

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 78579 RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

MAY 06 2013

DEPARTMENT OF  
WATER RESOURCES

Name of Applicant(s) MERLIN SMITH, MERLIN SMITH, JR, JENNIFER SMITH

Phone (208) 317-3513

RECEIVED

Mailing address 833 SOUTH STOUT AVE., BLACKFOOT, ID 83221

Email N/A

MAY 09 2013

Department of Water Resources  
Eastern Region

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative JARED M. HARRIS, ESQ.

Phone (208) 785-2310

Mailing address 266 W Bridge Street, BLACKFOOT, ID 83221

Email jharris@bakerharrislaw.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

  
Signature of Applicant or Authorized Representative

  
Signature of Applicant or Authorized Representative

  
Signature of Applicant or Authorized Representative

Merlin Smith  
Print Name and Title if applicable

Jennifer Smith  
Print Name and Title if applicable

Merlin Smith Jr.  
Print Name and Title if applicable

4-25-13  
Date

4-26-13  
Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. DRY UP WATER AND TRANSFER THE WATER TO A DIFFERENT FARM FOR THE PURPOSE OF IRRIGATION.**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1 Continued

5. General Information:

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

Pump to pivot

- b. Who owns the property at the point(s) of diversion? MERLIN SMITH; MERLIN SMITH, JR.; JENNIFER SMITH

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: NO.

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

It will be dry.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

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

Yes No

- |                          |                                     |                                                                                               |
|--------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use,                              |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank,                                                    |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1 Continued**

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

| 1.                                                                          | Right Number | Amount<br>(cfs/ac-ft) | Nature of Use | Period of Use  | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|----------------|--------------------|
| All or Part<br><input type="checkbox"/> <input checked="" type="checkbox"/> | 33-14928     | 0.03 cfs              | Irrigation    | 4/01 to 11/01  | Ground Water       |
| <input type="checkbox"/> <input checked="" type="checkbox"/>                | 33-14930     | 0.02 cfs              | Irrigation    | 4/15 to 10/15  | Ground Water       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 35-14246     | 0.13 cfs              | Irrigation    | 4/01 to 11/01  | Ground Water       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 35-14250     | 0.31 cfs              | Irrigation    | 4/01 to 10/31  | Ground Water       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 35-14257     | 0.42 cfs              | Irrigation    | 04/01 to 10/31 | Ground Water       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 35-8022      | 2.12 cfs              | Irrigation    | 04/01 to 10/31 | Ground Water       |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |

Total authorized under rights 3.03 cfs and/or \_\_\_\_\_ ac-ft

2. Total amount of water proposed to be transferred or changed 3.03 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

| New ? | Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County         | Source       | Local name or tag # |
|-------|-----|---|----|----|-----|-----|-----|----------------|--------------|---------------------|
|       |     |   | SW | NW | 12  | 02S | 33E | Bingham County | Ground Water |                     |
|       |     |   |    |    |     |     |     |                |              |                     |
|       |     |   |    |    |     |     |     |                |              |                     |
|       |     |   |    |    |     |     |     |                |              |                     |
|       |     |   |    |    |     |     |     |                |              |                     |

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

| Twp | Rge | Sec | NE ¼ |    |     |    | NW ¼ |      |      |      | SW ¼ |    |    |     | SE ¼ |      |      |    | Acre Totals |
|-----|-----|-----|------|----|-----|----|------|------|------|------|------|----|----|-----|------|------|------|----|-------------|
|     |     |     | NE   | NW | SW  | SE | NE   | NW   | SW   | SE   | NE   | NW | SW | SE  | NE   | NW   | SW   | SE |             |
| 02S | 33E | 12  |      |    | 4.4 |    | 33.0 | 32.0 | 31.9 | 33.6 | 18.8 |    |    | 6.8 |      | 18.1 | 12.1 |    | 190.7       |
|     |     |     |      |    |     |    |      |      |      |      |      |    |    |     |      |      |      |    |             |
|     |     |     |      |    |     |    |      |      |      |      |      |    |    |     |      |      |      |    |             |
|     |     |     |      |    |     |    |      |      |      |      |      |    |    |     |      |      |      |    |             |
|     |     |     |      |    |     |    |      |      |      |      |      |    |    |     |      |      |      |    |             |
|     |     |     |      |    |     |    |      |      |      |      |      |    |    |     |      |      |      |    |             |

Total Acres (for irrigation use) 190.7

78579

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

3/1/2013

WATER RIGHT NO. 33-14928

| <u>Owner Type</u> | <u>Name and Address</u>                                                                              |
|-------------------|------------------------------------------------------------------------------------------------------|
| Current Owner     | MERLIN SMITH<br>833 S STOUT AVE<br>BLACKFOOT, ID 83221<br>(208)317-3513                              |
| Original Owner    | CONNECTICUT GENERAL LIFE INSURANCE CO                                                                |
| Original Owner    | DWAINE NEF<br>C/O CIGNA CORP<br>SOUTH BUILDING S-305<br>900 COTTAGE GROVE RD<br>BLOOMFIELD, CT 06002 |

Priority Date: 05/25/1972

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | 11/01     | 0.45 CFS              |               |
| Total Diversion       |             |           | 0.45 CFS              |               |

Location of Point(s) of Diversion:

|              |        |         |              |           |              |
|--------------|--------|---------|--------------|-----------|--------------|
| GROUND WATER | NWNWSW | Sec. 26 | Township 06N | Range 29E | BUTTE County |
|--------------|--------|---------|--------------|-----------|--------------|

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Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 06N      | 29E   | 26      |     | NWSW  | 27.8  |     | SWSW  | 28.9  |     |       |       |     |       |       |

Total Acres: 56.7

Conditions of Approval:

|    |     |                                                                                                                                                                                                                                                                                                                 |
|----|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. |     | RIGHTS 33-14910, 33-14912 AND 33-14930 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.                                                                                                                                                                                                            |
| 2. | C18 | THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE. |
| 3. |     | USE OF THIS RIGHT WITH RIGHT NO. 33-14930 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.82 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 203.7 AF.                                                                                                                                                |
| 4. |     | USE OF THIS RIGHT WITH RIGHT NO. 33-14930 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 56.7 ACRES IN A SINGLE IRRIGATION SEASON.                                                                                                                                                                         |

Dates:

Licensed Date:

Decreed Date: 08/11/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Civil Case Number:

Old Case Number:

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Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

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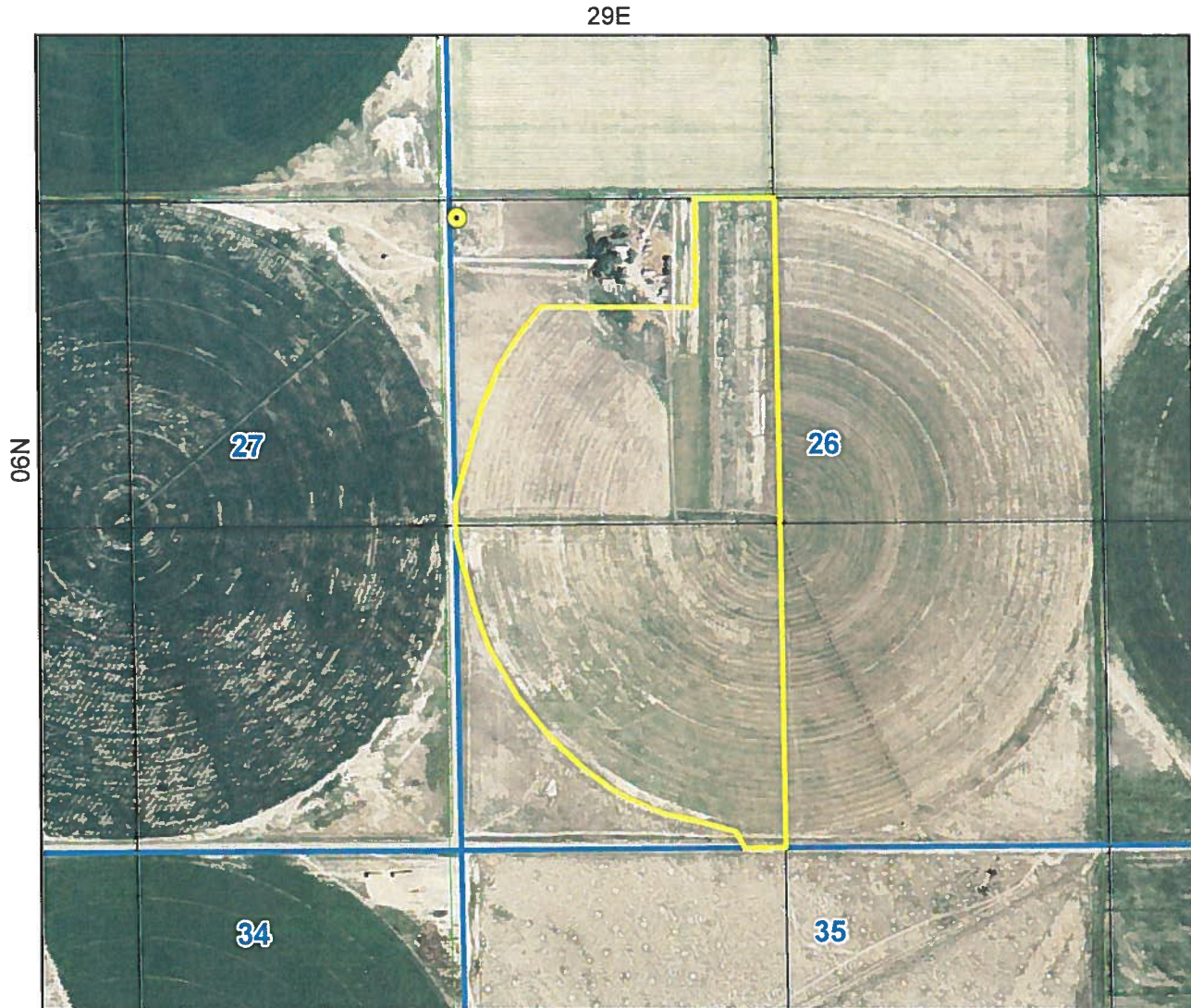


