

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76986

This is to certify that: MERLIN SMITH SR
833 S STOUT
BLACKFOOT ID 83221
(208)317-3513

And

MERLIN SMITH JR And
JENNIFER SMITH
399 N 500 W
BLACKFOOT ID 83221
(208)317-3514

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-8022	WR/Decreed	02/22/1982	2.12 cfs	528 af	N/A	132.0	GROUND WATER
35-2289	WR/Decreed	04/16/1953	0.55 cfs	116 af	N/A	29.0	GROUND WATER
35-14162	WR/Decreed	07/19/1973	1.98 cfs	516 af	N/A	129.0	GROUND WATER
35-14257	WR/Decreed	03/28/1966	0.42 cfs	113.6 af	N/A	28.4	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-8022	NO	NO	YES	NO	NO	NO
35-2289	YES	YES	YES	NO	NO	NO
35-14162	YES	YES	YES	NO	NO	NO
35-14257	NO	YES	YES	NO	NO	NO

SUPPORT DATA
IN FILE # 35-2289

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76986**

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
35-8022	35-8022	2.12 cfs	528 af	132.0	187.3		N/A	N/A	N/A	N/A
35-2289	35-14246	0.13 cfs	27.6 af	6.9	187.3	35-14245	0.42 cfs	88.4 af	N/A	22.1
35-14162	35-14250	0.31 cfs	80 af	20.0	187.3	35-14249	1.67 cfs	436 af	N/A	109.0
35-14257	35-14257	0.42 cfs	113.6 af	28.4	187.3		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		2.98 cfs	749.2 af	187.3	187.3		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 14th day of June, 2012



Water Resources Program Manager

WATER RIGHT NO. 35-14245
As Modified by Transfer No. 76986

In accordance with the approval of Transfer No. 76986, Water Right No. 35-14245 is now described as follows.

Right Holder: L LEIGH BAIR FAMILY TRUST
 L LEIGH BAIR
 1954 W TABER RD
 BLACKFOOT ID 83221

Priority Date: April 16, 1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01	to 12/31	0.04 CFS	
IRRIGATION	04/01	to 11/01	0.42 CFS	88.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENESW Sec. 18 Twp 02S Rge 34E BINGHAM County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
02S	34E	18	NE	NW	SW	SE	
			X	X			

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
02S	34E	18	NE	NW	SW	SE	
							22.1

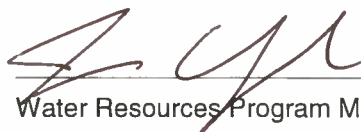
Total Acres: 22.1

CONDITIONS OF APPROVAL

- 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 14th day of June, 20 12


 Water Resources Program Manager

WATER RIGHT NO. 35-14246
As Modified by Transfer No. 76986

In accordance with the approval of Transfer No. 76986, Water Right No. 35-14246 is now described as follows.

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

Priority Date: April 16, 1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.13 CFS	27.6 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				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
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

WATER RIGHT NO. 35-14246
As Modified by Transfer No. 76986

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 6.9 acres within the authorized place of use in a single irrigation season.
2. Rights 35-8022, 35-14246, 35-14250 and 35-14257 when combined shall not exceed the irrigation of 187.3 acres.
3. 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 14th day of June, 20 12


Water Resources Program Manager

WATER RIGHT NO. 35-14249
As Modified by Transfer No. 76986

In accordance with the approval of Transfer No. 76986, Water Right No. 35-14249 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	1.67 CFS	436.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENW Sec. 22 Twp 01S 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
01S	33E	22																	109.0
									9.0	28.0	38.0	34.0							

Total Acres: 109

CONDITIONS OF APPROVAL

- 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 14th day of June, 20 12


 Water Resources Program Manager

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				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
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

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 14th day of June, 20 12


Water Resources Program Manager

WATER RIGHT NO. 35-8022
As Modified by Transfer No. 76986

In accordance with the approval of Transfer No. 76986, Water Right No. 35-8022 is now described as follows.

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

AND

MERLIN SMITH JR And
JENNIFER SMITH
399 N 500 W
BLACKFOOT ID 83221

Priority Date: February 22, 1982

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	2.12 CFS	528.0 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
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

WATER RIGHT NO. 35-8022
As Modified by Transfer No. 76986

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 132.0 acres within the authorized place of use in a single irrigation season.
2. Rights 35-8022, 35-14246, 35-14250 and 35-14257 when combined shall not exceed the irrigation of 187.3 acres.
3. 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 14th day of June, 20 12


Water Resources Program Manager

WATER RIGHT NO. 35-14257
As Modified by Transfer No. 76986

In accordance with the approval of Transfer No. 76986, Water Right No. 35-14257 is now described as follows.

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

And

MERLIN SMITH JR And
JENNIFER SMITH
399 N 500 W
BLACKFOOT ID 83221

Priority Date: March 28, 1966

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	0.42 CFS	113.6 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	33E	12			3.2		33.0	32.0	31.9	33.6	18.8			6.8		15.9	12.1		187.3

Total Acres: 187.3

WATER RIGHT NO. 35-14257
As Modified by Transfer No. 76986

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 28.4 acres within the authorized place of use in a single irrigation season.
2. Rights 35-8022, 35-14246, 35-14250 and 35-14257 when combined shall not exceed the irrigation of 187.3 acres.
3. 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 14th day of June, 20 12


Water Resources Program Manager