

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79223**

This is to certify that: JENNIFER SMITH AND
MERLIN SMITH JR
399 N 500 W
BLACKFOOT, ID 83221
AND
MERLIN SMITH SR
833 S STOUT
BLACKFOOT, ID 83221

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>
35-14365	WR/DECREED	5/25/1972	0.030 cfs	13.7 af	N/A	4.1	GROUND WATER
35-14366	WR/DECREED	4/11/1973	0.030 cfs	9.9 af	N/A	4.1	GROUND WATER
35-14367	WR/DECREED	5/25/1972	0.030 cfs	13.7 af	N/A	4.1	GROUND WATER
35-14368	WR/DECREED	4/11/1973	0.030 cfs	9.9 af	N/A	4.1	GROUND WATER
35-14369	WR/DECREED	5/25/1972	0.030 cfs	13.7 af	N/A	4.1	GROUND WATER
35-14370	WR/DECREED	4/11/1973	0.030 cfs	9.9 af	N/A	4.1	GROUND WATER
35-14373	WR/DECREED	5/25/1972	0.030 cfs	13.7 af	N/A	4.1	GROUND WATER
35-14374	WR/DECREED	4/11/1973	0.030 cfs	9.9 af	N/A	4.1	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>
35-14365	NO	YES	YES	NO	NO	NO
35-14366	NO	YES	YES	NO	NO	NO
35-14367	NO	YES	YES	NO	NO	NO
35-14368	NO	YES	YES	NO	NO	NO
35-14369	NO	YES	YES	NO	NO	NO
35-14370	NO	YES	YES	NO	NO	NO
35-14373	NO	YES	YES	NO	NO	NO
35-14374	NO	YES	YES	NO	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>
35-14365	35-14365	0.030 cfs	13.7 af	4.1	16.4	N/A	N/A	N/A	N/A	N/A
35-14366	35-14366	0.030 cfs	9.9 af	4.1	16.4	N/A	N/A	N/A	N/A	N/A
35-14367	35-14367	0.030 cfs	13.7 af	4.1	16.4	N/A	N/A	N/A	N/A	N/A
35-14368	35-14368	0.030 cfs	9.9 af	4.1	16.4	N/A	N/A	N/A	N/A	N/A

Transfer No. 79223

SUPPORT DATA

35-14365

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79223**

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>
35-14369	35-14369	0.030 cfs	13.7 af	4.1	16.4	N/A	N/A	N/A	N/A	N/A
35-14370	35-14370	0.030 cfs	9.9 af	4.1	16.4	N/A	N/A	N/A	N/A	N/A
35-14373	35-14373	0.030 cfs	13.7 af	4.1	16.4	N/A	N/A	N/A	N/A	N/A
35-14374	35-14374	0.030 cfs	9.9 af	4.1	16.4	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.240 cfs	58.8 af	16.4	16.4		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 5th day of May, 2014.

for 
Chief, Water Allocation Bureau

WATER RIGHT NO. 35-14365
As Modified by Transfer No. 79223

In accordance with the approval of Transfer No. 79223, Water Right No. 35-14365 is now described as follows:

Right Holder: MERLIN SMITH
 833 S STOUT AVE
 BLACKFOOT, ID 83221

Priority Date: 5/25/1972

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 11/01

Diversion Rate

0.030 cfs

0.030 cfs

Diversion Volume

13.7 af

13.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNW Sec 12 Twp 02S Rge 33E BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	33E	12			13.7					2.7									16.4

Right Acre Limit: 4.1

POU Total Acres: 16.4

CONDITIONS OF APPROVAL

1. Rights 35-14365 and 35-14366 when combined shall not exceed a total annual maximum diversion volume of 14.7 af at the field headgate, and the irrigation of 4.1 acres.
2. Rights 35-14365, 35-14366, 35-14367, 35-14368, 35-14369, 35-14370, 35-14373 and 35-14374 when combined shall not exceed a total annual maximum diversion volume of 58.8 af at the field headgate, and the irrigation of 16.4 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 35-14365
As Modified by Transfer No. 79223

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 79223, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 35-14366 **As Modified by Transfer No. 79223**