State of Idaho  
Department of Water Resources

# Water Right 33-14928

## IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.075 0.15 0.3 Miles



78579

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

3/8/2013

WATER RIGHT NO. 33-14930

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                      |
|-------------------|--------------------------------------------------------------------------------------------------------------|
| Current Owner     | MERLIN SMITH<br>833 S STOUT AVE<br>BLACKFOOT, ID 83221<br>(208)317-3513                                      |
| Original Owner    | CONNECTICUT GENERAL LIFE INSURANCE CO                                                                        |
| Original Owner    | CATHERINE MEREDITH                                                                                           |
| Original Owner    | WILLIAM F MEREDITH<br>C/O CIGNA CORP<br>SOUTH BUILDING S-305<br>900 COTTAGE GROVE RD<br>BLOOMFIELD, CT 06002 |

Priority Date: 04/11/1973

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/15       | 10/15     | 0.37 CFS              |               |
| Total Diversion       |             |           | 0.37 CFS              |               |

Location of Point(s) of Diversion:

|  |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  |  |  |  |  |
|--|--|--|--|--|--|

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|              |        |         |              |           |              |
|--------------|--------|---------|--------------|-----------|--------------|
| GROUND WATER | NWNWSW | Sec. 26 | Township 06N | Range 29E | BUTTE County |
| GROUND WATER | NWNWSE | Sec. 27 | Township 06N | Range 29E | BUTTE County |

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 06N      | 29E   | 26      |     | NWSW  | 27.8  |     | SWSW  | 28.9  |     |       |       |     |       |       |

Total Acres: 56.7

Conditions of Approval:

|    |     |                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. |     | USE OF THIS RIGHT WITH RIGHT NO. 33-14928 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 56.7 ACRES IN A SINGLE IRRIGATION SEASON.                                                                                                                                                                                                                                                                                               |
| 2. |     | THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT. |
| 3. | C18 | THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.                                                                                                                       |

Dates:

Licensed Date:

Decreed Date: 08/11/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

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Water District Number:  
Generic Max Rate per Acre: 0.02  
Generic Max Volume per Acre: 3.5  
Civil Case Number:  
Old Case Number:  
Decree Plaintiff:  
Decree Defendant:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Cary Act Number:  
Mitigation Plan: False

Close



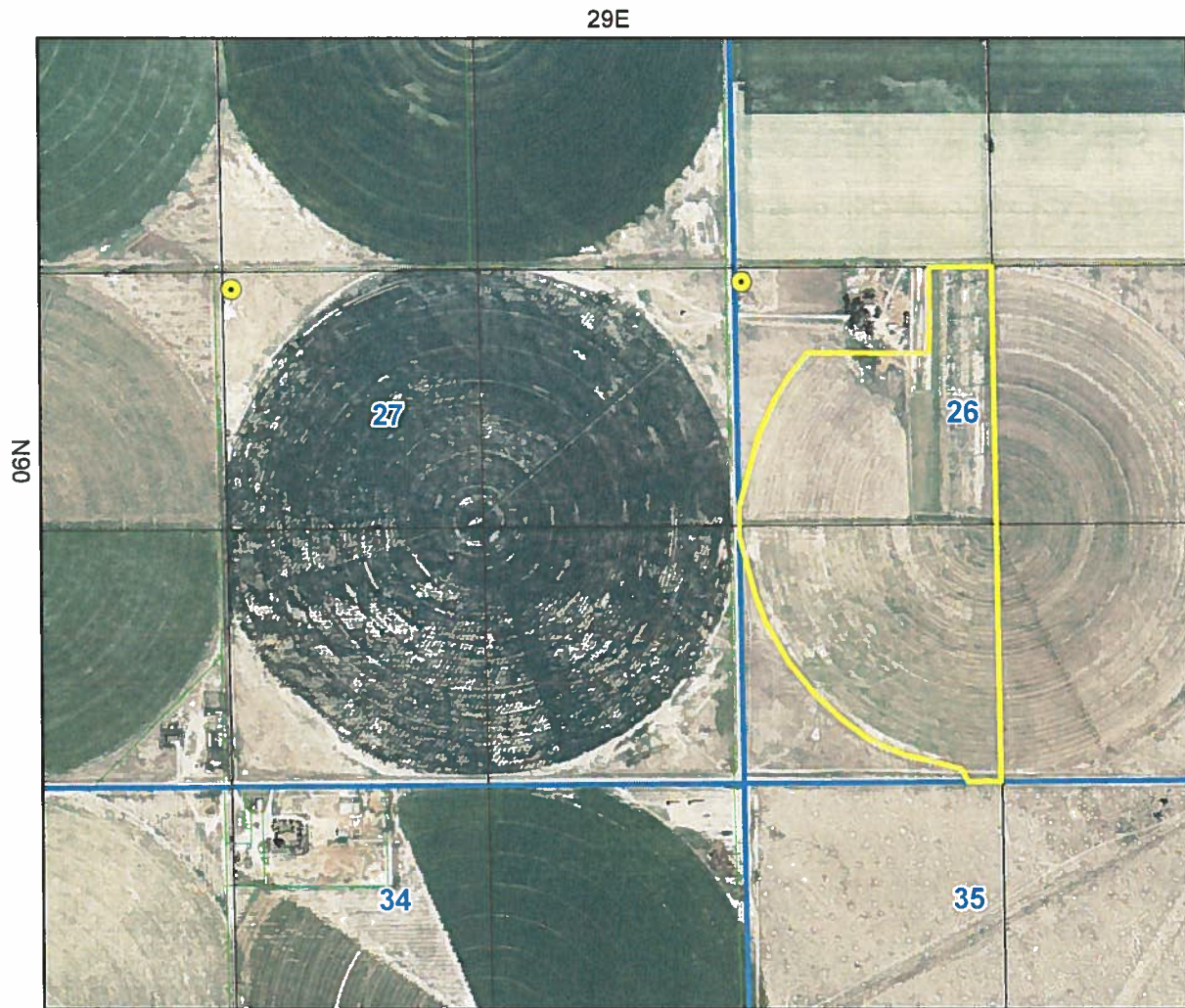
State of Idaho  
Department of Water Resources

# Water Right

33-14930

## IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.1 0.2 0.4 Miles



Map produced on March 12, 2013

78570

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

3/12/2013

WATER RIGHT NO. 35-14246

| <u>Owner Type</u> | <u>Name and Address</u>                                                |
|-------------------|------------------------------------------------------------------------|
| Current Owner     | MERLIN SMITH SR<br>833 S STOUT<br>BLACKFOOT, ID 83221<br>(208)317-3513 |
| Original Owner    | MIKE A GOEDEN<br>BLACKFOOT, ID 83221                                   |
| Original Owner    | DARRELL BURKE<br>480 CLIFFORD<br>BLACKFOOT, ID 83221<br>(208)785-1813  |

Priority Date: 04/16/1953

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | 11/01     | 0.13 CFS              | 27.6 AFA      |
| Total Diversion       |             |           | 0.13 CFS              |               |

Location of Point(s) of Diversion:

|              |        |         |              |           |                |
|--------------|--------|---------|--------------|-----------|----------------|
| GROUND WATER | NESWNW | Sec. 12 | Township 02S | Range 33E | BINGHAM County |
|--------------|--------|---------|--------------|-----------|----------------|

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IRRIGATION Use:  
Acre Limit: 6.9

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 02S      | 33E   | 12      |     | SWNE  | 3.2   |     |       |       |     |       |       |     |       |       |
|          |       |         |     | NENW  | 33    |     | NWNW  | 32    |     | SWNW  | 31.9  |     | SENE  | 33.6  |
|          |       |         |     | NESW  | 18.8  |     | SESW  | 6.8   |     |       |       |     |       |       |
|          |       |         |     | NWSE  | 15.9  |     | SWSE  | 12.1  |     |       |       |     |       |       |

Total Acres: 187.3

Conditions of Approval:

|     |     |                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | X27 | This right is limited to the irrigation of 6.9 acres within the authorized place of use in a single irrigation season.                                                                                                                                                                                                                                                                                     |
| 2.  | X35 | Rights 35-8022, 35-14246, 35-14250 and 35-14257 when combined shall not exceed the irrigation of 187.3 acres.                                                                                                                                                                                                                                                                                              |
| 3.  | R05 | 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.  | R02 | 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.                                                                                                                                                                                                                    |
| 5.  | 214 | Prior to the diversion and use of water under Transfer approval 76986, 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.  | 213 | 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.  | R64 | 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.  | 004 | This right does not grant any right-of-way or easement across the land of another.                                                                                                                                                                                                                                                                                                                         |
| 9.  | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.                                                                                                                                                                                                                                                                                     |
| 10. | T08 | 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. | T19 | 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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## Dates:

Licensed Date:

