

T4860 SMITH

4/25
HAC

Adj - Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4860
WATER RIGHT NO. 35-07411A

RECEIVED

OCT 09 1996

Department of Water Resources
Eastern Region

This is to certify that: **STEWART W SMITH**
774 S SHILLING
BLACKFOOT ID 83221

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	* 0.70 CFS	* 172.0 AF

SOURCE

GROUNDWATER

Priority: 04/03/1974

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 35, Township 02S, Range 33E
SESE , Sec. 35, Township 02S, 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>
02S	33E	35	SWSE 19	SESE 24		43
Total number of acres irrigated:						43

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. 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this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

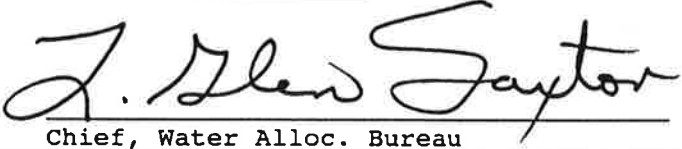
Adj. RECOMM MATCHES TX.

TRANSFER NO. 4860
WATER RIGHT NO. 35-07411A

CONDITIONS OF APPROVAL AND REMARKS

5. 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.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4860 shall not exceed 0.70 cfs, nor total combined annual volume of 172.0 af.

Dated this 3rd day of October, 1996.


Chief, Water Alloc. Bureau

SO 9-16-96

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4860

APPLICATION FOR TRANSFER OF WATER RIGHT

JUN 26 1996

PART 1

Department of Water Resources
Name of Applicant Office

Stewart W. Smith

Phone (208) 785-4071

Post Office address

774 S. Shilling Blackfoot, ID 83221

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

Applicant wants to add his house well to this right to irrigate some of the acreage surrounding his new home

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

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
35-07411A 4/3/1974 0.70 Irrigation 4-01 to 10-31
 _____ to _____
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 0.70 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
		SE	SE	35	2S	33E	Bingham	
		SW	SE	"	"	"	"	New well

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	
2S	33E	35															19	24	43

Total acres 43

PART 1

6. General Information:

a. Description of diversion system 2 wells + sprinklersb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? NA. 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:

NA.

d. Remarks:

New well is the domestic well being drilled and will take care of the piece missed by shortening the wheel line from the original point of diversion**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

JUN 26 1996

PART 2

(Attach one copy for each right)

Department of Water Resources

Eastern District Office

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. 35-07411 A 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 4/03/1974

5. Water is used for the following purpose:

amount 0.70 cfs for Irrigation purposes from 4-01 to 11-01

(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right 0.70 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
		SE	SE	35	2S	33E	Bingham	

8. Lands irrigated or place of use:

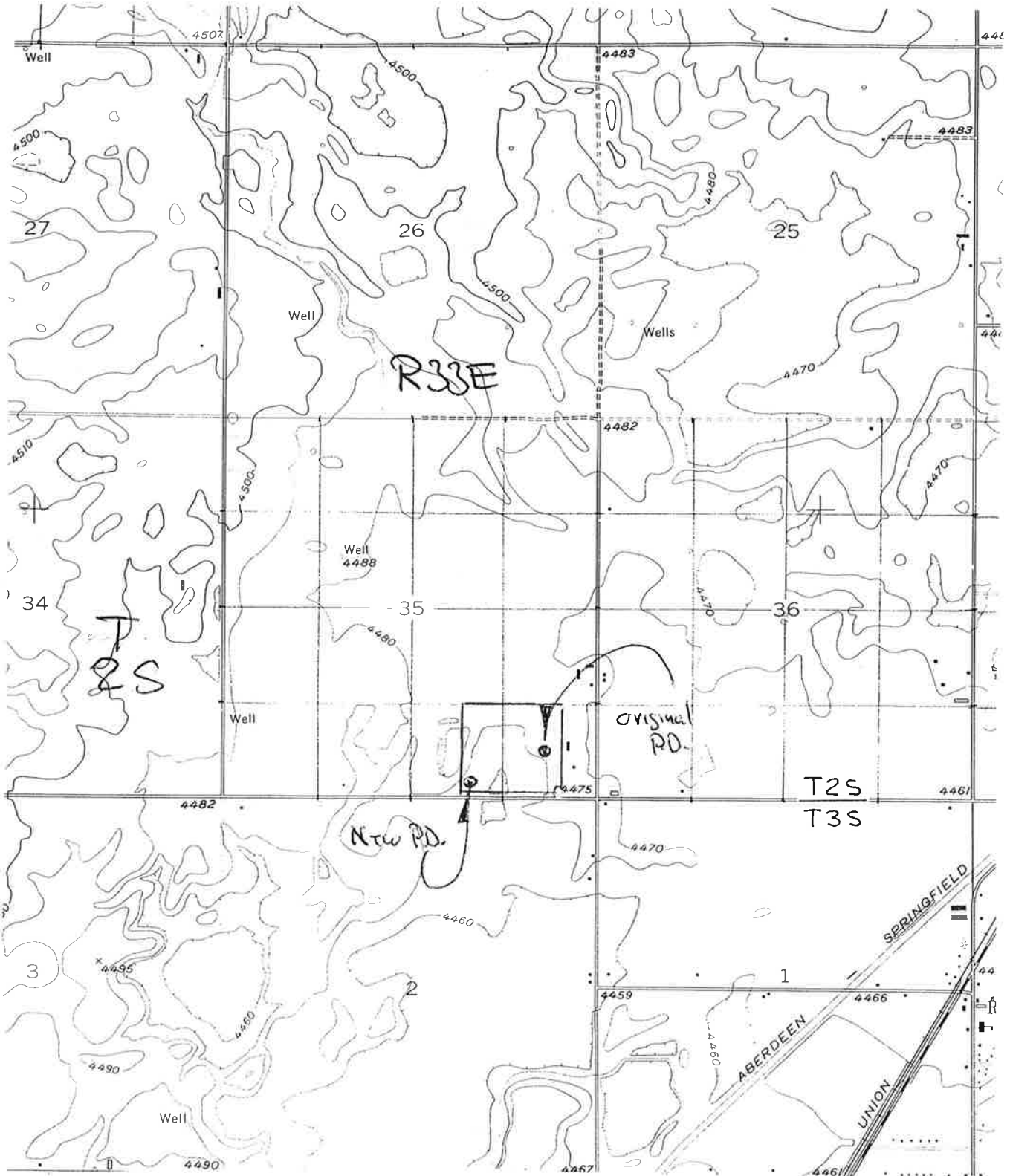
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2S	33E	35															19	24	43

Total acres 43

9. Describe any other water rights used for the same purpose as described above _____

**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.**



SCAL E: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (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.

Stewart W. Smith
(Signature of Applicant)

Subscribed and sworn to before me this 25th day of June, 19 96.

Sharon Cheffner
(Notary Public)

My commission expires 7/3/96

FOR DEPARTMENT USE ONLY

Transfer contains pages and attachments

Received by WM Date 6/12/96 Protest filed by

Prelim. check by KW #13 Fee 100.00

Received by HWS #EO22260 Date 6-12-96

Published in Morning News Copies of protest forwarded by

Pub. dates July 11 & 18, 1996 Hearing held by Date

Watermaster recommendation requested on Recommended for ☐ approval ☐ denial

 rec'd. by

Copy of transfer sent to lien holder