In accordance with the approval of Transfer No. 79223, Water Right No. 35-14366 is now described as follows:

Right Holder: MERLIN SMITH
833 S STOUT AVE
BLACKFOOT, ID 83221

Priority Date: 4/11/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/15	0.030 cfs 0.030 cfs	9.9 af 9.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNW Sec 12 Twp 02S Rge 33E BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	33E	12			13.7					2.7									16.4

Right Acre Limit: 4.1
POU Total Acres: 16.4

CONDITIONS OF APPROVAL

1. Rights 35-14365 and 35-14366 when combined shall not exceed a total annual maximum diversion volume of 14.7 af at the field headgate, and the irrigation of 4.1 acres.
2. Rights 35-14365, 35-14366, 35-14367, 35-14368, 35-14369, 35-14370, 35-14373 and 35-14374 when combined shall not exceed a total annual maximum diversion volume of 58.8 af at the field headgate, and the irrigation of 16.4 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 35-14366
As Modified by Transfer No. 79223

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 79223, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The period of use for the irrigation described under this right may be extended to a beginning date of 04/01 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/11/2000.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

WATER RIGHT NO. 35-14367

As Modified by Transfer No. 79223

In accordance with the approval of Transfer No. 79223, Water Right No. 35-14367 is now described as follows:

Right Holder: MERLIN SMITH
833 S STOUT AVE
BLACKFOOT, ID 83221

Priority Date: 5/25/1972

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 11/01

Diversion Rate

0.030 cfs

0.030 cfs

Diversion Volume

13.7 af

13.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SWNW

Sec 12 Twp 02S Rge 33E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE			NW			SW			SE			NE			NW			SW			SE			Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	33E	12			13.7					2.7																	16.4

Right Acre Limit: 4.1

POU Total Acres: 16.4

CONDITIONS OF APPROVAL

1. Rights 35-14367 and 35-14368 when combined shall not exceed a total annual maximum diversion volume of 14.7 af at the field headgate, and the irrigation of 4.1 acres.
2. Rights 35-14365, 35-14366, 35-14367, 35-14368, 35-14369, 35-14370, 35-14373 and 35-14374 when combined shall not exceed a total annual maximum diversion volume of 58.8 af at the field headgate, and the irrigation of 16.4 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 35-14367
As Modified by Transfer No. 79223

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 79223, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 35-14368
As Modified by Transfer No. 79223

In accordance with the approval of Transfer No. 79223, Water Right No. 35-14368 is now described as follows:

Right Holder: MERLIN SMITH
 833 S STOUT AVE
 BLACKFOOT, ID 83221

Priority Date: 4/11/1973

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From
 04/15

To
 to 10/15

Diversion Rate
 0.030 cfs
 0.030 cfs

Diversion Volume
 9.9 af
 9.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNW Sec 12 Twp 02S Rge 33E BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	33E	12			13.7					2.7									16.4

Right Acre Limit: 4.1

POU Total Acres: 16.4

CONDITIONS OF APPROVAL

1. Rights 35-14367 and 35-14368 when combined shall not exceed a total annual maximum diversion volume of 14.7 af at the field headgate, and the irrigation of 4.1 acres.
2. Rights 35-14365, 35-14366, 35-14367, 35-14368, 35-14369, 35-14370, 35-14373 and 35-14374 when combined shall not exceed a total annual maximum diversion volume of 58.8 af at the field headgate, and the irrigation of 16.4 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 35-14368
As Modified by Transfer No. 79223

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 79223, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The period of use for the irrigation described under this right may be extended to a beginning date of 04/01 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/11/2000.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

WATER RIGHT NO. 35-14369

As Modified by Transfer No. 79223

In accordance with the approval of Transfer No. 79223, Water Right No. 35-14369 is now described as follows:

Right Holder: MERLIN SMITH
833 S STOUT AVE
BLACKFOOT, ID 83221

Priority Date: 5/25/1972

Source: GROUND WATER

BENEFICIAL USE IRRIGATION

From
04/01

To
to 11/01

Diversion Rate
0.030 cfs
0.030 cfs

Diversion Volume
13.7 af
13.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNW Sec 12 Twp 02S Rge 33E BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	33E	12			13.7					2.7									16.4

