

RECEIVED

DEC 09 2013

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

78982

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name 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

Merlin Smith
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.

78982

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 #
			SW	SW	36	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	36											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: _____
-
-
- 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:

78982

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:

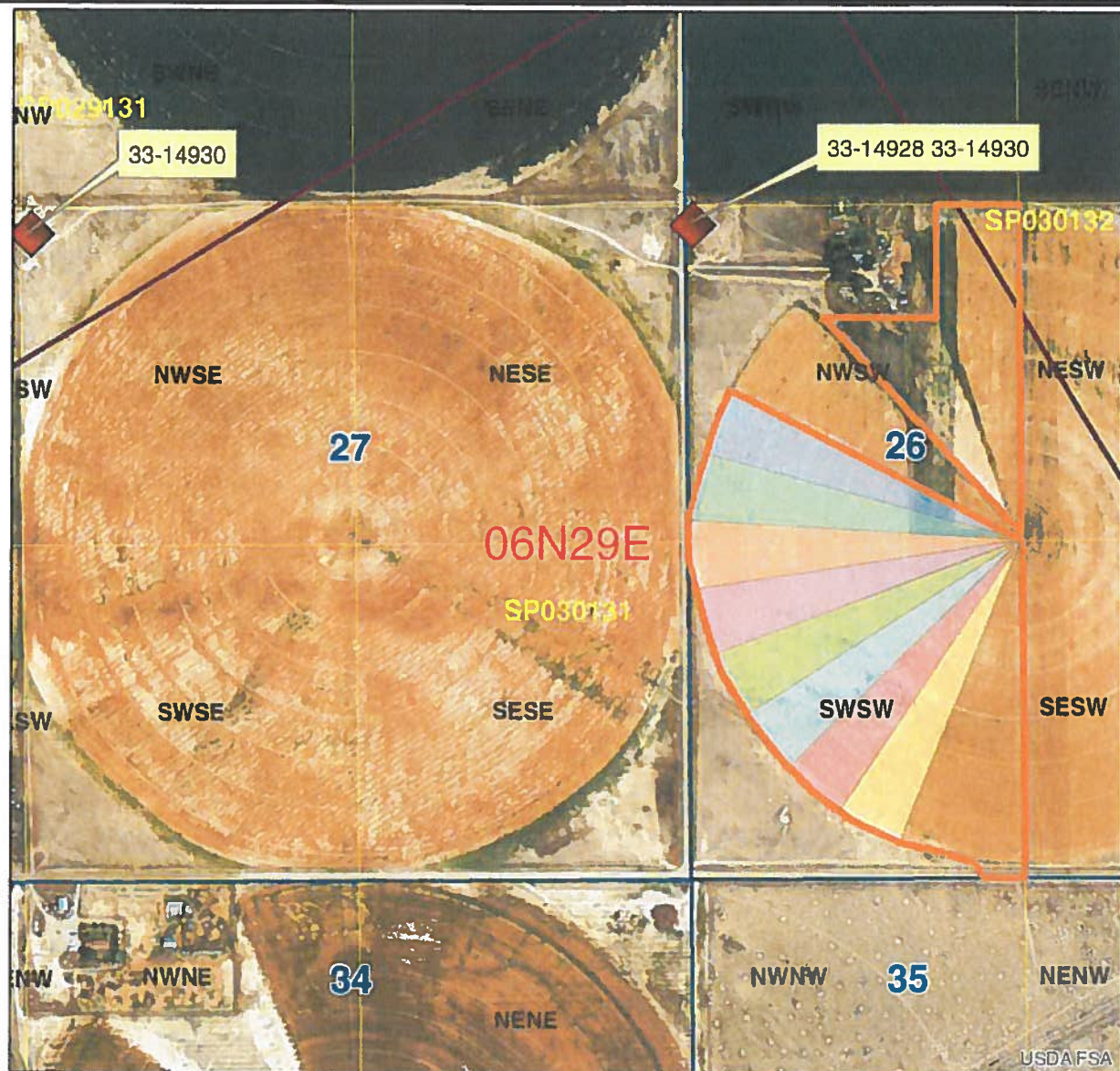
State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

