

(After Split)

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

8/11/2022

**Water Right 29-13743**

**Owner Type**      **Name and Address**  
Current Owner      MAX W HALL  
PO BOX 784  
LAVA HOT SPGS, ID 83246-0784  
(208) 776-5663

**Priority Date:** 7/1/1917

**Basis:** Decreed

**Status:** Active

**Source**      **Tributary**  
WEST BOB SMITH CREEK      PORTNEUF RIVER

| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| IRRIGATION                   | 04/15                         | 09/15            | 0.420 CFS                    |                      |
|                              | <b><u>Total Diversion</u></b> |                  | 0.420 CFS                    |                      |

**Source and Point(s) of Diversion:**

|                      |        |                                           |
|----------------------|--------|-------------------------------------------|
| WEST BOB SMITH CREEK | SESENW | Sec. 15, Twp 09S, Rge 37E, BANNOCK County |
| WEST BOB SMITH CREEK | SENENW | Sec. 15, Twp 09S, Rge 37E, BANNOCK County |

**Place Of Use:**

IRRIGATION within BANNOCK County

|     |     |     | NE  |     |      |     | NW |    |     |     | SW |    |     |    | SE   |      |    |      | Totals |
|-----|-----|-----|-----|-----|------|-----|----|----|-----|-----|----|----|-----|----|------|------|----|------|--------|
| Twp | Rng | Sec | NE  | NW  | SW   | SE  | NE | NW | SW  | SE  | NE | NW | SW  | SE | NE   | NW   | SW | SE   |        |
| 09S | 37E | 14  |     |     |      |     |    |    |     |     |    |    | 5.1 |    |      |      |    |      | 5.1    |
| 09S | 37E | 15  |     |     |      |     |    |    |     | 2.5 |    |    |     |    | 37.0 | 20.0 |    | 34.9 | 94.4   |
| 09S | 37E | 22  | 2.0 | 6.6 | 19.0 | 4.2 |    |    | 5.2 | 8.3 |    |    |     |    |      |      |    |      | 45.3   |
|     |     |     |     |     | L2   | L1  |    |    | L4  | L3  |    |    |     |    |      |      |    |      |        |

POU Total Acres: 144.8

**Conditions of Approval:**

1. C18 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.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. E52 The rights listed below are limited to a total combined diversion rate of 1.88 cfs. Combined Right Nos.: 29-13741, 29-13743, 29-13745, 29-13747, 29-13749, 29-13751 and 29-13753.

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5. E56 The rights listed below are limited to the irrigation of a combined total of 144.8 acres in a single irrigation season. Combined Right Nos.: 29-13741, 29-13743, 29-13745, 29-13747, 29-13749, 29-13751 and 29-13753.
6. S35 The use of water for irrigation under this right may begin as early as April 1 and May continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after September 15 under this remark is subordinate to all water rights having no subordinate early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
7. All water rights diverted from West Bob Smith Creek sharing priority date 7/1/1917 when combined shall not exceed a total diversion rate of 0.76 cfs.
8. All water rights diverted from West Bob Smith Creek at the Max Hall upper diversion (SEENW, Sec. 15, Twp 09S, Rge 37E) and the Max Hall lower diversion (SESENW, Sec. 15, Twp 09S, Rge 37E), except those rights sharing priority date 8/7/1932, when combined shall not exceed a total diversion rate of 3.542 cfs.

**Dates and Other Information:**

Decreed Date: 7/29/2005  
Civil Case Number: 39576  
Judicial District: FIFTH  
State or Federal: S  
Water District Number: 29  
Generic Max Rate Per Acre: 0.020  
Generic Max Volume Per Acre: 3.5  
Mitigation Plan: False

**Combined Use Limits:**

| <u>Rate</u> | <u>Volume</u> | <u>Acres</u> | <u>Water Rights</u>                                                  |
|-------------|---------------|--------------|----------------------------------------------------------------------|
| 1.880       |               | 144.8        | 29-13741 ,29-13743 ,29-13745 ,29-13747 ,29-13749 ,29-13751 ,29-13753 |

**SubCase:**

N/A

**Water Supply Bank:**

N/A

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5. E56 The rights listed below are limited to the irrigation of a combined total of 153.3 acres in a single irrigation season. Combined Right Nos.: 29-13741, 29-13743, 29-13745, 29-13747, 29-13749, 29-13751 and 29-13753.
6. S35 The use of water for irrigation under this right may begin as early as April 1 and May continue to as late as October 31, provided other elements of the right are not exceeded. The use o water before April 15 and after September 15 under this remark is subordinate to all water rights having no subordinate early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
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**Combined Use Limits:**

| <b><u>Rate</u></b> | <b><u>Volume</u></b> | <b><u>Acres</u></b> | <b><u>Water Rights</u></b>                                           |
|--------------------|----------------------|---------------------|----------------------------------------------------------------------|
| 1.990              |                      | 153.3               | 29-13741 ,29-13743 ,29-13745 ,29-13747 ,29-13749 ,29-13751 ,29-13753 |

