

Transfer No. 71738
Receipt No.S027338

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information EDWIN R SMITH
44 DRY GULCH
HANSEN ID 83334
(208)423-9117
And

VALERIE A SMITH
44 DRY GULCH
HANSEN ID 83334
(208)423-9117

Will this transfer result in an ownership change? No

2. Current Water Right

	Origin/Basis	Rate	Volume	Acre Limit	Part 2 Attached for Each Right Total Acres	Source
47-16640E	AJC/Decreed	0.43			28.3	ROCK CREEK
47-2296B	AJC/License	0.12	36.0	9.0	28.0	GROUND WATER
47-7409B	AJC/License	0.03	12.7	4.4	28.0	GROUND WATER
47-177E	AJC/Decreed	0.26			28.3	ROCK CREEK

3. Purpose of Transfer (Change Proposed)

**Part 3A Attached for Each Proposed Right
Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
47-16640E	NO	YES	YES	NO	NO	NO
47-2296B	NO	YES	YES	NO	NO	NO
47-7409B	NO	YES	YES	NO	NO	NO
47-177E	NO	YES	YES	NO	NO	NO

Describe the reason for the proposed changes

A parcel of land we own a few miles west of Filer is being dried up so that additional land can be irrigated on our property along Rock Creek. A new well be drilled on the Rock Creek land to supplement our Rock Creek rights. The canal shares on the Filer place have been moved to other land I own, and I have signed my wastewater claim there over to the TFCC, with an agreement that no water from any source would be used to irrigate that parcel. Also to clarify my present points of diversion on Rock Creek; I no longer use the old headgates & ditches.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

B. Describe the effects on other water uses resulting from the proposed change

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
47-16640E	0.43 cfs		39.5	
47-2296B	0.12 cfs	9.0	39.5	36.0 af
47-7409B	0.03 cfs	4.4	39.5	12.7 af
47-177E	0.26 cfs		39.5	
TOTAL	0.84 cfs	37.3	39.5	149.2 af

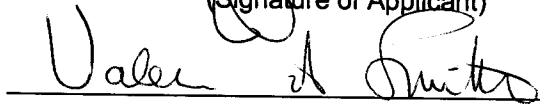
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

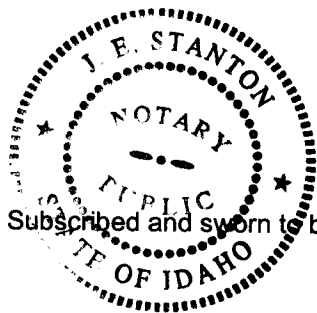
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.



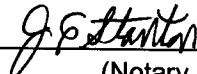
(Signature of Applicant)



(Title or Office)



Subscribed and sworn to before me this 28th day of January, 2005.



(Notary Public)

My commission expires 10-25-2006

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 47-16640E

Priority Date: April 01, 1880
Origin: Adjudication Claim
Basis: Decreed
Status: Active

Source: ROCK CREEK

Tributary: SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	1/01 12/31	0.05 CFS		
IRRIGATION	4/01 11/01	0.43 CFS		
	Total Diversion	0.43 CFS		

Source and Point(s) of Diversion:

ROCK CREEK	SWSWSW	Sec. 1 Twp 12S Rge 18E	TWIN FALLS County
ROCK CREEK	NESESE	Sec. 11 Twp 12S Rge 18E	TWIN FALLS County
ROCK CREEK	SWSWSW	Sec. 12 Twp 12S Rge 18E	TWIN FALLS County
ROCK CREEK	SWNWSW	Sec. 13 Twp 12S Rge 18E	TWIN FALLS County

PLACE OF USE: STOCKWATER

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

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
12S 18E 1											28.3						28.3

Total Acres: 28.3

Conditions/Remarks:

1. THIS RIGHT WAS PREVIOUSLY CLAIMED AS A47-00116A, WHICH HAS BEEN RENUMBERED AND AMENDED TO DESCRIBE THE ACTUAL USAGE TODAY. OWNERSHIP CHANGE FROM MARIAN L CROCKETT TO ESTATE OF MARIAN L CROCKETT, C/O DAVID AND/OR PAUL CROCKETT. COPY OF APPLICATION FOR INFORMAL PROBATE OF WILL AND APPOINTMENT OF CO-PERSONAL REPRESENTATIVES SUBMITTED. 1/7/98 jr THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 47-00116 (PART) AND 47-00117.
***** THIS IS A PORTION OF A47-16640A WHICH WAS SPLIT AS THE RESULT OF AN OWNERSHIP CHANGE OF PART OF THE RIGHT FROM THE ESTATE OF MARIAN L CROCKETT TO EDWIN AND VALERIE SMITH. COPY OF PERSONAL REPRESENTATIVES DEED SUBMITTED WITH FORM. 9/2/99 jr

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

Current Water Right No. 47-2296B

Source: GROUND WATER

Source and Point(s) of Diversion:

PLACE OF USE: IRRIGATION

Total Acres: 28

1. 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.

