



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 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 1, 2002

DOUGLAS O SMITH JR
LOUISE E SMITH
PO BOX 297
GOODING ID 83330

RE: Snake River Basin Adjudication (SRBA) Claim No. 37-10907

Dear Claimants:

I have reviewed the Notice of Error reply you returned for the SRBA claim referenced above. You are correct in noting that the Notice of Claim to a Water Right you filed in 1988 claiming a priority date of June 1, 1971 included an irrigation component. However, since March 25, 1963 Idaho law has required that the appropriation of ground water must be perfected by means of the application permit and license procedure. The only exception to this is the developing of a well for domestic purposes (which may include stockwater). Because of this law (Section 42-229, Idaho Code) I am limited to recommending only the domestic and stockwater components of your claim.

I have included an Application for Permit with instructions that you may use to apply for a water right for irrigation purposes. You may make an appointment with our Southern Region Office in Twin Falls (see the last page of the instructions for the address and phone number) for assistance in completing the form. Also, you will have the opportunity to file an objection to the Director's Report recommendation of claim no. 37-10907 when it is filed with the SRBA Court. We are planning to file the Director's Report that will include your claim in approximately one week.

If you have any questions, you may contact me at 1-800-451-4129 or 1-208-327-7939.

Sincerely,

A handwritten signature in cursive script, reading 'Carter Fritschle', written in dark ink.

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

Enclosure:
Application for Permit w/instructions

JUL 31 2002

06/22/2002

Department of Water Resources

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: July 23, 2002

Water right number: 37-10907

DOUGLAS O SMITH JR
PO BOX 297
GOODING ID 83330
Telephone Number: (208) 934-5594

LOUISE E SMITH JR
PO BOX 297
GOODING ID 83330
Telephone Number: (208) 934-5594

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

as per claim filed 8/10/88 Ident # A 37-10907 & case # 39576
there should be also 0.120 CFS for irrigation

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

	FROM	TO	CFS
irrigation	03/15	11/15	0.120
stock water	01/01	12/31	0.020
DOMESTIC	01/01	12/31	0.030

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

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

DATE:

7/26/02

SIGNATURE:

Douglas O Smith Jr.

Please print your name:

DOUGLAS O SMITH JR.

06/22/2002

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

RIGHT NUMBER: 37-10907
NAME AND ADDRESS: DOUGLAS O SMITH JR
PO BOX 297
GOODING ID 83330

LOUISE E SMITH JR
PO BOX 297
GOODING ID 83330

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.050 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/01/1971

POINT OF DIVERSION:
T06S R15E S5 NESWNE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.030 CFS

PLACE OF USE: STOCKWATER Within GOODING County
T06S R15E S05 SWNE
DOMESTIC Within GOODING County
T06S R15E S05 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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

04/26/2002

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

RIGHT NUMBER: 37-10907

NAME AND ADDRESS: DOUGLAS O SMITH JR
PO BOX 297
GOODING ID 83330

LOUISE E SMITH JR
PO BOX 297
GOODING ID 83330

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.05 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/01/1971

POINT OF DIVERSION:

T06S R15E S5 NESWNE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.030 CFS

PLACE OF USE: STOCKWATER Within GOODING County

T06S R15E S05 SWNE

DOMESTIC Within GOODING County

T06S R15E S05 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.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

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: A37-10907
Date Received: 8/10/1988
Receipt No: M000969
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LOUISE E. SMITH JR. 208-934-5594
Address: PO BOX 297
GOODING, ID 83330

OR
Name: DOUGLAS O. SMITH JR. 208-934-5594
Address: PO BOX 297
GOODING, ID 83330

2. Date of Priority: JUN 01, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	15E	5	NE	SW	NE		GOODING

5. Description of diverting works:
WELL, 196' DEEP, 5 HP PUMP, 8" CASING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.120		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.030		

7. Total Quantity Appropriated is:
0.190 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 12.0 Acre Feet Per Annum.

9. Non-irrigation uses:
ONE DOMESTIC HOUSEHOLD, 3 HORSES

A37-10907

Page 1

Date: 08/10/88

MICROFILMED

FEB 25 1988

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	15E	5	SW	NE		IRR	4.0
			SW	NE		STOCK	
						Section Acres	4.0
						Total Acres	4.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
HAS 9 SHARES OF AMERICAN FALLS CANAL CO.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 X 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): Louise E. Smith Date: 8-10-88

Date: _____

State of Idaho)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 10 day
of Aug 19 88 John Del Cade
Notary Public

Seal

Residing at Boon I.D
My Commission Expires 4/2/94

Scale 8" = 1 mile

Douglas Smith

T6S R15E

SECTION 5

NESW NE

A37-10907

A670
C (40a)
9.4
T-359

A835
(41a)
T-411C
13.8

A283
B (428a)
2.9
T-278

A819
(485a)
3.20
T-276

A280
(426a)
3.8
T-276

A278
B
2.1
T-275

A277
(424a)
T-275

A284
B (1+29a)
A 3.3
T-279

A517
(421a)
6.1
T-279

A287
B
3.8
(430a)
T-303

A287
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3.8
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A287
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