

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/18/2022

Water Right 29-13594 After Split

Owner Type **Name and Address**
 Current Owner BRETT J PRATHER
 8759 S BOB SMITH RD
 LAVA HOT SPRINGS, ID 83246
 (208) 241-1967

Current Owner AMANDA S PRATHER
 8759 S BOB SMITH RD
 LAVA HOT SPRINGS, ID 83246
 (208) 241-1967

Priority Date: 7/1/1909

Basis: Decreed

Status: Active

Source
 WEST BOB SMITH CREEK

Tributary
 PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	09/15	0.012 CFS	
	<u>Total Diversion</u>		0.010 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	15												0.2				3.4	3.6

POU Total Acres: 3.6

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-13540.

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5. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.045 CFS. COMBINED RIGHT NOS.: 29-13581, 29-13588, 29-13594, 29-13600, 29-13606, 29-13612, 29-13618.
6. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3.63 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-13581, 29-13588, 29-13594, 29-13600, 29-13606, 29-13612, 29-13618.
7. 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 SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
8. All water rights diverted from West Bob Smith Creek at the Max Hall upper diversion (SENENW, Sec. 15, Twp 09S, Rge 37E) and the Max Hall lower diversion (SESENW, Sec. 15, Twp 09S, Rge 37E) sharing priority date 7/1/1909 when combined shall not exceed a total diversion rate of 0.942 cfs.
9. All water rights diverted from West Bob Smith Creek at the Max Hall upper diversion (SENENW, 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.

Comments:

1 mholliday 5/28/2019 combined Q limits
This right was decreed in the SRBA based on a prior decree and is delivered via the Max Hall upper and lower diversions. This right contains multiple combined rate limit conditions. The combined limits include water right numbers from multiple owners, thus requiring updates to numerous water rights each time an ownership change is filed. Each ownership split increases the number of water rights that need to be changed. Going into all these rights each time an ownership change is filed is burdensome. In an effort to resolve this problem, I reworded the combined limit conditions to capture the intent of the decreed conditions without listing the individual water right numbers.

2 djudd 10/18/2022 Split Right
Split into 29-13594 and 29-14497 due to change in ownership.

3 djudd 10/18/2022 POU
Updated Shape

Dates and Other Information:

Decreed Date: 9/30/2005
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 29
Mitigation Plan: False

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OCT 21 2022

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Combined Use Limits:

Rate
0.045

Volume

Acres
3.6

Water Rights

29-13581 ,29-13588 ,29-
13594 ,29-13600 ,29-
13606 ,29-13612 ,29-
13618

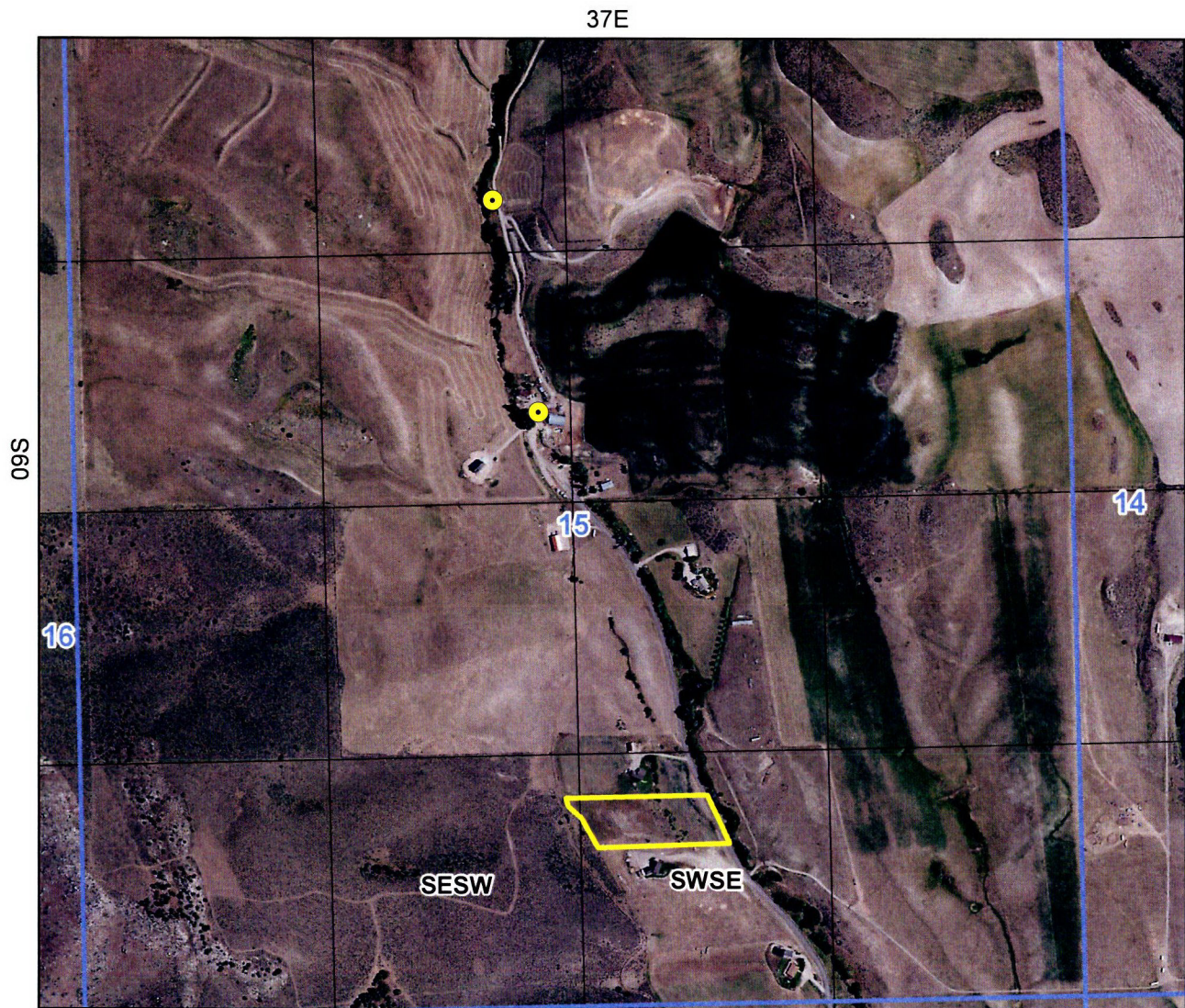
SubCase:

N/A

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
Water Right License
29-13594 After Split



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

0 0.1 0.2 0.4 Miles



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OCT 21 2022



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Water Right 29-13594 Before Split

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LAVA HOT SPRINGS, ID 83246
(208) 241-1967

Current Owner AMANDA S PRATHER
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LAVA HOT SPRINGS, ID 83246
(208) 241-1967

Priority Date: 7/1/1909

Basis: Decreed

Status: Active

Source
WEST BOB SMITH CREEK

Tributary
PORTNEUF RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	09/15	0.029 CFS	
	Total Diversion		0.029 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	15									0.3			0.7		1.3	6.3		8.6

POU Total Acres: 8.6

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5. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.108 CFS. COMBINED RIGHT NOS.: 29-13581, 29-13588, 29-13594, 29-13600, 29-13606, 29-13612, 29-13618.
6. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 8.63 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-13581, 29-13588, 29-13594, 29-13600, 29-13606, 29-13612, 29-13618.
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9. All water rights diverted from West Bob Smith Creek at the Max Hall upper diversion (SENENW, 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.

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Dates and Other Information:

Decreed Date: 9/30/2005
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 29
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
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10/13/2022

0.108

8.6

29-13581 ,29-13588 ,29-
13594 ,29-13600 ,29-
13606 ,29-13612 ,29-
13618

SubCase:

N/A

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
Water Right License
29-13594 Before Split



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

0 0.1 0.2 0.4 Miles



SCANNED
OCT 7 1 2022

RECEIVED

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AUG 18 2022

AUG 29 2022

Department of Water Resources
Eastern Region

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

DEPARTMENT OF
WATER RESOURCES

List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

DE

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
29-14495 29-13581 ✓	Yes ☒	Yes ☐	29-13612 ✓	Yes ☒	Yes ☐
29-14496 29-13588 ✓	Yes ☒	Yes ☐	29-13618 ✓	Yes ☒	Yes ☐
29-14497 29-13594 ✓	Yes ☒	Yes ☐	29-14500 ✓	Yes ☐	Yes ☐
29-14498 29-13600 ✓	Yes ☒	Yes ☐	29-14501 ✓	Yes ☐	Yes ☐
29-14499 29-13606 ✓	Yes ☒	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name:

Prather, Brett J
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

Debra Gambrell

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or8759 S. Bob Smith Rd
Mailing addressLava Hot Springs ID 83246
City State Zip541-602-0068
Telephonedrdebra@drdebra.gambrell.com
Email

4. If the water rights and/or adjudication claims were split, how did the division occur?

☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 4/7/22

6. Do you own the land identified as the water right place of use? Yes ☒ No ☐

o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).☒ Filing fee (see instructions for further explanation):

o \$25 per undivided water right.

o \$100 per split water right. \$700.00

o No fee is required for pending adjudication claims.

☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature:

Debra Gambrell

Signature of new owner/claimant

Title, if applicable

8/15/22
DateDebra Gambrell
Print name

Signature:

Signature of new owner/claimant

Title, if applicable

Date

Print name

Received by

M. Peltis

Date

8-18-22

For IDWR Office Use Only:

Receipt No.

F048425

Receipt Amt.

700.00

Active in the Water Supply Bank? Yes ☐ No ☐

If yes, forward to the State Office for processing

W-9 received? Yes ☐ No ☐

Name on W-9

Approved by

Processed by

dj

Date

10/18/22

SCANNED
OCT 21 2022