Decreed Date: 01/30/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

## Other Information:

State or Federal: S

Owner Name Connector: Or

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 187.3

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

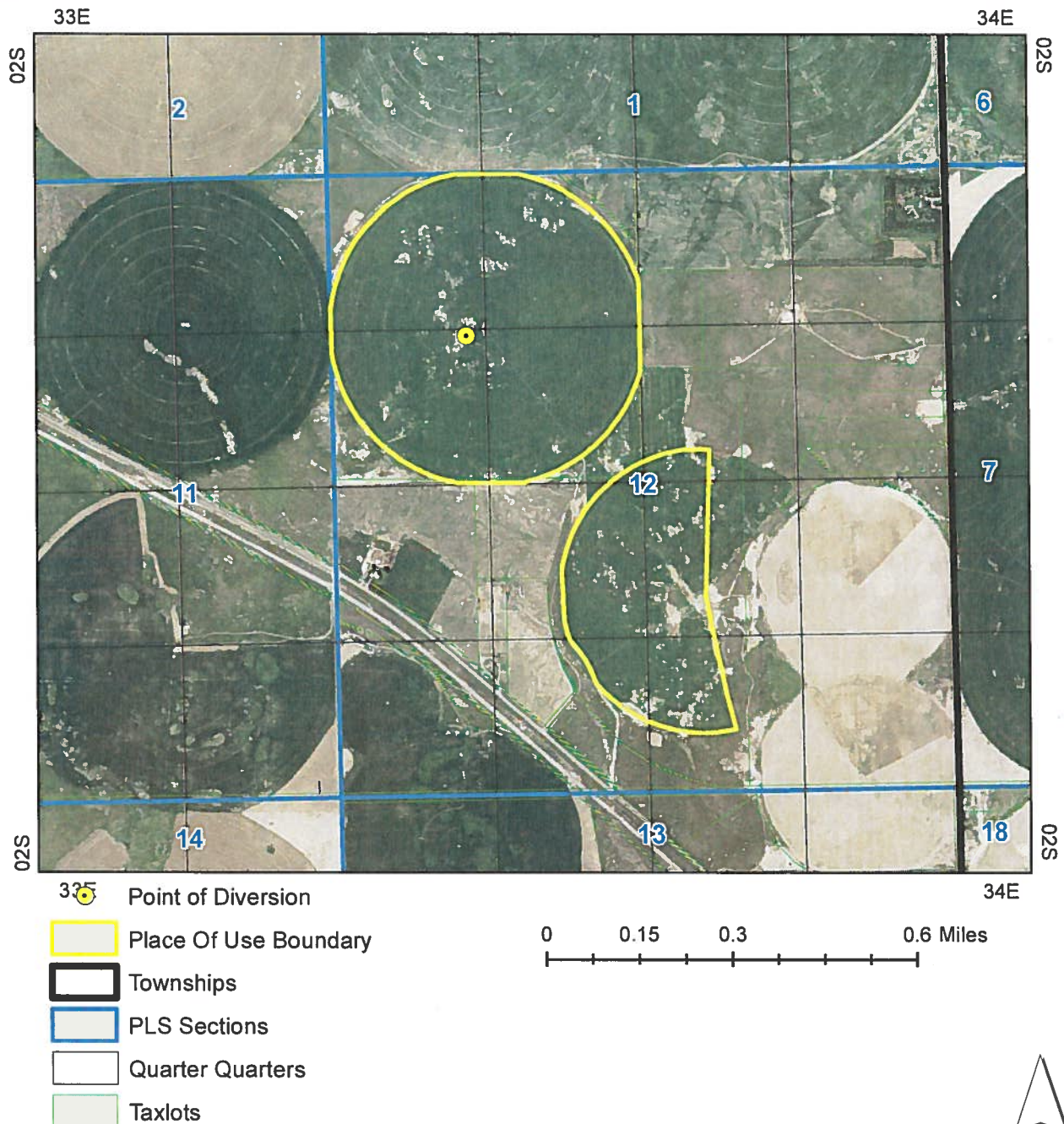
State of Idaho  
Department of Water Resources

# Water Right

35-14246

## IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Map produced on March 12, 2013

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[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

3/12/2013

WATER RIGHT NO. 35-14250

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                      |
|-------------------|--------------------------------------------------------------------------------------------------------------|
| Current Owner     | IDAHO WATER CO LLC<br>1135 VALLEY RD S<br>EDEN, ID 83325<br>(208) 312-1135                                   |
| Representative    | ROCKY MOUNTAIN ENVIRONMENTAL ASSOC<br>482 CONSTITUTION WAY STE 303<br>IDAHO FALLS, ID 83402<br>(208)524 2353 |
| Original Owner    | PLACERTON INC<br>, ID                                                                                        |
| Original Owner    | EASTERN IDAHO PRODUCTION CREDIT ASSN<br>188 W JUDICIAL<br>PO BOX 985<br>BLACKFOOT, ID 83221<br>(208)785-1510 |

Priority Date: 07/19/1973

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | 10/31     | 0.31 CFS              | 80 AFA        |
| Total Diversion       |             |           | 0.31 CFS              |               |

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Location of Point(s) of Diversion:

|              |        |         |              |           |                |
|--------------|--------|---------|--------------|-----------|----------------|
| GROUND WATER | NESWNW | Sec. 12 | Township 02S | Range 33E | BINGHAM County |
|--------------|--------|---------|--------------|-----------|----------------|

IRRIGATION Use:

Acre Limit: 20

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 02S      | 33E   | 12      |     | SWNE  | 3.2   |     |       |       |     |       |       |     |       |       |
|          |       |         |     | NENW  | 33    |     | NWNW  | 32    |     | SWNW  | 31.9  |     | SENE  | 33.6  |
|          |       |         |     | NESW  | 18.8  |     | SESW  | 6.8   |     |       |       |     |       |       |
|          |       |         |     | NWSE  | 15.9  |     | SWSE  | 12.1  |     |       |       |     |       |       |

Total Acres: 187.3

Conditions of Approval:

|    |     |                                                                                                                                                                                                                                                                                                                                                                                                            |
|----|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | X27 | This right is limited to the irrigation of 20.0 acres within the authorized place of use in a single irrigation season.                                                                                                                                                                                                                                                                                    |
| 2. | X35 | Rights 35-8022, 35-14246, 35-14250 and 35-14257 when combined shall not exceed the irrigation of 187.3 acres.                                                                                                                                                                                                                                                                                              |
| 3. | R05 | 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. | R02 | 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.                                                                                                                                                                                                                    |
| 5. | 214 | Prior to the diversion and use of water under Transfer approval 76986, 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. | 213 | 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. | R64 | 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. | 004 | This right does not grant any right-of-way or easement across the land of another.                                                                                                                                                                                                                                                                                                                         |
| 9. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.                                                                                                                                                                                                                                                                                     |

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|     |     |                                                                                                                                                                                                                                                                                                                                            |
|-----|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10. | T08 | 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. | T19 | 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. |

## Dates:

Licensed Date:

Decreed Date: 06/07/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

## Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 187.3

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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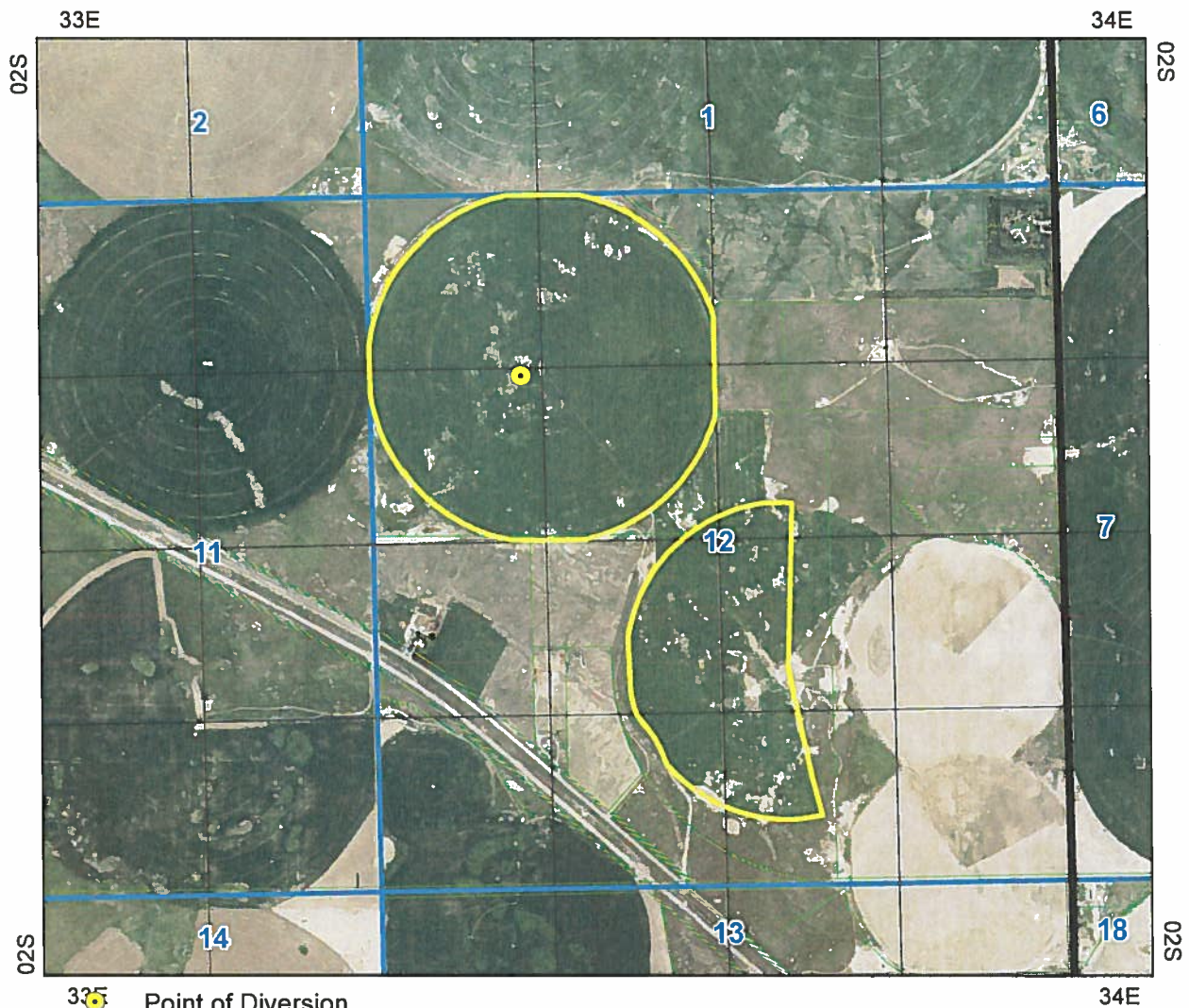
State of Idaho  
Department of Water Resources

