

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 85479**

This is to certify that: JACOB JOLLEY AND  
KIRK JOLLEY  
997 E PRESTO RD  
SHELLEY, ID 83274

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Changes**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u>  |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|----------------|
| 34-10190           | WR/DECREED          | 3/10/1894            | 6.080 cfs             | N/A                     | N/A               | 192.0              | BIG LOST RIVER |
| 34-2477A           | WR/DECREED          | 6/13/1966            | 6.010 cfs             | N/A                     | 312.0             | 601.0              | GROUND WATER   |
| 34-778             | WR/DECREED          | 6/1/1886             | 1.600 cfs             | N/A                     | 80.0              | 192.0              | BIG LOST RIVER |

**Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u>  |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|----------------|
| 34-198A            | WR/DECREED          | 5/10/1897            | 3.440 cfs             | N/A                     | 172.0             | 466.0              | BIG LOST RIVER |
| 34-317A            | WR/DECREED          | 2/18/1885            | 1.650 cfs             | N/A                     | 82.5              | 466.0              | BIG LOST RIVER |
| 34-331             | WR/DECREED          | 5/31/1885            | 3.200 cfs             | N/A                     | 160.0             | 466.0              | BIG LOST RIVER |
| 34-12363A          | WR/DECREED          | 5/1/1978             | 2.890 cfs             | N/A                     |                   | 466.0              | GROUND WATER   |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 34-10190              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 34-2477A              | YES          | YES        | YES        | NO             | NO                   | NO                   |
| 34-778                | NO           | NO         | YES        | NO             | NO                   | NO                   |

**Summary Of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 34-10190               | 34-10190                         | 6.080 cfs            | N/A                    | 192.0             | 327.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 34-2477A               | 34-14856                         | 2.600 cfs            | 472.5 af               | 135.0             | 327.0              | 34-2477A                           | 3.410 cfs             | N/A                     | 177.0                       | 466.0                        |
| 34-778                 | 34-778                           | 1.600 cfs            | N/A                    | 80.0              | 327.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>10.280 cfs</b>    | <b>N/A</b>             | <b>327.0</b>      | <b>327.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Transfer No. 85479

Support Data  
In File # 34-2477A

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 85479

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 30<sup>th</sup> day of December, 2021.



Regional Manager



Transfer No. 85479

Support Data  
In File # 34-2477A

**WATER RIGHT NO. 34-2477A****As Modified by Transfer No. 85479**

In accordance with the approval of Transfer No. 85479, Water Right No. 34-2477A is now described as follows:

**Right Holder:** JENNIE M SMITH AND  
ORVILLE E SMITH  
3897 W 3700 N  
DARLINGTON, ID 83255-8738

**Priority Date:** 6/13/1966

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u>  |
|-----------------------|-------------|-----------|------------------------|
| IRRIGATION            | 4/01        | to 11/01  | 3.410 cfs<br>3.410 cfs |

**LOCATION OF POINT(S) OF DIVERSION**

|              |        |                        |               |     |
|--------------|--------|------------------------|---------------|-----|
| GROUND WATER | SESWNW | Sec 2 Twp 06N Rge 24E  | CUSTER County | (I) |
| GROUND WATER | NENWSE | Sec 2 Twp 06N Rge 24E  | CUSTER County |     |
| GROUND WATER | NWSWNE | Sec 33 Twp 07N Rge 24E | CUSTER County | (R) |

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |    |    |      | NW   |      |      |      | SW |      |      |    | SE   |      |      |      | Totals |
|-----|-----|-----|------|----|----|------|------|------|------|------|----|------|------|----|------|------|------|------|--------|
|     |     |     | NE   | NW | SW | SE   | NE   | NW   | SW   | SE   | NE | NW   | SW   | SE | NE   | NW   | SW   | SE   |        |
| 06N | 25E | 21  |      |    |    | 22.0 |      |      |      | 38.0 |    |      |      |    | 30.0 | 39.0 |      | 39.0 | 168.0  |
| 06N | 25E | 22  |      |    |    |      |      |      |      |      |    | 20.0 | 40.0 |    |      |      |      |      | 60.0   |
| 06N | 25E | 27  |      |    |    |      |      | 39.0 | 15.0 |      |    |      |      |    |      |      | 10.0 | 24.0 | 88.0   |
|     |     |     |      |    |    |      |      |      |      |      |    |      |      |    |      |      |      | L 4  |        |
| 06N | 25E | 28  | 39.0 |    |    | 17.0 |      |      |      |      |    |      |      |    |      |      |      |      | 56.0   |
| 06N | 25E | 33  | 17.0 |    |    |      |      |      |      |      |    |      |      |    |      |      |      |      | 17.0   |
| 06N | 25E | 34  |      |    |    |      | 39.0 | 38.0 |      |      |    |      |      |    |      |      |      |      | 77.0   |

Right Acre Limit: 177.0

POU Total Acres: 466.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 177.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-2477A and 34-12363A when combined shall not exceed a total diversion rate of 3.41 cfs, a total annual maximum diversion volume of 1,454.2 af at the field headgate, and the irrigation of 466.0 acres.
3. Rights 34-198A, 34-317A, 34-331, 34-2477A, and 34-12363A when combined shall not exceed the irrigation of 466 acres.

Transfer No. 85479

**WATER RIGHT NO. 34-2477A**  
**As Modified by Transfer No. 85479**

**CONDITIONS OF APPROVAL**

4. RIGHT NO. 34-12363A IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
5. THE PORTION OF THE PLACE OF USE LISTED ABOVE AS T06N, R25E, S33, NENE IS LIMITED TO THE EAST HALF OF THAT QUARTER-QUARTER SECTION.
6. WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED BY INJECTING WATER DIVERTED UNDER THIS RIGHT INTO THE BIG LOST RIVER AT THE POINT OF INJECTION DESCRIBED ABOVE, AND BY DIVERTING AN EQUAL AMOUNT OF WATER FROM THE BIG LOST RIVER AT THE UPSTREAM POINT OF REDIVERSION DESCRIBED ABOVE.
7. WATER DIVERTED FROM THE BIG LOST RIVER IS DELIVERED THROUGH THE DARLINGTON DITCH.  
THE AMOUNT OF WATER DIVERTED FROM THE BIG LOST RIVER SHALL BE REDUCED WHERE NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF WATER FROM THE BIG LOST RIVER DOWNSTREAM FROM THE POINT OF REDIVERSION.
8. 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.
9. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
10. TWO POINTS OF DIVERSION LOCATED IN T06N, R25E, S02, NENWSE.

**WATER RIGHT NO. 34-14856****As Modified by Transfer No. 85479**

In accordance with the approval of Transfer No. 85479, Water Right No. 34-14856 is now described as follows:

**Right Holder:** JENNIE M SMITH AND  
ORVILLE E SMITH  
3897 W 3700 N  
DARLINGTON, ID 83255-8738

**Priority Date:** 6/13/1966

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 4/01        | to 11/01  | 2.600 cfs             | 472.5 af                |
|                       |             |           | 2.600 cfs             | 472.5 af                |

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER                      SENE                      Sec 3    Twp 06N Rge 25E    CUSTER County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |      |      |      | NW   |      |      |      | SW |      |    |    | SE |    |    |    | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|----|------|----|----|----|----|----|----|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW   | SW | SE | NE | NW | SW | SE |        |
| 06N | 25E | 3   | 31.0 | 40.0 | 40.0 | 30.0 | 41.0 | 33.0 | 38.0 | 40.0 |    | 34.0 |    |    |    |    |    |    | 327.0  |
|     |     |     | L 1  | L 2  |      |      | L 3  | L 4  |      |      |    |      |    |    |    |    |    |    |        |

Right Acre Limit: 135.0

POU Total Acres: 327.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of a specific 135 within the 327 acre place of use authorized by this right in a single irrigation season. The specific 135 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 135 acres to be irrigated within the 327 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. Rights 34-778, 34-10190, and 34-14856 when combined shall not exceed the irrigation of 327 acres.
3. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

Transfer No. 85479

**WATER RIGHT NO. 34-14856**

**As Modified by Transfer No. 85479**

**CONDITIONS OF APPROVAL**

4. Prior to the diversion and use of water under Transfer approval 85479, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 34-10190****As Modified by Transfer No. 85479**

In accordance with the approval of Transfer No. 85479, Water Right No. 34-10190 is now described as follows:

**Right Holder:** RAFTER J CATTLE CO LLC  
794 E 425 N  
FIRTH, ID 83236-1227

**Priority Date:** 3/10/1894

**Source:** BIG LOST RIVER

**Tributary:** SINKS

**BENEFICIAL USE**  
IRRIGATION

**From** 5/01 **To** 10/15

**Diversion Rate**  
6.080 cfs  
6.080 cfs

**LOCATION OF POINT(S) OF DIVERSION**

BIG LOST RIVER SENWNW Sec 34 Twp 07N Rge 24E CUSTER County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |      |      |      | NW   |      |      |      | SW |      |    |    | SE |    |    |    | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|----|------|----|----|----|----|----|----|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW   | SW | SE | NE | NW | SW | SE |        |
| 06N | 25E | 3   | 31.0 | 40.0 | 40.0 | 30.0 | 41.0 | 33.0 | 38.0 | 40.0 |    | 34.0 |    |    |    |    |    |    | 327.0  |
|     |     |     | L 1  | L 2  |      |      | L 3  | L 4  |      |      |    |      |    |    |    |    |    |    |        |

Right Acre Limit: 192.0

POU Total Acres: 327.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 192 acres within the authorized place of use in a single irrigation season.
2. Rights 34-778 and 34-10190 when combined shall not exceed the irrigation of 192 acres.
3. Rights 34-778, 34-10190, and 34-14856 when combined shall not exceed the irrigation of 327 acres.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.

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**WATER RIGHT NO. 34-10190**  
**As Modified by Transfer No. 85479**

**CONDITIONS OF APPROVAL**

6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
8. Water is delivered through the Burnett Ditch.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 34-778****As Modified by Transfer No. 85479**

In accordance with the approval of Transfer No. 85479, Water Right No. 34-778 is now described as follows:

**Right Holder:** RAFTER J CATTLE CO LLC  
794 E 425 N  
FIRTH, ID 83236-1227

**Priority Date:** 6/1/1886

**Source:** BIG LOST RIVER

**Tributary:** SINKS

**BENEFICIAL USE**

IRRIGATION

**From**

5/01

**To**

to 10/15

**Diversion Rate**

1.600 cfs

1.600 cfs

**LOCATION OF POINT(S) OF DIVERSION**

BIG LOST RIVER

SENWNW

Sec 34 Twp 07N Rge 24E CUSTER County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |      |      |      | NW   |      |      |      | SW |      |    |    | SE |    |    |    | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|----|------|----|----|----|----|----|----|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW   | SW | SE | NE | NW | SW | SE |        |
| 06N | 25E | 3   | 31.0 | 40.0 | 40.0 | 30.0 | 41.0 | 33.0 | 38.0 | 40.0 |    | 34.0 |    |    |    |    |    |    | 327.0  |
|     |     |     | L 1  | L 2  |      |      | L 3  | L 4  |      |      |    |      |    |    |    |    |    |    |        |

Right Acre Limit: 80.0

POU Total Acres: 327.0

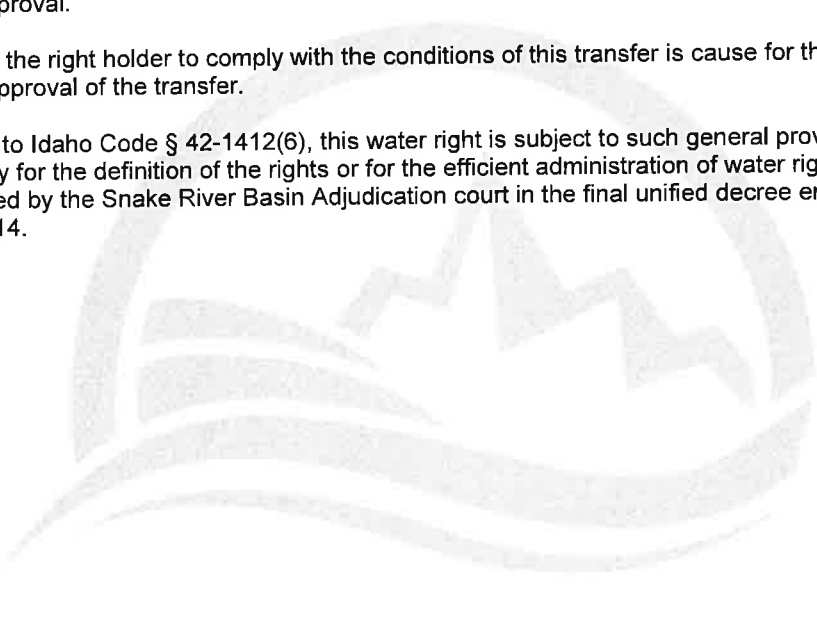
**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 80 acres within the authorized place of use in a single irrigation season.
2. Rights 34-778 and 34-10190 when combined shall not exceed the irrigation of 192 acres.
3. Rights 34-778, 34-10190, and 34-14856 when combined shall not exceed the irrigation of 327 acres.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 85479

**WATER RIGHT NO. 34-778**  
**As Modified by Transfer No. 85479**

**CONDITIONS OF APPROVAL**

7. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
  8. Water is delivered through the Burnett Ditch.
  9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
  10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
  11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
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**WATER RIGHT NO. 34-198A****As Modified by Transfer No. 85479**

In accordance with the approval of Transfer No. 85479, Water Right No. 34-198A is now described as follows:

**Right Holder:** ORVILLE E SMITH AND  
JENNIE M SMITH  
3897 W 3700 N  
DARLINGTON, ID 83255-8738

**Priority Date:** 5/10/1897

**Source:** BIG LOST RIVER

**Tributary:** SINKS

**BENEFICIAL USE**  
IRRIGATION

**From** 5/01 **To** 10/15

**Diversion Rate**  
3.440 cfs  
3.440 cfs

**LOCATION OF POINT(S) OF DIVERSION**

BIG LOST RIVER NWSWNE Sec 33 Twp 07N Rge 24E CUSTER County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |    |    |      | NW   |      |      |      | SW |      |      |    | SE   |      |      |      | Totals |
|-----|-----|-----|------|----|----|------|------|------|------|------|----|------|------|----|------|------|------|------|--------|
|     |     |     | NE   | NW | SW | SE   | NE   | NW   | SW   | SE   | NE | NW   | SW   | SE | NE   | NW   | SW   | SE   |        |
| 06N | 25E | 21  |      |    |    | 22.0 |      |      |      | 38.0 |    |      |      |    | 30.0 | 39.0 |      | 39.0 | 168.0  |
| 06N | 25E | 22  |      |    |    |      |      |      |      |      |    | 20.0 | 40.0 |    |      |      |      |      | 60.0   |
| 06N | 25E | 27  |      |    |    |      |      | 39.0 | 15.0 |      |    |      |      |    |      |      | 10.0 | 24.0 | 88.0   |
|     |     |     |      |    |    |      |      |      |      |      |    |      |      |    |      |      |      | L 4  |        |
| 06N | 25E | 28  | 39.0 |    |    | 17.0 |      |      |      |      |    |      |      |    |      |      |      |      | 56.0   |
| 06N | 25E | 33  | 17.0 |    |    |      |      |      |      |      |    |      |      |    |      |      |      |      | 17.0   |
| 06N | 25E | 34  |      |    |    |      | 39.0 | 38.0 |      |      |    |      |      |    |      |      |      |      | 77.0   |

Right Acre Limit: 172.0

POU Total Acres: 466.0

**CONDITIONS OF APPROVAL**

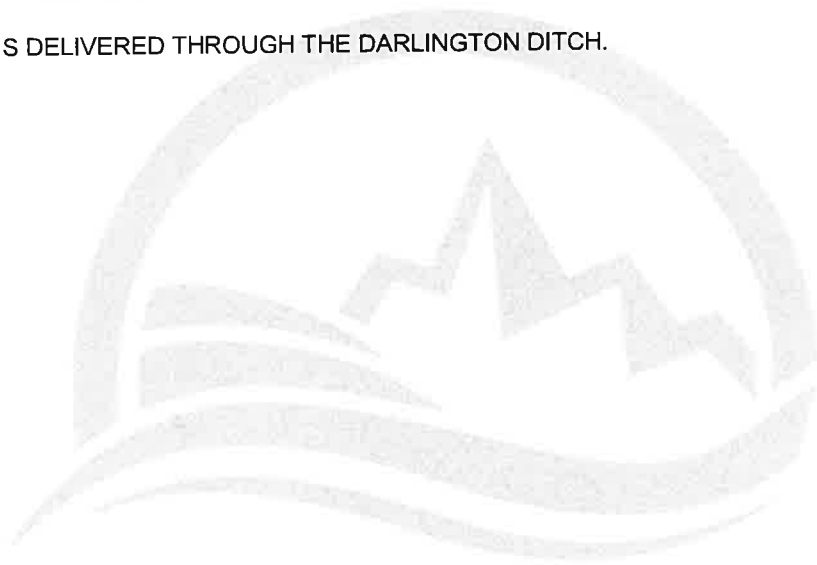
1. This right is limited to the irrigation of 172.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-198A, 34-317A, 34-331, 34-2477A, and 34-12363A when combined shall not exceed the irrigation of 466 acres.
3. THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

Transfer No. 85479

**WATER RIGHT NO. 34-198A**  
**As Modified by Transfer No. 85479**

**CONDITIONS OF APPROVAL**

4. 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.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. WATER IS DELIVERED THROUGH THE DARLINGTON DITCH.



**WATER RIGHT NO. 34-317A****As Modified by Transfer No. 85479**

In accordance with the approval of Transfer No. 85479, Water Right No. 34-317A is now described as follows:

**Right Holder:** JENNIE M SMITH AND  
ORVILLE E SMITH  
3897 W 3700 N  
DARLINGTON, ID 83255-8738

**Priority Date:** 2/18/1885

**Source:** BIG LOST RIVER

**Tributary:** SINKS

**BENEFICIAL USE**

IRRIGATION

**From**

5/01

**To**

to 10/15

**Diversion Rate**

1.650 cfs

1.650 cfs

**LOCATION OF POINT(S) OF DIVERSION**

BIG LOST RIVER

NWSWNE

Sec 33 Twp 07N Rge 24E CUSTER County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |    |    |      | NW   |      |      |      | SW |      |      |    | SE   |      |      |      | Totals |
|-----|-----|-----|------|----|----|------|------|------|------|------|----|------|------|----|------|------|------|------|--------|
|     |     |     | NE   | NW | SW | SE   | NE   | NW   | SW   | SE   | NE | NW   | SW   | SE | NE   | NW   | SW   | SE   |        |
| 06N | 25E | 21  |      |    |    | 22.0 |      |      |      | 38.0 |    |      |      |    | 30.0 | 39.0 |      | 39.0 | 168.0  |
| 06N | 25E | 22  |      |    |    |      |      |      |      |      |    | 20.0 | 40.0 |    |      |      |      |      | 60.0   |
| 06N | 25E | 27  |      |    |    |      |      | 39.0 | 15.0 |      |    |      |      |    |      |      | 10.0 | 24.0 | 88.0   |
|     |     |     |      |    |    |      |      |      |      |      |    |      |      |    |      |      |      | L 4  |        |
| 06N | 25E | 28  | 39.0 |    |    | 17.0 |      |      |      |      |    |      |      |    |      |      |      |      | 56.0   |
| 06N | 25E | 33  | 17.0 |    |    |      |      |      |      |      |    |      |      |    |      |      |      |      | 17.0   |
| 06N | 25E | 34  |      |    |    |      | 39.0 | 38.0 |      |      |    |      |      |    |      |      |      |      | 77.0   |

Right Acre Limit: 82.5

POU Total Acres: 466.0

**CONDITIONS OF APPROVAL**

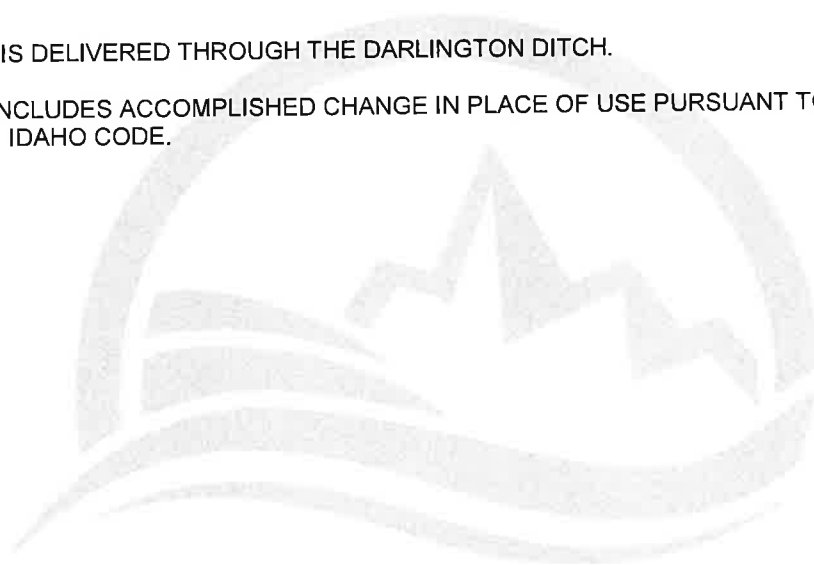
1. This right is limited to the irrigation of 82.5 acres within the authorized place of use in a single irrigation season.
2. Rights 34-198A, 34-317A, 34-331, 34-2477A, and 34-12363A when combined shall not exceed the irrigation of 466 acres.
3. THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

Transfer No. 85479

**WATER RIGHT NO. 34-317A**  
**As Modified by Transfer No. 85479**

**CONDITIONS OF APPROVAL**

4. THE PORTION OF THE PLACE OF USE LISTED ABOVE AS T06N, R25E, S33, NENE IS LIMITED TO THE EAST HALF OF THAT QUARTER-QUARTER SECTION.
5. 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.
6. WATER IS DELIVERED THROUGH THE DARLINGTON DITCH.
7. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.



**WATER RIGHT NO. 34-331****As Modified by Transfer No. 85479**

In accordance with the approval of Transfer No. 85479, Water Right No. 34-331 is now described as follows:

**Right Holder:** ORVILLE E SMITH AND  
JENNIE M SMITH  
3897 W 3700 N  
DARLINGTON, ID 83255-8738

**Priority Date:** 5/31/1885

**Source:** BIG LOST RIVER

**Tributary:** SINKS

**BENEFICIAL USE**  
IRRIGATION

**From** 5/01 **To** 10/15

**Diversion Rate**  
3.200 cfs  
3.200 cfs

**LOCATION OF POINT(S) OF DIVERSION**

BIG LOST RIVER NWSWNE Sec 33 Twp 07N Rge 24E CUSTER County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |    |    |      | NW   |      |      |      | SW |      |      |    | SE   |      |      |      | Totals |
|-----|-----|-----|------|----|----|------|------|------|------|------|----|------|------|----|------|------|------|------|--------|
|     |     |     | NE   | NW | SW | SE   | NE   | NW   | SW   | SE   | NE | NW   | SW   | SE | NE   | NW   | SW   | SE   |        |
| 06N | 25E | 21  |      |    |    | 22.0 |      |      |      | 38.0 |    |      |      |    | 30.0 | 39.0 |      | 39.0 | 168.0  |
| 06N | 25E | 22  |      |    |    |      |      |      |      |      |    | 20.0 | 40.0 |    |      |      |      |      | 60.0   |
| 06N | 25E | 27  |      |    |    |      |      | 39.0 | 15.0 |      |    |      |      |    |      |      | 10.0 | 24.0 | 88.0   |
|     |     |     |      |    |    |      |      |      |      |      |    |      |      |    |      |      |      | L 4  |        |
| 06N | 25E | 28  | 39.0 |    |    | 17.0 |      |      |      |      |    |      |      |    |      |      |      |      | 56.0   |
| 06N | 25E | 33  | 17.0 |    |    |      |      |      |      |      |    |      |      |    |      |      |      |      | 17.0   |
| 06N | 25E | 34  |      |    |    |      | 39.0 | 38.0 |      |      |    |      |      |    |      |      |      |      | 77.0   |

Right Acre Limit: 160.0

POU Total Acres: 466.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
2. Rights 34-198A, 34-317A, 34-331, 34-2477A, and 34-12363A when combined shall not exceed the irrigation of 466 acres.
3. THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
4. THE PORTION OF THE PLACE OF USE LISTED ABOVE AS T06N, R25E, S33, NENE IS LIMITED TO THE EAST HALF OF THAT QUARTER-QUARTER SECTION.

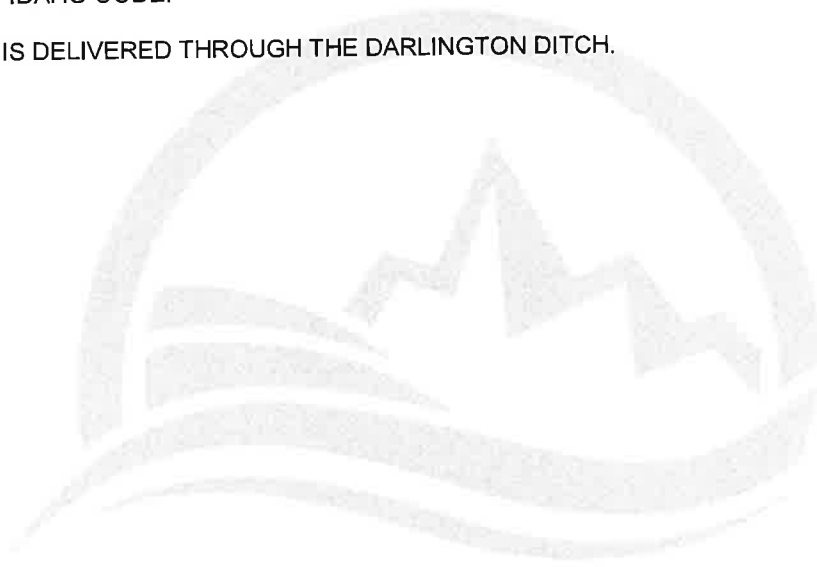
Transfer No. 85479

**WATER RIGHT NO. 34-331**

**As Modified by Transfer No. 85479**

**CONDITIONS OF APPROVAL**

5. 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.
6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. WATER IS DELIVERED THROUGH THE DARLINGTON DITCH.



**WATER RIGHT NO. 34-12363A**  
**As Modified by Transfer No. 85479**

In accordance with the approval of Transfer No. 85479, Water Right No. 34-12363A is now described as follows:

**Right Holder:** JENNIE M SMITH AND  
 ORVILLE E SMITH  
 3897 W 3700 N  
 DARLINGTON, ID 83255-8738

**Priority Date:** 5/1/1978

**Source:** GROUND WATER

|                              |                    |                  |                              |
|------------------------------|--------------------|------------------|------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
| IRRIGATION                   | 4/01               | to 10/31         | 2.890 cfs<br>2.890 cfs       |

**LOCATION OF POINT(S) OF DIVERSION**

|              |        |                        |               |     |
|--------------|--------|------------------------|---------------|-----|
| GROUND WATER | SESWNE | Sec 2 Twp 06N Rge 24E  | CUSTER County | (I) |
| GROUND WATER | NENWSE | Sec 2 Twp 06N Rge 24E  | CUSTER County |     |
| GROUND WATER | NWSWNE | Sec 33 Twp 07N Rge 24E | CUSTER County | (R) |

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |    |    |      | NW   |      |      |      | SW |      |      |    | SE   |      |      |      | Totals |
|-----|-----|-----|------|----|----|------|------|------|------|------|----|------|------|----|------|------|------|------|--------|
|     |     |     | NE   | NW | SW | SE   | NE   | NW   | SW   | SE   | NE | NW   | SW   | SE | NE   | NW   | SW   | SE   |        |
| 06N | 25E | 21  |      |    |    | 22.0 |      |      |      | 38.0 |    |      |      |    | 30.0 | 39.0 |      | 39.0 | 168.0  |
| 06N | 25E | 22  |      |    |    |      |      |      |      |      |    | 20.0 | 40.0 |    |      |      |      |      | 60.0   |
| 06N | 25E | 27  |      |    |    |      |      | 39.0 | 15.0 |      |    |      |      |    |      |      | 10.0 | 24.0 | 88.0   |
|     |     |     |      |    |    |      |      |      |      |      |    |      |      |    |      |      |      | L 4  |        |
| 06N | 25E | 28  | 39.0 |    |    | 17.0 |      |      |      |      |    |      |      |    |      |      |      |      | 56.0   |
| 06N | 25E | 33  | 17.0 |    |    |      |      |      |      |      |    |      |      |    |      |      |      |      | 17.0   |
| 06N | 25E | 34  |      |    |    |      | 39.0 | 38.0 |      |      |    |      |      |    |      |      |      |      | 77.0   |

POU Total Acres: 466.0

**CONDITIONS OF APPROVAL**

1. This right is for an enlargement of 289.0 acres within the place of use described for this right.
2. Rights 34-2477A and 34-12363A when combined shall not exceed a total diversion rate of 3.41 cfs, a total annual maximum diversion volume of 1,454.2 af at the field headgate, and the irrigation of 466.0 acres.
3. Rights 34-198A, 34-317A, 34-331, 34-2477A, and 34-12363A when combined shall not exceed the irrigation of 466 acres.
4. THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 34-2477A PURSUANT TO SECTION 42-1426, IDAHO CODE.

Transfer No. 85479

**WATER RIGHT NO. 34-12363A**

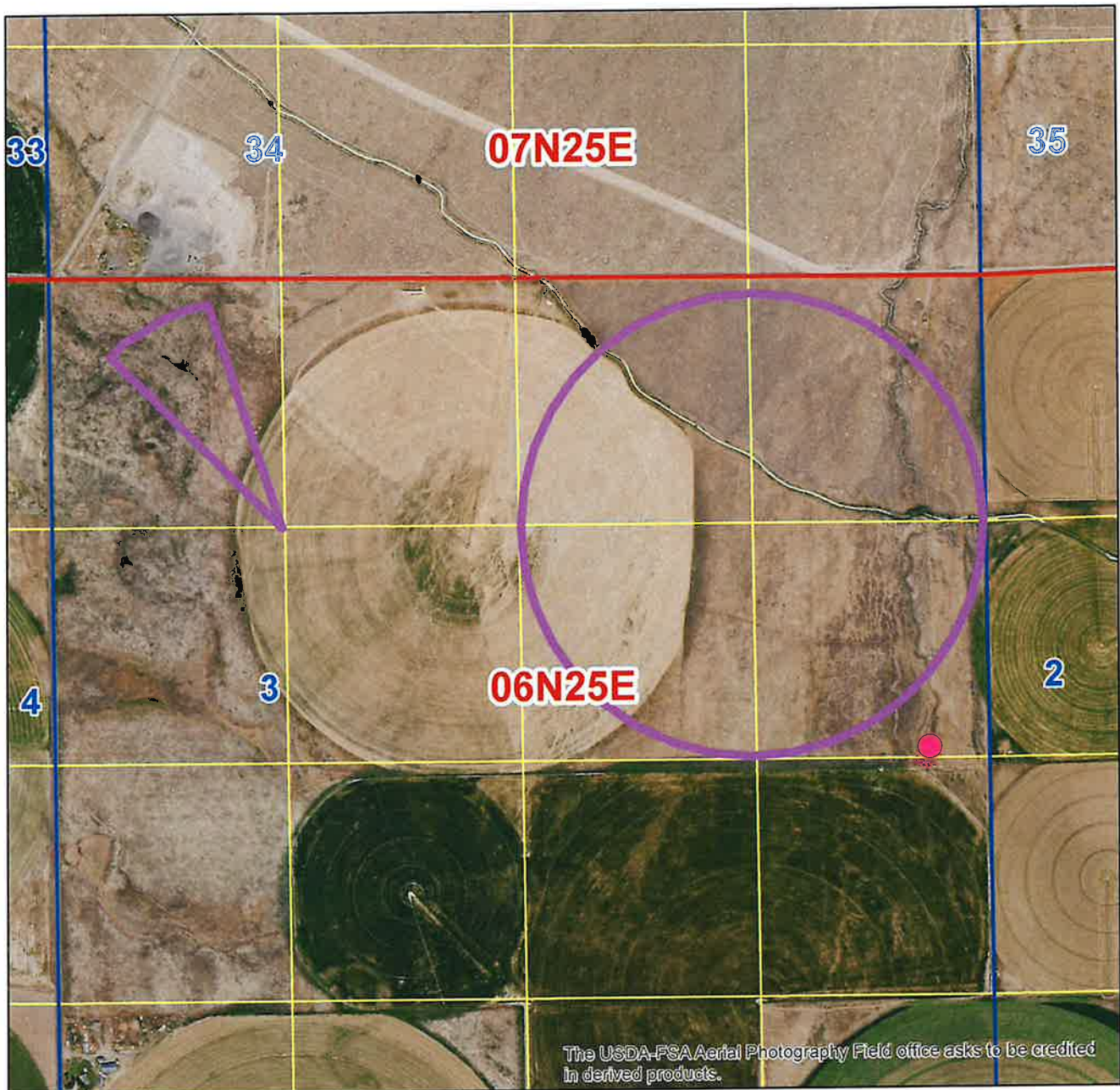
**As Modified by Transfer No. 85479**

**CONDITIONS OF APPROVAL**

5. THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
6. 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.
7. THE PORTION OF THE PLACE OF USE LISTED ABOVE AS T06N, R25E, S33, NENE IS LIMITED TO THE EAST HALF OF THAT QUARTER-QUARTER SECTION.
8. WATER DIVERTED FROM THE BIG LOST RIVER DELIVERED THROUGH THE DARLINGTON DITCH.
9. WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED BY INJECTING WATER DIVERTED UNDER THIS RIGHT INTO THE BIG LOST RIVER AT THE POINT OF INJECTION DESCRIBED ABOVE, AND DIVERTING AN EQUAL AMOUNT AT THE UPSTREAM POINT OF REDIVERSION DESCRIBED ABOVE
10. TWO POINTS OF DIVERSION LOCATED IN T06N, R24E, S02, NENWSE.

# Attachment to Transfer Approval 85479 (WR 34-14856)

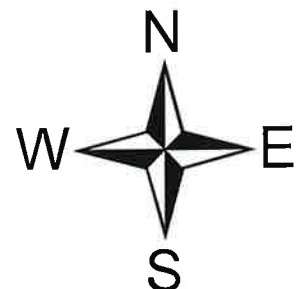
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



