

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 67922

This is to certify that: GLEN CRAIG SMITH
155 E 2069 S
OAKLEY ID 83346
(208)862-3358

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

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
45-581C	AJC/Decreed	12/31/1879	0.40 cfs			51.0	MILL CREEK, SPRING CREEK
45-582C	AJC/Decreed	05/01/1884	0.30 cfs			51.0	MILL CREEK, SPRING CREEK
45-685	AJC/Decreed	12/31/1879	0.02 cfs			1.5	MILL CREEK, SPRING CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
45-581C	NO	YES	YES	NO	NO	NO
45-582C	NO	YES	YES	NO	NO	NO
45-685	NO	YES	YES	YES	NO	NO

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
45-581C	45-581C	0.40 cfs	N/A	51.0	52.5					
45-582C	45-582C	0.30 cfs	N/A	51.0	52.5					
45-685	45-685	0.02 cfs	N/A	1.5	52.5					
COMBINED TOTALS		0.72 cfs			52.5	52.5				

Detailed Water Right Description(s) attached

Dated this 13th day of January, 2005


Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 45-581C

Right Holder: VICKIE SMITH AND
GLEN CRAIG SMITH
155 E 2069 S
OAKLEY ID 83346

Source: MILL CREEK
SPRING CREEK

Tributary: SINKS
MILL CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
STOCKWATER	01/01 to	12/31	0.05 CFS
IRRIGATION	03/15 to	11/15	<u>0.40 CFS</u>
			0.40 CFS

SPRING CREEK	SENESEW	Sec. 3	Twp 14S	Rge 23E	CASSIA County
MILL CREEK (Rediversion)	SENESEW	Sec. 3	Twp 14S	Rge 23E	CASSIA County
MILL CREEK (Rediversion)	NENWSW	Sec. 3	Twp 14S	Rge 23E	CASSIA County
SPRING CREEK	NENWSW	Sec. 3	Twp 14S	Rge 23E	CASSIA County
MILL CREEK (Injection)	NESWSE	Sec. 3	Twp 14S	Rge 23E	CASSIA County
MILL CREEK	SWSENE	Sec. 10	Twp 14S	Rge 23E	CASSIA County

PLACE OF USE: STOCKWATER

[illegible]

WATER RIGHT NO. 45-581C
As Modified by Transfer No. 67922

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	
14S	23E	3											1.5						1.5
14S	23E	4			13.0	38.0													51.0

Total Acres: 52.5

CONDITIONS OF APPROVAL

1. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
2. Approval of Transfer 67922 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 45-A.
4. This right is limited to the irrigation of 51 acres within the place of use described above in a single irrigation season.
5. Rights 45-581C and 45-582C when combined shall not exceed irrigation of 51 acres.
6. The stockwater use authorized under this right shall not exceed 2.7 afa.
7. The total instantaneous diversion of water from all points of diversion under Rights 45-581C, 45-582C and 45-685 shall not exceed 0.72 cfs.
8. During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
9. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

WATER RIGHT NO. 45-581C
As Modified by Transfer No. 67922

10. The right holder shall accomplish the change authorized by this transfer within one (1) 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.
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. 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 13th day of January, 20 05


Chief, Water Allocation Bureau

WATER RIGHT NO. 45-582C
As Modified by Transfer No. 67922

In accordance with the approval of Transfer No. 67922, Water Right No. 45-582C is now described as follows.

Right Holder: GLEN CRAIG SMITH AND
 VICKIE SMITH
 155 E 2069 S
 OAKLEY ID 83346

Priority Date: May 01, 1884

Source: MILL CREEK
 SPRING CREEK **Tributary:** SINKS
 MILL CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.30 CFS
			0.30 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING CREEK	SENESEW	Sec. 3	Twp 14S	Rge 23E	CASSIA County
MILL CREEK	SENESEW	Sec. 3	Twp 14S	Rge 23E	CASSIA County
(Rediversion)					
MILL CREEK	NENWSW	Sec. 3	Twp 14S	Rge 23E	CASSIA County
(Rediversion)					
SPRING CREEK	NENWSW	Sec. 3	Twp 14S	Rge 23E	CASSIA County
MILL CREEK	NESWSE	Sec. 3	Twp 14S	Rge 23E	CASSIA County
(Injection)					
MILL CREEK	SWSENE	Sec. 10	Twp 14S	Rge 23E	CASSIA 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	
14S	23E	3											1.5						1.5
14S	23E	4			13.0	38.0													51.0