**SubCase:**

N/A

**Water Supply Bank:**

N/A

# Idaho Department of Water Resources

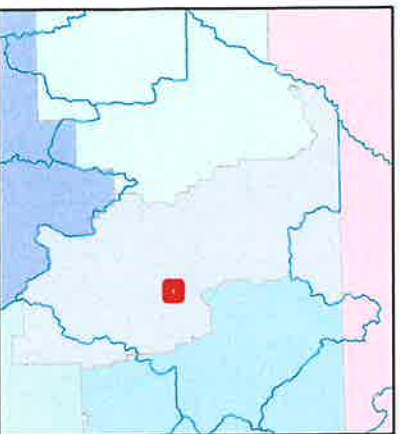


## Water Right

29-13741, 29-13743, 29-13745,  
29-13747, 29-13749, 29-13751,  
29-13753

## Legend

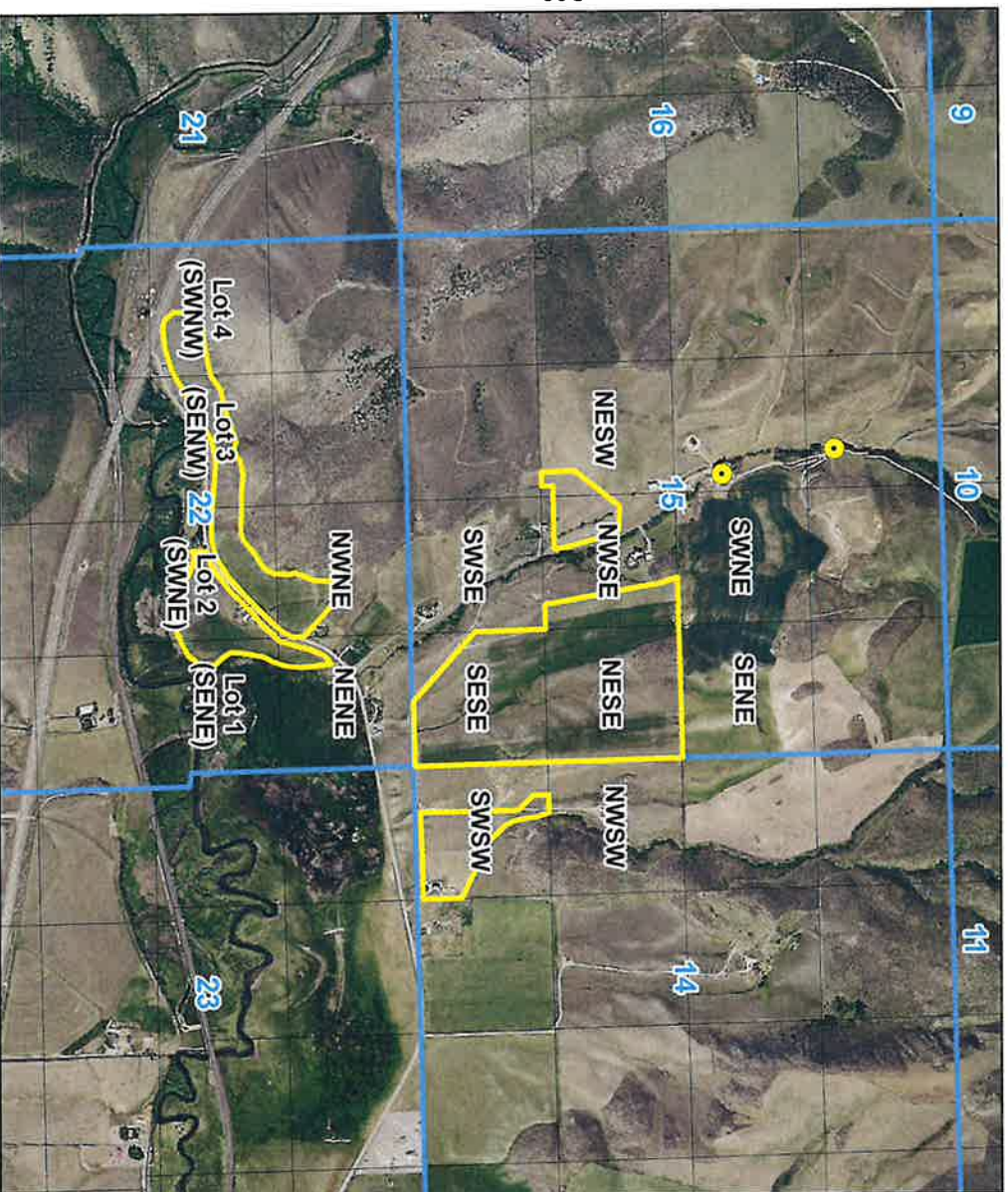
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Bannock County  
IDWR Basin 29



09S



37E



## 37E

## Background: 2021 Aerial Photography