

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79297**

This is to certify that: **ROCKY LEROY SMITH**
8734 BIGFOOT RD
MELBA, ID 83641

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-26047	WR/DECREED	6/1/1910	0.140 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

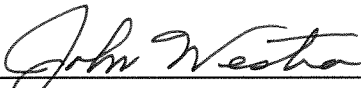
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-26047	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-26047	63-26047	0.140 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.140 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 16th day of May, 2014.


Western Regional Manager

WATER RIGHT NO. 63-26047
As Modified by Transfer No. 79297

In accordance with the approval of Transfer No. 79297, Water Right No. 63-26047 is now described as follows:

Right Holder: ROCKY LEROY SMITH
8734 BIGFOOT RD
MELBA, ID 83641

Priority Date: 6/1/1910

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
DOMESTIC	1/01	to 12/31	0.040 cfs
STOCKWATER	1/01	to 12/31	0.100 cfs
			0.140 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESW	Sec 25 Twp 02N Rge 02W CANYON County
GROUND WATER	NESW	Sec 25 Twp 02N Rge 02W CANYON County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	02W	25									X								

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	02W	25									X								

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Transfer No. 79297

WATER RIGHT NO. 63-26047
As Modified by Transfer No. 79297

CONDITIONS OF APPROVAL

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. The quantity of water decreed for this water right is not a determination of historical beneficial use.
6. The quantity of water under this right shall not exceed 13,000 gallons per day.

RECEIVED

APR 21 2014

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☒ Ownership change

1. **APPLICANT(S)** Rocky Smith Phone 208-899-5777
2. **MAILING ADDRESS** 8734 Big Foot Avenue City Melba
State Idaho Zip 83641 Email smithdairy@speedyquick.net

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☒ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see fee schedule.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 63-26047

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.140 cubic feet per second and/or NA acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
02N	02W	25		NE	SW		Canyon	Ground Water	Existing
02N	02W	25		NE	SW		Canyon	Ground Water	Proposed

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

NA - well and pipeline

- b. Who owns the property at the point(s) of diversion? Rocky Smith

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Rocky Smith
Signature of applicant or authorized agent

Rocky Smith
Print name and title if applicable

4-18-2014
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes 5 pages of attachments. Received by RS Date 4/21/2014
Fee paid 225 Date 4/21/14 Receipted by RS Receipt # W042045
Preliminary review completed by NLD Date 5/2/2014

4/14/2014

<u>Owner Type</u>	<u>Name and Address</u>
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ELDON SMITH
6396 BENNETT RD
NAMPA, ID 83686
(208)466-4026

MARVA DENE SMITH
6396 BENNETT RD
NAMPA, ID 83686
(208)466-4026

Status: Active

GROUND WATER

0.140 CFS

Sec. 25, Twp 02N, Rge 02W, CANYON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	02W	25									X								

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	02W	25									X								

Page 1 of 2

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/14/2014

4. DETERMINATION OF HISTORICAL BENEFICIAL USE.
PARCEL NO. 1R29792-000-0 STOCKWATER, 200 RANGE CATTLE

Comments:

Dates and Other Information

Decreed Date: 4/14/2000
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A



Southside Blvd

1992

Existing diversion, proposed diversion

Sunrise Ave

6623 Sunrise Ave, Nampa, ID 83686, USA

© 2014 Google

Imagery Date: 10/17/2013 43°28'41.88" N 116°31'32.86" W elev 2667 ft eye alt 6981 ft

Google earth

TWP 02N, R2E 02W, Sec 25, 1/4 NE, 1/4 SW

WARRANTY DEED

ELDON L. SMITH and MARVA DENE SMITH, husband and wife, Grantors, hereby convey, grant and warrant to ROCKY L. SMITH and LAURIE SMITH, husband and wife, Grantees, whose address is 8734 Bigfoot Rd., Melba, ID 83641, for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property, to-wit:

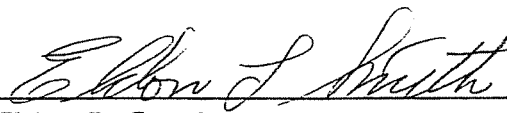
The East Half of the Southwest Quarter in Section 25, Township 2 North, Range 2 West of the Boise Meridian in Canyon County, Idaho.

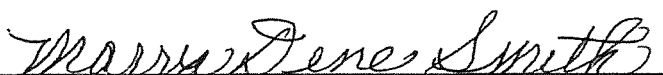
SUBJECT TO taxes and assessments for the year 2000 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantors covenant to the Grantees that they are the owners in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that they will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantors have executed this instrument on this 22 day of may, 2000.


Eldon L. Smith


Marva Dene Smith

STATE OF IDAHO)
 :SS
County of Canyon)

On this 22 day of May, in the year 2000, before me,
Ian M. Achey, a Notary Public, personally appeared ELDON L. SMITH
and MARVA DENE SMITH, husband and wife, known or identified to me to be the
persons whose names are subscribed to the within instrument, and acknowledged to
me that they executed the same.



