Form No. 222 10/80

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Department of Water Resources
Eastern District Office

Transfer No. 2773

Water Right No. 34-7255

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Rodney W. Smith Phone 527-3171

Post Office address Arco, Idaho

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

   a. Decree No. _____ Decreed to _____ (Name)

   in case of _____ vs _____

   dated in _____ in _____ (Name of court) county of _____

   b. License No. 34-7055 issued by the Idaho Department of Water Resources

   c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Ground Water tributary to _____

4. Date of priority 12-20-1973

5. Water is used for the following purposes:

   amount 4.80 for Irrigation purposes from April 1 to November 1

   amount 0.04 for Stockwater purposes from January 1 to December 31

   amount _____ for _____ purposes from _____ to _____ (month/day — both dates inclusive)

6. Total amount of water under right: a. 4.84 cubic feet per second &/or
   b. _____ acre feet per annum

7. Location of original point of diversion is SE¼ ¼ of NW¼ ¼ of Section 13
   Township 3N Range 26E, B.M., in Butte County
   Additional points of diversion, if any SW¼SW¼, Sec. 27, Twp. 5N, R. 26E

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	26E	13					20	19	(X) 38	Stockwater 40	40	39	22	22					240

Total number of acres to be irrigated 240

9. Describe any other water rights used for the same purpose as described above 160 inches--1893 Decree Big Lost River Irrigation

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? Has been continuously used to present If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B). (all)

1. Amount of water: a. ___ _____ cubic feet per second
&/or
b. _____ ___ acre feet per annum

Point of diversion _____ ¼ _____ ¼, Section _____ Township _____

Range _____, B.M., _____ County

Additional points _____

_____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

a. Amount of water to be diverted 4.84 c.f.s. &/or _____ acre feet

b. Description of diverting works No change

_____

c. Describe the reasons for the proposed changes move water from deeded land to DLE lands except 40 acres left on original place of use.

_____

_____

2. Change in point of diversion NO CHANGE

Point of diversion _____ ¼ _____ ¼, Section _____ Township _____

Range _____, B.M., _____ County

Additional points _____

_____

_____

3. Change in place of use

a. Are there leins, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes X No _____. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.

b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer Lands will be irrigated with the 1893 Big Lost River decreed right

_____

_____

_____

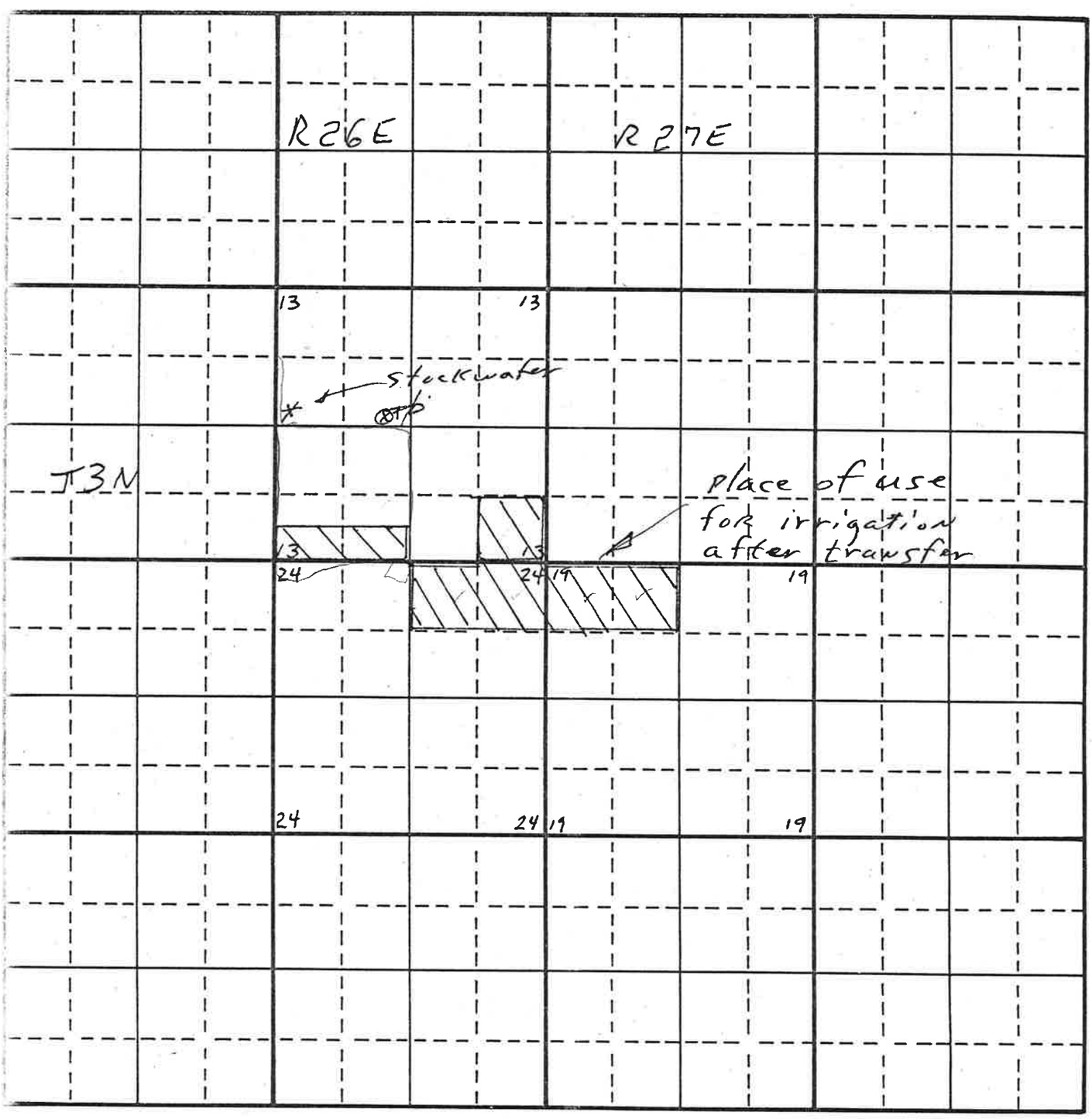
c. Describe the lands [illegible] place of use to which the right will be tr[illegible]ferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	26E	13							Stockwater X				20	20				40	80
3N	26E	24	40	40															80
3N	27E	19					40	L.1 40											80

Total number of acres to be irrigated 240

4. Describe any other water rights used for the same purpose as described above. None

5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Rodney W Smith
(Signature of Applicant)

Subscribed and sworn to before me this 27TH day of JANUARY, 19 83.

Norman C Young
(Notary Public)

My commission expires 6/25/83

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 34-7055 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the water master of State Water District 34, Big Lost River.
3. The quantity of water for irrigation at the point of re-diversion is subject to shrinkage, and loss assessment as is determined by the Big Lost Irrigation Canal Company.
4. The diversion in Sec. 13 shall be used for stockwater purposes only, and the diversion in Sec. 27 for irrigation purposes only.

Witness my hand this 26th day of May, 19 83.

L. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by CW Date 1-31-83 Protest filed by —
Prelim. check by KCW Fee $50.00 —
Receipted by — Date 1-27-83 #25851 —
Published in Arco Advertiser Copies of protest forwarded by —
Pub. dates 2/24 & 3/3/83 Hearing held by — Date —
Watermaster recommendation requested on — Recommended for approval denial
— rec'd. — by —

Eastern

RECEIVED
NOV 7 1979
Department of Water Resources
Eastern District Office

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 34-7055 Priority December 20, 1973 Amount 4.84 cfs

THIS IS TO CERTIFY, that RODNEY W. SMITH

of Arco, Idaho, has complied with the terms and conditions of Permit No. 34-7055 issued pursuant to Application for Permit dated December 20, 1973, and has submitted proof to the Department of Water Resources on February 14, 1978, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 6.85 cfs of water from a groundwater source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion		Annual Volume
Irrigation	from April 1	to November 1	at 4.80	cfs and	720 acre feet
Stockwater	from January 1	to December 31	at 0.04	cfs and	0.7 acre feet
_____	from _____	to _____	at _____	cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 4.84 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 720.7 acre feet per year, said waters to be diverted within the SE¼NW¼, Sec. 13, Twp. 3N, Rge. 26E; SW¼SW¼, Sec. 27, Twp. 5N, Rge. 26E, in the County of Butte

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	26E	13					20	19	X(stockwater) 38	40	40	39	22	22					240

Total number of acres irrigated 240

Conditions: (1) The quantity of water for irrigation at the point of re-diversion is subject to shrinkage, and loss assessment is determined by the Big Lost Irrigation Canal Company.
(2) The diversion in Sec. 13 is used for stockwater purposes only, and the diversion in Sec. 27 for irrigation purposes only.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of October, 19 79.

Director