

T5093 SMITH & MITCHELL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 15 1999

Department of Water Resources
Eastern Region

TRANSFER OF WATER RIGHT

TRANSFER NOS. 4606 & 5093
WATER RIGHT NO(S).
34-00519E/34-00915E & 34-00519F/34-00915F

This is to certify that:

LLOYD L SMITH & GREG MITCHELL
RULLA H SMITH 4306 HOUSTON RD
RT 1 BOX 19 MACKAY ID 83251
MACKAY ID 83251

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>
LLOYD L OR RULLA H SMITH			
Right No. 34-00519E :			
IRRIGATION	05/01 to 10/15	1.59 CFS	287.0 AF
Priority: 04/10/1889			
Right No. 34-00915E :			
IRRIGATION	05/01 to 10/15	0.14 CFS	26.6 AF
Priority: 04/22/1884			
TOTAL:		1.73 CFS	* 287.0 AF
GREG MITCHELL			
Right No. 34-00519F :			
IRRIGATION	05/01 to 10/15	0.30 CFS	54.3 AF
Priority: 04/10/1889			
Right No. 34-00915F :			
IRRIGATION	05/01 to 10/15	0.03 CFS	4.9 AF
Priority: 04/22/1884			
TOTAL:		0.33 CFS	* 54.3 AF

SOURCE

BIG LOST RIVER

TRIBUTARY OF

SINKS

LOCATION OF POINT(S) OF DIVERSION:

NWSWNE , Sec. 33, Township 07N, Range 24E
CUSTER County

TRANSFER NOS. 4606 & 5093
WATER RIGHT NO(S).
34-00519E/34-00915E & 34-00519F/34-00915F

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>
LLOYD L OR RULLA H SMITH						
Right Nos. 34-00519E & 34-00915E :						
06N	24E	2.0	NWSE 32.0	SWSE 32.0	SESE 13.0	77.0
		11.0	NENE 3.0	NWNE 2.0		5.0
Total number of acres irrigated:						** 82.0
GREG MITCHELL						
Right Nos. 34-00519F & 34-00915F :						
06N	24E	2.0	SESE 15.5			15.5
Total number of acres irrigated:						** 15.5

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. 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.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- ** 6. Right 34-00915E is limited to the irrigation of 7.6 acres in the place of use described above in a single irrigation season.
- * ** 7. Rights 34-00519E and 34-00915E when combined shall not exceed a total annual maximum diversion volume of 287.0 af at the field headgate and the irrigation of 82.0 acres.
- ** 8. Right 34-00915F is limited to the irrigation of 1.4 acres in the place of use described above in a single irrigation season.
- * ** 9. Rights 34-00519F and 34-00915F when combined shall not exceed a total annual maximum diversion volume of 54.3 af at the field headgate and the irrigation of 15.5 acres.
10. Approval of Transfers 4606 and 5093 does not preclude the opportunity for review of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 28th day ofDecember, 1998.

L. Glen Saylor
Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 34-00519C & 34-00915C

FROM: Pam Skaggs  State Office

SUBJECT: Transfers 4606 & 5093

DATE: December 22, 1998



Transfers 4606 and 5093 both pertain to Rights 34-00519C and 34-00915C as represented in the AJ database. The transfers were processed together and a single approval for prepared.

Transfer 4606 is to reflect a reduction in the place of use under these rights when Smith sold a parcel of land to Babineau without these surface water rights. Transfer 5093 is to reverse the effect of previously approved Transfer 3914 that also reduced the place of use under these rights when Smith sold a different parcel of land to Mitchell and retained the surface water rights. Although the transfer was approved and completed on paper, review in the SRBA found that the Mitchell property continued to receive a share of these rights and included the acres in the original recommendation. This transfer is proposed to correct the water right record to reflect actual use.

Clarification regarding the ownership of land and actual irrigation was needed to split the right between the Smiths and Mitchell in the SESE, S02, T06N, R24E. The Custer County Assessor's office confirmed ownership of the land and region staff reviewed the SRBA records and confirmed the recommended irrigated acres for each party (see mail message in file.)

These rights were split to reflect a prorated portion of each right when using the historical number of irrigated acres or 97.5 total acres. The season of use is non-standard as recommended by the SRBA and diversion volume is identified according to current standards.

Recommended conditions include watermaster control, measuring device & lockable controlling works, irrigation overlap, permissible place of use, combined right limits and standard transfer conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESCOPY 5093
Transfer No. 5093

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

JUN 13 1997

Name of applicant Craig Mitchell and Lloyd Smith

Phone

(208) 588-2201-17 Mitchell
588-7101-45Post Office address 4306 HOUSTON RD MACKAY, ID 83251

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 Transfer #3914 was approved in 1992 when Smith sold 10 acres to Mitchell along with his portion of 34-02477. Mr. Smith retained all of the surface water and just reduced the acreage on 34-00519 and 34-00915. Mitchell and Smith now wish to go back to a pro rata share of surface water on Mitchell's 10 acres. (see remarks)

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
<u>34-00519A</u>	<u>4-10-1889</u>	<u>1.89 cfs</u>	<u>Irrigation</u>	<u>5-1</u> to <u>10-15</u>
<u>3400915A</u>	<u>4-22-1884</u>	<u>0.17 cfs</u>	<u>Irrigatin</u>	<u>5-1</u> to <u>10-15</u>
<u>34-00519B</u>	<u>4-10-1889</u>	<u>0.31 cfs</u>	<u>Irrigation</u>	<u>5-1</u> to <u>10-15</u>
<u>34-00915B</u>	<u>4-22-1884</u>	<u>0.03 cfs</u>	<u>Irrigation</u>	<u>5-1</u> to <u>10-15</u>

2. Total amount of water being transferred 2.40 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Lost River tributary to Sinks

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SW	NE	33	7N	24E	Custer	Darlington Ditch

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
06N	24E	02														32	32	14.5	85 86.5
		11	12	02															14
																			140.5 total
06N	24E	02																14.5	14.5
																		16	16 14.5 total

Total acres 115

PART 1

6. General Information:

a. Description of diversion system Darlington Ditchb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes xx _____ 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:

This transfer will put things back to it was recommended in the Director's Report.The only change will be the 2 rights will be split into two(2) owners with a proportionate share of the rights going to each owner.

d. Remarks:

Mitchell and Smith have been using the water together basically as the rights were recommended in the Director's Report.Subsequently, Mitchell has purchased an additional 6 acres from Smith and wants that to be part of this transfer to put it in his name.**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 _____.

WR0749KP

IDAHO DEPARTMENT OF WATER RESOURCES

DATE: 03/26/97

No. 34-00519 /TR 3914

WATER RIGHT PROFILE REPORT

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LLOYD SMITH RT 1 BOX 19 MACKAY ID 83251	04/10/1889	IRRIGATION	05/01 10/15	2.200 CFS	367.50 AFA
TOTAL DIVERSION:					2.200 CFS	367.50 AFA

Water Source: BIG LOST RIVER

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion: T07N R24E S33

SWNE

CUSTER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																		
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
06N	24E	2	:																															
06N	24E	11	:	12		02																												
																																TOTAL ACRES	105.0	

Pou County: CUSTER

Conditions of Approval:

- T07 - The change authorized by this transfer shall be accomplished
 - within one (1) year of the date of this approval.
- T08 - 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.
- T09 - 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.
- R04 - Use of water under this water right will be regulated by the
 - watermaster of State Water District No. 34.

Remarks: The combined annual volume of water under this right and Right
34-00915 shall not exceed 367.5 acre feet.

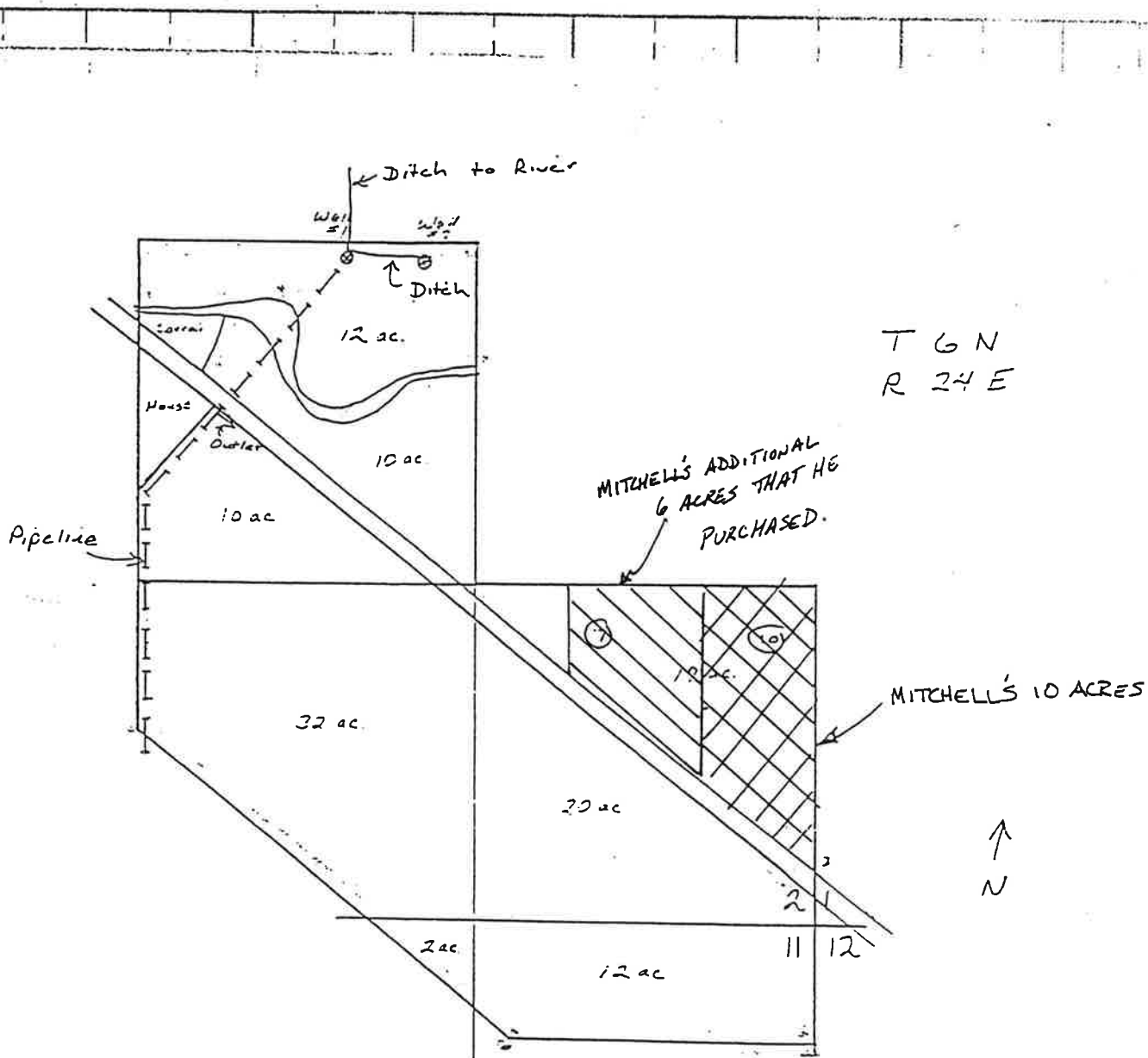
Dates: App. Received: Priority Date: 04/10/1889
 Proof Due Date: Proof Made Date:
 Exam Made Date: Exam Sent to S.O.:
 Licensed Date:

Misc: Water District Number: 34 Field Exam Fee:

Misc: Water District Number: 34 Field Exam Fee:

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.



Place of use

Scale 1" = 660'

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.

Subscribed and sworn to before me this 12th day of April, 1997.

(Signature of Applicant)

(Notary Public)

My commission expires 11 / 28 / 2000**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 5 attachmentsReceived by RB Date 4-17-97 12:18p Protest filed by _____Prelim. check by _____ Fee 100.00Receipted by ED23127 Date 4/17/97Published in Challis Messenger Copies of protest forwarded by _____Pub. dates June 12, 19, 1997 Hearing held by _____ Date _____Watermaster recommendation requested on 6-9-97 Recommended for ☐ approval ☐ denialWN-34 rec'd. _____ by _____

Copy of transfer sent to lien holder _____



ATTACHMENT

75093 No. 1

Mitchell Cope

PROPERTY DESCRIPTION

Parcel 'A'

A parcel of land generally described as being a portion of the southeast quarter of the southeast quarter of Section 2, Township 6 North, Range 24 East of the Boise Meridian, Custer County, Idaho, lying north of the centerline of the Alder Creek Road, and being more particularly described as follows:

Commencing at the southeast corner of said Section 2, thence North $00^{\circ} 38' 30''$ West along the east boundary of the southeast quarter of said Section 2, a distance of 197.16 feet to the centerline of said Alder Creek Road and the POINT OF BEGINNING of this described parcel of land.

Thence continuing along the east boundary of the southeast quarter of said Section 2, North $00^{\circ} 38' 30''$ West, a distance of 1159.19 feet to the northeast corner of the southeast quarter of the southeast quarter of said Section 2; thence South $89^{\circ} 37' 08''$ West along the north boundary of the southeast quarter of the southeast quarter of said Section 2, a distance of 450.00 feet; thence South $00^{\circ} 38' 30''$ East, parallel with the east boundary of the southeast quarter of said Section 2, a distance of 807.47 feet to the centerline of the Alder Creek Road; thence South $52^{\circ} 28' 10''$ East along the centerline of said road, a distance of 572.40 feet to the east boundary of the southeast quarter of said Section 2, and the POINT OF BEGINNING.

The above described parcel of land contains 10.16 acres, and is subject to a county road right-of-way easement approximately 34.0 feet in width, parallel with and along the southerly boundary thereof.

PROPERTY DESCRIPTION

Parcel 'B'

A parcel of land generally described as being a portion of the southeast quarter of the southeast quarter of Section 2, Township 6 North, Range 24 East of the Boise Meridian, Custer County, Idaho, lying north of the centerline of the Alder Creek Road, and being more particularly described as follows:

Commencing at the southeast corner of said Section 2, thence North $00^{\circ} 38' 30''$ West along the east boundary of the southeast quarter of said Section 2, a distance of 197.16 feet to the centerline of said Alder Creek Road; thence North $52^{\circ} 28' 10''$ West along the centerline of said Alder Creek Road, a distance of 572.40 feet to the POINT OF BEGINNING of this described parcel of land.

Thence North $00^{\circ} 38' 30''$ West, parallel with the east boundary of the southeast quarter of said Section 2, a distance of 807.47 feet to the north boundary of the southeast quarter of the southeast quarter of said Section 2; thence South $89^{\circ} 37' 08''$ West along the north boundary of the southeast quarter of the southeast quarter of said Section 2, a distance of 890.26 feet to the northwest corner of the southeast quarter of the southeast quarter of said Section 2; thence South $00^{\circ} 45' 41''$ East along the west boundary of the southeast quarter of the southeast quarter of said Section 2, a distance of 111.85 feet to the centerline of said Alder Creek Road; thence South $52^{\circ} 28' 10''$ East along the centerline of said Alder Creek Road, a distance of 1132.11 feet to the POINT OF BEGINNING.

The above described parcel of land contains 9.39 acres, and is subject to a county road (Alder Creek Road) right-of-way easement approximately 34.0 feet in width, parallel with and along the southerly boundary thereof.

Lloyd Smith
to Mitchell

PROPERTY DESCRIPTION

A parcel of land generally described as being a portion of the southeast quarter of the southeast quarter of Section 2, Township 6 North, Range 24 East of the Boise Meridian, Custer County, Idaho, lying north of the centerline of the Alder Creek Road, and being more particularly described as follows:

Commencing at the southeast corner of said Section 2, thence North $00^{\circ} 38' 30''$ West along the east boundary of the southeast quarter of said Section 2, a distance of 197.16 feet to the centerline of said Alder Creek Road; thence along the centerline of said Alder Creek Road, North $52^{\circ} 28' 10''$ West, a distance of 572.40 feet to the POINT OF BEGINNING of this described parcel of land.

Thence leaving the centerline of said Alder Creek Road, North $00^{\circ} 38' 30''$ West, a distance of 807.47 feet to the north boundary of the southeast quarter of the southeast quarter of said Section 2; thence South $89^{\circ} 37' 08''$ West, along the north boundary of the southeast quarter of the southeast quarter of said Section 2, a distance of 443.42 feet; thence South $00^{\circ} 49' 54''$ East, a distance of 462.11 feet to the centerline of said Alder Creek Road; thence along the centerline of said Alder Creek Road, South $52^{\circ} 28' 10''$ East, a distance of 562.08 feet to the POINT OF BEGINNING.

The above described parcel of land contains 6.45 acres, more or less, and is subject to a county road right-of-way easement approximately 34.0 feet in width, parallel with and adjoining the southerly boundary thereof.

From: DWR06::"PSKAGGS@idwr.state.id.us" 11-DEC-1998 13:17:34.70
To: "Jones, Skip (vax)" <dwr06::hjones>
CC: "Skaggs, Pam" <PSKAGGS@idwr.state.id.us>
Subj: Transfers 4606 & 5093/Smith & Mitchell

I am currently processing Transfers 4606 & 5093 together & have conflicting information regarding the ownership of the rights between the transfers & the AJ database.

Transfer 5093 splits the 37.0 irrigated acres in SESE, S02, T06N, R24E, identified under the original SRBA recommendation between Smith (22.5) & Mitchell (14.5). Transfer 4606 reduces the irrigation in this QQ by 3.0 acres which were sold to Babneau without surface rights, leaving Smith 19.5 acres.

The AJ database identifies the rights as split into Parts B (Watson, 5 in SESE), C (Smith 18.5 in SESE) & D (Richardson 1 in SESE) under "R" records based on an ownership split for a total of 102.5 acres. It doesn't include the 10 acres removed under previous Transfer 3914 that is being proposed to be returned under Transfer 5093.

37.0 acres originally recommended in SESE, S02, T06N, R24E.

3.0 acres reduced under the sale to Babneau, leave 34 irrigated acres.

18.5 have been identified for Smith.

14.5 " " " " Mitchell.

A total of 33.0 acres in SESE irrigated after transfer approval.

AND

1.0 acre has been identified for Richardson under R34-00519 & 915D.

5.0 acres have been identified for Watson under R34-0519 & 915B.

If the AJ records are correct, only 9.5 acres remain for the Mitchell property. If the AJ records for are not a final recommendation, 15.5 acres remain for the Mitchell portion. If all were correct, we have identified 39.0 total acres?!

Please review the SRBA files and any other pertinent information you may have to clarify the use & ownership of these rights in this parcel of land. I will be able to complete the transfers if this matter is cleared up. Thanks. Pam.

PAM,

The adj. staff + I have reviewed the transfers and we feel the intent of all of this is reflected in the following irrigated acreage Numbers. (SRBA Sec.2)

Mitchell - 15.5 acres

Babineau - 2.5 acres

Watson - 5.0 acres

Richardson - 1.0 acres

Lloyd Smith - 13.0 acres

total 37.0 acres

H.W. Jones - Eastern

COPY

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5093APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Greg Mitchell and Lloyd Smith Phone (208) 588-2201-17 588-7301-4 Mitchell
 Post Office address 4306 HOUSTON RD MACKAY, ID 83251

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 Transfer #3914 was approved in 1992 when Smith sold 10 acres to Mitchell along with his portion of 34-02477. Mr. Smith retained all of the surface water and just reduced the acreage on 34-00519 and 34-00915. Mitchell and Smith now wish to go back to a pro rata share of surface water on Mitchell's 10 acres. (see remarks)

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
<u>34-00519A</u>	<u>4-10-1889</u>	<u>1.89</u> cfs	<u>Irrigation</u>	<u>5-1</u> to <u>10-15</u>
<u>3400915A</u>	<u>4-22-1884</u>	<u>0.17</u> cfs	<u>Irrigation</u>	<u>5-1</u> to <u>10-15</u>
<u>34-00519B</u>	<u>4-10-1889</u>	<u>0.31</u> cfs	<u>Irrigation</u>	<u>5-1</u> to <u>10-15</u>
<u>34-00915B</u>	<u>4-22-1884</u>	<u>0.03</u> cfs	<u>Irrigation</u>	<u>5-1</u> to <u>10-15</u>

2. Total amount of water being transferred 2.40 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Big Lost River tributary to Sinks
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SW	NE	33	7N	24E	Custer	Darlington Ditch

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
<u>06N</u>	<u>24E</u>	<u>02</u>														<u>32</u>	<u>32</u>	<u>21</u>	<u>85</u>
		<u>11</u>	<u>12</u>	<u>02</u>															<u>14</u>
																			<u>100.5</u>
																			<u>99 total</u>
<u>06N</u>	<u>24E</u>	<u>02</u>																	<u>14.5</u>
																			<u>16</u>
																			<u>16 14.5 total</u>

Total acres 115

PART 1

6. General Information:

a. Description of diversion system Darlington Ditchb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes xx _____ 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:

This transfer will put things back to it was recommended in the Director's Report.The only change will be the 2 rights will be split into two(2) owners with a proportionate share of the rights going to each owner.

d. Remarks:

Mitchell and Smith have been using the water together basically as the rights were recommended in the Director's Report.Subsequently, Mitchell has purchased an additional 6 acres from Smith and wants that to be part of this transfer to put it in his name.**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 _____.

WR0749NP

No. 34-00519 /TR 3914

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/26/97

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LLOYD SMITH RT 1 BOX 19 MACKAY ID 83251	04/10/1889	IRRIGATION	05/01 10/15	2.200 CFS	367.50 AFA
TOTAL DIVERSION:					2.200 CFS	367.50 AFA

Water Source: BIG LOST RIVER

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion: T07N R24E S33

SWNE

CUSTER County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	
06N	24E	2	:	:	:	:	:	:	:	:	:	:	32	32	27	91.0
06N	24E	11	:	12	02	:	:	:	:	:	:	:	:	:	:	14.0
TOTAL ACRES																105.0

Pou County: CUSTER

Conditions of Approval:

- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - 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.
- T09 - 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.
- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 34.

Remarks: The combined annual volume of water under this right and Right 34-00915 shall not exceed 367.5 acre feet.

Dates: App. Received: Priority Date: 04/10/1889
 Proof Due Date: Proof Made Date:
 Exam Made Date: Exam Sent to S.O.:
 Licensed Date:

Misc: Water District Number: 34 Field Exam Fee:

PART 2

Tr. No. 509

WR0749KP

No. 34-00915 /TR 3914

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/26/97

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LLOYD SMITH RT 1 BOX 19 MACKAY ID 83251	04/22/1884	IRRIGATION	05/01 10/15	0.200 CFS	59.60 AFA
TOTAL DIVERSION:					0.200 CFS	59.60 AFA

Water Source: BIG LOST RIVER

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion: T07N R24E S33

SWNE

CUSTER County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: SUM
06N	24E	2	:				:					:	32	32	27	: 91.0
06N	24E	11	:	12	02		:					:				: 14.0
TOTAL ACRES															105.0	

Pou County: CUSTER

Conditions of Approval:

- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - 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.
- T09 - 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.
- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 34.

Remarks: The combined annual volume of water under this right and Right 34-00519 shall not exceed 367.5 acre feet.

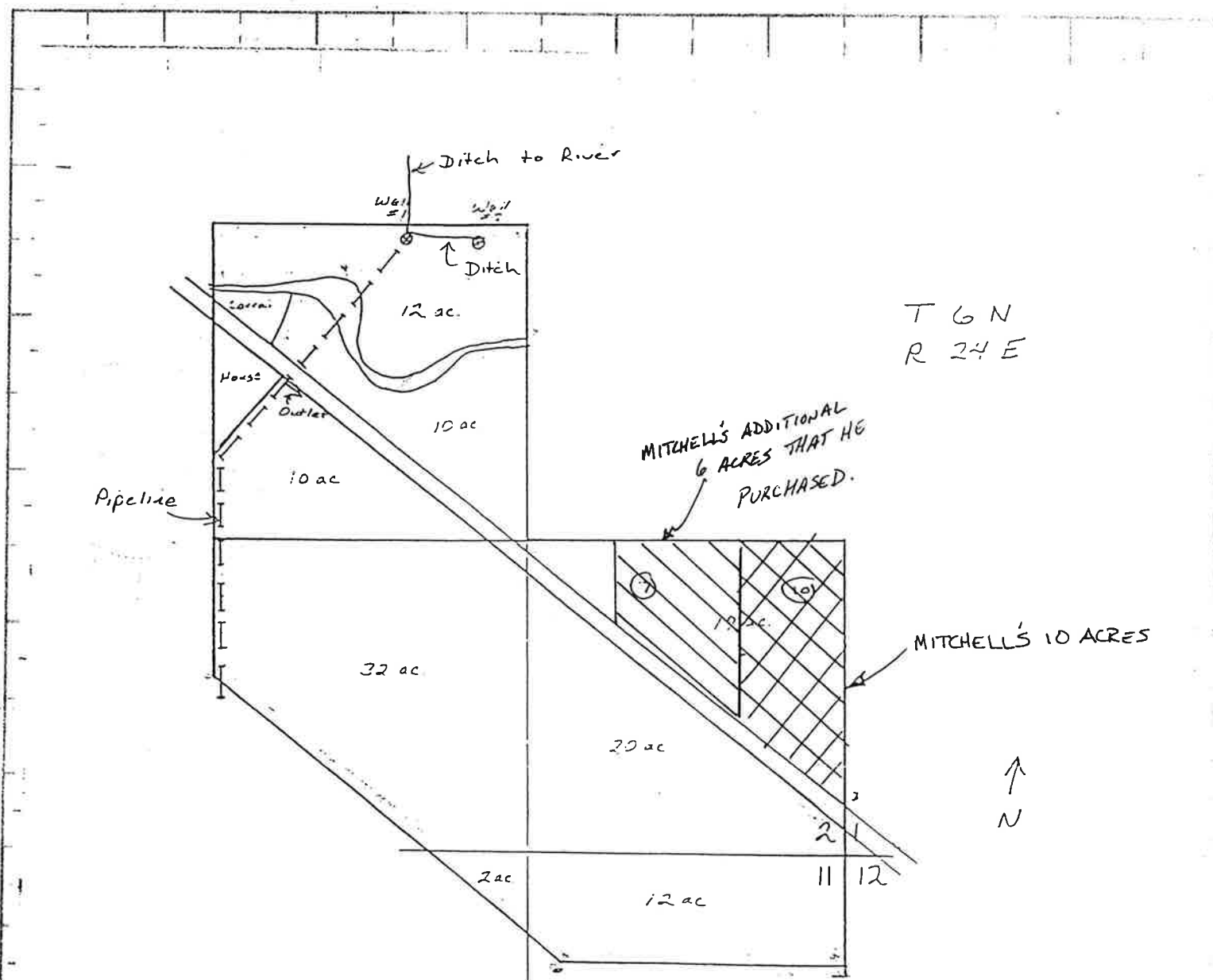
Dates: App. Received: Priority Date: 04/22/1884
 Proof Due Date: Proof Made Date:
 Exam Made Date: Exam Sent to S.O.:
 Licensed Date:

Misc: Water District Number: 34 Field Exam Fee:



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.



Place of use

Scale 1" = 660'

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.

Subscribed and sworn to before me this 12th day of April, 1997.

(Signature of Applicant)

Robert J. Vaden
(Notary Public)

My commission expires 11 / 28 / 2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 5 attachments

Received by RB Date 4-17-97 12:18p Protest filed by _____

Prelim. check by _____ Fee 100⁰⁰

Received by EO23127 Date 4/17/97

Published in Challis Messenger Copies of protest forwarded by _____

Pub. dates June 12, 19, 1997 Hearing held by _____ Date _____

Watermaster recommendation requested on 6-9-97 Recommended for ☐ approval ☐ denial

WN-34 rec'd. _____ by _____

Copy of transfer sent to lien holder _____



ATTACHMENT

T5093 No. 1

Mitchell Copies

PROPERTY DESCRIPTION

Parcel 'A'

A parcel of land generally described as being a portion of the southeast quarter of the southeast quarter of Section 2, Township 6 North, Range 24 East of the Boise Meridian, Custer County, Idaho, lying north of the centerline of the Alder Creek Road, and being more particularly described as follows:

Commencing at the southeast corner of said Section 2, thence North $00^{\circ} 38' 30''$ West along the east boundary of the southeast quarter of said Section 2, a distance of 197.16 feet to the centerline of said Alder Creek Road and the POINT OF BEGINNING of this described parcel of land.

Thence continuing along the east boundary of the southeast quarter of said Section 2, North $00^{\circ} 38' 30''$ West, a distance of 1159.19 feet to the northeast corner of the southeast quarter of the southeast quarter of said Section 2; thence South $89^{\circ} 37' 08''$ West along the north boundary of the southeast quarter of the southeast quarter of said Section 2, a distance of 450.00 feet; thence South $00^{\circ} 38' 30''$ East, parallel with the east boundary of the southeast quarter of said Section 2, a distance of 807.47 feet to the centerline of the Alder Creek Road; thence South $52^{\circ} 28' 10''$ East along the centerline of said road, a distance of 572.40 feet to the east boundary of the southeast quarter of said Section 2, and the POINT OF BEGINNING.

The above described parcel of land contains 10.16 acres, and is subject to a county road right-of-way easement approximately 34.0 feet in width, parallel with and along the southerly boundary thereof.

PROPERTY DESCRIPTION

Parcel 'B'

A parcel of land generally described as being a portion of the southeast quarter of the southeast quarter of Section 2, Township 6 North, Range 24 East of the Boise Meridian, Custer County, Idaho, lying north of the centerline of the Alder Creek Road, and being more particularly described as follows:

Commencing at the southeast corner of said Section 2, thence North $00^{\circ} 38' 30''$ West along the east boundary of the southeast quarter of said Section 2, a distance of 197.16 feet to the centerline of said Alder Creek Road; thence North $52^{\circ} 28' 10''$ West along the centerline of said Alder Creek Road, a distance of 572.40 feet to the POINT OF BEGINNING of this described parcel of land.

Thence North $00^{\circ} 38' 30''$ West, parallel with the east boundary of the southeast quarter of said Section 2, a distance of 807.47 feet to the north boundary of the southeast quarter of the southeast quarter of said Section 2; thence South $89^{\circ} 37' 08''$ West along the north boundary of the southeast quarter of the southeast quarter of said Section 2, a distance of 890.26 feet to the northwest corner of the southeast quarter of the southeast quarter of said Section 2; thence South $00^{\circ} 45' 41''$ East along the west boundary of the southeast quarter of the southeast quarter of said Section 2, a distance of 111.85 feet to the centerline of said Alder Creek Road; thence South $52^{\circ} 28' 10''$ East along the centerline of said Alder Creek Road, a distance of 1132.11 feet to the POINT OF BEGINNING.

The above described parcel of land contains 9.39 acres, and is subject to a county road (Alder Creek Road) right-of-way easement approximately 34.0 feet in width, parallel with and along the southerly boundary thereof.

Lloyd Smith
to Mitchell

PROPERTY DESCRIPTION

A parcel of land generally described as being a portion of the southeast quarter of the southeast quarter of Section 2, Township 6 North, Range 24 East of the Boise Meridian, Custer County, Idaho, lying north of the centerline of the Alder Creek Road, and being more particularly described as follows:

Commencing at the southeast corner of said Section 2, thence North $00^{\circ} 38' 30''$ West along the east boundary of the southeast quarter of said Section 2, a distance of 197.16 feet to the centerline of said Alder Creek Road; thence along the centerline of said Alder Creek Road, North $52^{\circ} 28' 10''$ West, a distance of 572.40 feet to the POINT OF BEGINNING of this described parcel of land.

Thence leaving the centerline of said Alder Creek Road, North $00^{\circ} 38' 30''$ West, a distance of 807.47 feet to the north boundary of the southeast quarter of the southeast quarter of said Section 2; thence South $89^{\circ} 37' 08''$ West, along the north boundary of the southeast quarter of the southeast quarter of said Section 2, a distance of 443.42 feet; thence South $00^{\circ} 49' 54''$ East, a distance of 462.11 feet to the centerline of said Alder Creek Road; thence along the centerline of said Alder Creek Road, South $52^{\circ} 28' 10''$ East, a distance of 562.08 feet to the POINT OF BEGINNING.

The above described parcel of land contains 6.45 acres, more or less, and is subject to a county road right-of-way easement approximately 34.0 feet in width, parallel with and adjoining the southerly boundary thereof.

