

Merritt, Allen

From: Merritt, Allen
Sent: Friday, February 21, 2014 2:23 PM
To: 'gundy@safelink.net'
Cc: Cooper, Jeff
Subject: Norman Smyer's water right 45-12906
Attachments: 45-12906 wrWaterRightProofReport.docx

Don,

I received a call today from Mr. Smyer regarding his water right 45-12906. He was wondering if we had a record of it which we do. (Please find attached proof report)

He indicated that you might not have a record of it so he requested that I notify you so you might correct your records. You might want to work with Jeff Cooper in our office to prepare an updated list of rights for your district encase it needs updated.

Mr. Smyer also asked questions about the "Albion 12 Investment" transfer no. 78891 which involves rights upstream for this right. As you probably know this has been protested by Mr. Clark and the BLM. We are currently in the process of scheduling a pre-hearing conference in this matter but not yet set a date.

If you have questions please let me know.

Allen

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 45-12906

2/21/2014

Owner Type **Name and Address**
 Current Owner NORMAN L SMYER
 76 S HWY 77
 DECLO, ID 83323
 (208)654-2310

Current Owner DELORES J SMYER
 76 S HWY 77
 DECLO, ID 83323
 (208)654-2310

Priority Date: 8/31/1874

Basis: Decreed

Status: Active

Source
 SPRING CREEK
 UNNAMED STREAM

Tributary
 HOWELL CREEK
 SUMMIT CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.100 CFS	
	<u>Total Diversion</u>		0.100 CFS	

Source and Point(s) of Diversion

SPRING CREEK	NESESW	Sec. 16, Twp 12S, Rge 25E,	CASSIA County
UNNAMED STREAM	SWNWSE	Sec. 16, Twp 12S, Rge 25E,	CASSIA County

Place Of Use

IRRIGATION within CASSIA 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	
12S	25E	16														4.6			4.6

POU Total Acres: 4.6

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. S47 The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. This right and right nos. 45-10480, 45-10481, 45-10502, 45-12906, and 45-13991 shall be administered in accordance with that certain Water Rights Settlement Agreement recorded as instrument number 311858, Cassia County Records Office.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 45-12906

2/21/2014

Dates and Other Information

Decreed Date: 8/14/2007
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Water District Number: 140
Mitigation Plan: False

Combined Use Limits

N/A

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	1/16/2007	kchrste	1/16/2007	kchrste	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>	<u>Log Text</u>
POD	1/16/2007	kchrste	Updated shape
POU	1/16/2007	kchrste	Updated shape for Active POU
Summary	1/16/2007	kchrste	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (Yes) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

SubCase:

SubCaseNumber: 45-12906
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 6/20/2007
Attorney Assigned:
Adjudication Agent: Kelly Christensen
Basis of Claim: Beneficial Use
Date Filed: 1/3/2005
Objection Status: Active

Water Supply Bank:

N/A