Total Acres: 52.5

WATER RIGHT NO. 45-582C
As Modified by Transfer No. 67922

CONDITIONS OF APPROVAL

1. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
2. Approval of Transfer 67922 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 45-A.
4. This right is limited to the irrigation of 51 acres within the place of use described above in a single irrigation season.
5. Rights 45-581C and 45-582C when combined shall not exceed irrigation of 51 acres.
6. The total instantaneous diversion of water from all points of diversion under Rights 45-581C, 45-582C and 45-685 shall not exceed 0.72 cfs.
7. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

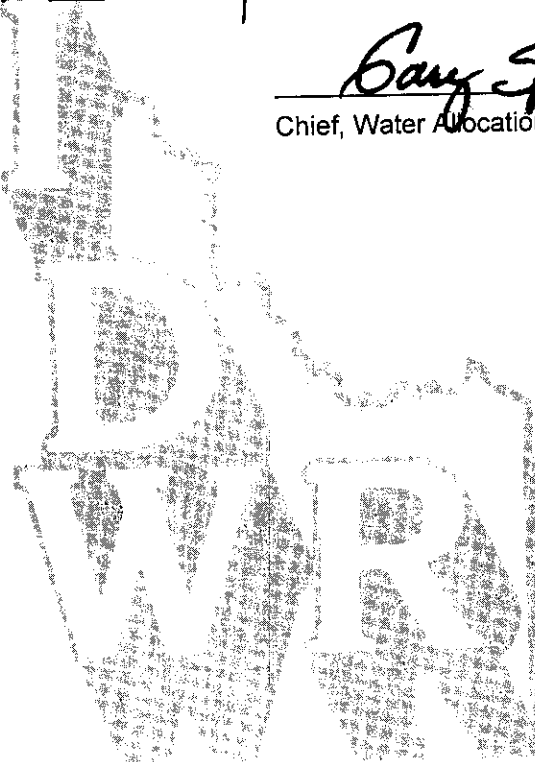
WATER RIGHT NO. 45-582C
As Modified by Transfer No. 67922

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 13th day of January, 20 05


Chief, Water Allocation Bureau



Right Holder: GLEN CRAIG SMITH AND
VICKIE SMITH
155 E 2069 S
OAKLEY ID 83346

Source: MILL CREEK
SPRING CREEK

Tributary: SINKS
MILL CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
STOCKWATER	01/01 to	12/31	0.01 CFS
IRRIGATION	03/15 to	11/15	0.02 CFS
			0.02 CFS

SPRING CREEK	SENESEW	Sec. 3	Twp 14S	Rge 23E	CASSIA County
MILL CREEK (Rediversion)	SENESEW	Sec. 3	Twp 14S	Rge 23E	CASSIA County
MILL CREEK (Rediversion)	NENWSW	Sec. 3	Twp 14S	Rge 23E	CASSIA County
SPRING CREEK	NENWSW	Sec. 3	Twp 14S	Rge 23E	CASSIA County
MILL CREEK (Injection)	NESWSE	Sec. 3	Twp 14S	Rge 23E	CASSIA County
MILL CREEK	SWSENE	Sec. 10	Twp 14S	Rge 23E	CASSIA County

PLACE OF USE: STOCKWATER

[illegible]

WATER RIGHT NO. 45-685
As Modified by Transfer No. 67922

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	
14S 23E 3											1.5						1.5
14S 23E 4			13.0	38.0													51.0

Total Acres: 52.5

CONDITIONS OF APPROVAL

1. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
2. Approval of Transfer 67922 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 45-A.
4. This right is limited to the irrigation of 1.5 acres within the place of use described above in a single irrigation season.
5. The stockwater use authorized under this right shall not exceed 0.04 afa.
6. The total instantaneous diversion of water from all points of diversion under Rights 45-581C, 45-582C and 45-685 shall not exceed 0.72 cfs.
7. During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
8. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

WATER RIGHT NO. 45-685
As Modified by Transfer No. 67922

9. The right holder shall accomplish the change authorized by this transfer within one (1) 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. 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.
12. 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 13th day of January, 20 05



Chief, Water Allocation Bureau