

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 23 2021

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Department of Water Resources
Eastern Region

Name of Applicant(s) Richard F Smith Phone 208-390-7000
Mailing address PO Box 8, Rexburg, ID 83440 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Rocky Mountain Environmental Associates, Inc. Phone 208-524-2353
Mailing address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Email kristin.rmea@gmail.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

[Signature]
Signature of Applicant or Authorized Representative

Richard Smith
Print Name and Title if applicable

5/27/21
Date

[Signature]
Signature of Applicant or Authorized Representative

Jim Smith
Print Name and Title if applicable

5.27.21
Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Applicant proposes to relocate the acres irrigated under this ground water right to his adjacent farm, which is currently irrigated by canal shares. It is proposed that the canal shares will then be used on the original place of use of this water right. Canal shares are not used currently, nor will they be used, in combination on the place of use.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

OCT 14 2021

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

Department of Water Resources
Payette Region

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	22-7032	1.73 cfs	Irrigation	5/01 to 10/01	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.73 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.46 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	39E	1						4.7											4.7
								L4											
		2	40																40
			L1																
6N	39E	35															35.1	10	45.1
Total Acres (for irrigation use)																			89.8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Existing well delivers water through a mainline to pivot and handlines.

- b. Who owns the property at the point(s) of diversion? Bench Farms LLLP

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Bench Farms LLLP is an entity owned by the applicant.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
The land now irrigated will receive shares from Rexburg Irrigation Company as an exchange between the existing and proposed properties. It will continue to be irrigated, but under a new source.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

No other water rights diverted through the well. The existing POU is only irrigated by 22-7032 and no other rights. The proposed POU is currently irrigated by shares in Rexburg Irrigation Company. This transfer proposes to exchange the two sources of water at the existing and proposed locations.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

Water Right 22-7032

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JERRY R RIGBY PO BOX 25 REXBURG, ID 83440 (208) 356-3633
Current Owner	RICHARD F & Jill D SMITH PO BOX 8 REXBURG, ID 83440 (208) 390-7000

Priority Date: 3/13/1970

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/01	1.730 CFS	315.0 AF
	<u>Total Diversion</u>		1.730 CFS	315.0 AF

Source and Point(s) of Diversion

GROUND WATER	L4(SWNW)	Sec. 1, Twp 05N, Rge 39E, MADISON County
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Place Of Use

IRRIGATION within MADISON County

T05N R39E S1 L3	NENW	5.8
T05N R39E S1 L4	NWNW	23.0
T05N R39E S2 L1	NENE	40.0
T06N R39E S35	SWSE	11.0
T06N R39E S35	SESE	10.0
POU Total Acres:		89.8

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. C18 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.

Dates and Other Information

Decreed Date: 3/1/2012
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S

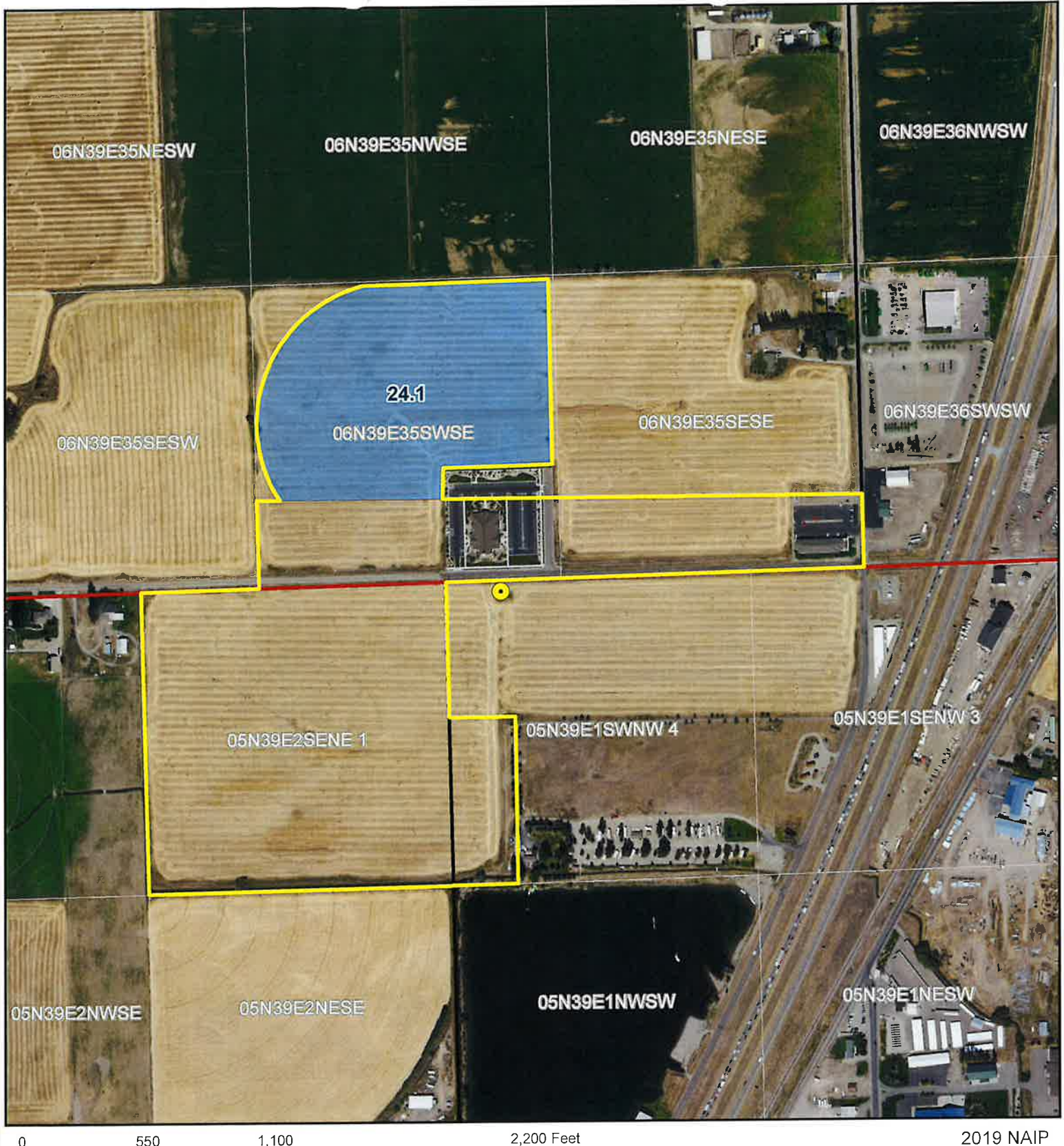
IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