2. 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.
3. 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.
4. Use of this right with right no. 47-7409B is limited to the irrigation of a combined total of 9 acres in a single irrigation season.
5. USE OF THIS RIGHT WITH RIGHT NO. 47-7409B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.15 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 36 AF.

6. This right is limited to the irrigation of 9 acres within the place of use described above in a single irrigation season.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
8. Failure of the right holder to comply with the conditions of transfer 4694 is cause for the Director to rescind approval of the transfer.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Land will not be irrigated.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

Current Water Right No. 47-7409B

Source: GROUND WATER

Source and Point(s) of Diversion:

PLACE OF USE: IRRIGATION

Total Acres: 28

1. 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.
2. 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.
3. 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.
4. Use of this right with right no. 47-2296B is limited to the irrigation of a combined total of 9 acres in a single irrigation season.

5. USE OF THIS RIGHT WITH RIGHT NO. 47-2296B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.15 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 36 AF.
6. This right is limited to the irrigation of 4.4 acres within the place of use described above in a single irrigation season.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
8. Failure of the right holder to comply with the conditions of transfer 4694 is cause for the Director to rescind approval of the transfer.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

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**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 2**

Current Water Right No. 47-177E

Priority Date: July 13, 1907
 Origin: Adjudication Claim
 Basis: Decreed
 Status: Active

Source: ROCK CREEK

Tributary: SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	0.26 CFS		
STOCKWATER	1/01	12/31	0.05 CFS		
Total Diversion			0.26 CFS		

Source and Point(s) of Diversion:

ROCK CREEK	SWSWSW	Sec. 1	Twp 12S	Rge 18E	TWIN FALLS County
ROCK CREEK	NESESE	Sec. 11	Twp 12S	Rge 18E	TWIN FALLS County
ROCK CREEK	SWSWSW	Sec. 12	Twp 12S	Rge 18E	TWIN FALLS County
ROCK CREEK	SWNWSW	Sec. 13	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																	28.3

Total Acres: 28.3

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/Remarks:

1. THIS IS A PORTION OF A47-00177A WHICH WAS SPLIT AS THE RESULT OF AN OWNERSHIP CHANGE OF PART OF THE RIGHT FROM THE ESTATE OF MARIAN L CROCKETT TO EDWIN AND VALERIE SMITH. COPY OF PERSONAL REPRESENTATIVES DEED SUBMITTED WITH FORM. 9/2/99 jr

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

Proposed Water Right No. 47-16640E

Source: ROCK CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	1/01	12/31	0.05 CFS		
IRRIGATION	4/01	11/01	0.43 CFS		
	Total Diversion		0.43 CFS		

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

Point of Diversion # 1 Access to Rock Creek for cattle watering
Point of Diversion # 2 15 hp motor, pump, mainline to sprinklers

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>
12S	18E 1											X						

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																	39.5
												30.0	9.5						

Total Acres: 39.5

Proposed Water Right No. 47-2296B

Source: GROUND WATER

Source and Point(s) of Diversion:

Describe the proposed diversion system

PLACE OF USE: IRRIGATION

Total Acres: 39.5

Proposed Water Right No. 47-7409B

Source: GROUND WATER

Source and Point(s) of Diversion:

Describe the proposed diversion system

PLACE OF USE: IRRIGATION

Total Acres: 39.5

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 47-177E

Priority Date: July 13, 1907
Origin: Adjudication Claim
Basis: Decreed
Status: Active

Source: ROCK CREEK

Tributary: SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	0.26 CFS		
STOCKWATER	1/01	12/31	0.05 CFS		
Total Diversion			0.26 CFS		

Source and 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

Describe the proposed diversion system

Point of Diversion # 1 Access to Rock Creek for cattle watering
Point of Diversion # 2 15 hp motor, pump, mainline to sprinklers

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
12S	18E	1											30.0	9.5					39.5

Total Acres: 39.5

PLACE OF USE: STOCKWATER

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