# Water Right

35-14250

## IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.15 0.3 0.6 Miles



Map produced on March 12, 2013

78579

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

3/12/2013

WATER RIGHT NO. 35-14257

| <u>Owner Type</u> | <u>Name and Address</u>                                                |
|-------------------|------------------------------------------------------------------------|
| Current Owner     | JENNIFER SMITH                                                         |
| Current Owner     | MERLIN SMITH JR<br>399 N 500 W<br>BLACKFOOT, ID 83221<br>(208)317-3514 |
| Current Owner     | MERLIN SMITH SR<br>833 S STOUT<br>BLACKFOOT, ID 83221<br>(208)317-3513 |
| Original Owner    | VERLA SASSER<br>793 S 1600 W<br>PINGREE, ID 83262<br>(208)684-4243     |

Priority Date: 03/28/1966

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | 10/31     | 0.42 CFS              | 113.6 AFA     |
| Total Diversion       |             |           | 0.42 CFS              |               |

Location of Point(s) of Diversion:

---

**78579**

|              |        |         |              |           |                |
|--------------|--------|---------|--------------|-----------|----------------|
| GROUND WATER | NESWNW | Sec. 12 | Township 02S | Range 33E | BINGHAM County |
|--------------|--------|---------|--------------|-----------|----------------|

IRRIGATION Use:

Acre Limit: 28.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 02S      | 33E   | 12      |     | SWNE  | 3.2   |     |       |       |     |       |       |     |       |       |
|          |       |         |     | NENW  | 33    |     | NWNW  | 32    |     | SWNW  | 31.9  |     | SENE  | 33.6  |
|          |       |         |     | NESW  | 18.8  |     | SESW  | 6.8   |     |       |       |     |       |       |
|          |       |         |     | NWSE  | 15.9  |     | SWSE  | 12.1  |     |       |       |     |       |       |

Total Acres: 187.3

Conditions of Approval:

|                                                                                                    |     |                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.                                                                                                 | X27 | This right is limited to the irrigation of 28.4 acres within the authorized place of use in a single irrigation season.                                                                                                                                                                                                                                                                                    |
| 2.                                                                                                 | X35 | Rights 35-8022, 35-14246, 35-14250 and 35-14257 when combined shall not exceed the irrigation of 187.3 acres.                                                                                                                                                                                                                                                                                              |
| 3.                                                                                                 | R05 | 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.                                                                                                 | R02 | 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.                                                                                                                                                                                                                    |
| 5.                                                                                                 | 214 | Prior to the diversion and use of water under Transfer approval 76986, 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.                                                                                                 | 213 | 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.                                                                                                 | R64 | 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.                                                                                                 | 004 | This right does not grant any right-of-way or easement across the land of another.                                                                                                                                                                                                                                                                                                                         |
| 9.                                                                                                 | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.                                                                                                                                                                                                                                                                                     |
| 10.                                                                                                | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.                                                                                                                                                                                                                                                                  |
| Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions |     |                                                                                                                                                                                                                                                                                                                                                                                                            |

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|     |     |                                                                                                                                                                                                                                         |
|-----|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11. | T19 | 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. |
|-----|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Dates:

Licensed Date:

Decreed Date: 03/07/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

## Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 187.3

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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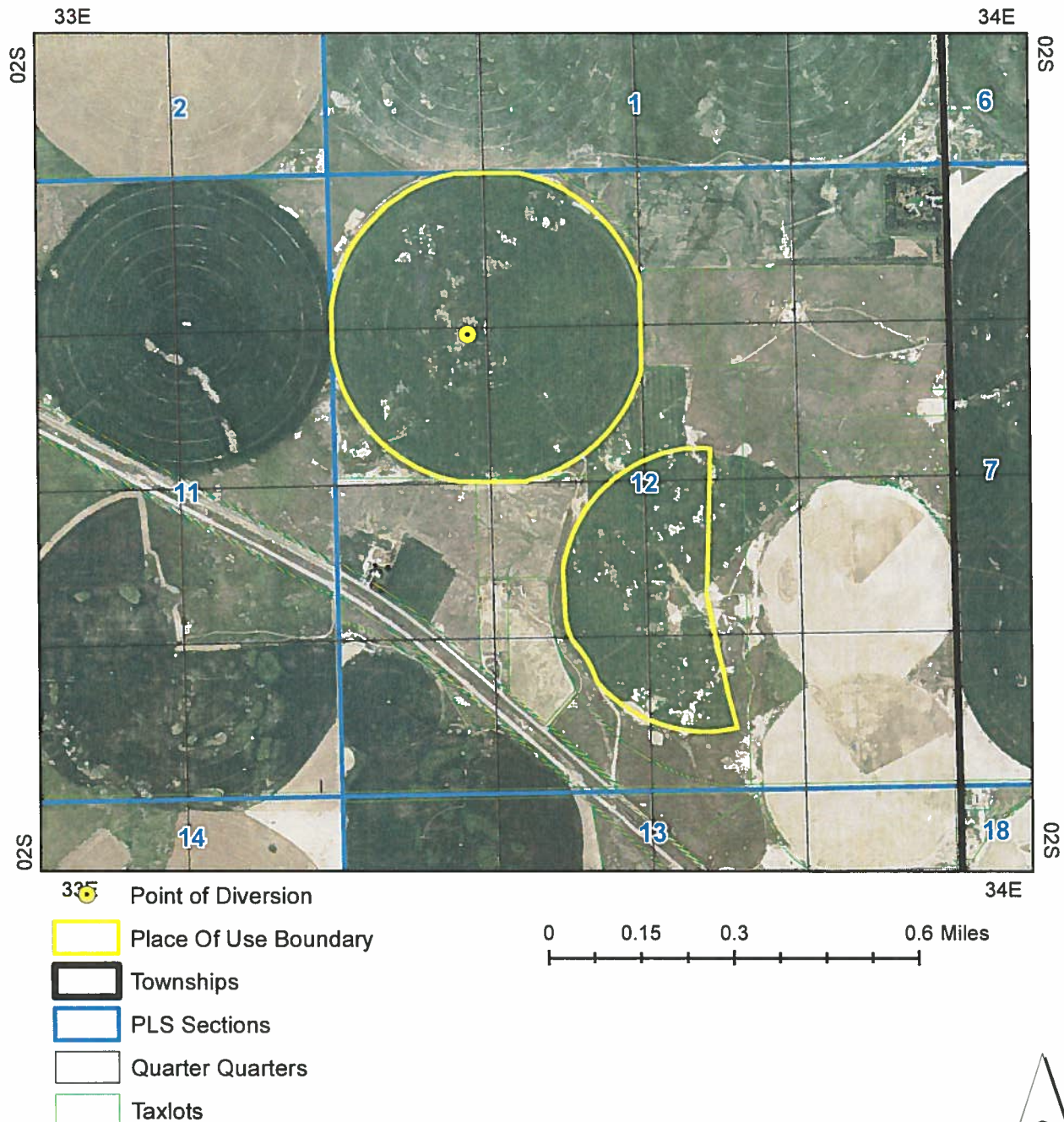
State of Idaho  
Department of Water Resources

# Water Right

35-14257

## IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

3/12/2013

WATER RIGHT NO. 35-8022

| <u>Owner Type</u> | <u>Name and Address</u>                                                         |
|-------------------|---------------------------------------------------------------------------------|
| Current Owner     | JENNIFER SMITH                                                                  |
| Current Owner     | MERLIN SMITH JR<br>399 N 500 W<br>BLACKFOOT, ID 83221<br>(208)317-3514          |
| Current Owner     | MERLIN SMITH SR<br>833 S STOUT<br>BLACKFOOT, ID 83221<br>(208)317-3513          |
| Original Owner    | DICK RUBOTTOM                                                                   |
| Original Owner    | RUSSELL STEWART<br>PO BOX 905<br>BLACKFOOT, ID 83221                            |
| Security Interest | IDAHO AGCREDIT FLCA<br>PO BOX 985<br>BLACKFOOT, ID 83221-0985<br>(800) 686-8910 |

Priority Date: 02/22/1982

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | 10/31     | 2.12 CFS              | 528 AFA       |
| Total Diversion       |             |           | 2.12 CFS              |               |

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Location of Point(s) of Diversion:

|              |        |         |              |           |                |
|--------------|--------|---------|--------------|-----------|----------------|
| GROUND WATER | NESWNW | Sec. 12 | Township 02S | Range 33E | BINGHAM County |
|--------------|--------|---------|--------------|-----------|----------------|

IRRIGATION Use:

Acre Limit: 132

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 02S      | 33E   | 12      |     | SWNE  | 3.2   |     |       |       |     |       |       |     |       |       |
|          |       |         |     | NENW  | 33    |     | NWNW  | 32    |     | SWNW  | 31.9  |     | SENW  | 33.6  |
|          |       |         |     | NESW  | 18.8  |     | SESW  | 6.8   |     |       |       |     |       |       |
|          |       |         |     | NWSE  | 15.9  |     | SWSE  | 12.1  |     |       |       |     |       |       |

Total Acres: 187.3

Conditions of Approval:

|    |     |                                                                                                                                                                                                                                                                                                                                                                                                            |
|----|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | X27 | This right is limited to the irrigation of 132.0 acres within the authorized place of use in a single irrigation season.                                                                                                                                                                                                                                                                                   |
| 2. | X35 | Rights 35-8022, 35-14246, 35-14250 and 35-14257 when combined shall not exceed the irrigation of 187.3 acres.                                                                                                                                                                                                                                                                                              |
| 3. | R05 | 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. | R02 | 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.                                                                                                                                                                                                                    |
| 5. | 214 | Prior to the diversion and use of water under Transfer approval 76986, 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. | 213 | 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. | R64 | 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. | 004 | This right does not grant any right-of-way or easement across the land of another.                                                                                                                                                                                                                                                                                                                         |

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|     |     |                                                                                                                                                                                                                                                                                                                                            |
|-----|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9.  | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.                                                                                                                                                                                                                     |
| 10. | T08 | 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. | T19 | 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. |

## Dates:

Licensed Date:

Decreed Date: 02/25/2002

Permit Proof Due Date: 4/1/1987

Permit Proof Made Date: 9/15/1982

Permit Approved Date: 4/15/1982

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

## Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 187.3

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

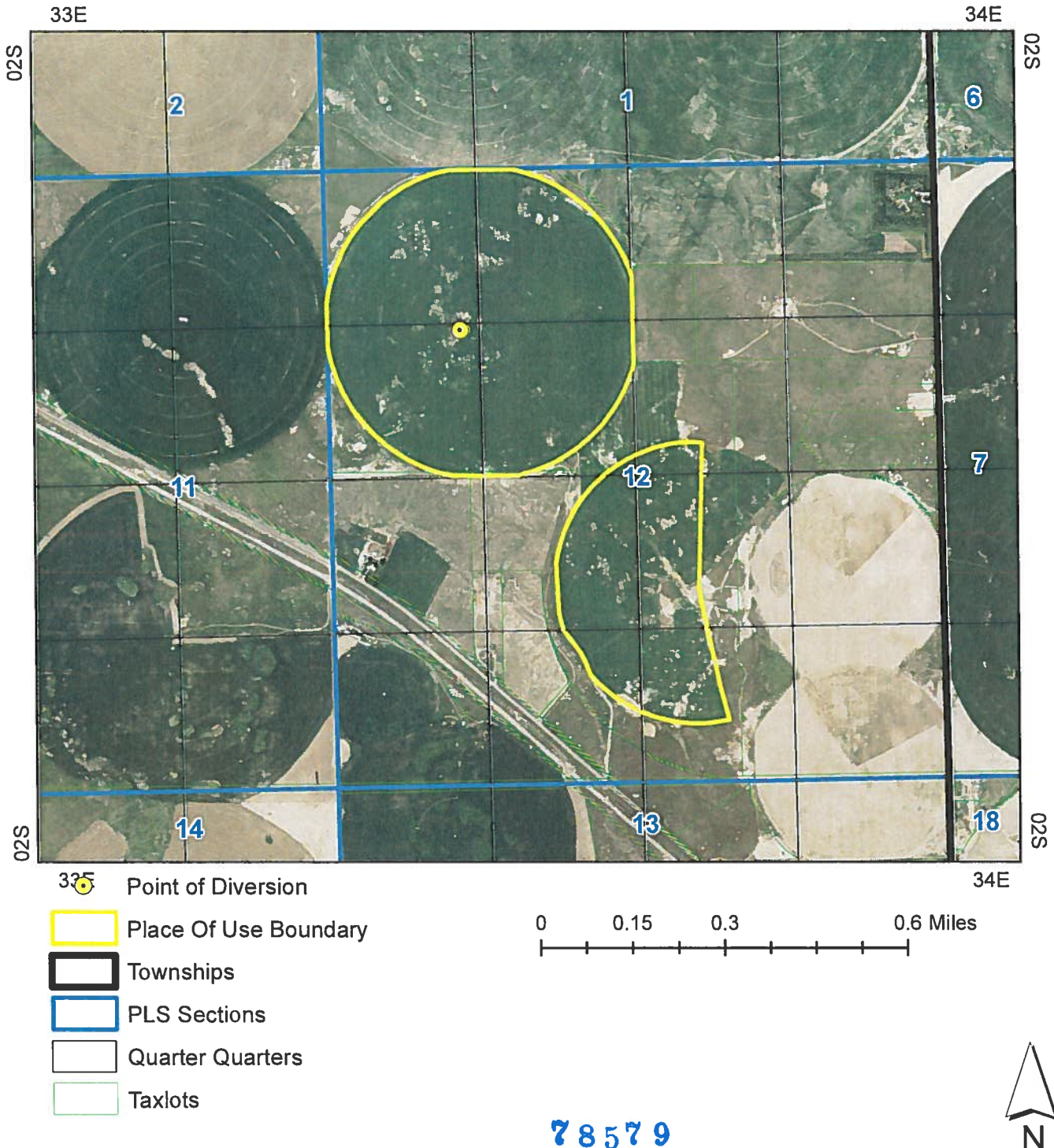
Close

State of Idaho  
Department of Water Resources

**Water Right**  
**35-8022**

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



## APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation.  
Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments.

Received by \_\_\_\_\_ Date \_\_\_\_\_ Prelim. Check by \_\_\_\_\_ Date \_\_\_\_\_

Fee Paid 205.00 Date 5-6-2013 Received by HP Receipt # C097098

| Add'l Fee Paid | Date | Received by | Receipt # |
|----------------|------|-------------|-----------|
|----------------|------|-------------|-----------|

7 8 5 7 9

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. \_\_\_\_\_

**MINIMUM REQUIREMENTS CHECKLIST**  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.**

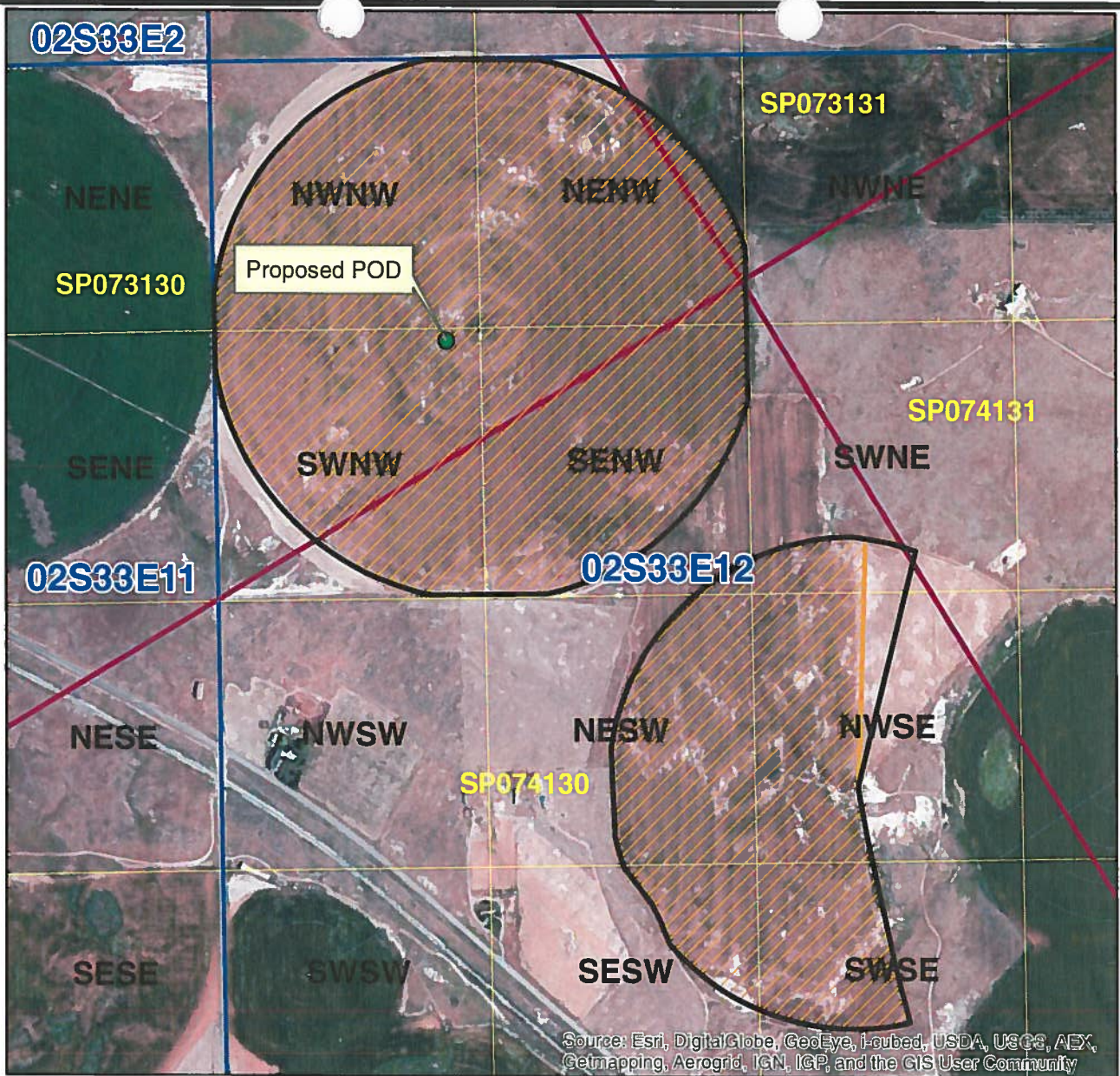
Yes N/A \* Means the item is always required and must be included with the application.

