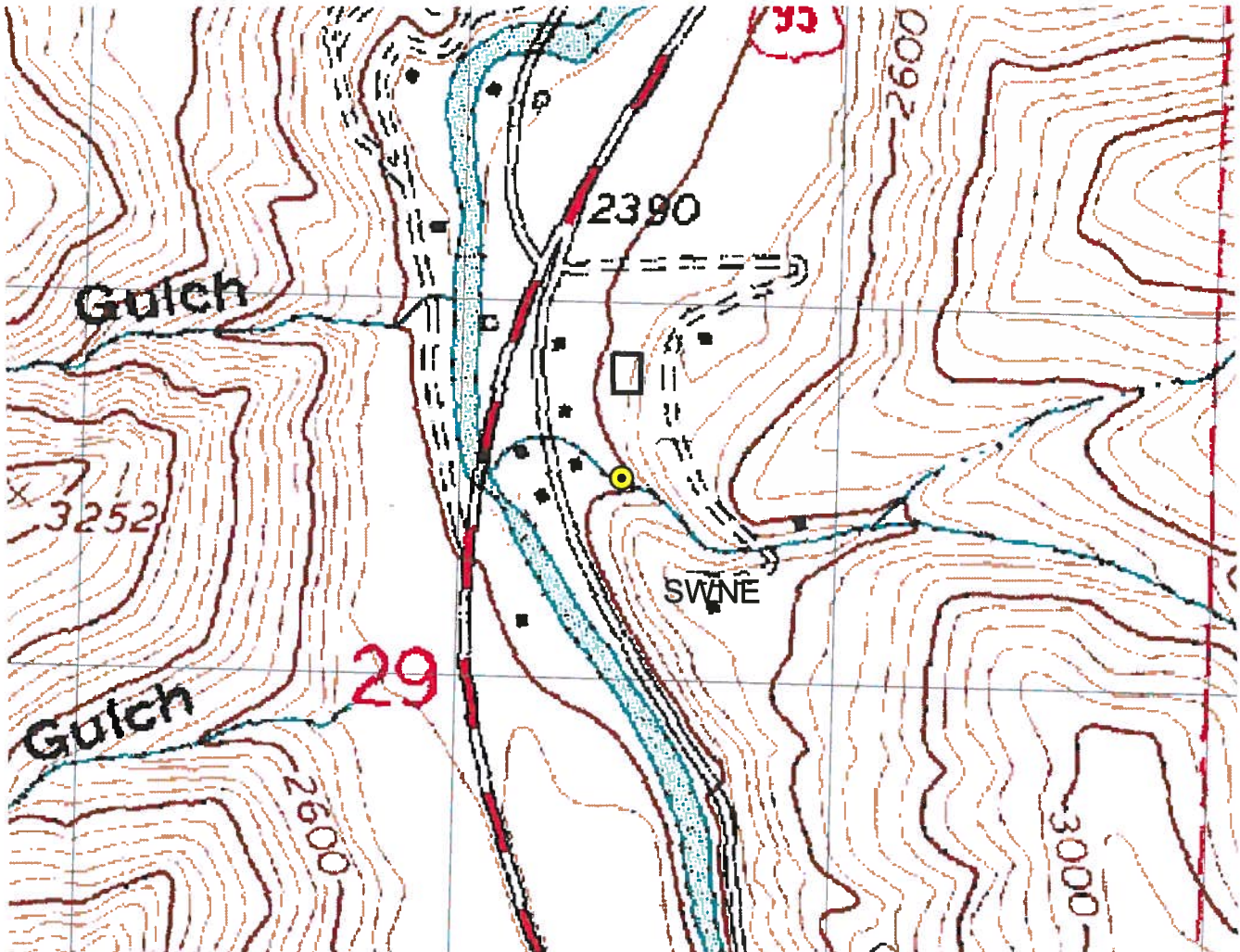
T23N R01E S29 SWNE

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.

EXPLANATORY MATERIAL: License

78-7179



0 400 800 Feet

Section 29
T23N R1E



● Point of Diversion

□ Place of Use

Map prepared on July 18, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 78-07179

Priority: July 13, 1981

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.02 CFS
0.1 AF

This is to certify, that GARY D. SMITH
BARBARA J. SMITH

P.O. BOX 186

POLLOCK, ID 83547

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 13, 1981; and has submitted Proof of Beneficial Use on July 7, 1983. An examination indicates that the works have a diversion capacity of .020 cfs of water from:

DENNY CREEK

tributary to LITTLE SALMON RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	10/01 to 06/15	0.02 CFS	0.1 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 29, Township 23N, Range 01E
IDAHO County

PLACE OF USE: STOCKWATER
TWN RGE SEC

23N 01E 29 SWNE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Stockwater is for 30 chickens and 1 cow.

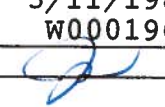
RECEIVED

MAR 11 1991

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A78-07179
Date Received: 5/11/1988
Receipt No: W000196
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY D. SMITH 208-628-3489
Address: PO BOX 186
POLLOCK, ID 83547
AND/OR
Name: BARBARA J. SMITH 208-628-3489
Address: PO BOX 186
POLLOCK, ID 83547
2. Date of Priority: JUL 13, 1981
3. Source: DENNY CREEK Trib. to: LITTLE SALMON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	01E	29	SW	NE			IDAHO
5. Description of diverting works:
DIVERSION BOX IN CREEK WITH PIPELINE TO P.O.U.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.020		
7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
S/2 COWS, 10 CHICKENS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	01E	29	SW NE		STOCK	

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

DOMESTIC WELL WATERS STOCK ALSO; 78-7081

14. Remarks:

15. Basis of Claim: PERMIT

Water Right Number: 787179

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

78-7179

Date Received

5-11-88

Receipt Number

48653
W000196

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

Please type or print clearly

1. Name of Claimant (s) GARY D. &/OR BARBARA J. SMITH Phone (208) 628-3489Mailing Address P.O. Box 186, Pollock, ID Zip 835472. Date of Priority (Only one (1) per claim) 7-13-19813. Source of water supply (a) DENNY CREEK
which is tributary to (b) LITTLE SALMON RIVER4. Location of point of diversion is: Township 23N Range 1ESection 29, SW 1/4 of NE 1/4, Govt. Lot _____, B.M.,County of IDAHO

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____DIVERSION BOX IN CREEK WITH PVC PIPELINE TO PLACE OF
USE.

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)

For STOCKWATER purposes from 1-1 (Both dates are inclusive) to 12-31 amount 0.02 cfs (cfs)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.02 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of
livestock) STOCKWATER - 2 COWS, 10 CHICKENSMICROFILMED
Copies: White: State, Yellow: Claimant

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
23N	1E	29			S													

11. In which county (ies) are lands listed above as place of use located? IDAHO

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
DOMESTIC WELL WATERS STOCK ALSO - 78-7071. or None ()

14. Remarks: _____

15. Basis of Claim (check one) Beneficial Use ☐ Posted Notice ☐ License ☐ Permit ☒
Decree ☐

If applicable provide IDWR Water Right Number 78-7179
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☒ do not ☐
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

* For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Dan O. Smith Date MAY 11, 1988
Barbara J. Smith Date MAY 11, 1988

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization _____
document in the space below as _____ of _____
Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 11th. day of May 19 88

SEAL

Notary Public Roma P. McAdams

Residing at Whitebird, ID.

My Commission Expires August 13, 1993

Last Name _____ Ident No. _____

MICROFILMED
Upper Snake, Yellow Claimant

NOT 05 1007