

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71738

This is to certify that: EDWIN R SMITH And
VALERIE A SMITH
44 DRY GULCH
HANSEN ID 83334
(208)423-9117

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>
47-2296B	AJC/License	10/13/1955	0.12 cfs	36.0 af	9.0	28.0	GROUND WATER
47-7409B	AJC/License	08/29/1984	0.03 cfs	12.7 af	4.4	28.0	GROUND WATER
47-16640E	AJC/Decreed	04/01/1880	0.433 cfs	113.2 af	N/A	28.3	ROCK CREEK
47-177E	AJC/Decreed	07/13/1907	0.255 cfs	113.2 af	N/A	28.3	ROCK CREEK

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>
47-2296B	NO	YES	YES	NO	NO	NO
47-7409B	NO	YES	YES	NO	NO	NO
47-16640E	NO	YES	YES	NO	NO	NO
47-177E	NO	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>
47-2296B	47-2296B	0.12 cfs	36.0 af	9.0	9.0		N/A	N/A	N/A	N/A
47-7409B	47-7409B	0.03 cfs	12.7 af	4.4	9.0		N/A	N/A	N/A	N/A
47-16640E	47-16640E	0.43 cfs	N/A	N/A	27.0		N/A	N/A	N/A	N/A
47-177E	47-177E	0.26 cfs	N/A	N/A	27.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		0.84 cfs	N/A	27.0	27.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6th day of November, 20 06



Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 47-177E

1. This right is limited to the irrigation of 9 acres within the place of use described above in a single irrigation season.
2. Rights 47-2296B and 47-7409B when combined shall not exceed a total diversion rate of 0.15 cfs, a total annual maximum diversion volume of 36.0 af at the field headgate, and the irrigation of 9.0 acres.
3. Rights 47-177E, 47-2296B, 47-7409B and 47-16640E when combined shall not exceed a total annual maximum volume of 108.0 af at the field headgate, and the irrigation of 27 acres.
4. 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.
5. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
6. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

WATER RIGHT NO. 47-2296B
As Modified by Transfer No. 71738

CONDITIONS OF APPROVAL

8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 6th day of November, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 47-7409B
As Modified by Transfer No. 71738

In accordance with the approval of Transfer No. 71738, Water Right No. 47-7409B is now described as follows.

Right Holder: EDWIN R SMITH And
VALERIE A SMITH
44 DRY GULCH
HANSEN ID 83334

Priority Date: August 29, 1984

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	0.03 CFS	12.7 AF
			0.03 CFS	12.7 AF

LOCATION OF POINT(S) OF DIVERSION:
GROUND WATER NWSWSW Sec. 1 Twp 12S Rge 18E TWIN FALLS
County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<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>	
12S	18E	1										6.3	2.7						9.0

Total Acres: 9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 4.4 acres within the place of use described above in a single irrigation season.
2. Rights 47-2296B and 47-7409B when combined shall not exceed a total diversion rate of 0.15 cfs, a total annual maximum diversion volume of 36.0 af at the field headgate, and the irrigation of 9.0 acres.
3. Rights 47-177E, 47-2296B, 47-7409B and 47-16640E when combined shall not exceed a total annual maximum diversion volume of 108.0 af at the field headgate, and the irrigation of 27 acres.
4. 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.
5. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
6. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

WATER RIGHT NO. 47-7409B
As Modified by Transfer No. 71738

CONDITIONS OF APPROVAL

8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 6th day of November, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 47-16640E
As Modified by Transfer No. 71738

In accordance with the approval of Transfer No. 71738, Water Right No. 47-16640E is now described as follows.

Right Holder: EDWIN R SMITH And
 VALERIE A SMITH
 44 DRY GULCH
 HANSEN ID 83334

Priority Date: April 01, 1880

Source: ROCK CREEK

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.05 CFS	
IRRIGATION	04/01	to 10/31	0.43 CFS	
			0.43 CFS	

LOCATION OF POINT(S) OF DIVERSION:

ROCK CREEK NENWSW Sec. 1 Twp 12S Rge 18E TWIN FALLS County

ROCK CREEK NWSWSW Sec. 1 Twp 12S Rge 18E TWIN FALLS County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S 18E 1											X						

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	
12S 18E 1											24.3	2.7					27.0

Total Acres: 27

CONDITIONS OF APPROVAL

1. Rights 47-177E and 47-16640E when combined shall not exceed a total diversion rate of 0.54 cfs, a total annual maximum diversion volume of 108.0 af at the field headgate, and the irrigation of 27 acres.
2. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
3. Rights 47-177E, 47-2296B, 47-7409B and 47-16640E when combined shall not exceed a total annual maximum diversion volume of 108.0 af at the field headgate, and the irrigation of 27 acres.
4. 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.

WATER RIGHT NO. 47-16640E
As Modified by Transfer No. 71738

CONDITIONS OF APPROVAL

5. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
6. This right authorizes the watering of livestock directly from the stream without a diversion.
7. 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. 47-O.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
9. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
10. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
11. No structure in the stream channel shall constitute a migration barrier to fish indigenous to this stream.
12. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 6th day of November, 20 06



Chief, Water Allocation Bureau

WATER RIGHT NO. 47-177E
As Modified by Transfer No. 71738

In accordance with the approval of Transfer No. 71738, Water Right No. 47-177E is now described as follows.

Right Holder: VALERIE A SMITH And
 EDWIN R SMITH
 44 DRY GULCH
 HANSEN ID 83334

Priority Date: July 13, 1907

Source: ROCK CREEK

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	0.26 CFS	
STOCKWATER	01/01 to	12/31	0.05 CFS	
			0.26 CFS	

LOCATION OF POINT(S) OF DIVERSION:

ROCK CREEK NENWSW Sec. 1 Twp 12S Rge 18E TWIN FALLS County

ROCK CREEK NWSWSW Sec. 1 Twp 12S Rge 18E TWIN FALLS 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	
12S	18E	1									24.3		2.7						27.0

Total Acres: 27

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	18E	1									X								

CONDITIONS OF APPROVAL

1. Rights 47-177E and 47-16640E when combined shall not exceed a total diversion rate of 0.54 cfs, a total annual maximum diversion volume of 108.0 af at the field headgate, and the irrigation of 27 acres.
2. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
3. Rights 47-177E, 47-2296B, 47-7409B and 47-16640E when combined shall not exceed a total annual maximum diversion volume of 108.0 af at the field headgate, and the irrigation of 27 acres.
4. 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.

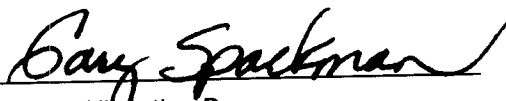
WATER RIGHT NO. 47-177E
As Modified by Transfer No. 71738

CONDITIONS OF APPROVAL

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7. 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. 47-O.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
9. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
10. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
11. No structure in the stream channel shall constitute a migration barrier to fish indigenous to this stream.
12. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 6th day of November, 2006



Chief, Water Allocation Bureau