- ☒ \* Completed Application for Transfer of Water Right form, Part 1.
- ☒ \* Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ \* Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ \* Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ \* Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

**Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.**

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ \* #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: \_\_\_\_\_



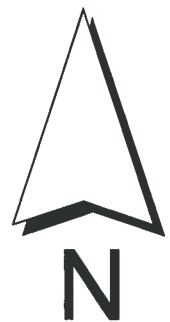


0 455 910 1,820 Feet

1 inch = 821.71 feet

### Legend

- Proposed\_POU
- Current POU 35-8022 35-14257 35-14250 35-14246
- Township/Range
- Sections
- QQ
- modelgrid



# ENHANCED GROUND-WATER RIGHTS TRANSFER SIMULATOR

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are set up for user entries

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

YEAR 1972  
SEASON SUMMER

TRANSFER NO:  
TRANSFER NAME Smith



| ENTER CELL LOCATIONS: | 'TO' CELL | 'FROM1' CELL | 'FROM2' CELL | 'FROM3' CELL |
|-----------------------|-----------|--------------|--------------|--------------|
| ROW                   | 73        | 29           |              |              |
| COLUMN                | 130       | 131          |              |              |

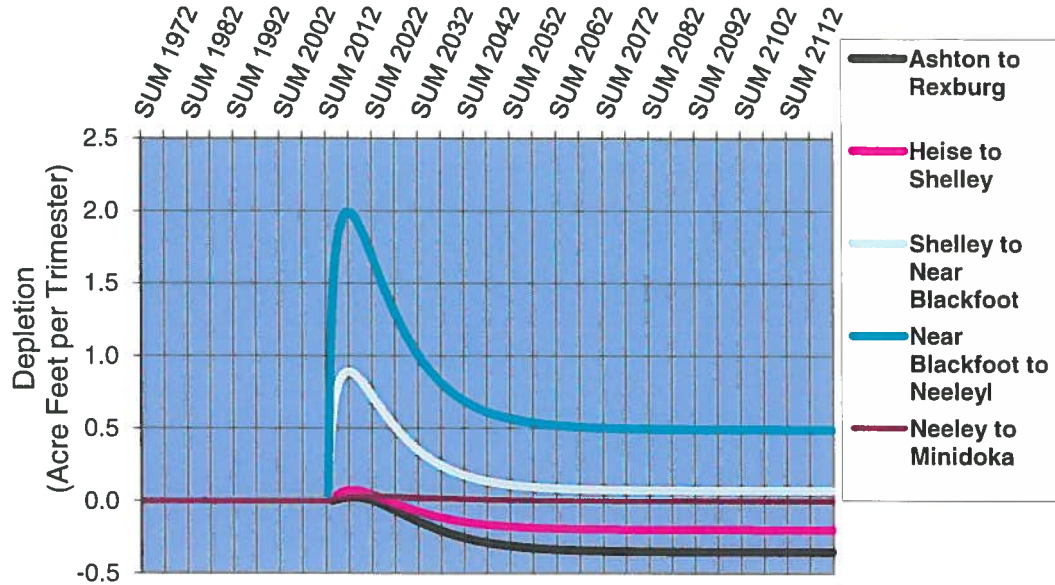
| TRIMESTER OF ACTIVITY | TO WELL Protected Use AF/TRIMESTER | FROM1 WELL With Transfer AF/TRIMESTER | FROM1 WELL Without Transfer AF/TRIMESTER | FROM2 WELL With Transfer AF/TRIMESTER | FROM2 WELL Without Transfer AF/TRIMESTER | FROM3 WELL With Transfer AF/TRIMESTER | FROM3 WELL Without Transfer AF/TRIMESTER | Running | Once the the 'RUN needs to | Getting tr | Once the model ou | Entering | All water for instr | Entering | Enter the |
|-----------------------|------------------------------------|---------------------------------------|------------------------------------------|---------------------------------------|------------------------------------------|---------------------------------------|------------------------------------------|---------|----------------------------|------------|-------------------|----------|---------------------|----------|-----------|
| SUM 1972              | 0                                  | 4                                     | 4                                        | 4                                     | 0                                        | 0                                     | 0                                        | 0       | 0                          | 0          | 0                 | 0        | 0                   | 0        | 0         |
| WIN 1972              | 0                                  | 4                                     | 4                                        | 4                                     | 0                                        | 0                                     | 0                                        | 0       | 0                          | 0          | 0                 | 0        | 0                   | 0        | 0         |
| SPR 1973              | 0                                  | 4                                     | 4                                        | 4                                     | 0                                        | 0                                     | 0                                        | 0       | 0                          | 0          | 0                 | 0        | 0                   | 0        | 0         |
| SUM 1973              | 0                                  | 4                                     | 4                                        | 4                                     | 0                                        | 0                                     | 0                                        | 0       | 0                          | 0          | 0                 | 0        | 0                   | 0        | 0         |
| WIN 1973              | 0                                  | 4                                     | 4                                        | 4                                     | 0                                        | 0                                     | 0                                        | 0       | 0                          | 0          | 0                 | 0        | 0                   | 0        | 0         |
| SPR 1974              | 0                                  | 4                                     | 4                                        | 4                                     | 0                                        | 0                                     | 0                                        | 0       | 0                          | 0          | 0                 | 0        | 0                   | 0        | 0         |
| SUM 1974              | 0                                  | 4                                     | 4                                        | 4                                     | 0                                        | 0                                     | 0                                        | 0       | 0                          | 0          | 0                 | 0        | 0                   | 0        | 0         |
| WIN 1974              | 0                                  | 4                                     | 4                                        | 4                                     | 0                                        | 0                                     | 0                                        | 0       | 0                          | 0          | 0                 | 0        | 0                   | 0        | 0         |
| SPR 1975              | 0                                  | 4                                     | 4                                        | 4                                     | 0                                        | 0                                     | 0                                        | 0       | 0                          | 0          | 0                 | 0        | 0                   | 0        | 0         |
| SUM 1975              | 0                                  | 4                                     | 4                                        | 4                                     | 0                                        | 0                                     | 0                                        | 0       | 0                          | 0          | 0                 | 0        | 0                   | 0        | 0         |
| WIN 1975              | 0                                  | 4                                     | 4                                        | 4                                     | 0                                        | 0                                     | 0                                        | 0       | 0                          | 0          | 0                 | 0        | 0                   | 0        | 0         |
| SPR 1976              | 0                                  | 4                                     | 4                                        | 4                                     | 0                                        | 0                                     | 0                                        | 0       | 0                          | 0          | 0                 | 0        | 0                   | 0        | 0         |
| SUM 1976              | 0                                  | 4                                     | 4                                        | 4                                     | 0                                        | 0                                     | 0                                        | 0       | 0                          | 0          | 0                 | 0        | 0                   | 0        | 0         |
| WIN 1976              | 0                                  | 4                                     | 4                                        | 4                                     | 0                                        | 0                                     | 0                                        | 0       | 0                          | 0          | 0                 | 0        | 0                   | 0        | 0         |
| SPR 1977              | 0                                  | 4                                     | 4                                        | 4                                     | 0                                        | 0                                     | 0                                        | 0       | 0                          | 0          | 0                 | 0        | 0                   | 0        | 0         |

|          |  |   |   |   |   |   |   |   |   |   |             |
|----------|--|---|---|---|---|---|---|---|---|---|-------------|
| SUM 1977 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | should st   |
| WIN 1977 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | Entering '  |
| SPR 1978 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | Enter the   |
| SUM 1978 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | the secur   |
| WIN 1978 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 'With Tra   |
| SPR 1979 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | should ce   |
| SUM 1979 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |             |
| WIN 1979 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | Entering '  |
| SPR 1980 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | The 'With   |
| SUM 1980 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | The proje   |
| WIN 1980 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | Enter the   |
| SPR 1981 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | for the se  |
| SUM 1981 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | Prior to t  |
| WIN 1981 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |             |
| SPR 1982 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | If only on- |
| SUM 1982 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | If only tw  |
| WIN 1982 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | Projected   |
| SPR 1983 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | effect to t |
| SUM 1983 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |             |
| WIN 1983 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | Calculatir  |
| SPR 1984 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | After all c |
| SUM 1984 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | of the ele  |
| WIN 1984 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | CALCUL      |
| SPR 1985 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | the mode    |
| SUM 1985 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | After the   |
| WIN 1985 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | workshee    |
| SPR 1986 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | illustrates |
| SUM 1986 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | EFFECT!     |
| WIN 1986 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |             |
| SPR 1987 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |             |
| SUM 1987 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |             |
| WIN 1987 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |             |
| SPR 1988 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |             |
| SUM 1988 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |             |
| WIN 1988 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |             |
| SPR 1989 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |             |
| SUM 1989 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |             |
| WIN 1989 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |             |
| SPR 1990 |  | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |             |

