

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78973**

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
35-14246	WR/DECREED	4/16/1953	0.130 cfs	27.6 af	6.9	194.1	GROUND WATER
35-14250	WR/DECREED	7/19/1973	0.310 cfs	80.0 af	20.0	194.1	GROUND WATER
35-14257	WR/DECREED	3/28/1966	0.420 cfs	113.6 af	28.4	194.1	GROUND WATER
35-14330	WR/DECREED	5/25/1972	0.030 cfs	12.2 af	3.4	194.1	GROUND WATER
35-14331	WR/DECREED	4/11/1973	0.020 cfs	7.3 af	3.4	194.1	GROUND WATER
35-14341	WR/DECREED	5/25/1972	0.030 cfs	11.4 af	3.4	194.1	GROUND WATER
35-14342	WR/DECREED	4/11/1973	0.020 cfs	7.3 af	3.4	194.1	GROUND WATER
35-8022	WR/DECREED	2/22/1982	2.120 cfs	528.0 af	132.0	194.1	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>
33-14928	YES	YES	YES	NO	NO	NO
33-14930	YES	YES	YES	NO	NO	NO
35-14246	NO	NO	YES	NO	NO	NO
35-14250	NO	NO	YES	NO	NO	NO
35-14257	NO	NO	YES	NO	NO	NO
35-14330	NO	NO	YES	NO	NO	NO
35-14331	NO	NO	YES	NO	NO	NO
35-14341	NO	NO	YES	NO	NO	NO
35-14342	NO	NO	YES	NO	NO	NO
35-8022	NO	NO	YES	NO	NO	NO

SUPPORT DATA

Transfer No. 78973IN FILE # 33-14928

SCANNED

FEB 06 2014

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78973**

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	35-14357	0.030 cfs	13.7 af	4.1	198.2	33-14928	0.150 cfs	56.7 af	N/A	17.1
33-14930	35-14358	0.030 cfs	9.9 af	4.1	198.2	33-14930	0.090 cfs	32.8 af	N/A	17.1
35-14246	35-14246	0.130 cfs	27.6 af	6.9	198.2	N/A	N/A	N/A	N/A	N/A
35-14250	35-14250	0.310 cfs	80.0 af	20.0	198.2	N/A	N/A	N/A	N/A	N/A
35-14257	35-14257	0.420 cfs	113.6 af	28.4	198.2	N/A	N/A	N/A	N/A	N/A
35-14330	35-14330	0.030 cfs	12.2 af	3.4	198.2	N/A	N/A	N/A	N/A	N/A
35-14331	35-14331	0.020 cfs	7.3 af	3.4	198.2	N/A	N/A	N/A	N/A	N/A
35-14341	35-14341	0.030 cfs	11.4 af	3.4	198.2	N/A	N/A	N/A	N/A	N/A
35-14342	35-14342	0.020 cfs	7.3 af	3.4	198.2	N/A	N/A	N/A	N/A	N/A
35-8022	35-8022	2.120 cfs	528.0 af	132.0	198.2	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.140 cfs	788.3 af	198.2	198.2		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. 78973

WATER RIGHT NO. 33-14928**As Modified by Transfer No. 78973**

In accordance with the approval of Transfer No. 78973, 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. 35-14342

As Modified by Transfer No. 78973

In accordance with the approval of Transfer No. 78973, Water Right No. 35-14342 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

0.020 cfs

0.020 cfs

Diversion Volume

7.3 af

7.3 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			5.7		33.0	32.0	31.9	33.6	18.8			6.8		24.3	12.1		198.2

Right Acre Limit: 3.4

POU Total Acres: 198.2

CONDITIONS OF APPROVAL

1. Rights 35-14341 and 35-14342 when combined shall not exceed a total annual maximum diversion volume of 12.2 af at the field headgate, and the irrigation of 3.4 acres.
2. Rights 35-8022, 35-14246, 35-14250, 35-14257, 35-14330, 35-14331, 35-14341, 35-14342, 35-14357 and 35-14358 when combined shall not exceed a total annual maximum diversion volume of 788.3 af at the field headgate, and the irrigation of 198.2 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. 35-14342
As Modified by Transfer No. 78973

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 78973, 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. 35-14357**As Modified by Transfer No. 78973**

In accordance with the approval of Transfer No. 78973, Water Right No. 35-14357 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			5.7		33.0	32.0	31.9	33.6	18.8			6.8		24.3	12.1		198.2

Right Acre Limit: 4.1

POU Total Acres: 198.2

CONDITIONS OF APPROVAL

1. Rights 35-14357 and 35-14358 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 35-8022, 35-14246, 35-14250, 35-14257, 35-14330, 35-14331, 35-14341, 35-14342, 35-14357 and 35-14358 when combined shall not exceed a total annual maximum diversion volume of 788.3 af at the field headgate, and the irrigation of 198.2 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. 35-14357