78982



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

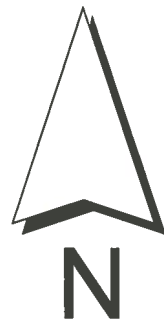
 Township/Range

 Sections

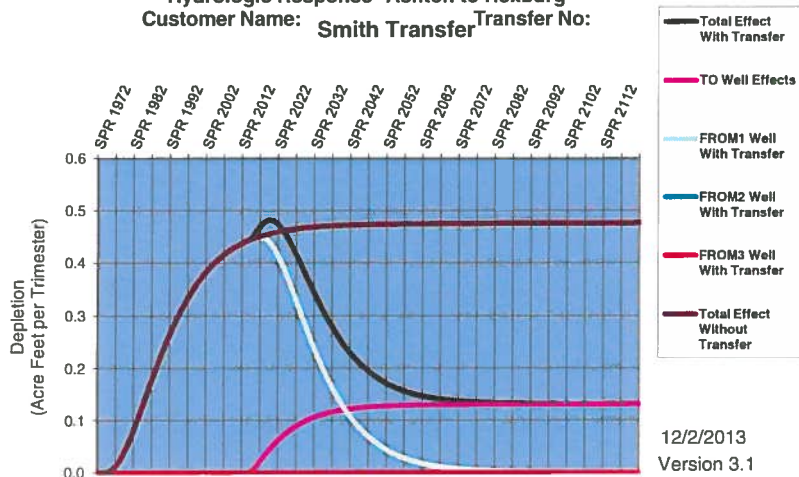
 QQ



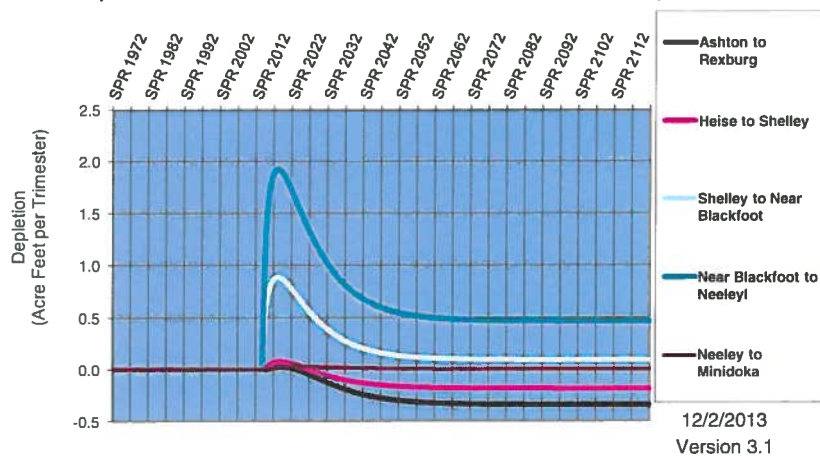
-  Proposed_POU
-  modelgrid
-  Township/Range
-  Sections
-  QQ



Hydrologic Response—Ashton to Rexburg Customer Name: Smith Transfer



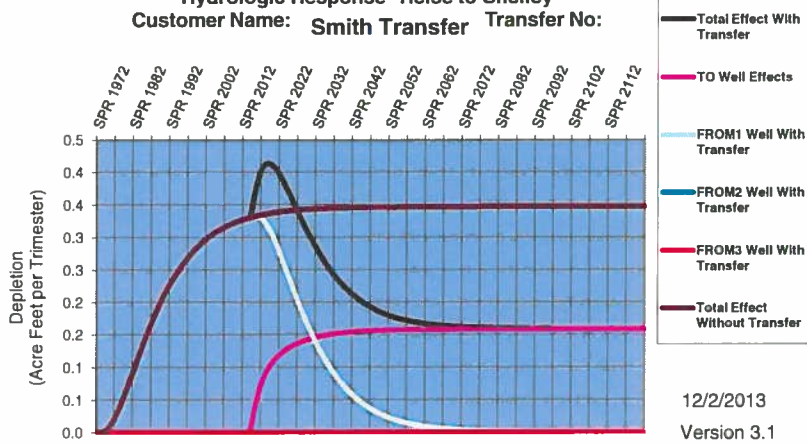
Net Transfer Effect Above Milner (Total Effect With Transfer - Total Effect Without Transfer)