Ian M. Achey
Notary Public for Idaho
Commission expires: 1-28-2004

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, May 21, 2014 2:51 PM
To: 'rckconsultants@aol.com'
Subject: Rocky Smith Application for Transfer No. 79297
Attachments: Approved Transfer No. 79297.pdf

Craig Kulchak,

Please see the attached transfer approval notice for Rocky Smith.

Sincerely,

Rachel Sommer

Administrative Assistant
Dept. of Water Resources
Western Regional Office
2735 Airport Way, Boise ID 83705
Phone 208-334-2190 | Fax 208-334-2348
Email: rachel.sommer@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

May 20, 2014

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

ROCKY LEROY SMITH
8734 BIGFOOT RD
MELBA ID 83641

Re: Transfer No. 79297
Water Right No. 63-26047

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,



for:

John Westra
Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No. 79297
Water Right No.63-26047**

**ROCKY LEROY SMITH
8734 BIGFOOT RD
MELBA ID 83641**

A handwritten signature in cursive script, reading "Rachel Sommer", is written over a horizontal line.

**Rachel Sommer
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. Note: the petition must be received by the department within this fourteen (14) day period. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Lester, Steve

From: Craig Kulchak [rckconsultants@aol.com]
Sent: Monday, April 28, 2014 1:40 PM
To: Western Info
Subject: Rocky Smith Application: Attention Steve Lester
Attachments: Consulting__aggrement_Rocky_Smith_12_apr_2014.pdf

Steve,

Here is a pdf of the contract I have with Rocky Smith. Let me know if this works. We would like to get the ball rolling as soon as possible.

Best Regards,

Craig

Craig Kulchak, P.M.
RCK Consultants
4839 Mountain View Drive
Boise Idaho 83704
(208) 919-1141

Consultant



RCK Consultants

Cell Phone: 208-919-1141

Fax: 208.321.9464

Email: rckconsultants@aol.com

Craig Kulchak P.M.

4839 Mountain View Drive, Boise, Idaho 83704

Proposal/Contract Service Agreement

This proposal/ contract service agreement is submitted on the 12th day of April 2014 between Rocky Smith hereinafter referred to as the OWNER and RCK Consultants here in after referred to as the CONTRACTOR.

- 1) This agreement is for consulting services for Due Diligence and Completion of well drilling permit and Water rights application for 6623 Sunrise Avenue, Nampa Idaho.
- 2)
 - (a) CONTRACTOR will provide the following services: Due Diligence involving oversight and application submittal for well drilling and water rights applications, oversee all known aspects required to complete applications and any outstanding issues and agency approvals to secure approved Applications from IDWR and acceptance affording the OWNER the ability to secure Water and augment additional water for irrigation purposes.
 - (b) COONTRACTOR to be paid a lump sum of \$ [REDACTED] which includes the \$200.00 application fees to secure new distribution point for well application (\$200) and new ownership of water rights (\$25.00). This rate includes all overhead, burden, and fee/profit. Weekly reports will be submitted that include: date of service, location where services were provided, Percentages of Completion, and a brief summary of what was accomplished.
 - (c) Upon acceptance of this proposal, the full amount is required for the application process to move forward.
 - (d) All additional work, upon the OWNERS request and approval, is to be paid at the \$120.00 hourly rate including travel time to and from the project site from the COONTRACTOR'S Boise office.
 - (e) The COONTRACTOR will be reimbursed for his reasonable expenses in serving the OWNER. Extraordinary expenses require prior approval by the OWNER.
 - (f) COONTRACTOR will not receive any paid vacation, sick leave, or paid holidays from the OWNER.
 - (g) COONTRACTOR agrees to furnish consulting services and agrees to hold OWNER proprietary and/or copyright, and/or patented material systems and trademarks confidential. This includes information on the OWNER and its' Clients and prospective Clients, and to protect it from non-OWNER use.
- 3) The OWNER will not be responsible to provide the following: Medical, Dental, Unemployment Insurance and Life Policies.
- 4) COONTRACTOR is not an agent nor does an agency agreement exist between COONTRACTOR and OWNER.
- 5) The extension of this Service Agreement is optional. Either party may terminate this agreement with 30 days written notice. The Service Agreement may be extended for additional time by mutual agreement of the OWNER and COONTRACTOR.
- 6) This Service Agreement is conditioned upon the fact that RCK Consultants is an independent CONTRACTOR.

Rocky Smith

Craig Kulchak P.M.
RCK Consultants

Steve Lester
Water Right Supervisor

21/Apr/2014

Dear Steve,

Mr. Smith would like to drill his well this
Season as the current pump and well is
not utilizing the water right potential. As such,
I am Requesting to expedite this application.
WR# 63-26047.

Best Regards,



C. Kulohak
RCK Consultants
208-919-1141
rckconsultants1@gmail.com

RECEIVED

APR 21 2014

WATER RESOURCES
WESTERN REGION