As Modified by Transfer No. 78973

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 78973, 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. 33-14930 **As Modified by Transfer No. 78973**

In accordance with the approval of Transfer No. 78973, 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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/15	0.090 cfs	32.8 af
			0.090 cfs	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. 35-14358**As Modified by Transfer No. 78973**

In accordance with the approval of Transfer No. 78973, Water Right No. 35-14358 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

10.9 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	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	33E	12			5.7	33.0	32.0	31.9	33.6	18.8			6.8		24.3	12.1		198.2

Right Acre Limit: 4.1

POU Total Acres: 198.2

CONDITIONS OF APPROVAL

1. Rights 35-14357 and 35-14358 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 35-8022, 35-14246, 35-14250, 35-14257, 35-14330, 35-14331, 35-14341, 35-14342, 35-14357 and 35-14358 when combined shall not exceed a total annual maximum diversion volume of 788.3 af at the field headgate, and the irrigation of 198.2 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. 35-14358
As Modified by Transfer No. 78973

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 78973, 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. 35-14246

As Modified by Transfer No. 78973

In accordance with the approval of Transfer No. 78973, Water Right No. 35-14246 is now described as follows:

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

Priority Date: 4/16/1953

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 11/01

Diversion Rate

0.130 cfs

0.130 cfs

Diversion Volume

27.6 af

27.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NESWNW

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			5.7		33.0	32.0	31.9	33.6	18.8			6.8		24.3	12.1		198.2

Right Acre Limit: 6.9

POU Total Acres: 198.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 6.9 acres within the authorized place of use in a single irrigation season.
2. Rights 35-8022, 35-14246, 35-14250 and 35-14257 when combined shall not exceed the irrigation of 187.3 acres.
3. Rights 35-8022, 35-14246, 35-14250, 35-14257, 35-14330, 35-14331, 35-14341, 35-14342, 35-14357 and 35-14358 when combined shall not exceed a total annual maximum diversion volume of 788.3 af at the field headgate, and the irrigation of 198.2 acres.
4. 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.
5. 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.

Transfer No. 78973

WATER RIGHT NO. 35-14246
As Modified by Transfer No. 78973

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 78973, 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.
7. 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.
8. 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.
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. 35-14250**As Modified by Transfer No. 78973**

In accordance with the approval of Transfer No. 78973, Water Right No. 35-14250 is now described as follows:

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

Priority Date: 7/19/1973

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.310 cfs

0.310 cfs

Diversion Volume

80.0 af

80.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NESWNW

Sec 12 Twp 02S Rge 33E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE			NW				SW				SE				Totals
			NE	NW	SW	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	33E	12			5.7	33.0	32.0	31.9	33.6	18.8			6.8		24.3	12.1		198.2

Right Acre Limit: 20.0

POU Total Acres: 198.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 20.0 acres within the authorized place of use in a single irrigation season.
2. Rights 35-8022, 35-14246, 35-14250 and 35-14257 when combined shall not exceed the irrigation of 187.3 acres.
3. Rights 35-8022, 35-14246, 35-14250, 35-14257, 35-14330, 35-14331, 35-14341, 35-14342, 35-14357 and 35-14358 when combined shall not exceed a total annual maximum diversion volume of 788.3 af at the field headgate, and the irrigation of 198.2 acres.
4. 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.
5. 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. 35-14250
As Modified by Transfer No. 78973

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 78973, 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.
7. 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.
8. 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.
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. 35-8022

As Modified by Transfer No. 78973

In accordance with the approval of Transfer No. 78973, Water Right No. 35-8022 is now described as follows:

Right Holder: MERLIN SMITH SR
833 S STOUT
BLACKFOOT, ID 83221
AND
MERLIN SMITH JR AND
JENNIFER SMITH
399 N 500 W
BLACKFOOT, ID 83221

Priority Date: 2/22/1982

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

2.120 cfs

2.120 cfs

Diversion Volume

528.0 af

528.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESWNW 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				5.7		33.0	32.0	31.9	33.6	18.8			6.8		24.3	12.1		198.2

Right Acre Limit: 132.0

POU Total Acres: 198.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 132.0 acres within the authorized place of use in a single irrigation season.
2. Rights 35-8022, 35-14246, 35-14250 and 35-14257 when combined shall not exceed the irrigation of 187.3 acres.
3. Rights 35-8022, 35-14246, 35-14250, 35-14257, 35-14330, 35-14331, 35-14341, 35-14342, 35-14357 and 35-14358 when combined shall not exceed a total annual maximum diversion volume of 788.3 af at the field headgate, and the irrigation of 198.2 acres.

