

**IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report**

10/18/2022

Water Right 29-13612 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: 6/20/1902

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	0.007 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. 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. 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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/18/2022

- PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. 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.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. 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.
7. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-13549.
8. All water rights diverted from West Bob Smith Creek sharing priority date 6/20/1902 when combined shall not exceed a total diversion rate of 0.56 cfs.
9. 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.
10. K01 Right No. 29-13618 is an enlargement of this right pursuant to Idaho Code § 42-1426.

Comments:

1 mhollday 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 29-13612 and 29-14500 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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/18/2022

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

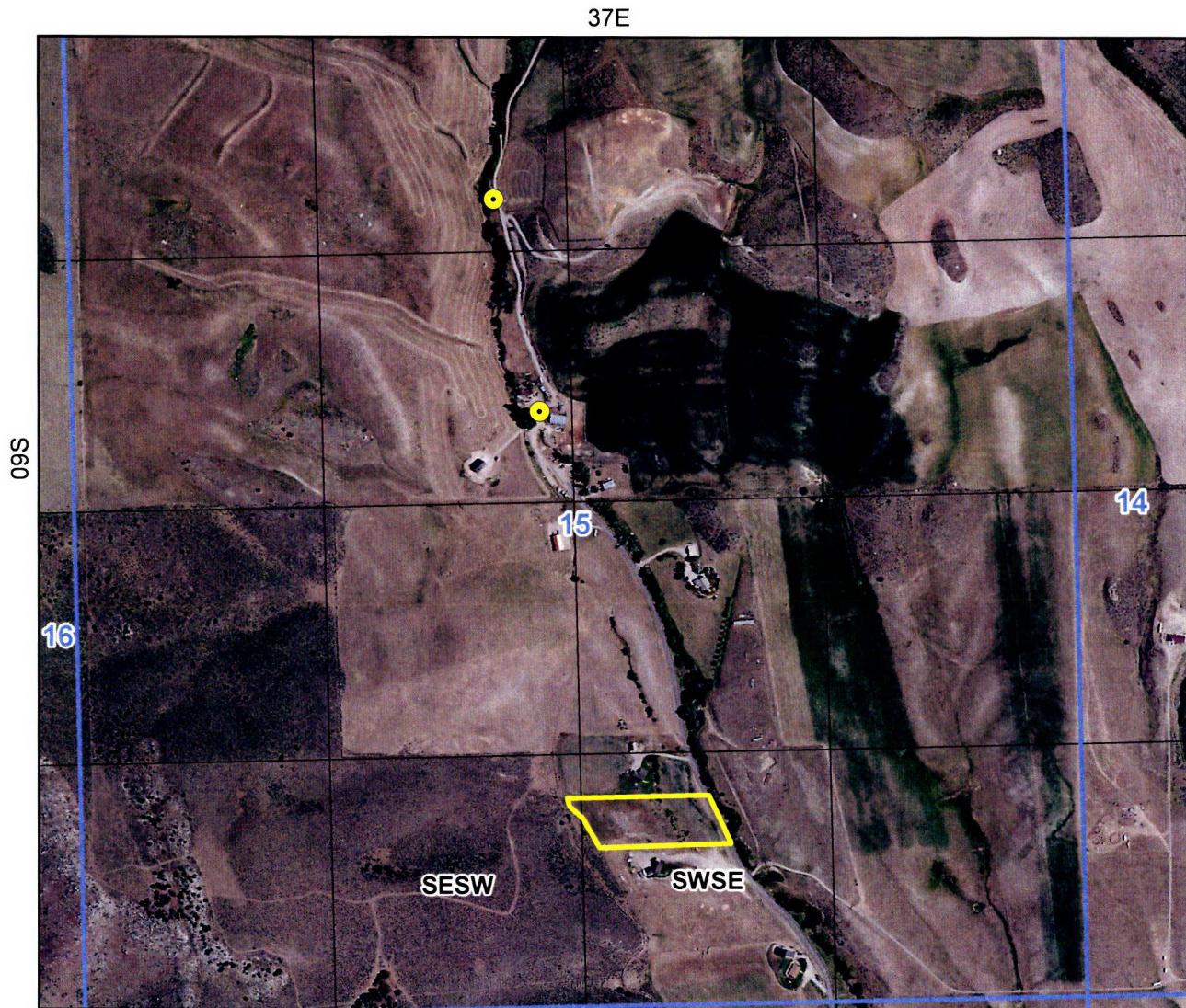
Water Supply Bank:

N/A

SCANNED

OCT 21 2022 29-13612

State of Idaho
Department of Water Resources
Water Right License
29-13612 After Split



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

0 0.1 0.2 0.4 Miles



SCANNED
OCT 21 2022



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/13/2022

Water Right 29-13612 Before 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: 6/20/1902

Basis: Decreed

Status: Active

Source
WEST BOB SMITH CREEK

Tributary
PORTNEUF RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	09/15	0.017 CFS	
	Total Diversion		0.017 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

Conditions of Approval:

- 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.
- 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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/13/2022

- PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. 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.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. 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.
7. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-13549.
8. All water rights diverted from West Bob Smith Creek sharing priority date 6/20/1902 when combined shall not exceed a total diversion rate of 0.56 cfs.
9. 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.
10. K01 Right No. 29-13618 is an enlargement of this right pursuant to Idaho Code § 42-1426.