## Legend

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

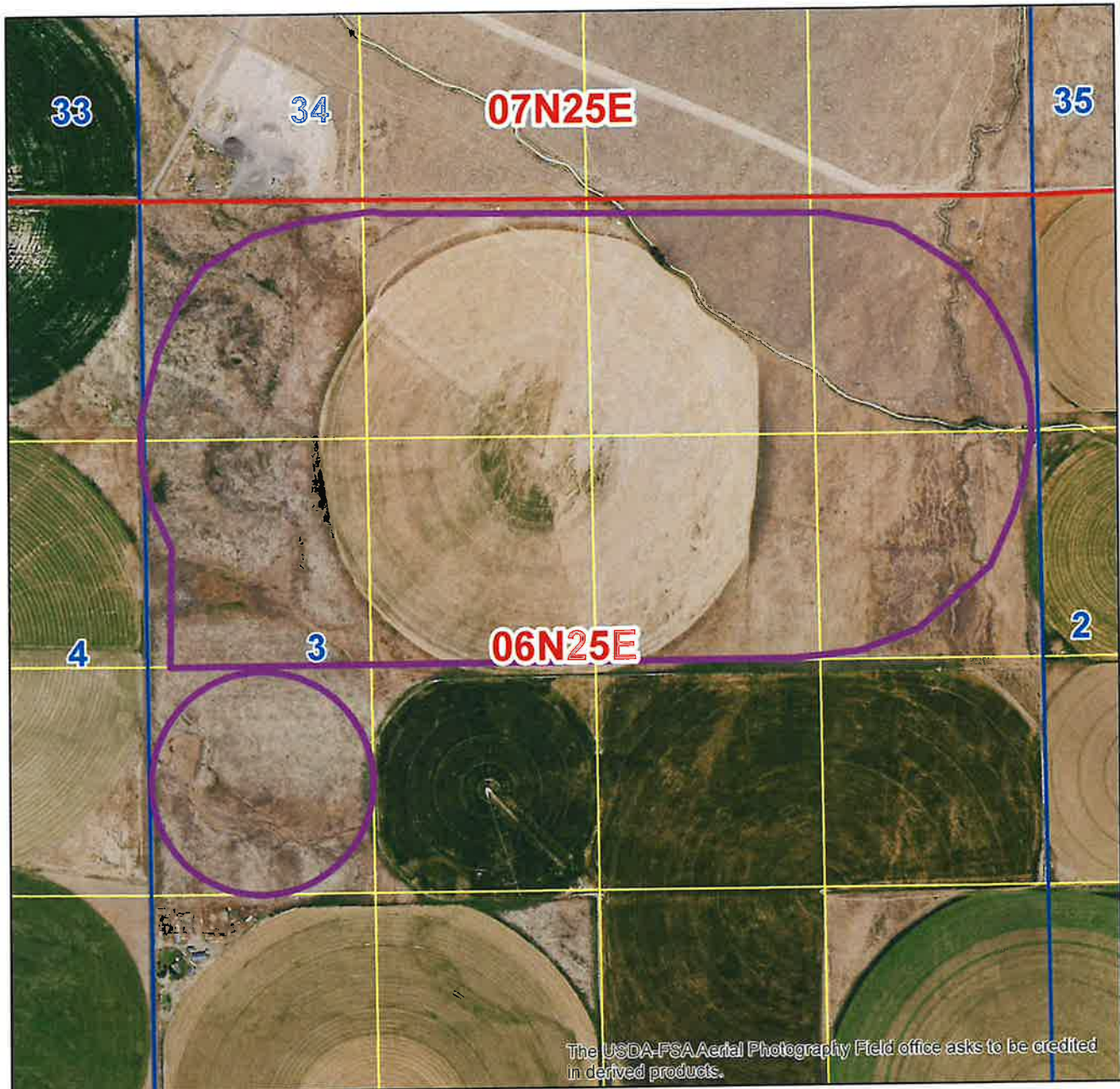
0 500 1,000 2,000 Feet



Date: 12/30/202

# Attachment to Transfer Approval 85479

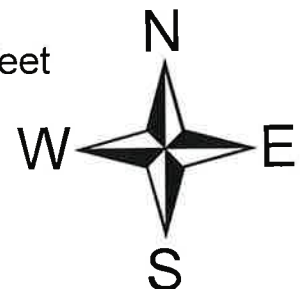
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



## Legend

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

0 625 1,250 2,500 Feet



Date: 12/30/202



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: [easterninfo@idwr.idaho.gov](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Gary Spackman**

December 30, 2021

JACOB JOLLEY  
KIRK JOLLEY  
997 E PRESTO RD  
SHELLEY ID 83274

Re: Transfer No: 85479  
Water Right No(s): 34-198A , 34-317A , 34-331, 34-778, 34-2477A , 34-10190,  
34-12363A

**Transfer Approval Notice**

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,



Christina Henman  
Administrative Assistant

Enclosure  
CC:

JENNIE M SMITH  
ORVILLE E SMITH  
3897 W 3700 N  
DARLINGTON ID 83255-8738

RAFTER J CATTLE CO LLC  
794 E 425 N  
FIRTH ID 83236-1227

## **CERTIFICATE OF SERVICE**

I hereby certify that on December 30, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

**Re: Transfer No.: 85479**

**Water Right No(s): 34-198A , 34-317A , 34-331, 34-778, 34-2477A , 34-10190, 34-12363A**

**JACOB JOLLEY  
KIRK JOLLEY  
997 E PRESTO RD  
SHELLEY ID 83274**

**JENNIE M SMITH  
ORVILLE E SMITH  
3897 W 3700 N  
DARLINGTON ID 83255-8738**

**RAFTER J CATTLE CO LLC  
794 E 425 N  
FIRTH ID 83236-1227**



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**Christina Henman  
Administrative Assistant**

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

### **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

### **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

### **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.