

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
OCT 26 2015
Department of Water Resources
Eastern Region

Name of Applicant(s) Greg Smedley Phone 208 221 2537
Mailing address 2472 South Old Highway 91 Inkom ID 83245 Email gregsmedleybuilders.com

- ☐ 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.

Greg Smedley
Signature of Applicant or Authorized Representative

Greg Smedley
Print Name and Title if applicable

08/12/2015
Date

Jamie Smedley
Signature of Applicant or Authorized Representative

Jamie Smedley
Print Name and Title if applicable

10/21/15
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 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.2.
Please see attached.

I allow Greg Smedley to use my access to the Portneuf River as described in transfer 80347.

Signed


Virginia Taylor

Date

10.20.15

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I, Ralph Onstine, have reviewed transfer 80347 and have no objection.

 10/23/2015

Ralph Onstine

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

RECEIVED
AUG 12 2015
Department of Water Resources
Eastern Region

Name of Applicant(s) Greg Smedley Phone 208 221 2537

Mailing address 2472 South Old Highway 91 Inkom ID 83245 Email greg@smedleybuilders.com

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☐ No Representative

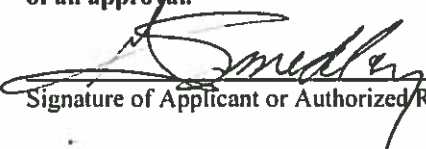
Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
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Signature of Applicant or Authorized Representative

Greg Smedley
Print Name and Title if applicable

08/12/2015
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

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. 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.2.
Please see attached.

This transfer proposes to split a three acre portion of rights 29-14136 (Portneuf River) and 29-14135 (Robbers Roost Creek), and move them downstream to a point of diversion on the Portneuf.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 ☐ ☒	29-14135	0.06	Irrigation	04/01 to 10/31	Robbers Roost/Portneuf
☐ ☒	29-14136	0.045	Irrigation	04/01 to 10/31	Portneuf/Snake
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.06 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.06 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	Robbers Roost Creek	Same POD
			SW	NE	14	08S	36E	Bannock	Portneuf River	Same POD

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

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:
pump in the river to lawn sprinklers

- b. Who owns the property at the point(s) of diversion? _____
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:
They will be dry.

- 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:
None

- 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

8/12/2015

Water Right 29-14135

Owner Type **Name and Address**
 Current Owner GREG SMEDLEY
 2472 S OLD HWY 91
 INKOM, ID 83245
 (208)221-2537

Current Owner JAMIE SMEDLEY
 2472 S OLD HWY 91
 IKNOM, ID 83245
 (208)221-2537

Priority Date: 6/17/1902

Basis: Decreed

Status: Active

Source
 ROBBERS ROOST CREEK

Tributary
 PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.120 CFS	
	<u>Total Diversion</u>		0.120 CFS	

Source and Point(s) of Diversion

ROBBERS ROOST CREEK	SWNWSE	Sec. 23, Twp 08S, Rge 36E,	BANNOCK County
ROBBERS ROOST CREEK	NWSWSW	Sec. 24, Twp 08S, Rge 36E,	BANNOCK County
ROBBERS ROOST CREEK	SWNESE	Sec. 23, Twp 08S, Rge 36E,	BANNOCK County

Place Of Use

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	36E	23													1.0	5.0			6.0

POU Total Acres: 6.0

Conditions of Approval:

1. E55 USE OF THIS RIGHT WITH RIGHT NO. 29-13245 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 26.9 ACRES IN A SINGLE IRRIGATION SEASON.
2. RIGHTS 29-260, 29-14135 AND 29-00261 ROTATE THE USE OF ALL OF THE WATERS OF ROBBERS ROOST CREEK AS: 29-00260, 29-14135 (2.5 DAYS); 29-00261 (5 DAYS). AS DECREED 1911, DIST. JUDGE A. BUDGE, AND 1982 AGREEMENT.
3. E62 THIS RIGHT WHEN COMBINED WITH RIGHT NO.29-13245 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
4. E51 USE OF THIS RIGHT WITH RIGHT NO. 29-13245 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.55 CFS.
5. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/12/2015

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: 3/22/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: And
Water District Number: 29D
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.120		6.0
29-14135 ,29-14136		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/12/2015

Water Right 29-14136

Owner Type **Name and Address**
Current Owner GREG SMEDLEY
 2472 S OLD HWY 91
 INKOM, ID 83245
 (208)221-2537

Current Owner JAMIE SMEDLEY
 2472 S OLD HWY 91
 IKNOM, ID 83245
 (208)221-2537

Priority Date: 8/18/1919

Basis: Decreed

Status: Active

Source
PORTNEUF RIVER

Tributary
SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.090 CFS	
	Total Diversion		0.090 CFS	

Source and Point(s) of Diversion

PORTNEUF RIVER NWSE Sec. 23, Twp 08S, Rge 36E, BANNOCK County

Place Of Use

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	36E	23													1.0	5.0			6.0

Right Acre Limit: 4.6

POU Total Acres: 6.0

Conditions of Approval:

1. E51 USE OF THIS RIGHT WITH RIGHT NO. 29-14135 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.12 CFS.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 4.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. E62 THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-14135 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
4. 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.
5. E55 USE OF THIS RIGHT WITH RIGHT NO. 29-14135 IS LIMITED TO THE IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/12/2015

OF A COMBINED TOTAL OF 6.0 ACRES IN A SINGLE IRRIGATION SEASON.

