

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75499

This is to certify that: MERLIN SMITH JR And
 JENNIFER SMITH And
 MERLIN SMITH, SR
 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>
35-7367	WR/Decreed	01/11/1974	3.94 cfs	788 af	N/A	197.0	GROUND WATER
35-7557	WR/Decreed	12/05/1975	3.06 cfs	612 af	N/A	153.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

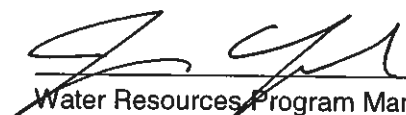
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-7367	NO	NO	YES	NO	NO	NO
35-7557	YES	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-7367	35-7367	3.94 cfs	788 af	197.0	240.0		N/A	N/A	N/A	N/A
35-7557	35-14072	0.31 cfs	61.2 af	15.3	240.0	35-14071	2.75 cfs	550.8 af	N/A	137.7
COMBINED										
TOTALS		4.25 cfs	849.2 af	212.3	240.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 14th day of December, 2010


 Water Resources Program Manager

SUPPORT DATA

IN FILE # 35-7367

WATER RIGHT NO. 35-7367
As Modified by Transfer No. 75499

In accordance with the approval of Transfer No. 75499, Water Right No. 35-7367 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: January 11, 1974

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	3.94 CFS	788.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESWSE Sec. 35 Twp 02S Rge 32E 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	32E	35																	
											40.0				40.0				
												40.0				40.0			
													40.0				40.0		
														40.0				40.0	
																			240.0

Total Acres: 240

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 197.0 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7367 and 35-14072 when combined shall not exceed the irrigation of 212.3 acres.
3. This right is limited to the irrigation of a specific 212.3 acres within the 240.0 acre place of use authorized by this right in a single irrigation season. The specific 212.3 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 212.3 acres to be irrigated within the 240.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

WATER RIGHT NO. 35-7367
As Modified by Transfer No. 75499

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Prior to the diversion and use of water under Transfer approval 75499, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
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 December, 2010


Water Resources Program Manager

WATER RIGHT NO. 35-14071
As Modified by Transfer No. 75499

In accordance with the approval of Transfer No. 75499, Water Right No. 35-14071 is now described as follows.

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

Priority Date: December 05, 1975

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	2.75 CFS	550.8 AF

LOCATION OF POINT(S) OF DIVERSION:
 GROUND WATER NWSWSW Sec. 13 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	13																	137.7

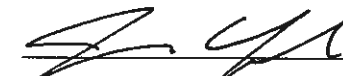
Total Acres: 137.7

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 December, 2010


 Water Resources Program Manager

WATER RIGHT NO. 35-14072
As Modified by Transfer No. 75499

In accordance with the approval of Transfer No. 75499, Water Right No. 35-14072 is now described as follows.

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

Priority Date: December 05, 1975

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	0.31 CFS	61.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESWSE Sec. 35 Twp 02S Rge 32E 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	32E	35																	240.0

Total Acres: 240

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 15.3 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7367 and 35-14072 when combined shall not exceed the irrigation of 212.3 acres.
3. This right is limited to the irrigation of a specific 212.3 acres within the 240.0 acre place of use authorized by this right in a single irrigation season. The specific 212.3 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 212.3 acres to be irrigated within the 240.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

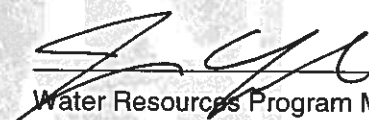
WATER RIGHT NO. 35-14072
As Modified by Transfer No. 75499

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 75499, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
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 December, 2010


Water Resources Program Manager