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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69628

This is to certify that: WAYNE R SMITH AND/OR
JOANN K SMITH
26230 MOONGLOW DR
MIDDLETON ID 83644
(208)585-2063

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

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
63-9069E	AJC/License	10/26/1977	0.37 cfs	166.1 af		36.9	GROUND WATER

Purpose of Transfer (Changes Proposed)

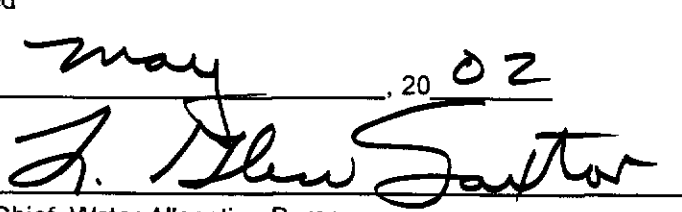
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-9069E	YES	YES	NO	NO	NO	NO

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
63-9069E	63-31382	0.04 cfs	19.8 af	N/A	4.4	63-31381	0.33 cfs	146.3 af	N/A	32.5
TOTALS		0.04 cfs	19.8 af	N/A	4.4		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 17th day of May, 2002


Chief, Water Allocation Bureau

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JUN 11 2002

WATER RIGHT NO. 63-31381

As Modified by Transfer No. 69628

In accordance with the approval of Transfer No. 69628, Water Right No. 63-31381 is now described as follows.

Right Holder: ESTATE OF DAN W CLARKE
6815 N MOONGLOW DR
TUCSON AZ 85718

Priority Date: 10/26/1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.33 CFS	146.3 AF
			0.33 CFS	146.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENE Sec. 20 Twp 05N Rge 02W CANYON 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	
05N 02W 16												.5					.5
05N 02W 20													18.0			13.5	31.5
05N 02W 21					.5												.5

Total Acres: 32.5

CONDITIONS OF APPROVAL

1. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. 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.

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 17 day of May, 2002


Chief, Water Allocation Bureau

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JUN 11 2002

WATER RIGHT NO. 63-31382
As Modified by Transfer No. 69628

In accordance with the approval of Transfer No. 69628, Water Right No. 63-31382 is now described as follows.

Right Holder: WAYNE R SMITH AND
 JOANN K SMITH
 26230 MOONGLOW DR
 MIDDLETON ID 83644

Priority Date: 10/26/1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to 11/15	0.04 CFS	19.8 AF
		0.04 CFS	19.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSW Sec. 21 Twp 05N Rge 02W CANYON 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	
05N 02W 21									.4	4.0							4.4

Total Acres: 4.4

CONDITIONS OF APPROVAL

1. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
2. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 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.

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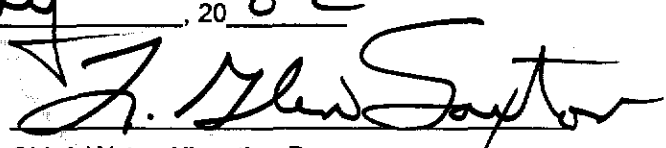
WATER RIGHT NO. 63-31382
As Modified by Transfer No. 69628

CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.
8. Place of use is located within Lot 5, Block 1, Benchmark Estates Subdivision.

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 17th day of May, 2002


Chief, Water Allocation Bureau

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JUN 11 2002

MEMORANDUM

TO: FILE 63-31382
FROM: VAULT
RE: TRANSFER # 69628
DATE: 5.17.02

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

FILE # 63-09069E

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