Dates and Other Information

Decreed Date: 3/22/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: And
Water District Number: 29D
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.120		6.0
29-14135 ,29-14136		

SubCase:

N/A

Water Supply Bank:

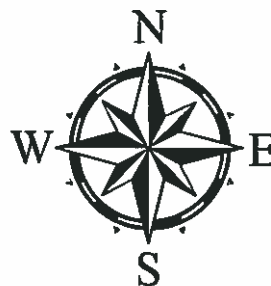
N/A

Smedley Transfer



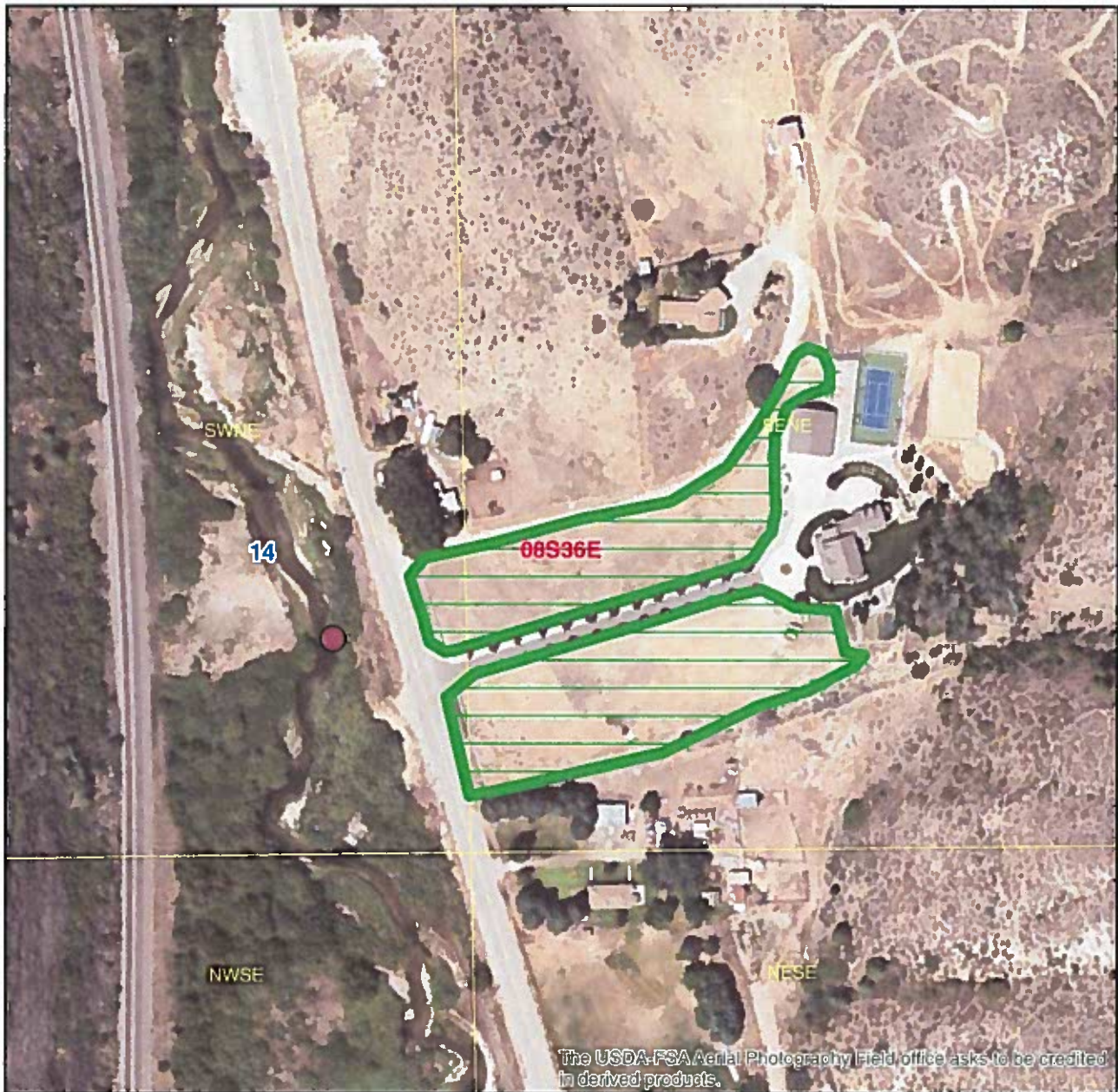
Legend

- Pre-Transfer 29-14135 and 29-14136 POU
- Pre-Transfer_29-14136_POD
- 29-14135_Pre-Transfer_POD
- POU Portion for Split
- Township/Range
- Sections
- QQ



8 0 3 4 7 0.075 0.15 0.3 Miles

Smedley Transfer

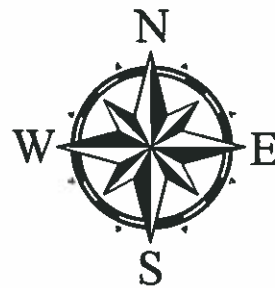


2013 Imagery

Map Prepared by Cooper Fritz

Legend

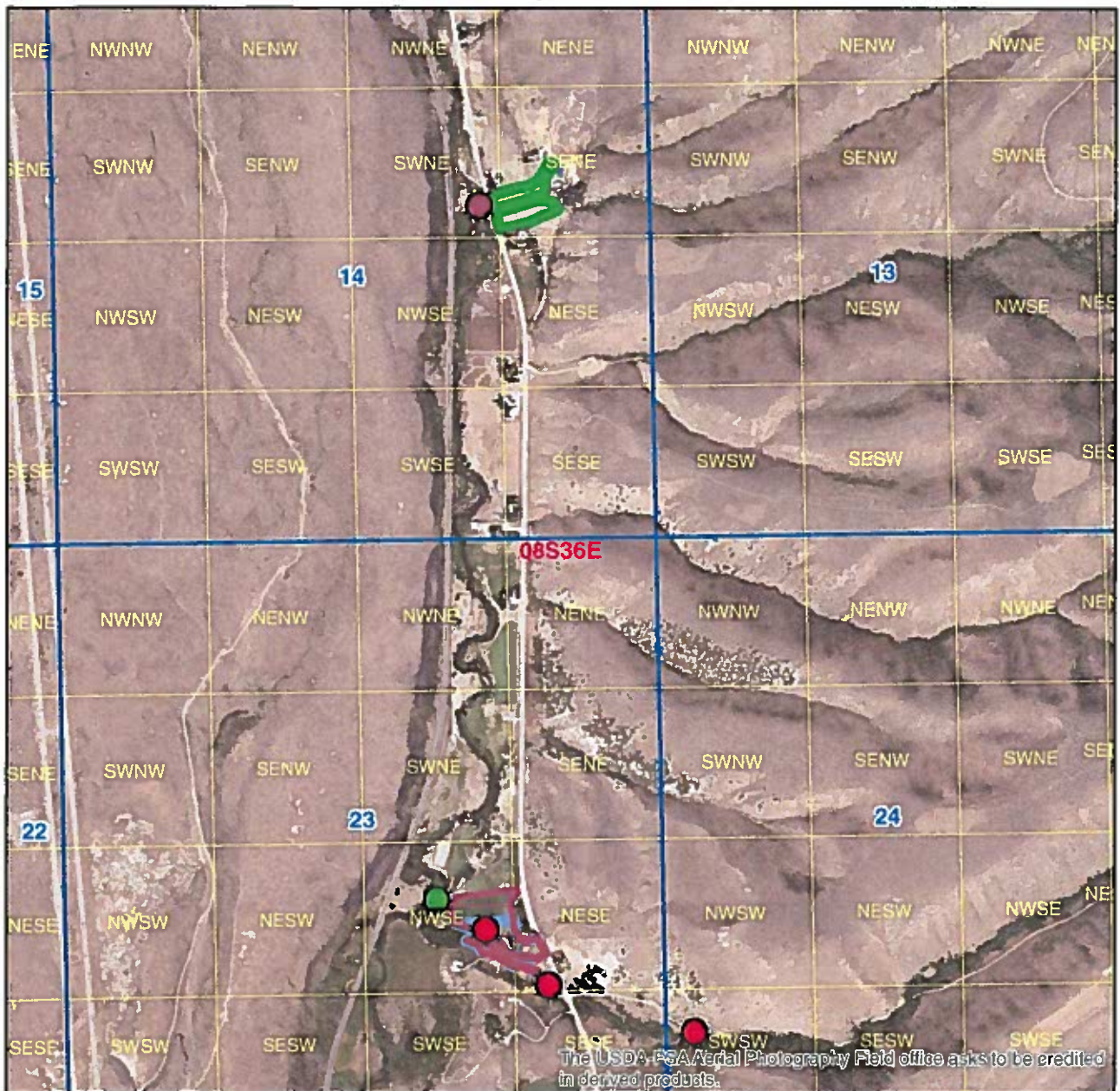
- Post-Transfer_POD
- Post-Transfer_POU
- Township/Range
- Sections
- QQ



0 0.035 0.07 0.14 Miles

80347

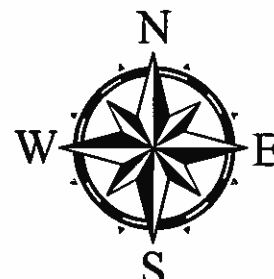
Smedley Transfer



Legend

- Pre-Transfer 29-14136 POD
- Pre-Transfer 29-14135 POD
- Post-Transfer_POD
- Pre-Transfer 29-14135 and 29-14136 POU
- POU_Portion_for_Split
- Post-Transfer_POU
- Township/Range
- Sections
- QQ

2013 Imagery
Map Prepared by Cooper Fritz



0 0.225 0.45 0.9 Miles