Comments:

1 mhollday 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.

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:

Rate

0.108

Volume

Acres

8.6

Water Rights

29-13581 ,29-13588 ,29-13594 ,29-13600 ,29-

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/13/2022

13606 ,29-13612 ,29-
13618

SubCase:

N/A

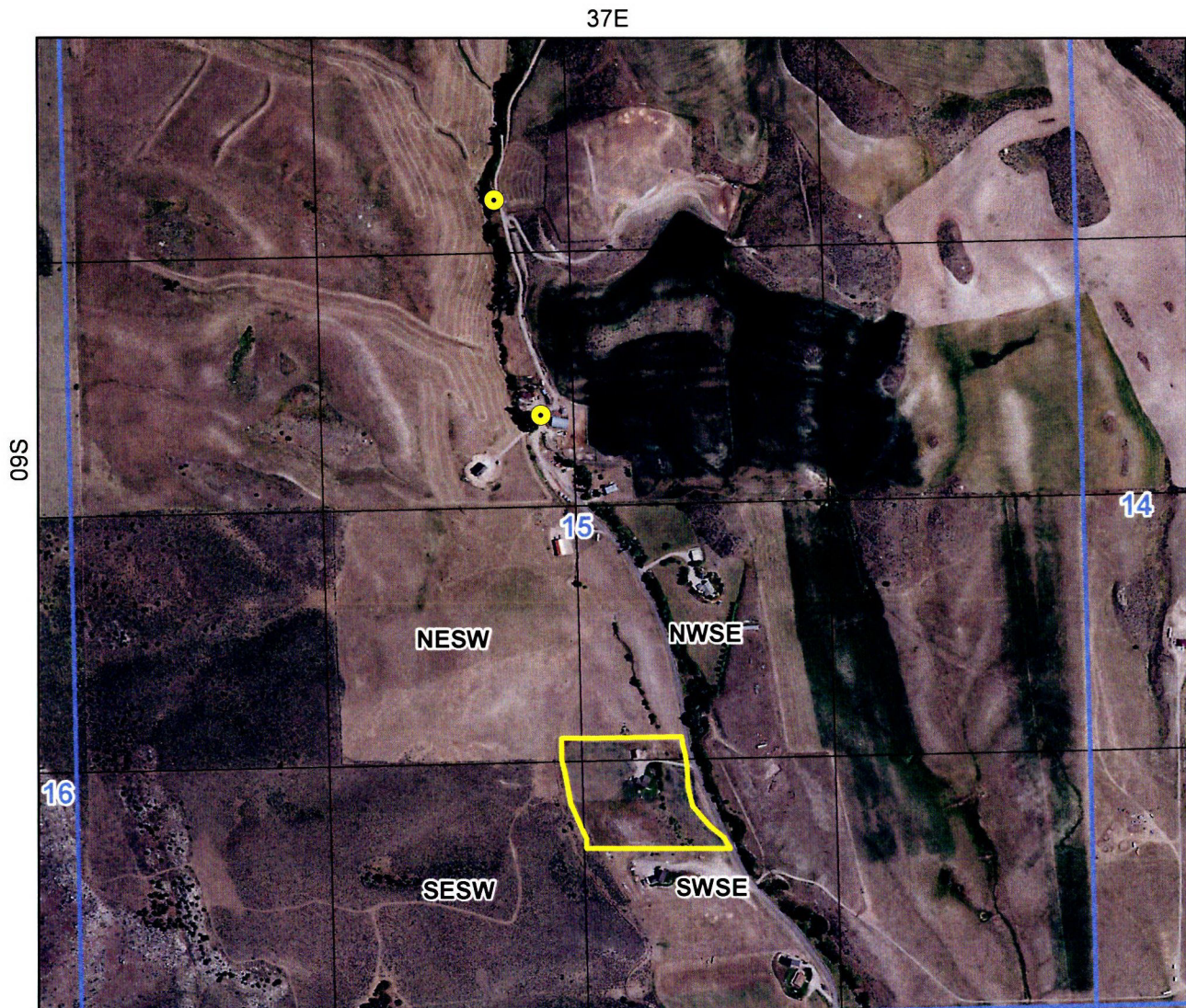
Water Supply Bank:

N/A

SCANNED
OCT 21 2022

29-13612

State of Idaho
Department of Water Resources
Water Right License
29-13612 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