

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66898

This is to certify that: **BOYD C SMITH & JILL J SMITH TRUST**
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405
(208) 523-0620

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
22-63	AJC/Decreed	01/22/1916	6.40 cfs		253.0	253.0	N. LEIGH CREEK
22-312	AJC/Decreed	06/01/1897	3.00 cfs		113.0	113.0	N. LEIGH CREEK
22-313	AJC/Decreed	06/01/1900	0.20 cfs		113.0	113.0	N. LEIGH CREEK
22-487C	AJC/Decreed	06/01/1897	0.80 cfs		253.0	253.0	N. LEIGH CREEK
22-13016	AJC/Decreed	06/01/1899	2.13 cfs		253.0	253.0	N. LEIGH 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>
22-63	NO	YES	NO	NO	NO	NO
22-312	NO	YES	YES	NO	NO	NO
22-313	NO	YES	YES	NO	NO	NO
22-487C	NO	YES	YES	NO	NO	NO
22-13016	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>
22-63	22-63	0 cfs		N/A	N/A					
22-312	22-312	3 cfs		160.0	260.0					
22-313	22-313	0 cfs		N/A	N/A					
22-487C	22-487C	0.72 cfs		160.0	260.0					
22-13016	22-13016	1.48 cfs		160.0	260.0					
TOTALS		5.20 cfs	910 af		260.0					

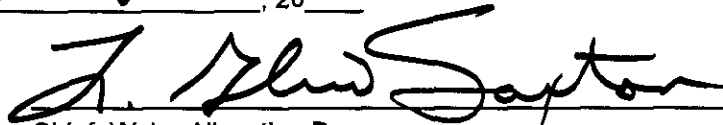
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66898

Detailed Water Right Description(s) attached

Dated this 25th day of October, 2001


Chief, Water Allocation Bureau

RECEIVED
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WATER RIGHT NO. 22-63
As Modified by Transfer No. 66898

In accordance with the approval of Transfer No. 66898, Water Right No. 22-63 is now described as follows.

Right Holder: BOYD C SMITH & JILL J SMITH TRUST
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405

Priority Date: 01/22/1916

CONDITIONS OF APPROVAL

1. Right 22-63 shall be considered abandoned through approval of Transfer 66898.
2. Approval of Transfer No. 66898 does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

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 25th day of October, 2001


Chief, Water Allocation Bureau

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WATER RIGHT NO. 22-312
As Modified by Transfer No. 66898

In accordance with the approval of Transfer No. 66898, Water Right No. 22-312 is now described as follows.

Right Holder: BOYD C SMITH & JILL J SMITH TRUST
 C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
 PO BOX 50130
 IDAHO FALLS ID 83405

Priority Date: 06/01/1897

Source: MIDDLE LEIGH CREEK **Tributary:** TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	3.00 CFS	
			3.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

MIDDLE LEIGH CREEK NWSE Sec. 30 Twp 06N Rge 46E TETON 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
06N 46E 30									20.0	25.0	35.0	38.0	34.0	28.0	40.0	40.0	260.0

Total Acres: 260

CONDITIONS OF APPROVAL

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 01, Snake River.
3. 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.
4. This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
5. Rights 22-312, 22-487C, and 22-13016 when combined shall not exceed a total annual maximum diversion volume of 910.0 af at the field headgate, and the irrigation of 260 acres.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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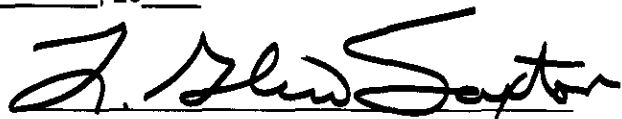
WATER RIGHT NO. 22-312
As Modified by Transfer No. 66898

CONDITIONS OF APPROVAL

7. Rights 22-487C and 22-13016 are also diverted through the point of diversion described above.
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 Transfer No. 66898 does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

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 25th day of October, 2001



Chief, Water Allocation Bureau

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WATER RIGHT NO. 22-313
As Modified by Transfer No. 66898

In accordance with the approval of Transfer No. 66898, Water Right No. 22-313 is now described as follows.