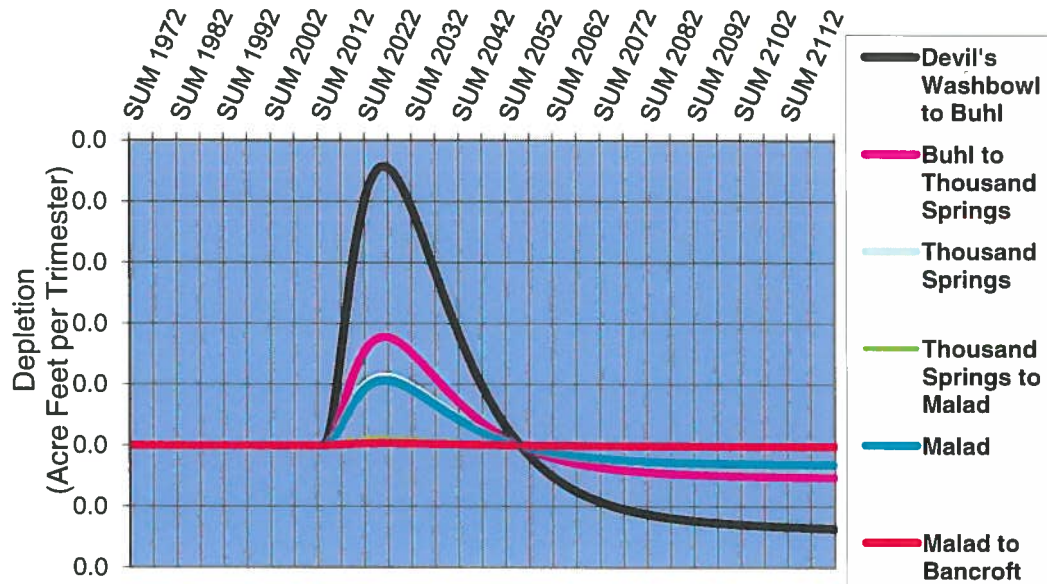




### Net Transfer Effect Above Milner (Total Effect With Transfer - Total Effect Without Transfer)



### Net Transfer Effect Below Milner (Total Effect With Transfer - Total Effect Without Transfer)



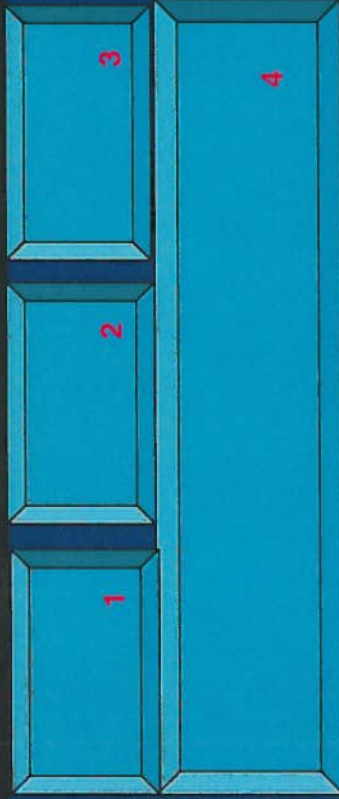
# ENHANCED GROUND-WATER RIGHTS TRANSFER

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are set up for user entries

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

YEAR 1972  
 SEASON SUMMER  
 TRANSFER NO:  
 TRANSFER NAME Smith



| ENTER CELL LOCATIONS: |              |              |              |
|-----------------------|--------------|--------------|--------------|
| 'TO' CELL             | 'FROM1' CELL | 'FROM2' CELL | 'FROM3' CELL |
| 73                    | 30           |              |              |
| 130                   | 131          |              |              |

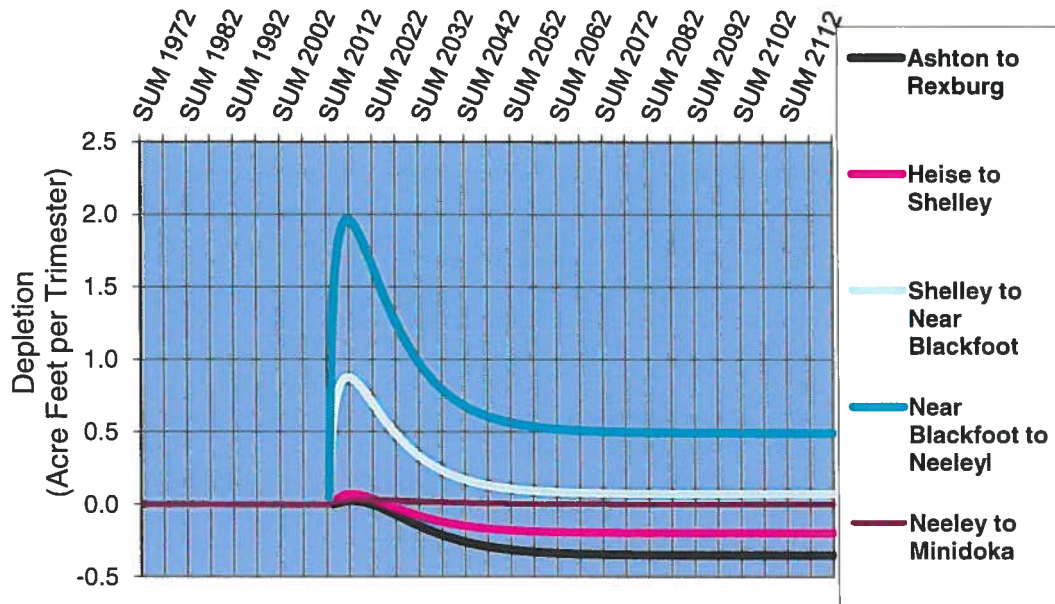
| TRIMESTER OF ACTIVITY | TO WELL                    |                            | FROM1 WELL                    |                            | FROM2 WELL                    |                            | FROM3 WELL                    |                            | Running | The 'FRC   |
|-----------------------|----------------------------|----------------------------|-------------------------------|----------------------------|-------------------------------|----------------------------|-------------------------------|----------------------------|---------|------------|
|                       | Protected Use AF/TRIMESTER | With Transfer AF/TRIMESTER | Without Transfer AF/TRIMESTER | With Transfer AF/TRIMESTER | Without Transfer AF/TRIMESTER | With Transfer AF/TRIMESTER | Without Transfer AF/TRIMESTER | With Transfer AF/TRIMESTER |         |            |
| SUM 1972              | 0                          | 4                          | 4                             | 4                          | 0                             | 0                          | 0                             | 0                          | 0       | Once the   |
| WIN 1972              | 0                          | 4                          | 4                             | 4                          | 0                             | 0                          | 0                             | 0                          | 0       | the 'RUN   |
| SPR 1973              | 0                          | 4                          | 4                             | 4                          | 0                             | 0                          | 0                             | 0                          | 0       | needs to   |
| SUM 1973              | 0                          | 4                          | 4                             | 4                          | 0                             | 0                          | 0                             | 0                          | 0       |            |
| WIN 1973              | 0                          | 4                          | 4                             | 4                          | 0                             | 0                          | 0                             | 0                          | 0       | Getting it |
| SPR 1974              | 0                          | 4                          | 4                             | 4                          | 0                             | 0                          | 0                             | 0                          | 0       | Once the   |
| SUM 1974              | 0                          | 4                          | 4                             | 4                          | 0                             | 0                          | 0                             | 0                          | 0       | model ou   |
| WIN 1974              | 0                          | 4                          | 4                             | 4                          | 0                             | 0                          | 0                             | 0                          | 0       |            |
| SPR 1975              | 0                          | 4                          | 4                             | 4                          | 0                             | 0                          | 0                             | 0                          | 0       | Entering   |
| SUM 1975              | 0                          | 4                          | 4                             | 4                          | 0                             | 0                          | 0                             | 0                          | 0       | All water  |
| WIN 1975              | 0                          | 4                          | 4                             | 4                          | 0                             | 0                          | 0                             | 0                          | 0       | for instr  |
| SPR 1976              | 0                          | 4                          | 4                             | 4                          | 0                             | 0                          | 0                             | 0                          | 0       |            |
| SUM 1976              | 0                          | 4                          | 4                             | 4                          | 0                             | 0                          | 0                             | 0                          | 0       |            |
| WIN 1976              | 0                          | 4                          | 4                             | 4                          | 0                             | 0                          | 0                             | 0                          | 0       | Entering   |
| SPR 1977              | 0                          | 4                          | 4                             | 4                          | 0                             | 0                          | 0                             | 0                          | 0       | Enter the  |

[illegible]

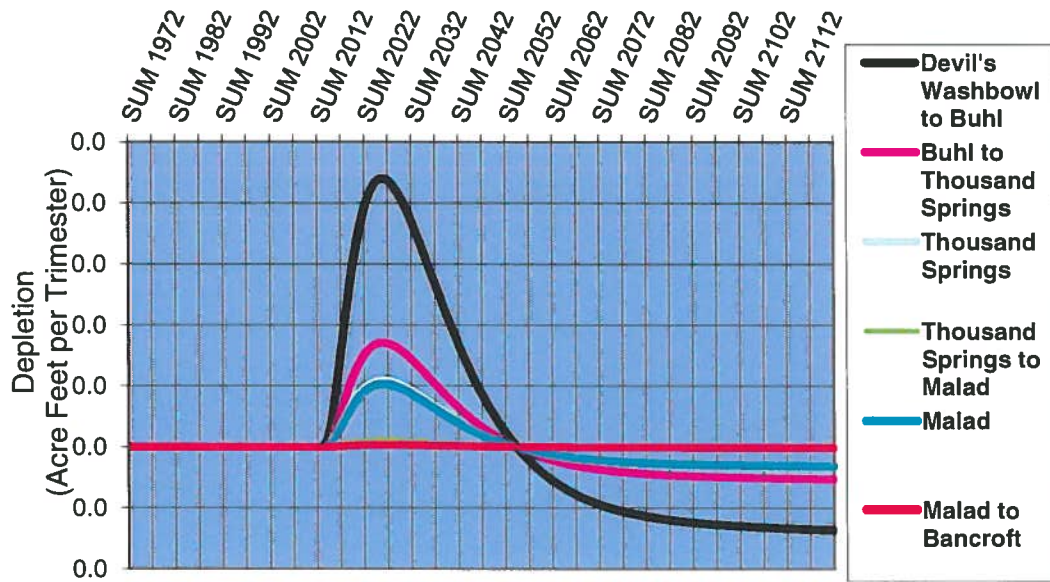




### Net Transfer Effect Above Milner (Total Effect With Transfer - Total Effect Without Transfer)



### Net Transfer Effect Below Milner (Total Effect With Transfer - Total Effect Without Transfer)



MAKE CHECK PAYABLE TO:  
BUTTE COUNTY TAX COLLECTOR  
LORI BECK  
TELEPHONE # (208) 527-3047  
P.O. BOX 121, ARCO, ID 83213