WATER RIGHT NO. 35-8022

As Modified by Transfer No. 78973

CONDITIONS OF APPROVAL

4. 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.
5. 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.
6. Prior to the diversion and use of water under Transfer approval 78973, 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.
7. 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.
8. 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.
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. 35-14257**As Modified by Transfer No. 78973**

In accordance with the approval of Transfer No. 78973, Water Right No. 35-14257 is now described as follows:

Right Holder: MERLIN SMITH SR
833 S STOUT
BLACKFOOT, ID 83221
And
MERLIN SMITH JR And
JENNIFER SMITH
399 N 500 W
BLACKFOOT, ID 83221

Priority Date: 3/28/1966

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

to

To

10/31

Diversion Rate

0.420 cfs

0.420 cfs

Diversion Volume

113.6 af

113.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESWNW 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			5.7		33.0	32.0	31.9	33.6	18.8			6.8		24.3	12.1		198.2

Right Acre Limit: 28.4

POU Total Acres: 198.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 28.4 acres within the authorized place of use in a single irrigation season.
2. Rights 35-8022, 35-14246, 35-14250 and 35-14257 when combined shall not exceed the irrigation of 187.3 acres.
3. Rights 35-8022, 35-14246, 35-14250, 35-14257, 35-14330, 35-14331, 35-14341, 35-14342, 35-14357 and 35-14358 when combined shall not exceed a total annual maximum diversion volume of 788.3 af at the field headgate, and the irrigation of 198.2 acres.

WATER RIGHT NO. 35-14257

As Modified by Transfer No. 78973

CONDITIONS OF APPROVAL

4. 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.
5. 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.
6. Prior to the diversion and use of water under Transfer approval 78973, 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.
7. 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.
8. 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.
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. 35-14330

As Modified by Transfer No. 78973

In accordance with the approval of Transfer No. 78973, Water Right No. 35-14330 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

12.2 af

12.2 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			5.7		33.0	32.0	31.9	33.6	18.8			6.8		24.3	12.1		198.2

Right Acre Limit: 3.4

POU Total Acres: 198.2

CONDITIONS OF APPROVAL

1. Rights 35-14330 and 35-14331 when combined shall not exceed a total annual maximum diversion volume of 12.2 af at the field headgate, and the irrigation of 3.4 acres.
2. Rights 35-8022, 35-14246, 35-14250, 35-14257, 35-14330, 35-14331, 35-14341, 35-14342, 35-14357 and 35-14358 when combined shall not exceed a total annual maximum diversion volume of 788.3 af at the field headgate, and the irrigation of 198.2 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. 35-14330
As Modified by Transfer No. 78973

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 78973, 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. 35-14331

As Modified by Transfer No. 78973

In accordance with the approval of Transfer No. 78973, Water Right No. 35-14331 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

0.020 cfs

0.020 cfs

Diversion Volume

7.3 af

7.3 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			5.7		33.0	32.0	31.9	33.6	18.8			6.8		24.3	12.1		198.2

Right Acre Limit: 3.4

POU Total Acres: 198.2

CONDITIONS OF APPROVAL

1. Rights 35-14330 and 35-14331 when combined shall not exceed a total annual maximum diversion volume of 12.2 af at the field headgate, and the irrigation of 3.4 acres.
2. Rights 35-8022, 35-14246, 35-14250, 35-14257, 35-14330, 35-14331, 35-14341, 35-14342, 35-14357 and 35-14358 when combined shall not exceed a total annual maximum diversion volume of 788.3 af at the field headgate, and the irrigation of 198.2 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. 35-14331
As Modified by Transfer No. 78973

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 78973, 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. 35-14341
As Modified by Transfer No. 78973

In accordance with the approval of Transfer No. 78973, Water Right No. 35-14341 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

11.4 af

11.4 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			5.7		33.0	32.0	31.9	33.6	18.8			6.8		24.3	12.1		198.2

Right Acre Limit: 3.4

POU Total Acres: 198.2

CONDITIONS OF APPROVAL

1. Rights 35-14341 and 35-14342 when combined shall not exceed a total annual maximum diversion volume of 12.2 af at the field headgate, and the irrigation of 3.4 acres.
2. Rights 35-8022, 35-14246, 35-14250, 35-14257, 35-14330, 35-14331, 35-14341, 35-14342, 35-14357 and 35-14358 when combined shall not exceed a total annual maximum diversion volume of 788.3 af at the field headgate, and the irrigation of 198.2 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. 35-14341

As Modified by Transfer No. 78973

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 78973, 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.