



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

September 14, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Michael S Homan
2229 W State Street
Boise ID 83703

RE: Cabin Lot at Prairie off Smith Creek- Parcel #RP001500020030
Pump System from Smith Creek.

Dear Mr. Homan:

Recently, the Smith Creek Watermaster and I walked Smith Creek through the Prairie Townsite. We noted a pump on the south creek bank piped to a lot with an A- frame home on it. The county tax records indicate you are the lot owner. A search of our records does not show a water right associated with the property.

If you are the owner of this parcel, please provide the water district/our agency with the following information:

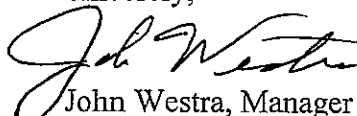
-Confirm that you are the owner of the property and pump system.
Is the system functional and in use?

-Water right (number) that authorizes use of Smith Creek water on the parcel.

Please note, that diversion of water from a natural watercourse/stream without a valid water right is considered an illegal diversion pursuant to Idaho Code (IC) §42-201 & 42-351. A Notice of Violation can be issued under administrative enforcement actions ref. IC 42-1701B.

If you have questions and concerns, our office staff will be glad to meet with you. The goal is to assist waterusers in getting in compliance with state water statutes. Feel free to contact me, phone 334-2190.

Sincerely,


John Westra, Manager
Western Region

Cc: R. Davison, Watermaster.
Enclosure: Water Rights—Smith Creek



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

September 24, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Christoffer Reeves
2275 Autumn Way
Meridian ID 83642

RE: Smith Creek Water Rights

Dear Mr. Reeves:

From our previous phone discussion, I would like to provide you with water right information and options related to Smith Creek. At present, our records show no water right from the Creek tied to your parcel; however if you have any water right documentation please submit it for consideration. Unfortunately, you will be asked to cease pumping from the creek starting in 2008 if a water right can not be confirmed. There are several options that you may wish to consider if this becomes the case:

-Purchase a portion of an existing local water right from the creek. Bear in mind a junior priority right will be curtailed to senior rights—normally around July 1st. A change in a water right must go through our agency's "transfer process."

-Utilize a domestic well for irrigation. Under the domestic definition up to ½ acre can be irrigated with stockwater use. Domestic ground water use is exempt from the water right requirement and also may be utilized for fire suppression.

Smith Creek is a tributary to the Boise River. The Boise River is classified as fully appropriated upstream of the Star Bridge in Ada County, so a new appropriation application for creek water would not be processed.

Our office always desires to work with individuals to become compliant with water laws, not enforcement. I would welcome further discussion or to meet with you at your convenience. A list of local consultants is enclosed should you desire additional assistance. Feel free to contact me at the Western Regional Office, phone 334-2190.

Sincerely,

A handwritten signature in black ink that reads "John Westra". The signature is written in a cursive, flowing style.

John Westra, Manager

Enclosure: Smith Crk. Water Rights



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

September 24, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Robert Faddis
1218 W Long Gulch RD
Prairie ID 83647

RE: Smith Creek Water Right

Dear Mr. Faddis:

From our previous discussion, this letter is to provide you with water right information and options related to Smith Creek. In search of our records a claim #63-4718 (Belnap) filed in 1980 was related to your parcel. The beneficial use claim was for a spring on Forest lands piped to the ranch. DL Davidson protested the claim. No one filed the claim in the Snake River Basin Adjudication (SRBA) which will be lost if not filed, copies attached. Unfortunately, our records show no water right from Smith Creek related to your parcel. If this is true, you will be asked to cease pumping from the creek starting in 2008. There are several options that you may wish to consider if this becomes the case:

- File a late claim directly with the SRBA court. You would be required to submit documents/proof that water has been beneficially used per the claim. You may wish to retain a consultant/attorney to advise you through this process.
- Purchase a portion of an existing local water right from the creek. Bear in mind a junior priority right will be curtailed to senior rights—normally around July 1st. A change in a water right must go through our agency's "transfer process."
- Utilize your domestic well for irrigation. Under the domestic definition up to ½ acre can be irrigated. Domestic ground water use is exempt from the water right requirement.

Smith Creek is a tributary to the Boise River. The Boise River is classified as fully appropriated upstream of the Star Bridge in Ada County, so a new appropriation application for creek water would not be processed. A new appropriation application for ground water irrigation would be placed on hold.

Should you wish to further discuss the matter, feel free to contact me at the Western Regional Office, phone 334-2190.

Sincerely,

A handwritten signature in black ink that reads "John Westra". The signature is written in a cursive, flowing style.

John Westra, Manager

Enclosure: Smith Crk. Water Rights, Claim #63-4718