

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 84941

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR ~~TRANSFER~~ **Exchange**

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) ACRES UNLIMITED And Greg Smedley and Jamie Smedley

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b 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). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☒ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

RECEIVED

APR 20 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT ^{Exchange}
PART 1 Department of Water Resources
Eastern RegionName of Applicant(s) ACRES UNLIMITED And Greg Smedley and Jamie Smedley Phone 208-221-2537Mailing address 2472 S OLD HWY 91 INKOM ID 83254

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 _____

Phone _____

Mailing address _____

Email _____

- ☐ 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 of Applicant or Authorized Representative

Print Name and Title if applicable

3-19-21
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

4-15-21
Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
 If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
3. 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**.
This exchange proposes to inject 0.07 cfs of Rapid Creek water right 29-13864 into the Portneuf River and divert an equal amount out of the Portneuf River approximately 5 miles above the confluence. Portneuf River water will be diverted to irrigate 3 acres.

84941

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

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.

1.		Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part	☒	29-13864	.07	IRRIGATION	04/01 to 10/31	Rapid Creek/Portneuf R.
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 0.07 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.07 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 #
			SW	NE	14	08S	36E	BANNOCK	PORTNEUF	
			SE	SW	21	07S	36E	BANNOCK	RAPID CREEK	Point of Injection.

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	
08S	36E	14			0.2	2.8													3.0
Total Acres (for irrigation use)																			3.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

~~APPLICATION FOR TRANSFER OF WATER RIGHT~~
Exchange
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:

I will have a pump in the Portneut River. I do not need a measuring device because I only water 3 acres.

- b. Who owns the property at the point(s) of diversion? *I do - Greg Smedley*
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- 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:
Land will no longer be irrigated.

- 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:
29-14162 and 29-14163 share the same place of use. These water rights will be moved off through a second transfer that will be filed. We do not intend to stack these water rights.

- 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:

Water right is leased to the bank. Once transfer is approved the 3 acre portion will be released from the bank.

IDAHO Department of Water Resources



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to call ahead for an appointment.

[Home](#) / [Water Rights](#) / [Research](#) / [Search Water Rights](#)

WATER RIGHT REPORT

3/9/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 29-13864

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ACRES UNLIMITED LLC 2472 S OLD HWY 91 INKOM, ID 83245 2087754575

Original Owner	JOE JACKSON
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Priority Date: 06/01/1885

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

<u>Source</u>	<u>Tributary</u>
RAPID CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.73 CFS	
Total Diversion			0.73 CFS	

Location of Point(s) of Diversion:

RAPID CREEK|NWSWNE|Sec. 22|Township 07S|Range 36E|BANNOCK County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	36E	22		SWNE	11.5									
				NWSE	21									

Total Acres: 32.5

Conditions of Approval:

1. 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:

Licensed Date:

Decreed Date: 03/22/2004

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 29D

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Water Supply Bank:

Lessor Name(s): ACRES UNLIMITED LLC

Lease Status: Active

Lease Amount: All

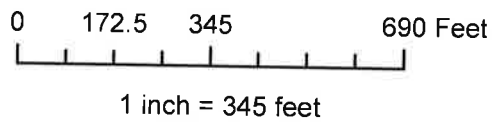
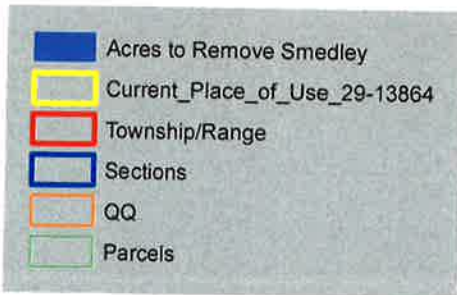
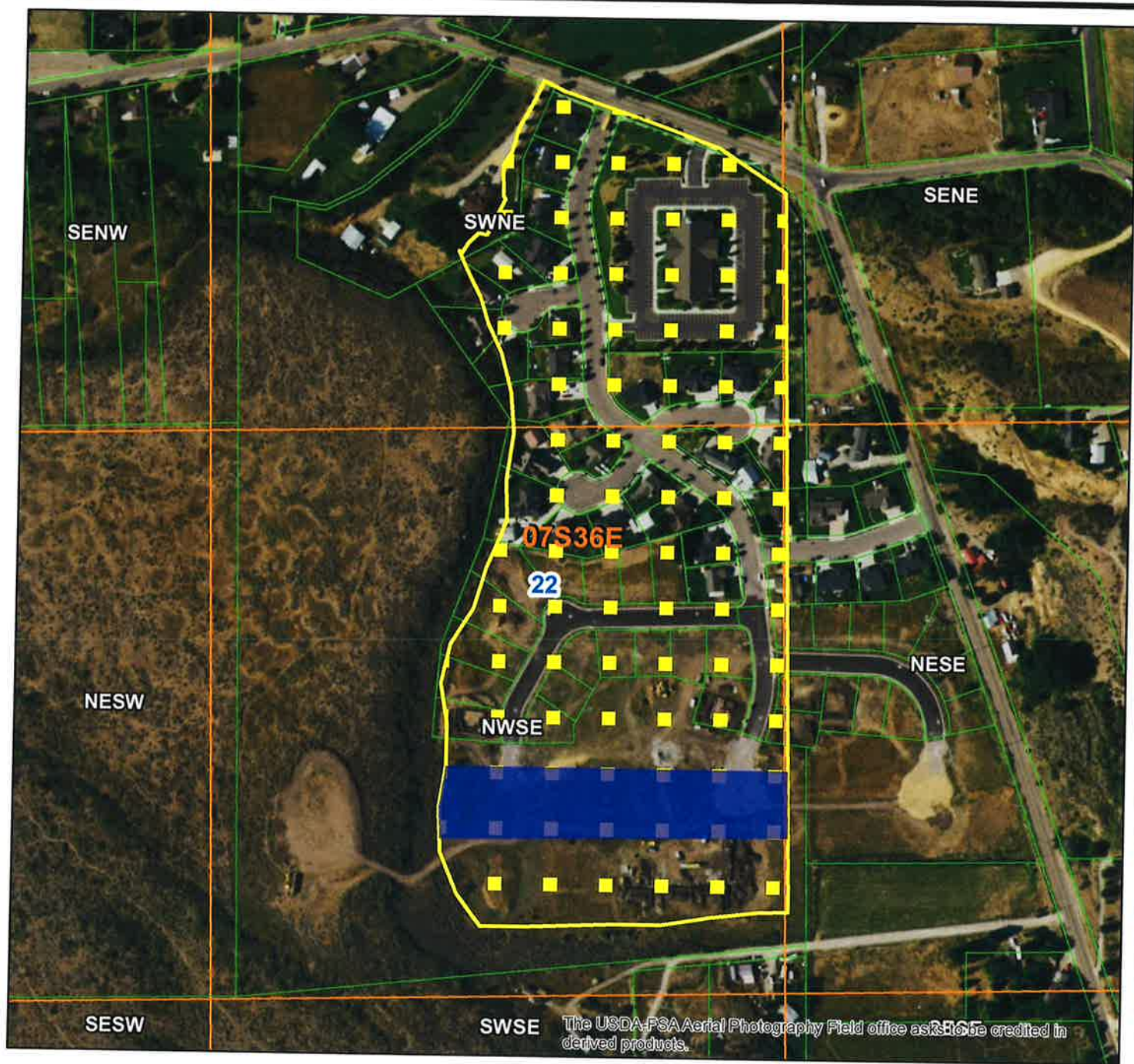
Rental Availability: All

Date Received: 7/19/2007

Lease Begin Date: 7/19/2007

Expiration Date: 12/31/2020

4941







Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Gary Spackman
Director

May 13, 2021

GREG & JAMIE SMEDLEY
ACRES UNLIMITED LLC
2472 S OLD HWY 91
INKOM, ID 83245

RE: Transfer No. 84941
Water Right No(s). 29-13864

Dear Applicants:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATE JOURNAL on 5/19/2021 and 5/26/2021. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Thursday, May 13, 2021 10:56 AM
To: 'legalnotices@postregister.com'
Subject: Legal Notice for Idaho State Journal
Attachments: 84940, 84941, 84942, 84947, 84953, 84954, 84955 Idaho State Journal.docx

LEGAL NOTICE DEPARTMENT
IDAHO STATE JOURNAL
PO BOX 431
POCATELLO, ID 83204-0431

RE: Transfer & Exchange Nos. 84940, 84941, 84942, 84947, 84953, 84954, 84955

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 6/7/2021. Your cooperation is appreciated.