Water District Number: 100
Mitigation Plan: False

Combined Use Limits
N/A

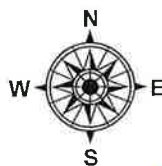
SubCase:
SubCaseNumber: 22-7032
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed: 4/6/2006
Objection Status: Active

Water Supply Bank:
N/A



Legend

- POD 22-7032
- Proposed POU
- Added Acres
- Twp & Rng
- Section
- QQ



Proposed Location

Richard Smith

RMEA #15-0014

by: KM

Date: 9/23/2021



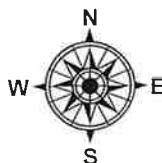
Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

85241



Legend

- POD 22-7032
- Existing POU 22-7032
- Transfer Acres
- Twp & Rng
- Section
- QQ



Existing Location

Richard F. Smith

RMEA #15-0014

by: KM

Date: 9/23/2021



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

85241

Copy

QUITCLAIM DEED

FOR VALUE RECEIVED, **Bench Farms LLLP**, an Idaho limited partnership, of PO Box 8, Rexburg, ID 83440, "Grantor" does hereby remise, release, and forever QUITCLAIM unto **Richard F Smith and Jill D Smith**, a married couple, of PO Box 8, Rexburg, ID 83440, "Grantee," its interest held in and to the following described water rights in the State of Idaho:

All interest in Water Right No. 22-7032 for irrigation attributed to the SENW (Lot 3) and SWNW (Lot 4) of Section 1, T5N, R39E and the SWSE and SESE of Section 35, T6N, R39E, B.M.

DATED This 27 day of May, 2021

BENCH FARMS LLLP

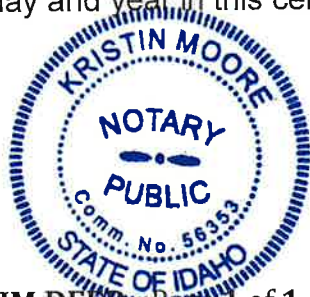


By: Richard Smith
Its: President

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 27 day of May, 2021, before me, the undersigned, a Notary Public in and for said state, personally appeared **Richard Smith**, known or identified to me to be a President in the Limited Partnership known as Bench Farms, LLLP who execute the foregoing instrument, and acknowledged to me that he executed the same in said LLLP name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public

My Commission Expires: June 29, 2022

QUITCLAIM DEED Page 1 of 1

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SUPERCEDED

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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			L1					L4											
6N	39E	35															35.1	10	45.1
Total Acres (for irrigation use)																			89.8

Nebeker, Jake

From: Kristin Moore <kristin.rmea@gmail.com>
Sent: Thursday, October 14, 2021 3:48 PM
To: Nebeker, Jake
Subject: RE: Transfer of Water Right 22-7032
Attachments: AmendedPg3.pdf; ProposedPOU.dbf; ProposedPOU.prj; ProposedPOU.sbn; ProposedPOU.sbx; ProposedPOU.shp; ProposedPOU.shx

Jake,

You're right. I corrected the POU description and have attached an amended Page 3. I also included the shapefile of the proposed POU for your use.

Thank you,

Kristin Moore

Senior Water Rights Analyst
482 Constitution Way, Ste 303, Idaho Falls, ID 83402
E-Mail: kristin.rmea@gmail.com
VOICE: 208-524-2353, Ext #104 ||| FAX: 208-524-1795



CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination or distribution of this communication to other than the intended recipient is strictly prohibited. If you have received this communication in error, please notify us immediately by reply email to the sender or collect telephone call to (208) 524-2353. *Thank you.*

From: Nebeker, Jake [<mailto:Jake.Nebeker@idwr.idaho.gov>]
Sent: Wednesday, October 13, 2021 11:33 AM
To: kristin.rmea@gmail.com
Subject: Transfer of Water Right 22-7032

Kristin,

Reference: Transfer Application 22-7032

Hey Kristin, Michael my supervisor handed me this application, with a note about some inconsistencies with the POU field and the map. Looks like Lot 4 is in Sec 1, so either the map or section B.4 is incorrect. It's kind of a funky spot in the PLS, please get that fixed up and send me an amendment.

Thanks,