

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4136  
WATER RIGHT NO. 35-07781

RECEIVED  
JUN 21 1993

Department of Water Resources  
Eastern District Office

This is to certify that: **THORN SPRINGS RANCH**  
**C/O DERYL SMITH**  
**1221 W 600 S**  
**PINGREE ID 83262**

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31       | 4.18 CFS              | 756.0 AF             |

SOURCE

GROUNDWATER

Priority: 01/31/1978

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 1, Township 04S, Range 33E  
SWSW , Sec. 1, Township 04S, Range 33E  
BINGHAM County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u>                     | <u>ACRES</u>    | <u>TOTAL</u> |
|------------|------------|------------|--------------|----------------------------------|-----------------|--------------|
| 04S        | 33E        | 1          | SWNE 36      | SENW 37                          | NESW 40         |              |
|            |            |            | NWSW 39      | SWSW 39                          | Lot 8 (SESW) 25 | 216          |
|            |            |            |              | Total number of acres irrigated: |                 | 216          |

CONDITIONS/REMARKS:

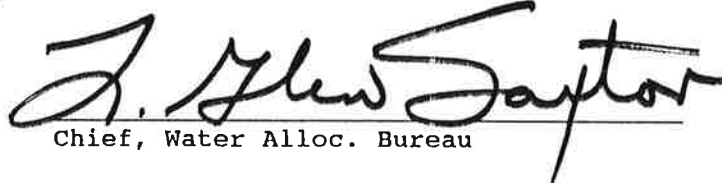
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

TRANSFER NO. 4136  
WATER RIGHT NO. 35-07781

CONDITIONS/REMARKS:

5. The well previously used under this right shall be abandoned in a manner which complies with Department well abandonment rules.

Dated this 10<sup>th</sup> day of June, 1993.

  
Chief, Water Alloc. Bureau

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. \_\_\_\_\_

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Name of applicant Thorn Springs Ranch  
c/o Deryl Smith Phone 684-3734  
Post Office address 1221 W 600 S Pingree Id 83262

## A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes Well caved in This is for a replacement  
well within another 1/4 - 1/4

## B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 35-7781 Priority Jan 31, 1978 Amount (cfs/ac-ft) 4.18 cfs Nature of Use Irrigation Period of Use 4/1 to 11/1  
 \_\_\_\_\_ to \_\_\_\_\_  
 \_\_\_\_\_ to \_\_\_\_\_  
 \_\_\_\_\_ to \_\_\_\_\_
2. Total amount of water being transferred 4.18 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Groundwater tributary to \_\_\_\_\_
4. Point(s) of Diversion: \_\_\_\_\_

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|-----|-----|-----|------|------|------|---------|--------------------------|
|     |     | NE  | SW  | 1    | 4S   | 33E  | Bingham |                          |
|     |     | SW  | SW  | 1    | 4S   | 33E  | Bingham |                          |
|     |     |     |     |      |      |      |         |                          |
|     |     |     |     |      |      |      |         |                          |

## 5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 4S   | 33E  | 1    |        |        | 36     |        |        |        |        | 37     | 40     | 39     | 39     | 25     |        |        |        |        | 216    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        | 48     |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 216

**PART 1**

**6. General Information:**

a. Description of diversion system Two wells mainline to sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☒ Yes \_\_\_\_\_ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NONE JUST REPLACING WELL

d. Remarks:

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. 35-7781 issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water Groundwater tributary to \_\_\_\_\_

4. Date or priority Jan 31, 1978

5. Water is used for the following purpose:

amount 4.18 cfs for Irrigation purposes from 4/1 to 11/1  
(cfs/ac-ft) \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft) \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft) \_\_\_\_\_

6. Total amount of water under right 4.18 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|-----|-----|-----|------|------|------|---------|--------------------------|
|     |     | NE  | SW  | 1    | 4S   | 33E  | Bingham |                          |
|     |     | NW  | SW  | 1    | 4S   | 33E  | Bingham |                          |
|     |     |     |     |      |      |      |         |                          |

8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 4S   | 33E  | 1    |        |        | 36     |        |        |        |        | 37     | 40     | 39     | 39     | 25     |        |        |        |        | 216    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        | 18     |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 216

9. Describe any other water rights used for the same purpose as described above 35-4052

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe \_\_\_\_\_

### B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

### C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

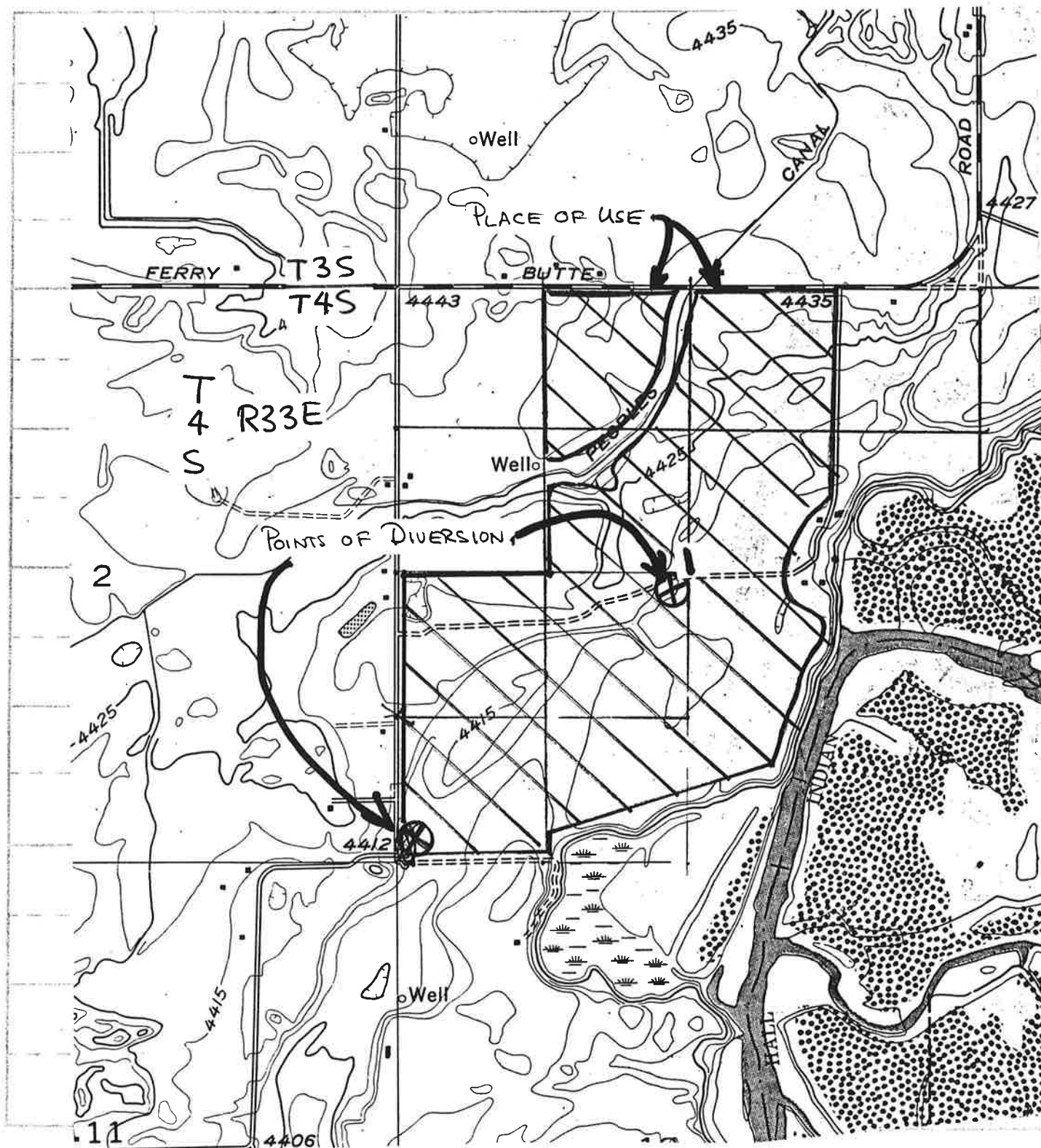
3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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

### PART 3

#### B. CHANGES IN NATURE OF USE

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to _____      |
|   |                   |                       |                 | to _____      |

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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 willful misrepresentations made in this application may result in voiding its approval.

Daryl Smith Co. Owner  
(Signature of Applicant)

Subscribed and sworn to before me this 26<sup>th</sup> day of January, 19 93.

BETTY J. THOMPSON, NOTARY PUBLIC

RESIDING AT IDAHO FALLS, IDAHO

My commission expires \_\_\_\_\_

MY COMMISSION EXPIRES: 6-30-94

Betty J. Thompson  
(Notary Public)

#### FOR DEPARTMENT USE ONLY

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Assisted by

Received by KCW

Date 26 Jan 93

Protest filed by \_\_\_\_\_

Prelim. check by \_\_\_\_\_

Fee \_\_\_\_\_

Received by KCW #EQ8231

Date 26 Jan 93

Published in Morning News

Copies of protest forwarded by \_\_\_\_\_

Pub. dates 2-4 & 11-1993

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_

Recommended for ☐ approval ☐ denial

rec'd. \_\_\_\_\_

by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

**NO PROTESTS RECEIVED. KEITH C. WILSON 3-4-93**



Farm Credit Services

RECEIVED

FEB - 1 1993

FOR PROPOSED  
TRANSFER > 35- 7781

10 West Judicial  
P.O. Box 10  
Blackfoot, Idaho 83221-0010  
208/785-0820 FAX 208/785-0878

January 28, 1993

Department of Water Resources  
Eastern District Office

To: State of Idaho Department of Water Resources

Re: Thorn Spring Ranch

We have examined the proposed change in diversion of the above referenced entity. This change is satisfactory to us. Thank you.

Sincerely,

W. Gordon Wankier  
Senior Credit Officer

State of Idaho)  
County of Bingham) ss.

On this 28th day of January, 1993 before me personally appeared W. Gordon Wankier, known to me to be the person described in and who executed the within instrument, and acknowledged that he executed the same as his free act and deed.

Notary Public for the State of Idaho

Residing at Blackfoot

My commission expires 6-12-97

MEMO

FROM: H.W. JONES  
TO: APPLC. FOR TRANSF.  
A35-07781  
THORN SPRINGS RANCH

**RECOMMENDATION AND CONDITIONS:**

THE TRANSFER SHOULD BE GRANTED WITH THE FOLLOWING CONDITIONS;

- RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PRMIT REQUIREMENTS OF SECTION 42-235, IDAHO CODE.
- THE WELL PREVIOUSLY USED UNDER THIS RIGHT SHALL BE ABANDONDED IN A MANNER WHICH COMPLIES WITH DEPT. WELL ABANDONMENT RULES.
- APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.