## 2012 TAX BILL/RECEIPT

BILL# 3235  
CODE AREA 10-0000

PARCEL NUMBER  
RP06N29E265400A  
LAND 38,070

|              |              |            |                  |        |
|--------------|--------------|------------|------------------|--------|
| 1ST HALF DUE | 2ND HALF DUE | FULL DUE   | TOT MKT          | 38,070 |
| TAX 217.21   | TAX 217.21   | TAX 434.42 |                  |        |
| LATE         | LATE         | LATE       |                  |        |
| INT          | INT          | INT        |                  |        |
| COST         | COST         | COST       | WASTE ACRES .340 |        |
| TOT          | TOT          | TOT        | TOT ACRES 58.480 |        |

SMITH MERLIN SR  
833 S STOUT AVE  
BLACKFOOT ID 83221

SW4 LESS T#48184 & LESS 49251  
SEC 26

*Pd 12/12  
CR#4209  
1220-12  
m Smith*



\*\*\* IMPORTANT \*\*\*  
PLEASE READ BOTH FRONT AND BACK  
\*\*\* MONTHLY PAYMENTS ARE ACCEPTED \*\*\*

TO AVOID LATE CHARGES, PAYMENTS MUST BE  
RECEIVED OR POSTMARKED BY THE DUE DATE.

RECEIPT NOT VALID UNTIL CHECK CLEARS  
BANK THANK YOU

|                 |            |        |
|-----------------|------------|--------|
| TAXING DISTRICT | RATE       |        |
| COUNTY          | .005832415 | 222.04 |
| SCHL 111        |            |        |
| SCHL 111 M&O    |            |        |
| SCHL 111 TORT   | .000138620 | 5.28   |
| SCHL 111 BOND   | .002045297 | 77.86  |
| SCH 111 PLANT   | .000403994 | 15.38  |
| SCHL 111 SPLMT  | .000994447 | 37.86  |
| SCHL 111 JUDGE  |            |        |
| CEMETERY        | .000183882 | 7.00   |
| LIBRARY         | .000526745 | 20.04  |
| HOSP DIST       | .001106982 | 42.14  |
| L L WATERSHED   | .000179358 | 6.82   |
| AMOUNT DUE      | .011411740 | 434.42 |

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT  
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE.

SMITH, MERLIN SR

2012  
BILL# 3235



2ND HALF

RP06N29E265400A  
10-0000

AMOUNT DUE 217.21



BUTTE COUNTY  
LORI BECK  
TELEPHONE # (208) 527-3047

LATE  
INT  
COST  
TOTAL

DELINQUENT IF NOT PAID ON OR BEFORE

RECEIPT  
BILL# 3247  
CODE AREA 10-0000

PARCEL NUMBER  
RP06N29E277200A  
LAND 101,816

FULL DUE  
1,161.82

TOT MKT 101,816

WASTE ACRES 3.600  
TOT ACRES 156.400

78579

Instrument # 648506

BINGHAM COUNTY, IDAHO

2013-04-19 03:43:33 PM No. of Pages: 4

Recorded for: BAKER & HARRIS

SARA J. STAUB Fee: \$19.00

Ex-Officio Recorder Deputy CMiles

Index To: WARRANTY DEED

Electronically Recorded by Simplifile

### SPECIAL WARRANTY DEED FOR WATER RIGHT

Idaho Water Company, LLC, whose address is 1135 Valley Road South, Eden, Idaho, 83325 ("Grantor"), does hereby grant, bargain, sell, assign, and convey unto Merlin Smith, whose address is 833 So. Strout, Blackfoot, Id. 83221 ("Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in Water Right No. 35-14250 (formerly Nos. 35-7310A and 35-14162) described in Exhibit A hereto (the "Water Right").

Grantor covenants and warrants to Grantee as follows:

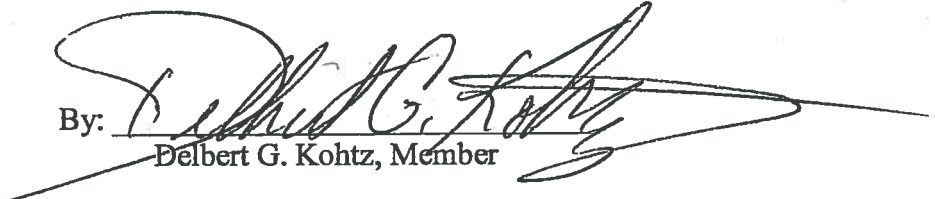
- A. Grantor is the owner of the Water Right;
- B. Grantor has not conveyed the Water Right to anyone other than Grantee;
- C. The Water Right is being conveyed free from all liens, claims or encumbrances; and
- D. Grantor has the authority to convey the Water Right to Grantee.

Grantor makes no other covenants, representations or warranties as to the Water Right.

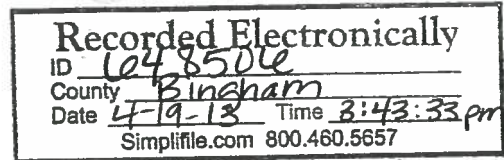
**No land is included in or conveyed by this grant.**

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed this 16<sup>th</sup> day of April, 2013.

IDAHO WATER COMPANY, LLC

By: 

Delbert G. Kohtz, Member



### SPECIAL WARRANTY DEED FOR WATER RIGHT

Idaho Water Company, LLC, whose address is 1135 Valley Road South, Eden, Idaho, 83325 ("Grantor"), does hereby grant, bargain, sell, assign, and convey unto Merlin Smith, whose address is 833 So. Strout, Blackfoot, Id. 83221 ("Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in Water Right No. 35-14250 (formerly Nos. 35-7310A and 35-14162) described in Exhibit A hereto (the "Water Right").

Grantor covenants and warrants to Grantee as follows:

- A. Grantor is the owner of the Water Right;
- B. Grantor has not conveyed the Water Right to anyone other than Grantee;
- C. The Water Right is being conveyed free from all liens, claims or encumbrances; and
- D. Grantor has the authority to convey the Water Right to Grantee.

Grantor makes no other covenants, representations or warranties as to the Water Right.

**No land is included in or conveyed by this grant.**

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed this 16<sup>th</sup> day of April, 2013.

IDAHO WATER COMPANY, LLC

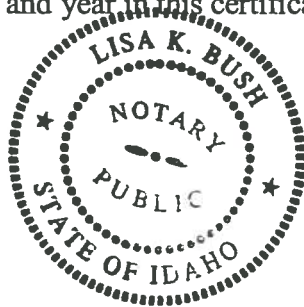
By: 

Delbert G. Kohtz, Member

STATE OF IDAHO                    )  
                                                  ) ss.  
County of Ada                    )

On this 16<sup>th</sup> day of Apr. 2013, before me, a Notary Public for said County and State, personally appeared DELBERT G. KOHTZ, known or identified to me, to be one of the members of the limited liability company of IDAHO WATER COMPANY, LLC, and the member or one of the members who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Lisa K. Bush  
NOTARY PUBLIC FOR IDAHO  
Residing at: Boise  
My commission expires: 7-12-18

**Exhibit A**  
(Description of Water Rights)

**WATER RIGHT NO. 35-14250**

As Modified by Transfer No. 76986

In accordance with the approval of Transfer No. 76986, Water Right No. 35-14250 is now described as follows.

**Right Holder:** IDAHO WATER CO LLC  
1135 VALLEY RD S  
EDEN ID 83325

**Priority Date:** July 19, 1973

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 0.31 CFS              | 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 | Rge | Sec | NE |    |     |    | NW   |      |      |      | SW   |    |    |     | SE |      |      |    |        |
|-----|-----|-----|----|----|-----|----|------|------|------|------|------|----|----|-----|----|------|------|----|--------|
|     |     |     | NE | NW | SW  | SE | NE   | NW   | SW   | SE   | NE   | NW | SW | SE  | NE | NW   | SW   | SE | Totals |
| 02S | 33E | 12  |    |    | 3.2 |    | 33.0 | 32.0 | 31.9 | 33.6 | 18.8 |    |    | 6.8 |    | 15.9 | 12.1 |    | 187.3  |

Total Acres: 187.3

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**WATER RIGHT NO. 35-14250**  
**As Modified by Transfer No. 76986**

**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. 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.
5. Prior to the diversion and use of water under Transfer approval 76986, 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.

This water right 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.

Dated this 14<sup>th</sup> day of June, 2012

  
\_\_\_\_\_  
Water Resources Program Manager