

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78989

This is to certify that: **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	35-14369	0.030 cfs	13.7 af	N/A	4.1	33-14928	0.150 cfs	56.7 af	N/A	17.1
33-14930	35-14370	0.030 cfs	9.9 af	N/A	4.1	33-14930	0.090 cfs	32.8 af	N/A	17.1
COMBINED TOTALS		0.060 cfs	14.7 af	N/A	4.1		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 6th day of February, 2014.

for 
Chief, Water Allocation Bureau

*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.

Transfer No. 78989

SUPPORT DATA

IN FILE # 33-14928

WATER RIGHT NO. 33-14928

As Modified by Transfer No. 78989

In accordance with the approval of Transfer No. 78989, 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

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	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. 35-14369
As Modified by Transfer No. 78989

In accordance with the approval of Transfer No. 78989, 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 NESW Sec 15 Twp 01S Rge 32E 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	32E	15									4.1								4.1

POU Total Acres: 4.1

CONDITIONS OF APPROVAL

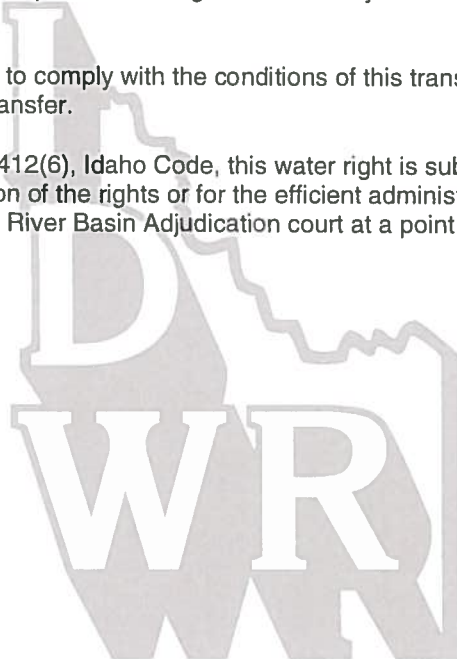
1. Rights 35-14369 and 35-14370 when combined shall not exceed a total annual maximum diversion volume of 14.7 af at the field headgate, and the irrigation of 4.1 acres.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators 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 78989, 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. 78989

WATER RIGHT NO. 35-14369
As Modified by Transfer No. 78989

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. 78989**

In accordance with the approval of Transfer No. 78989, 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

NWNWSW

Sec 26 Twp 06N Rge 29E BUTTE County

GROUND WATER

NWNWSE

Sec 27 Twp 06N Rge 29E BUTTE 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	
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.

WATER RIGHT NO. 35-14370
As Modified by Transfer No. 78989

In accordance with the approval of Transfer No. 78989, 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 NESW Sec 15 Twp 01S Rge 32E 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	32E	15									4.1								4.1

POU Total Acres: 4.1

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. 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 78989, 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. 78989

WATER RIGHT NO. 35-14370
As Modified by Transfer No. 78989

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.