

7/31/09

Contacted by Mr.  
Faddis,

September 24, 2007

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 1<sup>st</sup>. 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,

John Westra, Manager

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

\* Letter with signature in 2007 Smith Creek WD File.

7/31/09 LFW

Reviewed situation which is the same discussed in the 2007 letter to Mr. Faddis. Will need to purchase an existing water right for irrigation - from Creek or ponds located upstream. Cautioned him on the purchase of a junior WR which will be curtailed by Watermaster of Smith Creek.

Letter - Attached

Beneficial use claim not filed in SRBA

Protested by Davidsons. - see back file for right.

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4718

WATER RIGHT NUMBER: 63-4718

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	H WILLIAM BELKNAP PRAIRIE STATE A MOUNTAIN HOME, ID 83647

Priority Date: 10/08/1969  
 Basis: Statutory Claim  
 Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SMITH CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
STOCKWATER	1/01 to 12/31	0.020 CFS	
IRRIGATION	4/15 to 10/15	0.020 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion

SPRING	NE1/4NW1/4	Sec. 15, Twp 02N, Rge 07E, B.M.
ELMORE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	07E	16																	1.0
																			1.0

Total Acres: 1

DOMESTIC same as IRRIGATION  
STOCKWATER same as IRRIGATION

Conditions of Approval:Remarks:Comments: