

RECEIVED

DEC 09 2013

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

78991

Name of Applicant(s) MERLIN SMITH, MERLIN SMITH, JR, JENNIFER SMITH Phone (208) 317-3513Mailing address 833 SOUTH STOUT AVE., BLACKFOOT, ID 83221Email N/A

- ☐ 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 RepresentativeName of Representative JARED M. HARRIS, ESQ. Phone (208) 785-2310Mailing address 266 W Bridge Street, BLACKFOOT, ID 83221Email jharris@bakerharrisllaw.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.

Merlin Smith
Signature of Applicant or Authorized Representative

Merlin Smith

Print Name and Title if applicable

Date

Merlin Smith, Jr.
Signature of Applicant or Authorized Representative

Merlin Smith, Jr.

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**.

TO DRY UP WATER AND TRANSFER THE WATER TO A DIFFERENT FARM FOR IRRIGATION PURPOSES.

78991

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 ☐ ☒	33-14928	0.03 cfs	Irrigation	4/01 to 11/01	Ground Water
☐ ☒	33-14930	0.03 cfs	Irrigation	4/15 to 10/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .06 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed .06 cubic feet per second and/or _____ acre-feet per annum.

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 #
			NW	NE	26	1S	33E	Bingham	Ground Water	

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	
1S	33E	26		4.1															4.1
Total Acres (for irrigation use)																			4.1

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:

Unknown at this time.

- b. Who owns the property at the point(s) of diversion? MERLIN SMITH, MERLIN SMITH, JR, JENNIFER SMITH

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
N/A

- 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: N/A

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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

It will dry up.

- e. 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:

N/A

- f. 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:

N/A

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/15/2013

WATER RIGHT NO. 33-14928

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MERLIN SMITH 833 S STOUT AVE BLACKFOOT, ID 83221 (208)317-3513
Original Owner	CONNECTICUT GENERAL LIFE INSURANCE CO
Original Owner	DWAINE NEF C/O CIGNA CORP S BLDG S-305 900 COTTAGE GROVE RD BLOOMFIELD, CT 06002

Priority Date: 05/25/1972

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	04/01	11/01	0.39 CFS	166.3 AFA
Total Diversion			0.39 CFS	

Location of Point(s) of Diversion:

Attachment Part 1.2A

GROUND WATER|NWNWSW|Sec. 26|Township 06N|Range 29E|BUTTE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	29E	26		NWSW	21		SWSW	28.9						

Total Acres: 49.9

Conditions of Approval:

1. X35 Rights 33-14928 and 33-14930 when combined shall not exceed a total diversion rate of 0.72 cfs, a total annual maximum diversion volume of 179.3 af at the field headgate, and the irrigation of 49.9 acres.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 08/11/2000

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:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

78991

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/15/2013

WATER RIGHT NO. 33-14930

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MERLIN SMITH 833 S STOUT AVE BLACKFOOT, ID 83221 (208)317-3513
Original Owner	CONNECTICUT GENERAL LIFE INSURANCE CO
Original Owner	CATHERINE MEREDITH
Original Owner	WILLIAM F MEREDITH C/O CIGNA CORP S BLDG S-305 900 COTTAGE GROVE RD BLOOMFIELD, CT 06002

Priority Date: 04/11/1973

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	04/15	10/15	0.33 CFS	120.4 AFA
Total Diversion			0.33 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWNWSW|Sec. 26|Township 06N|Range 29E|BUTTE County

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GROUND WATER|NWNWSE |Sec. 27|Township 06N|Range 29E|BUTTE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	29E	26		NWSW	21		SWSW	28.9						

Total Acres: 49.9

Conditions of Approval:

1. X35 Rights 33-14928 and 33-14930 when combined shall not exceed a total diversion rate of 0.72 cfs, a total annual maximum diversion volume of 179.3 af at the field headgate, and the irrigation of 49.9 acres.
The period of use for the irrigation described under this right may be extended to a beginning date of 04/01 and an ending date of 10/31 provided that beneficial use of the water can be
2. X61 shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/11/2000.
Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general
3. T19 provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 08/11/2000

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:

Generic Max Rate per Acre: 0.02

78991

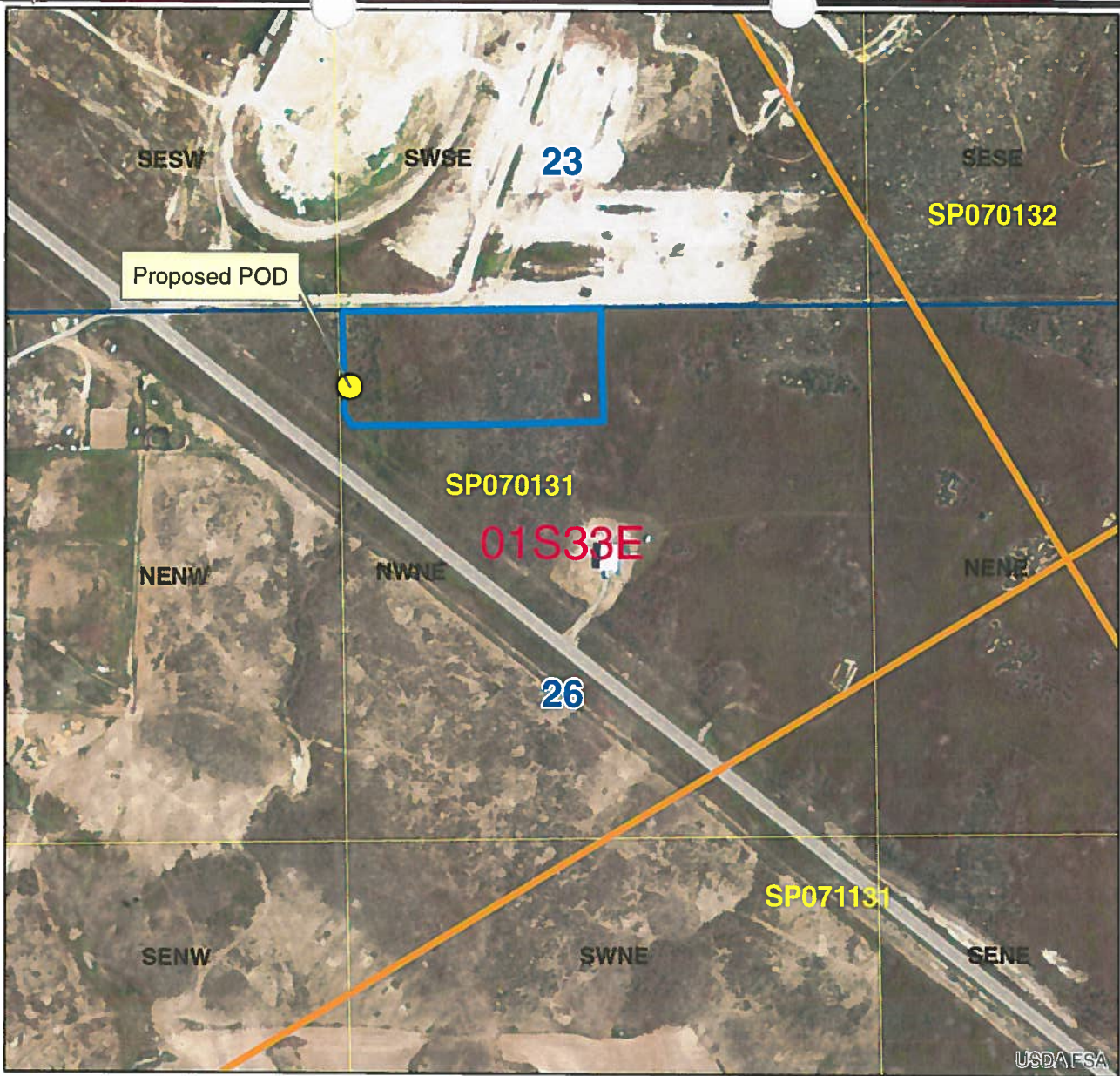
A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ### B. CHANGES IN NATURE OF USE (Water Balance)

- ### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

-
- This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

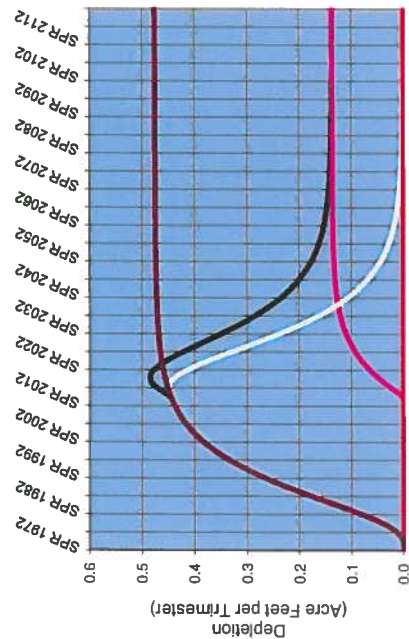
78991



- Proposed POU EXcavation and Salvage
- modelgrid
- Township/Range
- Sections
- QQ

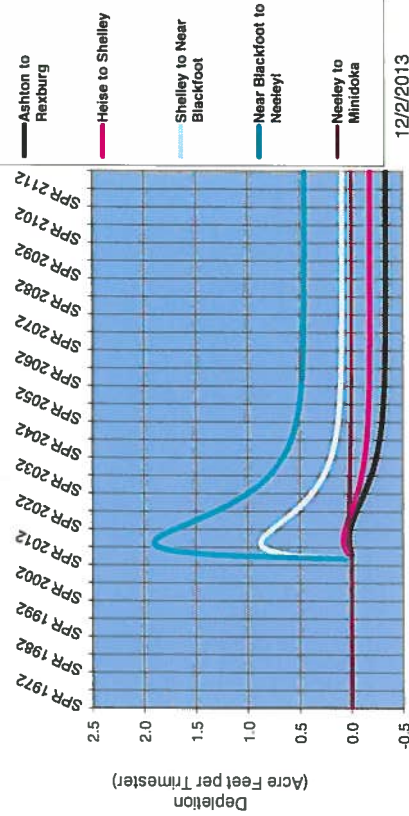


Hydrologic Response--Ashton to Rexburg Customer Name: Smith Transfer No:



12/2/2013
Version 3.1

Net Transfer Effect Above Milner (Total Effect With Transfer - Total Effect Without Transfer)

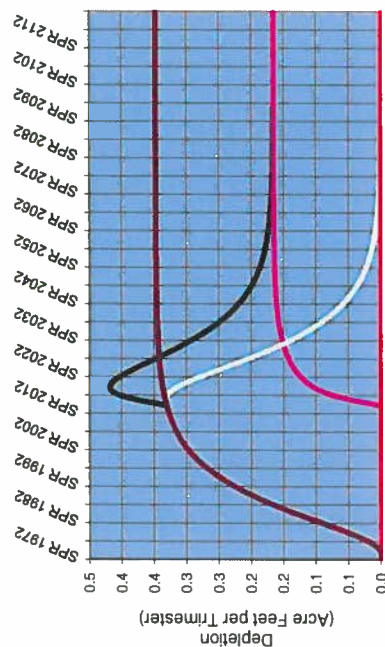


12/2/2013
Version 3.1

Customer Name: Smith Transfer

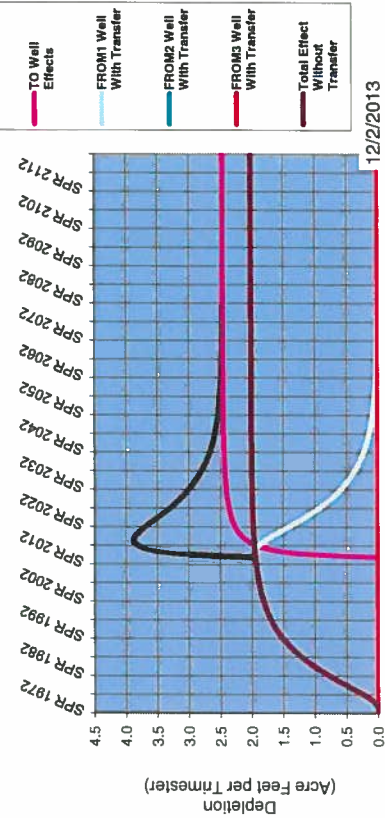
Transfer No:

Hydrologic Response--Heise to Shelley Customer Name: Smith Transfer No:



12/2/2013
Version 3.1

Hydrologic Response--Near Blackfoot to Neeley Customer Name: Smith Transfer No:

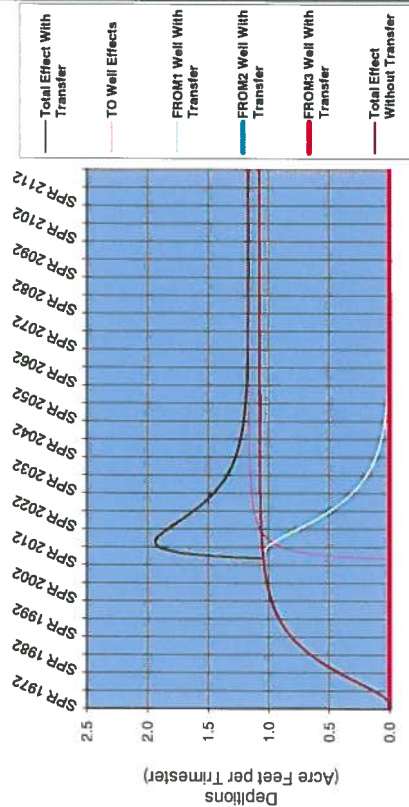


12/2/2013
Version 3.1

Smith

Smith
Transfer

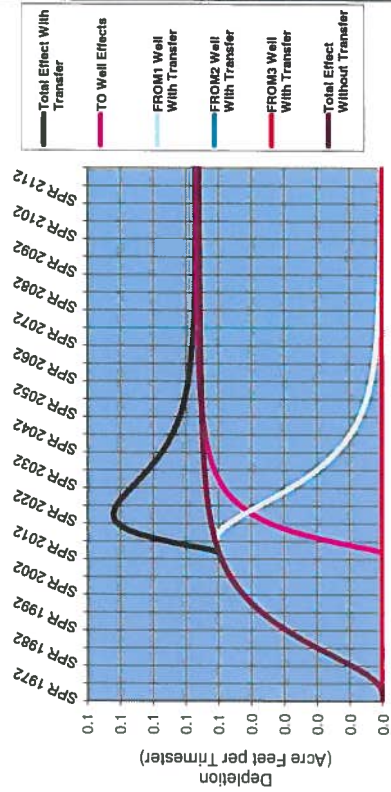
Hydrologic Response--Shelley to Near Blackfoot
Customer Name:
Transfer No:



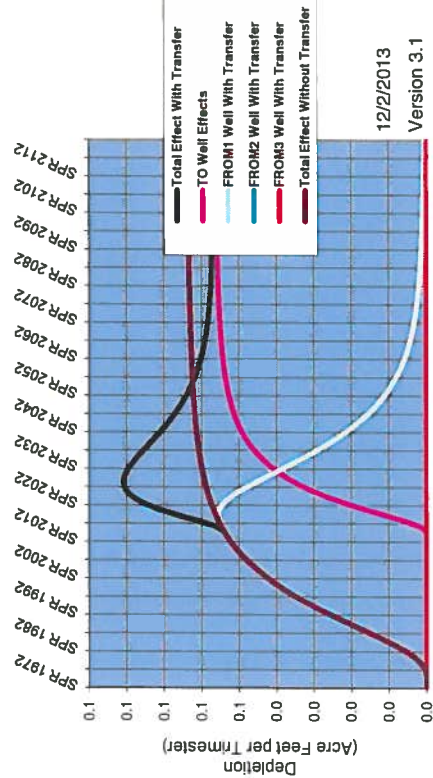
Hydrologic Response--Neeley to Minidoka
Customer Name:
Transfer No:

12/2/2013

Version 3.1

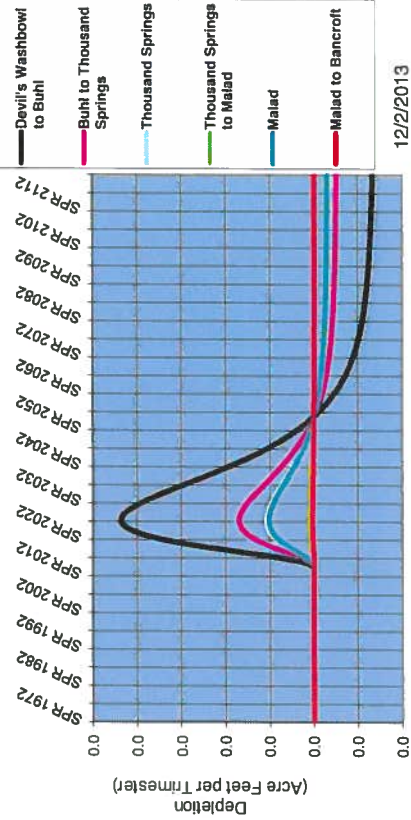


Hydrologic Response--Devil's Washbowl to Buhl
Customer Name: Smith Transfer No:



12/2/2013
Version 3.1

Net Transfer Effect Below Milner
(Total Effect With Transfer - Total Effect Without Transfer)

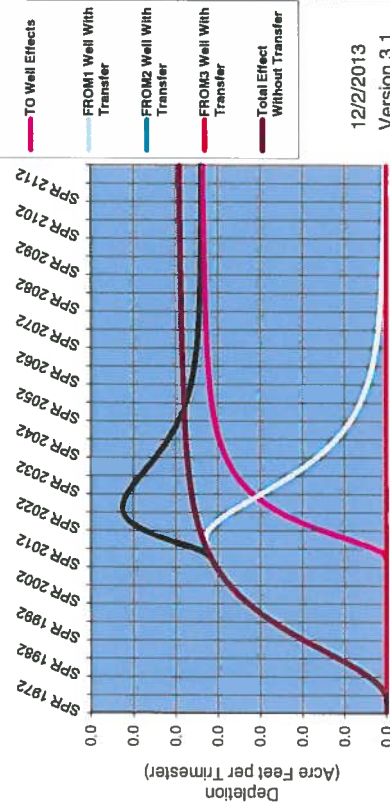


12/2/2013
Version 3.1

Customer Name: Smith Transfer

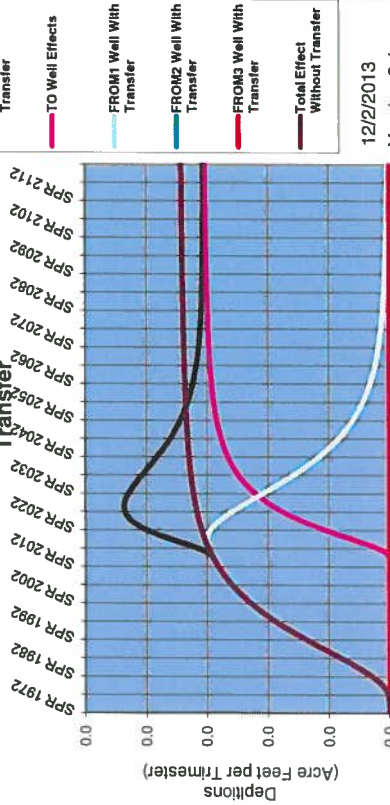
Transfer No:

Hydrologic Response--Buhl to Thousand Springs
Customer Name: Smith Transfer No:



12/2/2013
Version 3.1

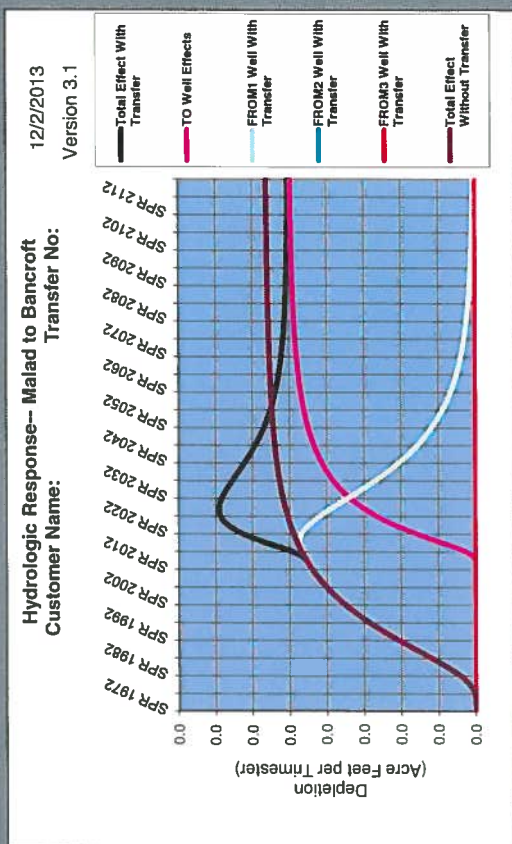
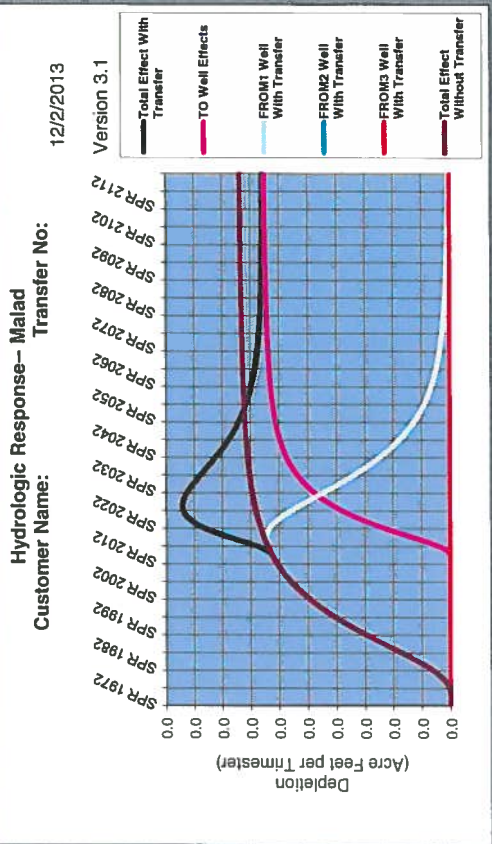
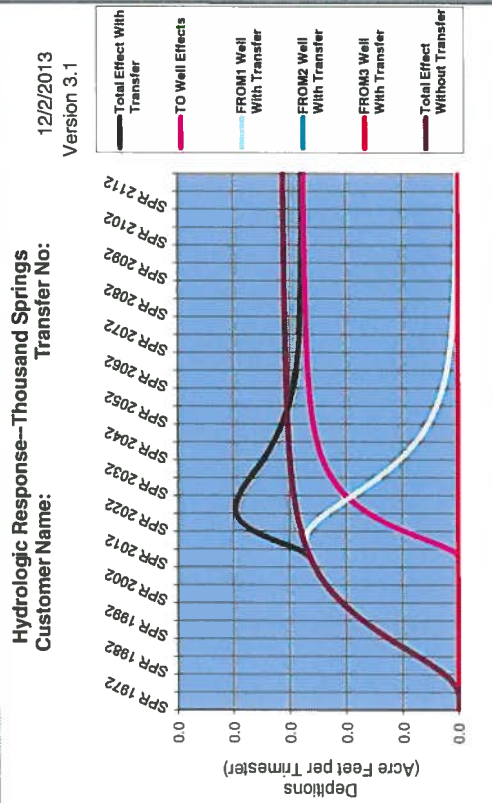
Hydrologic Response--Thousand Springs to Malad
Customer Name: Smith Transfer No:



12/2/2013
Version 3.1

Smith
Transfer

Smith



ENHANCED GROUND-WATER RIGHTS TRANSFER SPREADSHEET

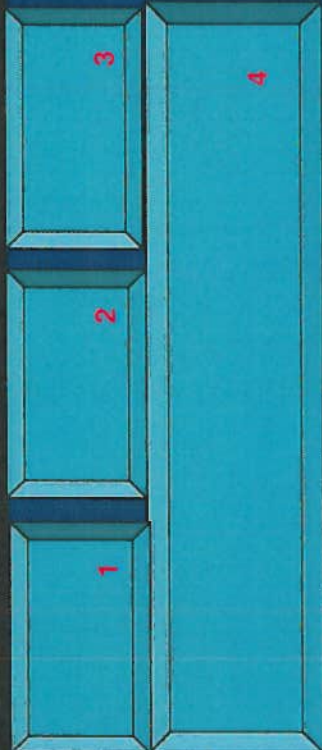
UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEPARTMENT OF WATER

Cells this color are set up for user entries

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

YEAR 1972
SEASON SPRING

TRANSFER NO:
TRANSFER NAME
Smith Transfer



ENTER CELL LOCATIONS:

	TO CELL	FROM1' CELL	FROM2' CELL	FROM3' CELL
ROW	70	30		
COLUMN	131	131		

TRIMESTER OF ACTIVITY	TO WELL		FROM1 WELL		FROM2 WELL		FROM3 WELL		The 'FROM3' well can be used to enter the projected water use for the 'TO' well. This is done by entering the projected water use for the 'TO' well in the 'FROM3' well.
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER		
SPR 1972	0	4	4	0	0	0	0	0	Once the model cells the 'RUN MODEL' but needs to be re-run if the model output. This process is done by entering the projected water use for the 'TO' well in the 'FROM3' well.
SUM 1972	0	4	4	4	0	0	0	0	Once the model cells the 'RUN MODEL' but needs to be re-run if the model output. This process is done by entering the projected water use for the 'TO' well in the 'FROM3' well.
WIN 1972	0	4	4	4	0	0	0	0	Once the model cells the 'RUN MODEL' but needs to be re-run if the model output. This process is done by entering the projected water use for the 'TO' well in the 'FROM3' well.
SPR 1973	0	4	4	4	0	0	0	0	Once the model cells the 'RUN MODEL' but needs to be re-run if the model output. This process is done by entering the projected water use for the 'TO' well in the 'FROM3' well.
SUM 1973	0	4	4	4	0	0	0	0	Once the model cells the 'RUN MODEL' but needs to be re-run if the model output. This process is done by entering the projected water use for the 'TO' well in the 'FROM3' well.
WIN 1973	0	4	4	4	0	0	0	0	Once the model cells the 'RUN MODEL' but needs to be re-run if the model output. This process is done by entering the projected water use for the 'TO' well in the 'FROM3' well.
SPR 1974	0	4	4	4	0	0	0	0	Once the model cells the 'RUN MODEL' but needs to be re-run if the model output. This process is done by entering the projected water use for the 'TO' well in the 'FROM3' well.
SUM 1974	0	4	4	4	0	0	0	0	Once the model cells the 'RUN MODEL' but needs to be re-run if the model output. This process is done by entering the projected water use for the 'TO' well in the 'FROM3' well.
WIN 1974	0	4	4	4	0	0	0	0	Once the model cells the 'RUN MODEL' but needs to be re-run if the model output. This process is done by entering the projected water use for the 'TO' well in the 'FROM3' well.
SPR 1975	0	4	4	4	0	0	0	0	Once the model cells the 'RUN MODEL' but needs to be re-run if the model output. This process is done by entering the projected water use for the 'TO' well in the 'FROM3' well.
SUM 1975	0	4	4	4	0	0	0	0	Once the model cells the 'RUN MODEL' but needs to be re-run if the model output. This process is done by entering the projected water use for the 'TO' well in the 'FROM3' well.
WIN 1975	0	4	4	4	0	0	0	0	Once the model cells the 'RUN MODEL' but needs to be re-run if the model output. This process is done by entering the projected water use for the 'TO' well in the 'FROM3' well.
SPR 1976	0	4	4	4	0	0	0	0	Once the model cells the 'RUN MODEL' but needs to be re-run if the model output. This process is done by entering the projected water use for the 'TO' well in the 'FROM3' well.
SUM 1976	0	4	4	4	0	0	0	0	Once the model cells the 'RUN MODEL' but needs to be re-run if the model output. This process is done by entering the projected water use for the 'TO' well in the 'FROM3' well.
WIN 1976	0	4	4	4	0	0	0	0	Once the model cells the 'RUN MODEL' but needs to be re-run if the model output. This process is done by entering the projected water use for the 'TO' well in the 'FROM3' well.
SPR 1977	0	4	4	4	0	0	0	0	Once the model cells the 'RUN MODEL' but needs to be re-run if the model output. This process is done by entering the projected water use for the 'TO' well in the 'FROM3' well.
SUM 1977	0	4	4	4	0	0	0	0	Once the model cells the 'RUN MODEL' but needs to be re-run if the model output. This process is done by entering the projected water use for the 'TO' well in the 'FROM3' well.

WIN 1977	0	4	4	0	0	0
SPR 1978	0	4	4	0	0	0
SUM 1978	0	4	4	0	0	0
WIN 1978	0	4	4	0	0	0
SPR 1979	0	4	4	0	0	0
SUM 1979	0	4	4	0	0	0
WIN 1979	0	4	4	0	0	0
SPR 1980	0	4	4	0	0	0
SUM 1980	0	4	4	0	0	0
WIN 1980	0	4	4	0	0	0
SPR 1981	0	4	4	0	0	0
SUM 1981	0	4	4	0	0	0
WIN 1981	0	4	4	0	0	0
SPR 1982	0	4	4	0	0	0
SUM 1982	0	4	4	0	0	0
WIN 1982	0	4	4	0	0	0
SPR 1983	0	4	4	0	0	0
SUM 1983	0	4	4	0	0	0
WIN 1983	0	4	4	0	0	0
SPR 1984	0	4	4	0	0	0
SUM 1984	0	4	4	0	0	0
WIN 1984	0	4	4	0	0	0
SPR 1985	0	4	4	0	0	0
SUM 1985	0	4	4	0	0	0
WIN 1985	0	4	4	0	0	0
SPR 1986	0	4	4	0	0	0
SUM 1986	0	4	4	0	0	0
WIN 1986	0	4	4	0	0	0
SPR 1987	0	4	4	0	0	0
SUM 1987	0	4	4	0	0	0
WIN 1987	0	4	4	0	0	0
SPR 1988	0	4	4	0	0	0
SUM 1988	0	4	4	0	0	0
WIN 1988	0	4	4	0	0	0
SPR 1989	0	4	4	0	0	0
SUM 1989	0	4	4	0	0	0
WIN 1989	0	4	4	0	0	0
SPR 1990	0	4	4	0	0	0
SUM 1990	0	4	4	0	0	0
WIN 1990	0	4	4	0	0	0
SPR 1991	0	4	4	0	0	0
SUM 1991	0	4	4	0	0	0

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific/P.O. Box 868
Blackfoot, ID 83221

BINGHAM COUNTY, IDAHO
BLACKFOOT, IDAHO

FEE 6 DEP 6

2006 MAR 10 PM 1:34

RECORDED AT THE REQUEST OF

FIRST AMERICAN TITLE COMPANY

564691

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 152497-B (vb)

Date: March 08, 2006

For Value Received, **Pedro Martinez**, a married man as his sole and separate property, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Merlin Smith, Sr and Merlin Smith, Jr, DBA Smith Excavation and Salvage**, hereinafter called the Grantee, whose current address is **399 N 500 W, Blackfoot, ID 83221**, the following described premises, situated in **Bingham County, Idaho**, to-wit:

Part of Section 26, Township 1 South, Range 33 E.B.M., Bingham County, Idaho, described as: Beginning at the N $\frac{1}{4}$ corner of said Section 26 marked as a BLM Brass cap; and running thence N. 89°59'36" E. 1580.80 feet along the Section line; thence S. 00°01'02" W. 300.00 feet; thence S. 89°59'36" W. 1557.00 feet; thence N. 51°03'38" W. 478.73 feet along the Northerly right-of-way line of State Highway 26 Project F1381(3); thence S. 89°51'16" E. 348.67 feet along the Section line to the Point of Beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Pedro Martinez
Pedro Martinez

Marta de los Angeles Salcedo Franco
aka: by: Maria de los Angeles Salcedo
Franco as Attorney in Fact

Date: 03/08/2006

Warranty Deed
- continued

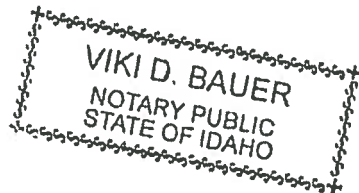
File No.: 152497-B (vb)

STATE OF Idaho)
SS.
COUNTY OF Bingham)

On this 8 day of March, 2006, before me, a Notary Public In and for said State, personally appeared Maria de los Angeles Salcedo Franco, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument as the attorney in fact of **Pedro Martinez**, and acknowledged to me that she subscribed the name of **Pedro Martinez** thereto as principal, and her own name as attorney in fact.

Viki D. Bauer

Notary Public of Idaho
Residing at: Blackfoot, ID
Commission Expires: 03/29/08



564691

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

78991
#8 of 8

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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 www.idwr.idaho.gov.

Name of Applicant(s) MERLIN SMITH, MERLIN SMITH, JR, JENNIFER SMITH

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 #1-9.

- ☐ ☒ #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 www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #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.
- ☐ ☒ #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 Other. Please describe: _____

Page 1 of Transfer No. _____

78991

RECEIVED

DEC 09 2013

Department of Water Resources
Eastern Region

Law Offices of
BAKER & HARRIS

Dwight E. Baker
Jared M. Harris *
Jonathan W. Harris
* Also Admitted in Utah

266 West Bridge Street
BLACKFOOT, ID 83221
Telephone (208) 785-2310
Facsimile (208) 785-6749
E-Mail —jhharris@bakerharrislaw.com

December 6, 2013

Blake Jordan
Idaho Department of Water Resources
900 N Skyline Dr.
Idaho Falls, ID 83402-1718

Re: Merlin Smith, Merlin Smith, Jr., and Jennifer Smith
Application for Transfer of Water Rights
From: Water Right Numbers: 33-14928 & 33-14930
To: Various Points of Use - Bingham County
Baker & Harris Matter No. 5921

Dear Blake:

Enclosed, please find eight Applications for Transfer of Water Rights. At this time, we are submitted eight simultaneous applications to various points of use throughout Bingham County.

Additionally, we have enclosed our check in the amount of \$1,600.00, representing the Transfer Fee of \$200.00 per Application.

I appreciate your assistance.

Sincerely,

BAKER & HARRIS



Jared M. Harris

JMH/jlg

Enclosures

cc:

Check#/\$1,600.00

Merlin Smith

Merlin Smith and Jennifer Smith