Right Holder: BOYD C SMITH & JILL J SMITH TRUST
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405

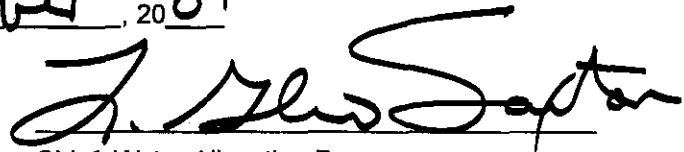
Priority Date: 06/01/1900

CONDITIONS OF APPROVAL

1. Right 22-313 shall be considered abandoned through approval of Transfer 66898.
2. Approval of Transfer No. 66898 does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

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 25th day of October, 2001


Chief, Water Allocation Bureau

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WATER RIGHT NO. 22-487C
As Modified by Transfer No. 66898

In accordance with the approval of Transfer No. 66898, Water Right No. 22-487C is now described as follows.

Right Holder: BOYD C SMITH & JILL J SMITH TRUST
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405

Priority Date: 06/01/1897

Source: MIDDLE LEIGH CREEK **Tributary:** TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.72 CFS	
			0.72 CFS	

LOCATION OF POINT(S) OF DIVERSION:

MIDDLE LEIGH CREEK NWSE Sec. 30 Twp 06N Rge 46E TETON 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
06N	46E	30									20.0	25.0	35.0	38.0	34.0	28.0	40.0	40.0	260.0

Total Acres: 260

CONDITIONS OF APPROVAL

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 01, Snake River.
3. 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.
4. This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
5. Rights 22-312, 22-487C, and 22-13016 when combined shall not exceed a total annual maximum diversion volume of 910.0 af at the field headgate, and the irrigation of 260 acres.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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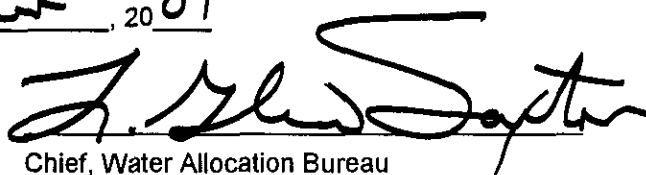
WATER RIGHT NO. 22-487C
As Modified by Transfer No. 66898

CONDITIONS OF APPROVAL

7. Rights 22-312 and 22-13016 are also diverted through the point of diversion described above.
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 Transfer No. 66898 does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

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 25th day of October, 2001


Chief, Water Allocation Bureau

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WATER RIGHT NO. 22-13016

As Modified by Transfer No. 66898

In accordance with the approval of Transfer No. 66898, Water Right No. 22-13016 is now described as follows.

Right Holder: BOYD C SMITH & JILL J SMITH TRUST
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405

Priority Date: 06/01/1899

Source: MIDDLE LEIGH CREEK **Tributary:** TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	1.48 CFS	
			1.48 CFS	

LOCATION OF POINT(S) OF DIVERSION:

MIDDLE LEIGH CREEK NWSE Sec. 30 Twp 06N Rge 46E TETON 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
06N	46E	30									20.0	25.0	35.0	38.0	34.0	28.0	40.0	40.0	260.0

Total Acres: 260

CONDITIONS OF APPROVAL

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 01, Snake River.
3. 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.
4. This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
5. Rights 22-312, 22-487C, and 22-13016 when combined shall not exceed a total annual maximum diversion volume of 910.0 af at the field headgate, and the irrigation of 260 acres.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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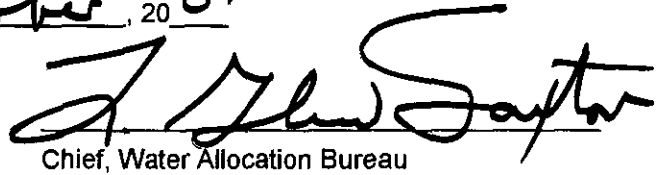
WATER RIGHT NO. 22-13016
As Modified by Transfer No. 66898

CONDITIONS OF APPROVAL

7. Rights 22-312 and 22-487C are also diverted through the point of diversion described above.
8. The portion of Right 22-13016 in excess of this transfer approval shall be considered abandoned through approval of Transfer 66898.
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 Transfer No. 66898 does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

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 25th day of October, 2001


Chief, Water Allocation Bureau

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MEMORANDUM

TO: FILE 22-13016

FROM: VAULT

RE: TRANSFER # 46 898

DATE: 10.31.01

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 22-00063

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