Right Acre Limit: 4.1

POU Total Acres: 16.4

CONDITIONS OF APPROVAL

1. Rights 35-14369 and 35-14370 when combined shall not exceed a total annual maximum diversion volume of 14.7 af at the field headgate, and the irrigation of 4.1 acres.
2. Rights 35-14365, 35-14366, 35-14367, 35-14368, 35-14369, 35-14370, 35-14373 and 35-14374 when combined shall not exceed a total annual maximum diversion volume of 58.8 af at the field headgate, and the irrigation of 16.4 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 35-14369
As Modified by Transfer No. 79223

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 79223, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 35-14370**As Modified by Transfer No. 79223**

In accordance with the approval of Transfer No. 79223, Water Right No. 35-14370 is now described as follows:

Right Holder: MERLIN SMITH
833 S STOUT AVE
BLACKFOOT, ID 83221

Priority Date: 4/11/1973

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/15

Diversion Rate

0.030 cfs

0.030 cfs

Diversion Volume

9.9 af

9.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SWNW

Sec 12 Twp 02S Rge 33E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	33E	12			13.7					2.7									16.4

Right Acre Limit: 4.1

POU Total Acres: 16.4

CONDITIONS OF APPROVAL

1. Rights 35-14369 and 35-14370 when combined shall not exceed a total annual maximum diversion volume of 14.7 af at the field headgate, and the irrigation of 4.1 acres.
2. Rights 35-14365, 35-14366, 35-14367, 35-14368, 35-14369, 35-14370, 35-14373 and 35-14374 when combined shall not exceed a total annual maximum diversion volume of 58.8 af at the field headgate, and the irrigation of 16.4 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 35-14370
As Modified by Transfer No. 79223

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 79223, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The period of use for the irrigation described under this right may be extended to a beginning date of 04/01 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/11/2000.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

WATER RIGHT NO. 35-14373**As Modified by Transfer No. 79223**

In accordance with the approval of Transfer No. 79223, Water Right No. 35-14373 is now described as follows:

Right Holder: MERLIN SMITH
833 S STOUT AVE
BLACKFOOT, ID 83221

Priority Date: 5/25/1972

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 11/01

Diversion Rate

0.030 cfs

0.030 cfs

Diversion Volume

13.7 af

13.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SWNW

Sec 12 Twp 02S Rge 33E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	33E	12			13.7					2.7									16.4

Right Acre Limit: 4.1

POU Total Acres: 16.4

CONDITIONS OF APPROVAL

1. Rights 35-14373 and 35-14374 when combined shall not exceed a total annual maximum diversion volume of 14.7 af at the field headgate, and the irrigation of 4.1 acres.
2. Rights 35-14365, 35-14366, 35-14367, 35-14368, 35-14369, 35-14370, 35-14373 and 35-14374 when combined shall not exceed a total annual maximum diversion volume of 58.8 af at the field headgate, and the irrigation of 16.4 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 35-14373

As Modified by Transfer No. 79223

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 79223, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 35-14374
As Modified by Transfer No. 79223

In accordance with the approval of Transfer No. 79223, Water Right No. 35-14374 is now described as follows:

Right Holder: MERLIN SMITH
 833 S STOUT AVE
 BLACKFOOT, ID 83221

Priority Date: 4/11/1973

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/15

Diversion Rate

0.030 cfs

0.030 cfs

Diversion Volume

9.9 af

9.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SWNW

Sec 12 Twp 02S Rge 33E BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	33E	12			13.7					2.7									16.4

Right Acre Limit: 4.1

POU Total Acres: 16.4

CONDITIONS OF APPROVAL

1. Rights 35-14373 and 35-14374 when combined shall not exceed a total annual maximum diversion volume of 14.7 af at the field headgate, and the irrigation of 4.1 acres.
2. Rights 35-14365, 35-14366, 35-14367, 35-14368, 35-14369, 35-14370, 35-14373 and 35-14374 when combined shall not exceed a total annual maximum diversion volume of 58.8 af at the field headgate, and the irrigation of 16.4 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 79223, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The period of use for the irrigation described under this right may be extended to a beginning date of 04/01 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/11/2000.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.