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

EXCHANGE NO. 84940

DENNIS HILL, 3399 S OLD HWY 91, MCCAMMON, ID 83250; MART BORG, 708 N ARTHUR, POCATELLO, ID 83204 has filed Application No. 84940 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-13864; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the exchange is to change a portion of the above rights as follows: change point of diversion and place of use. Water will be exchanged by injecting water from Rapid Creek into the Portneuf River. The proposed point of diversion is in SWNE Sec 23 T08S R36E from Rapid Creek (exchanged through Portneuf River) for 0.08 cfs. The proposed place of use is in SWNE and SENE Sec 23 T08S R36E for 3.5 acres.

EXCHANGE NO. 84941

GREG SMEDLEY and ACRES UNLIMITED LLC and JAMIE SMEDLEY, 2472 S OLD HWY 91, INKOM, ID 83245 has filed Application No. 84941 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-13864; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the exchange is to change a portion of the above rights as follows: change point of diversion and place of use. Water will be exchanged by injecting water from Rapid Creek into the Portneuf River. The proposed point of diversion is in SWNE Sec 14 T08S R36E from Rapid Creek (exchanged through Portneuf River) for 0.07 cfs. The proposed place of use is in SWNE and SENE Sec 14 T08S R36E for 3 acres.

TRANSFER/EXCHANGE NO. 84942

GREG SMEDLEY and JAMIE SMEDLEY and BROOKE SMEDLEY, 2472 S OLD HWY 91, INKOM, ID 83245; JEFF SMEDLEY, 1074 E LOWER CREEK RD, INKOM, ID 83245 has filed Application No. 84942 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-14162, 29-14163; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer/exchange is to change a portion of the above rights as follows: change point of diversion and place of use. The proposed point of diversion is in NESE Sec 23 T08S R36E for 0.06 cfs from Robbers Roost Creek. Water diverted under right 29-14163 will be exchanged by leaving water in the Portneuf River and diverting the right from Robbers Roost Creek. Proposed place of use is in NESE Sec 23 T08S R36E for 3 acres.

TRANSFER NO. 84947

MARTIN POPE and BEKKI POPE, 18526 S OLSON RD, DOWNEY, ID 83234 has filed Application No. 84947 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-11419; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. The proposed point of diversion is in SENW Sec 04 T11S R37E for 0.04 cfs from an Unnamed Stream tributary to Yago Creek. The proposed place of use is in NWSW Sec 04 T11S R37E for 2 acres.

TRANSFER NO. 84953

CURTIS BROOKS POPE and ANNETTE POPE, 536 TERRACE DR, BURLEY, ID 83318-5421 has filed Application No. 84953 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-11419, 29-4144; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. The proposed point of diversion is in SENW Sec 04 T11S R37E for 0.20 cfs from an Unnamed Stream and from Yago Creek. The proposed place of use is in SWNW, SENW, and NWSW Sec 04 T11S R37E for 10 acres.

TRANSFER NO. 84954

TIMOTHY L LOSEE and MARIE KATHLEEN LOSEE, 3680 E NEIGH AND BRAY DR, DOWNEY, ID 83234-1549 has filed Application No. 84954 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-4144; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change points of diversion and place of use. The proposed points of diversion are in NESE and NWSE Sec 5 T11S R37E for 0.87 cfs from Yago Creek. The proposed place of use is in SWNE, SENE, NESE, and NWSE Sec 5 T11S R37E for 43.5 acres.

TRANSFER NO. 84955

TIMOTHY L LOSEE and MARIE KATHLEEN LOSEE, 3680 E NEIGH AND BRAY DR, DOWNEY, ID 83234-1549 has filed Application No. 84955 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-11419, 29-2563, 29-4144; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change points of diversion and place of use. The proposed points of diversion are in SENESE, NWNWSE, NESE, and NWSE Sec 4 T11S R37E for 2.20 cfs from Yago Creek. The point of diversion from Unnamed Stream is in NWSWSE Sec 4 T11S R37E for 0.06 cfs. The proposed place of use is in Sec 4 T11S R37E for 54.5 acres.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 6/7/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/19/2021 and 5/26/2021