

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 78991**

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 33-14928           | WR/DECREED          | 5/25/1972            | 0.390 cfs             | 166.3 af                | N/A               | 49.9               | GROUND WATER  |
| 33-14930           | WR/DECREED          | 4/11/1973            | 0.330 cfs             | 120.4 af                | N/A               | 49.9               | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 33-14928              | YES          | YES        | YES        | NO             | NO                   | NO                   |
| 33-14930              | YES          | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|-------------------------------------|------------------------|--------------------------|------------------------------|-------------------------------|
| 33-14928               | 35-14373                         | 0.030 cfs            | 13.7 af                | N/A               | 4.1                | 33-14928                            | 0.150 cfs              | 56.7 af                  | N/A                          | 17.1                          |
| 33-14930               | 35-14374                         | 0.030 cfs            | 9.9 af                 | N/A               | 4.1                | 33-14930                            | 0.090 cfs              | 32.8 af                  | N/A                          | 17.1                          |
| <b>COMBINED TOTALS</b> |                                  | <b>0.060 cfs</b>     | <b>14.7 af</b>         | <b>N/A</b>        | <b>4.1</b>         |                                     | <b>N/A</b>             | <b>N/A</b>               | <b>N/A</b>                   | <b>N/A</b>                    |

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 6<sup>th</sup> day of February, 2014.

  
for Chief, Water Allocation Bureau

Transfer No. 78991

\*The remaining portions for water rights 33-14928 and 33-14930 reflect the remaining totals after approval of transfers 78973, 78977, 78980, 78982, 78983, 78984, 78989 and 78991.

SUPPORT DATA

IN FILE # 33-14928

# WATER RIGHT NO. 33-14928

## As Modified by Transfer No. 78991

In accordance with the approval of Transfer No. 78991, Water Right No. 33-14928 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

0.150 cfs

0.150 cfs

### Diversion Volume

56.7 af

56.7 af

### LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NWNWSW

Sec 26 Twp 06N Rge 29E BUTTE 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 |        |
| 06N | 29E | 26  |    |    |    |    |    |    |    |    |    | 11.4 | 5.7 |    |    |    |    |    | 17.1   |

POU Total Acres: 17.1

### CONDITIONS OF APPROVAL

1. Rights 33-14928 and 33-14930 when combined shall not exceed a total diversion rate of 0.24 cfs, a total annual maximum diversion volume of 61.7 af at the field headgate, and the irrigation of 17.1 acres.
2. 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. 78991**

In accordance with the approval of Transfer No. 78991, 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

NWNE

Sec 26 Twp 01S 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 |        |
| 01S | 33E | 26  |    | 4.1 |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 4.1    |

POU Total Acres:

4.1

**CONDITIONS OF APPROVAL**

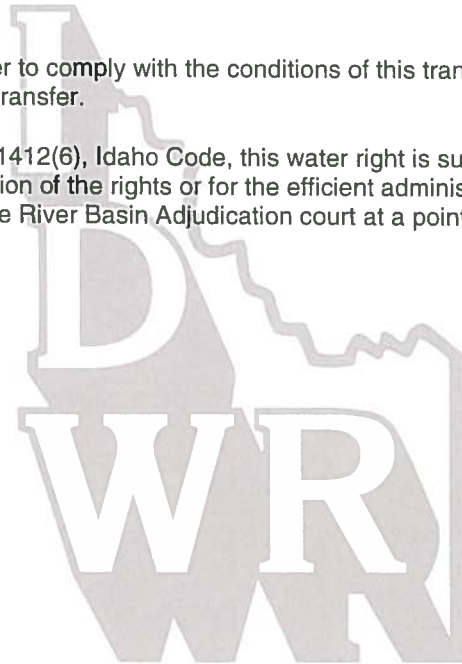
1. Rights 35-14373 and 35-14374 when combined shall not exceed a total annual maximum diversion volume of 14.7 af at the field headgate, and the irrigation of 4.1 acres.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
3. 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.
4. Prior to the diversion and use of water under Transfer approval 78991, 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.
5. 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.

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**WATER RIGHT NO. 35-14373**  
**As Modified by Transfer No. 78991**

**CONDITIONS OF APPROVAL**

6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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. 33-14930****As Modified by Transfer No. 78991**

In accordance with the approval of Transfer No. 78991, Water Right No. 33-14930 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**0.090 cfs  
0.090 cfs**Diversion Volume**32.8 af  
32.8 af**LOCATION OF POINT(S) OF DIVERSION**GROUND WATER  
GROUND WATERNWNWSW  
NWNWSESec 26 Twp 06N Rge 29E BUTTE County  
Sec 27 Twp 06N Rge 29E BUTTE 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 |        |
| 06N | 29E | 26  |    |    |    |    |    |    |    |    |    |    | 11.4 | 5.7 |    |    |    |    | 17.1   |

POU Total Acres: 17.1

**CONDITIONS OF APPROVAL**

1. Rights 33-14928 and 33-14930 when combined shall not exceed a total diversion rate of 0.24 cfs, a total annual maximum diversion volume of 61.7 af at the field headgate, and the irrigation of 17.1 acres.
2. 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.
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.

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# WATER RIGHT NO. 35-14374

## As Modified by Transfer No. 78991

In accordance with the approval of Transfer No. 78991, 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 NWNE Sec 26 Twp 01S 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 |        |
| 01S | 33E | 26  |    | 4.1 |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 4.1    |

POU Total Acres: 4.1

### 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. 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.
3. 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.
4. Prior to the diversion and use of water under Transfer approval 78991, 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.
5. 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.

Transfer No. 78991

**WATER RIGHT NO. 35-14374**  
**As Modified by Transfer No. 78991**

**CONDITIONS OF APPROVAL**

6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. 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.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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.