

RECEIVED

DEC 09 2013

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

78989

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

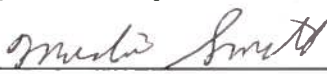
- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the 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 83221 Email jharris@bakerharrislaw.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 Print Name and Title if applicable 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**.
- TO DRY UP WATER AND TRANSFER THE WATER TO A DIFFERENT FARM FOR IRRIGATION PURPOSES.
- _____

78989

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 #
			NE	SW	15	1S	32E	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	32E	15									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, SR.

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

<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>
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:

78989

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.
3. 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:

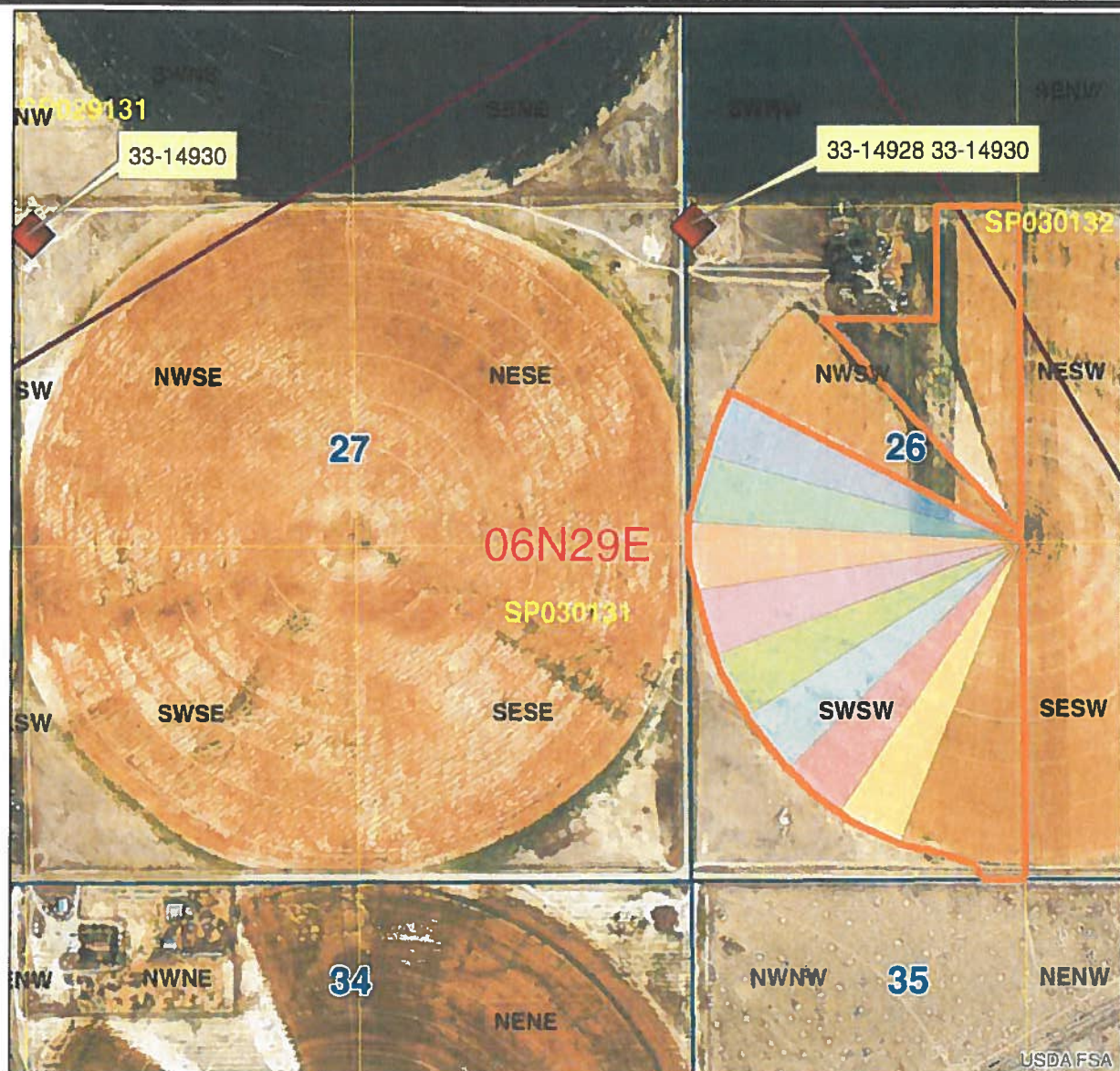
State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

78989



Place of Use

 Current_POU_33-14928_33-14930

Transfer NO.

-  1(remove 4.1 acres)
-  2(remove 4.1 acres)
-  3(remove 4.1 acres)
-  4(remove 4.1 acres)
-  5 (remove 4.1 acres)
-  6(remove 4.1 acres)
-  7(remove 4.1 acres)
-  8 (remove 4.1 acres)



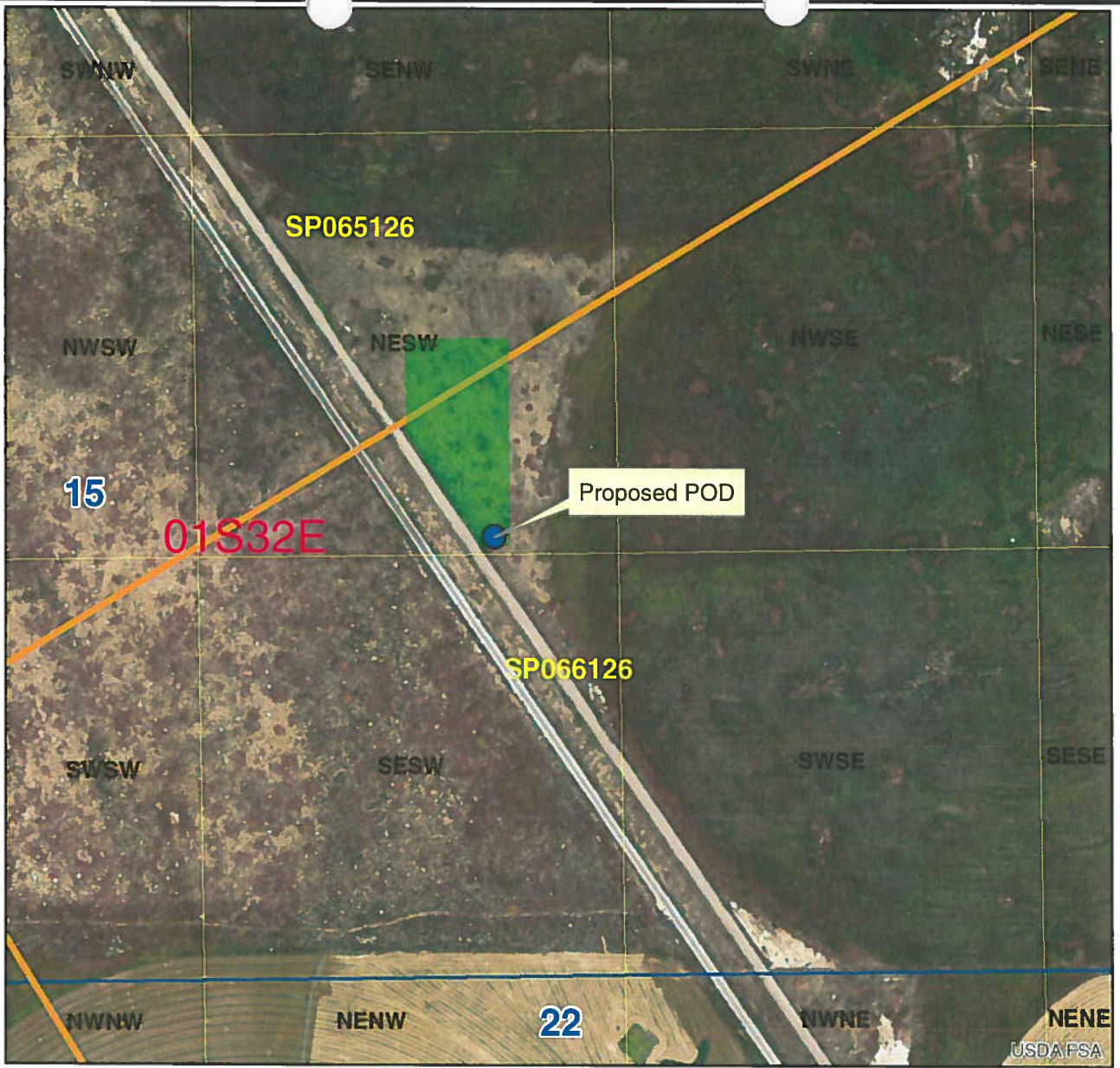
 Current POD

 modelgrid

 Township/Range

 Sections

 QQ



- Proposed POU By highway
- modelgrid
- Township/Range
- Sections
- QQ



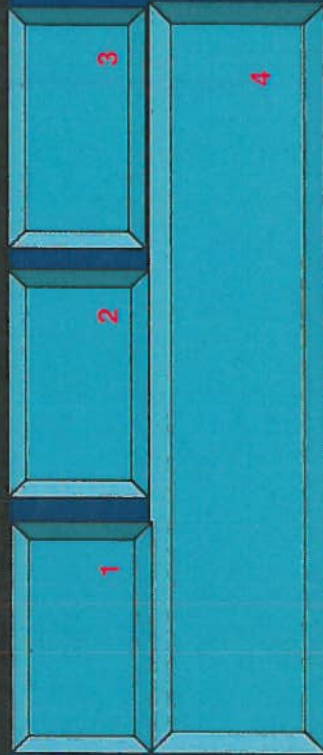
ENHANCED GROUND-WATER RIGHTS TRANSFER SPREADSHEET

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 66
COLUMN 126

TRIMESTER OF ACTIVITY	TO WELL Projected Use AF/TRIMESTER	FROM1 WELL		FROM2 WELL		FROM3 WELL		Running the Model
		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	4	0	0	0	Once the model cells
SUM 1972	0	4	4	4	0	0	0	the 'RUN MODEL' but
WIN 1972	0	4	4	4	0	0	0	needs to be re-run if t
SPR 1973	0	4	4	4	0	0	0	0
SUM 1973	0	4	4	4	0	0	0	Getting the Model Out
WIN 1973	0	4	4	4	0	0	0	Once the model has t
SPR 1974	0	4	4	4	0	0	0	model output. This pr
SUM 1974	0	4	4	4	0	0	0	0
WIN 1974	0	4	4	4	0	0	0	Entering water use da
SPR 1975	0	4	4	4	0	0	0	All water use should t
SUM 1975	0	4	4	4	0	0	0	for instructions on mu
WIN 1975	0	4	4	4	0	0	0	0
SPR 1976	0	4	4	4	0	0	0	0
SUM 1976	0	4	4	4	0	0	0	Entering 'TO' Well Pro
WIN 1976	0	4	4	4	0	0	0	Enter the projected wi
SPR 1977	0	4	4	4	0	0	0	should start in the trir
SUM 1977	0	4	4	4	0	0	0	0

Entering Dates
Enter the starting year of the analysis period
Summer is Jul, Aug, S
Once you have entered
The date only needs t
Modifying the date do
Entering Well Location
Enter the row and col
Enter the row and col
Enter the row and col
Enter the row and col
If the 'FROM2' well is
If the 'FROM3' well is
The 'FROM3' well can

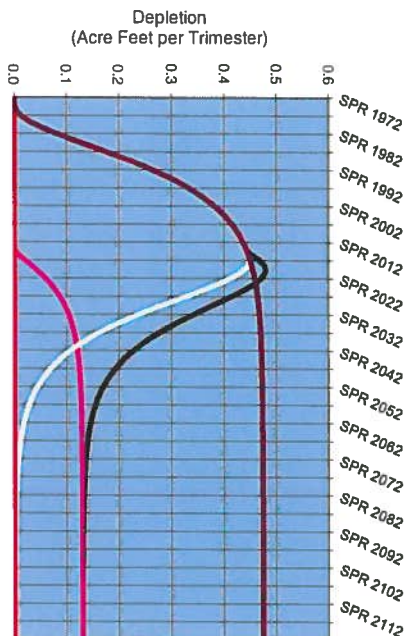
Running the Model
Once the model cells
the 'RUN MODEL' but
needs to be re-run if t
0
Getting the Model Out
Once the model has t
model output. This pr
0
Entering water use da
All water use should t
for instructions on mu
0
0
Entering 'TO' Well Pro
Enter the projected wi
should start in the trir
0

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

WIN 1991	0	4	4	0	0	4	4	0	0	0	0	0
SPR 1992	0	4	4	0	0	4	4	0	0	0	0	0
SUM 1992	0	4	4	0	0	4	4	0	0	0	0	0
WIN 1992	0	4	4	0	0	4	4	0	0	0	0	0
SPR 1993	0	4	4	0	0	4	4	0	0	0	0	0
SUM 1993	0	4	4	0	0	4	4	0	0	0	0	0
WIN 1993	0	4	4	0	0	4	4	0	0	0	0	0
SPR 1994	0	4	4	0	0	4	4	0	0	0	0	0
SUM 1994	0	4	4	0	0	4	4	0	0	0	0	0
WIN 1994	0	4	4	0	0	4	4	0	0	0	0	0
SPR 1995	0	4	4	0	0	4	4	0	0	0	0	0
SUM 1995	0	4	4	0	0	4	4	0	0	0	0	0
WIN 1995	0	4	4	0	0	4	4	0	0	0	0	0
SPR 1996	0	4	4	0	0	4	4	0	0	0	0	0
SUM 1996	0	4	4	0	0	4	4	0	0	0	0	0
WIN 1996	0	4	4	0	0	4	4	0	0	0	0	0
SPR 1997	0	4	4	0	0	4	4	0	0	0	0	0
SUM 1997	0	4	4	0	0	4	4	0	0	0	0	0
WIN 1997	0	4	4	0	0	4	4	0	0	0	0	0
SPR 1998	0	4	4	0	0	4	4	0	0	0	0	0
SUM 1998	0	4	4	0	0	4	4	0	0	0	0	0
WIN 1998	0	4	4	0	0	4	4	0	0	0	0	0
SPR 1999	0	4	4	0	0	4	4	0	0	0	0	0
SUM 1999	0	4	4	0	0	4	4	0	0	0	0	0
WIN 1999	0	4	4	0	0	4	4	0	0	0	0	0
SPR 2000	0	4	4	0	0	4	4	0	0	0	0	0
SUM 2000	0	4	4	0	0	4	4	0	0	0	0	0
WIN 2000	0	4	4	0	0	4	4	0	0	0	0	0
SPR 2001	0	4	4	0	0	4	4	0	0	0	0	0
SUM 2001	0	4	4	0	0	4	4	0	0	0	0	0
WIN 2001	0	4	4	0	0	4	4	0	0	0	0	0
SPR 2002	0	4	4	0	0	4	4	0	0	0	0	0
SUM 2002	0	4	4	0	0	4	4	0	0	0	0	0
WIN 2002	0	4	4	0	0	4	4	0	0	0	0	0
SPR 2003	0	4	4	0	0	4	4	0	0	0	0	0
SUM 2003	0	4	4	0	0	4	4	0	0	0	0	0
WIN 2003	0	4	4	0	0	4	4	0	0	0	0	0
SPR 2004	0	4	4	0	0	4	4	0	0	0	0	0
SUM 2004	0	4	4	0	0	4	4	0	0	0	0	0
WIN 2004	0	4	4	0	0	4	4	0	0	0	0	0
SPR 2005	0	4	4	0	0	4	4	0	0	0	0	0
SUM 2005	0	4	4	0	0	4	4	0	0	0	0	0
WIN 2005	0	4	4	0	0	4	4	0	0	0	0	0
SPR 2006	0	4	4	0	0	4	4	0	0	0	0	0
SUM 2006	0	4	4	0	0	4	4	0	0	0	0	0
WIN 2006	0	4	4	0	0	4	4	0	0	0	0	0

Hydrologic Response--Ashton to Rexburg

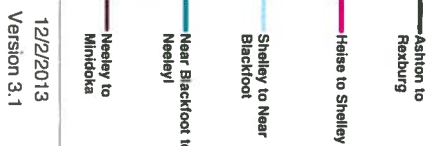
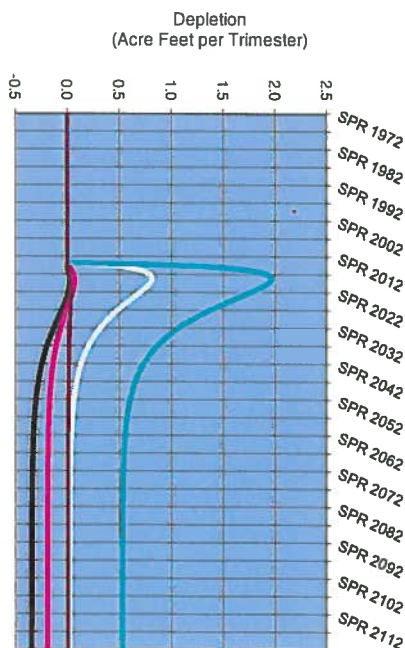
Customer Name: Smith Transfer Transfer No:



12/2/2013
Version 3.1

Net Transfer Effect Above Milner

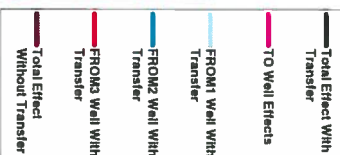
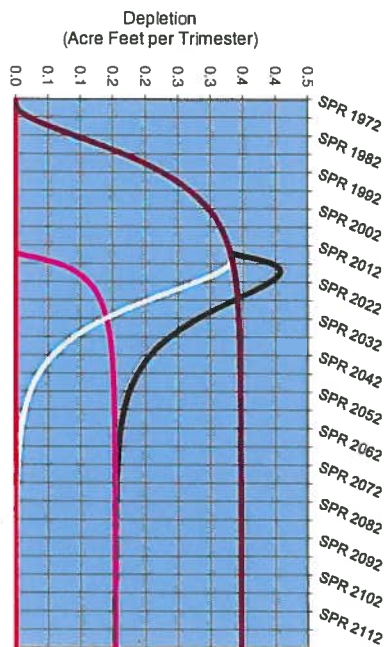
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12/2/2013
Version 3.1

Hydrologic Response--Heise to Shelley

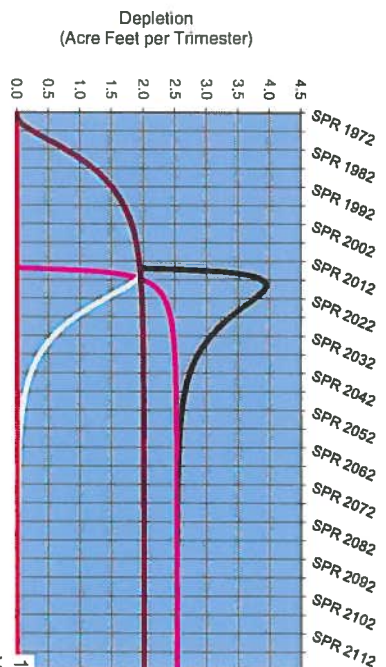
Customer Name: Smith Transfer Transfer No:



12/2/2013
Version 3.1

Hydrologic Response--Near Blackfoot to Neeley

Customer Name: Smith Transfer Transfer No:



12/2/2013
Version 3.1

Smith

Smith
Transfer

Hydrologic Response--Shelley to Near Blackfoot

Customer Name:

Transfer No:

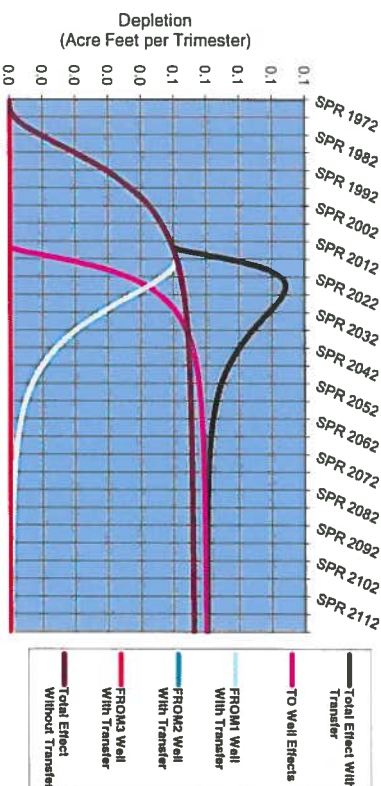


Hydrologic Response--Neeley to Minidoka

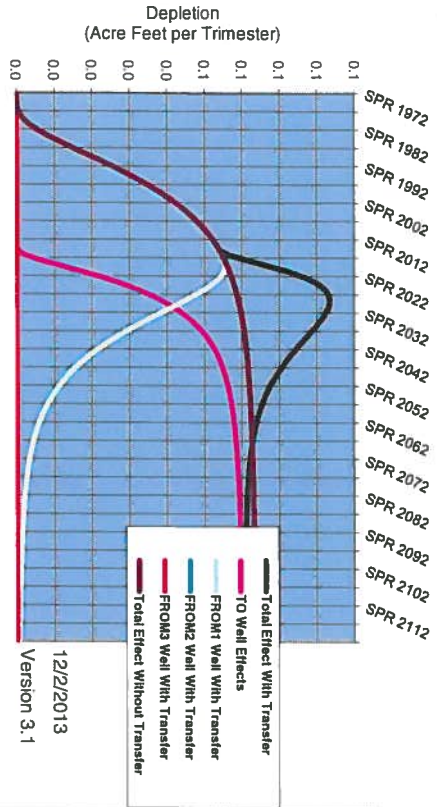
Customer Name:

Transfer No:

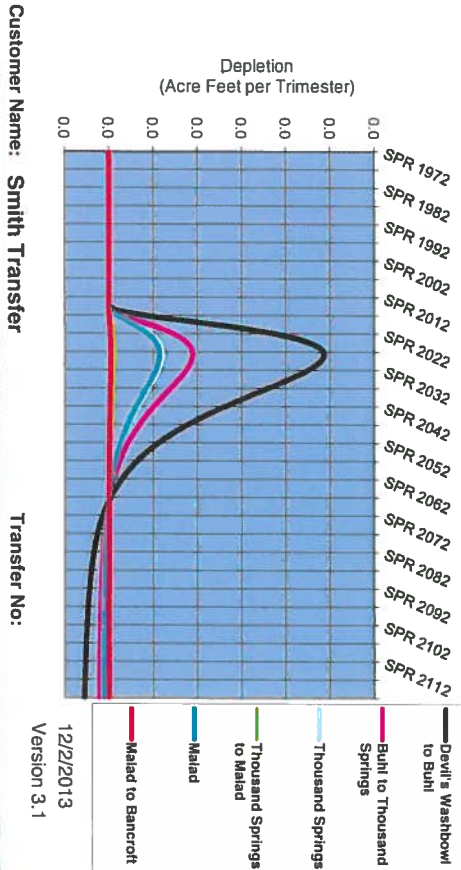
Version 3.1



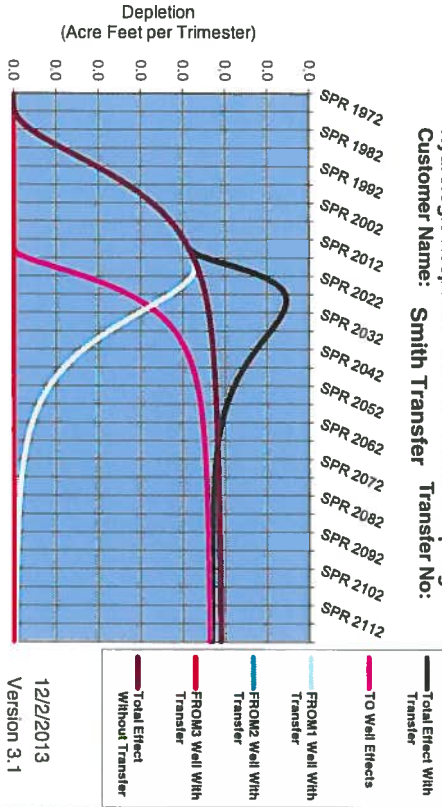
Hydrologic Response--Devil's Washbowl to Buhl
Customer Name: Smith Transfer Transfer No:



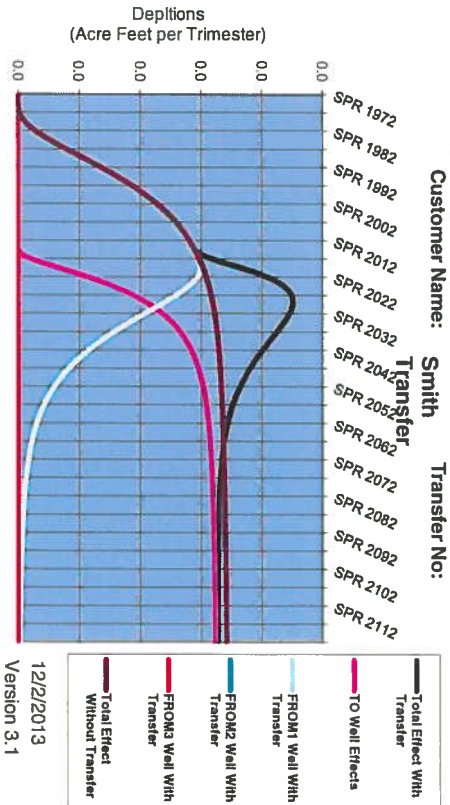
Net Transfer Effect Below Milner
(Total Effect With Transfer - Total Effect Without Transfer)



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



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

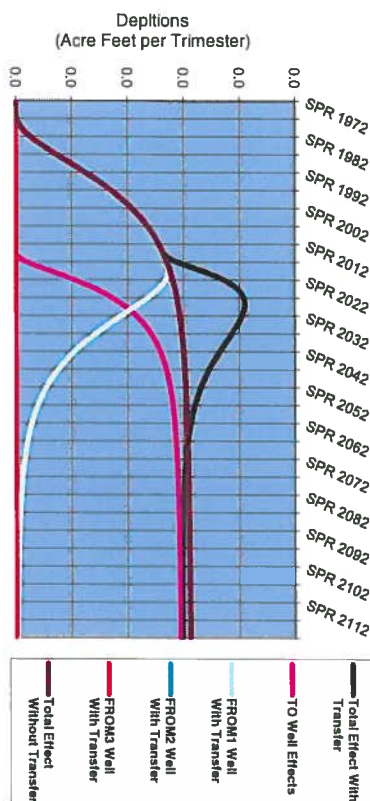


Smith
Transfer

Smith

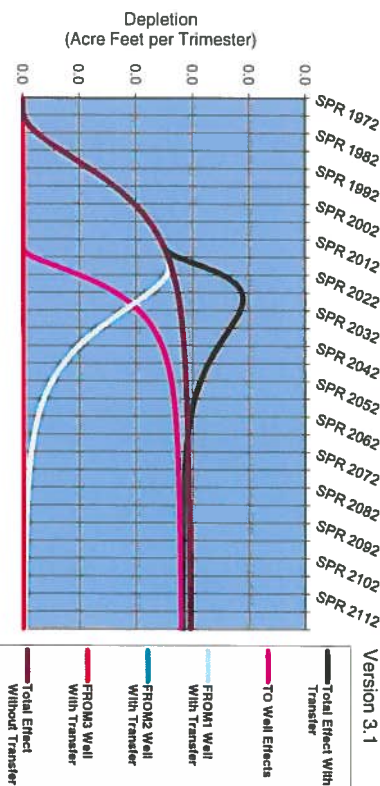
Hydrologic Response--Thousand Springs

12/2/2013
Version 3.1



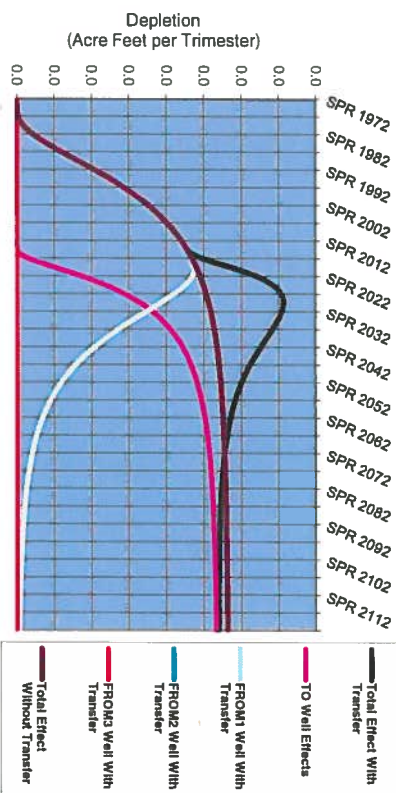
Hydrologic Response--Malad

12/2/2013
Version 3.1



Hydrologic Response--Malad to Bancroft

12/2/2013
Version 3.1



510597

WARRANTY DEED

For Value Received, Jared M. Harris and Sonya Harris, husband and wife, the GRANTORS, do hereby grant, bargain, sell, and convey unto Merlin Smith, Sr. and Merlin Smith, Jr., of 399 North 500 West, Blackfoot, Idaho 83221 the GRANTEES, the following-described premises, to-wit:

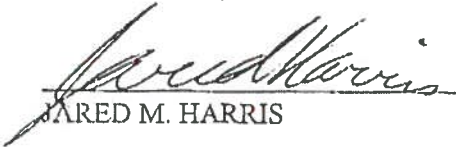
State of Idaho, County of Bingham
T1S R32E Sec 15
W2SENE SW

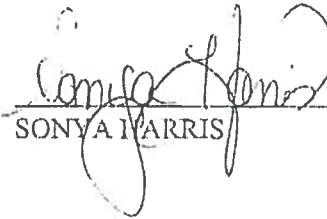
Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Subject to all existing rights-of-ways for public highways, protective covenants, utility lines, existing roadways, irrigation ditches and all building, zoning and other restrictions of use and all encumbrances of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said GRANTEES, their heirs and assigns forever. And the said GRANTORS do hereby covenant to and with the said GRANTEES, they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except as hereinabove set forth and that GRANTORS will warrant and defend the same from all lawful claims whatsoever.

DATED this 11th day of March, 2002.


JARED M. HARRIS


SONYA HARRIS

RECORDED AT THE REQUEST OF

2002 MAR 15 PM 4:37

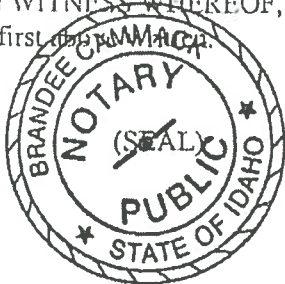
FILE 3.2.02 DEP. 1773

SHERRILL J. RECORDER
BLACKFOOT, IDAHO

STATE OF IDAHO)
: ss.
County of Bingham)

On this 11th day of March, 2002, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Jared M. Harris and Sonya Harris, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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




Notary Public for Idaho
Residing at: Blackfoot, Idaho
My Commission Expires: 6/5/2003

Baker & Hanna
PO Box 597
Blackfoot ID 83221

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

78989
#7 of 8
Transfer No. _____

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, SR.

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: _____

RECEIVED

DEC 09 2013

Department of Water Resource
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 —jharris@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