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JUN 3 1981

Transfer No. 2538

Water Right No. 74-2073

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

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

Name of applicant Kent G. Smith Phone _____
Post office address P.O. Box 16, Tendoy, ID 83468

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
74-2073 (Name of court)
- b. License No. 74-2092 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

See proposed finding of water rights, Lemhi River Drainage, Case
No. 4948, p. 16-143. Source of water Baldy Creek tributary to Lemhi River4. Date of priority 74-2073 (12/13/1909) 74-2092 (6/27/1910)

5. Water is used for the following purposes:

74-2073: amount 0.64 cfs for irrigation purposes from 4/1 to 11/1

74-2092: amount 0.13 cfs for irrigation purposes from 4/1 to 11/1

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

6. Total amount of water under right: a. 0.77 cubic feet per second
&/or
b. 74-2073: _____ acre feet per annum7. Location of original point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18
Township 19N Range 24E, B.M., in Lemhi County
Additional points of diversion, if any 74-2073: Lot 3, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, T. 19N,
R. 24E; 74-2092: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 19N, R. 23E

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
74-2073 19N	24E	18									9.5					14			23.5
74-2092 19N	23E	13				.6													0.6
19N	24E	18									L.3 6								6.

Total number of acres to be irrigated 30.1

9. Describe any other water rights used for the same purposes as described above None.

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

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. 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	

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

1. Change in point of diversion

- a. Amount of water to be diverted 0.77 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion SW ¼ NW ¼, Section 13 Township 19N
Range 23E, B.M., Lemhi County _____
Additional points _____

c. Description of diverting works Headgate, ditch works and sprinkler system.

d. Describe the reasons for applying for a change in the point(s) of diversion The change of point of diversion will allow applicant to use gravity flow sprinkler system.

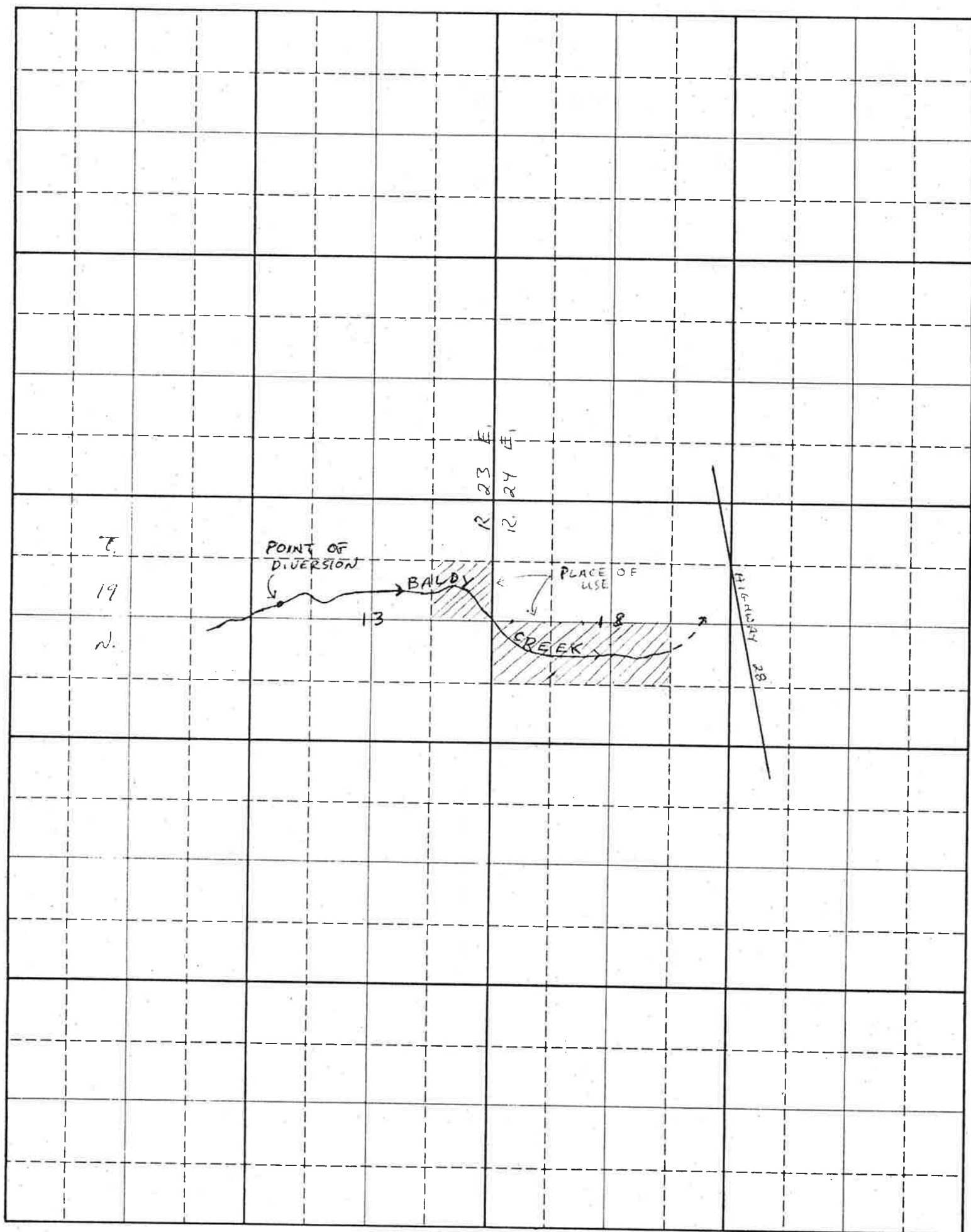
2. Change in place of use NO CHANGE

a. Describe the lands or place of use to which the right will be transferred:

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 _____

3. 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.

4. Remarks _____

I hereby assert that no one will be injured by such change and 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.

Subscribed and sworn to before me this 18th day of March, 19 81.
Went J Smith
(Signature of applicant)

James H. Humber
(Notary public)

My commission expires 10-82

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 74-2073/2092 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 watermaster of State Water District No. 74, Lemhi River.

Witness my hand this 29th day of May, 19 81.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Prepared
Received by SK Date 16 MARCH 81

Protest filed by _____

Prelim. check by HWT Fee 50.00

Received by fw Date 3/26/81 #17126

Published in Recorder Herald

Copies of protest forwarded by _____

Pub. dates 4/02 & 4/09/81

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for approval denial

_____ rec'd. _____

by DKT



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

file with - 74-7101
74-2073

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 15, 1981

James C. Herndon
Attorney at Law
P. O. Box 789
Salmon, ID 83467



Department of Water Resources
Eastern District Office

Dear Jim:

I think I can answer the questions raised in your June 10, 1981 letter by providing a general response.

As soon as the objections to the Lemhi River Proposed Findings of Water Rights are resolved and the court hands down a decree, the Director of the department can create a water district pursuant to Section 42-604, Idaho Code. The actual mechanics and boundaries of this district have not been determined since there already are several existing water districts on some of the tributaries of the Lemhi River. Assuming such a district is created, the waterusers can elect a watermaster pursuant to Chapter 6, Title 42, Idaho Code.

In the proposed finding of water rights, the department has recommended that waterusers install suitable headgates and measuring devices. The department has received no indication that the court will not so decree that measuring devices be installed. The requirement for Mr. Kent Smith to install measuring devices is consistent with this logic.

If I can provide additional information from time to time, please feel free to contact me.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

cc: Eastern Region