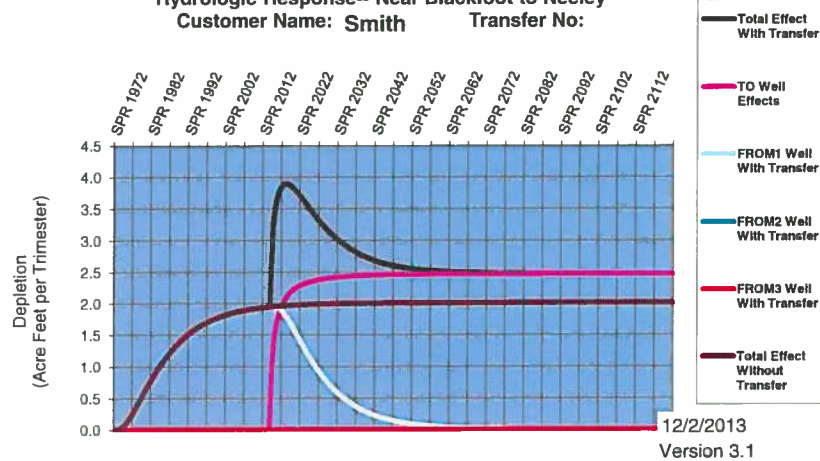
Customer Name: Smith Transfer

Transfer No:

Hydrologic Response—Heise to Shelley Customer Name: Smith Transfer



Hydrologic Response— Near Blackfoot to Neeley Customer Name: Smith



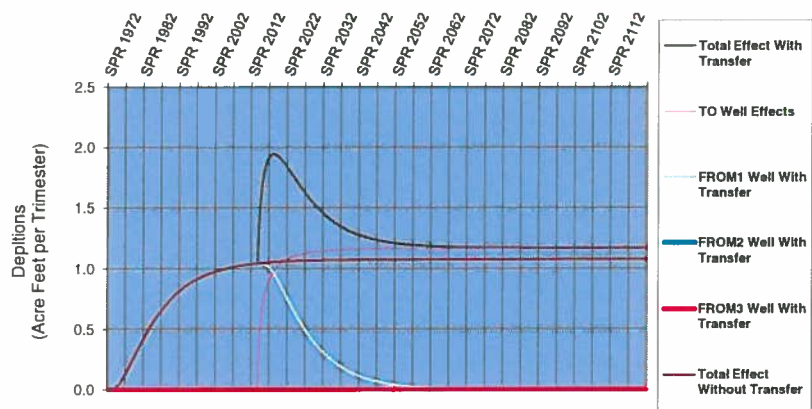
Smith

Smith
Transfer

Hydrologic Response—Shelley to Near Blackfoot

Customer Name:

Transfer No:



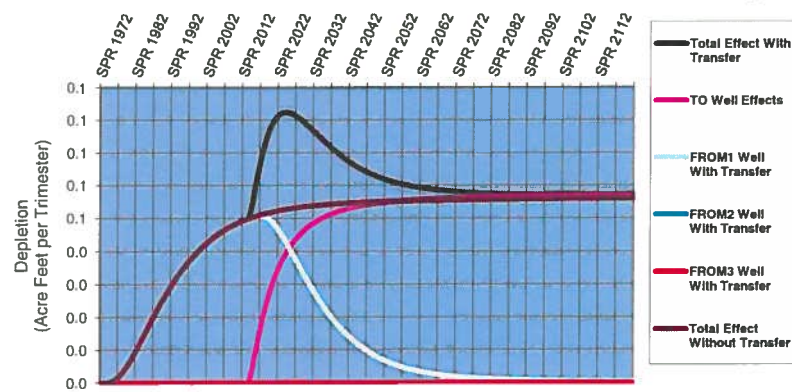
Hydrologic Response— Neeley to Minidoka

Customer Name:

Transfer No:

12/2/2013

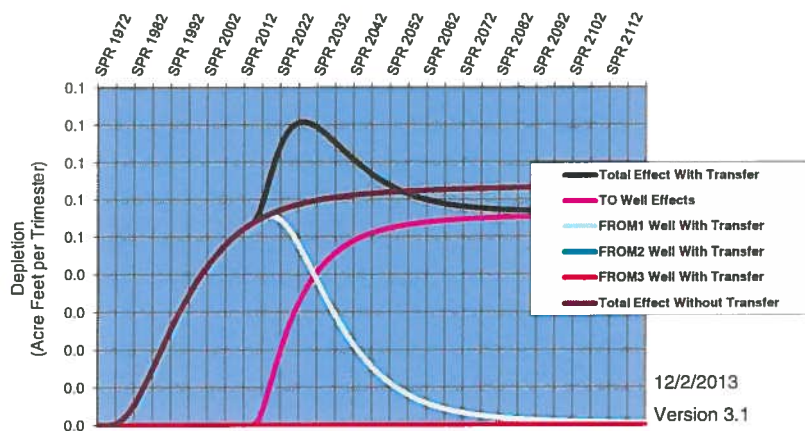
Version 3.1



28682

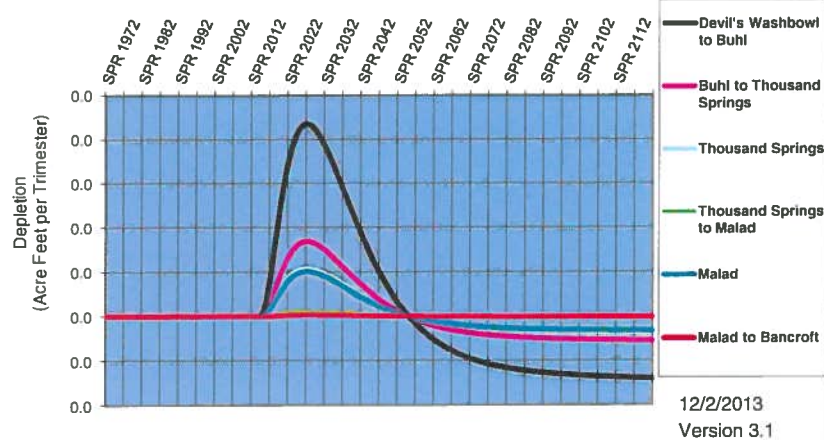
Hydrologic Response—Devil's Washbowl to Buhl

Customer Name: **Smith** Transfer No:



Net Transfer Effect Below Milner

(Total Effect With Transfer - Total Effect Without Transfer)

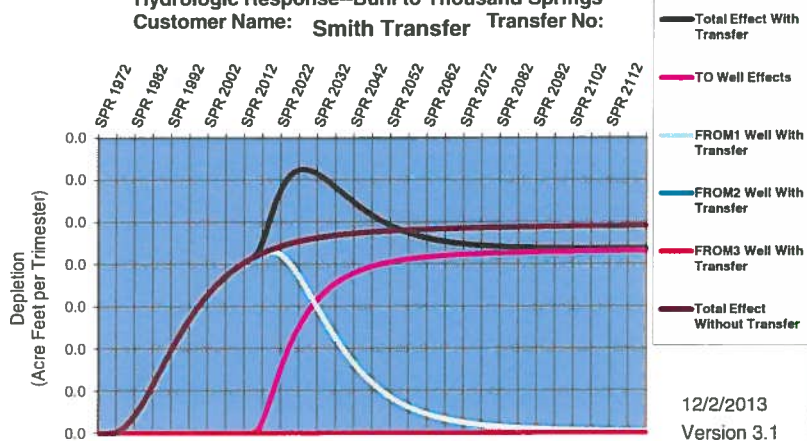


Customer Name: **Smith** Transfer

Transfer No:

Hydrologic Response—Buhl to Thousand Springs

Customer Name: **Smith** Transfer No:



Hydrologic Response—Thousand Springs to Malad

Customer Name: **Smith** Transfer No:



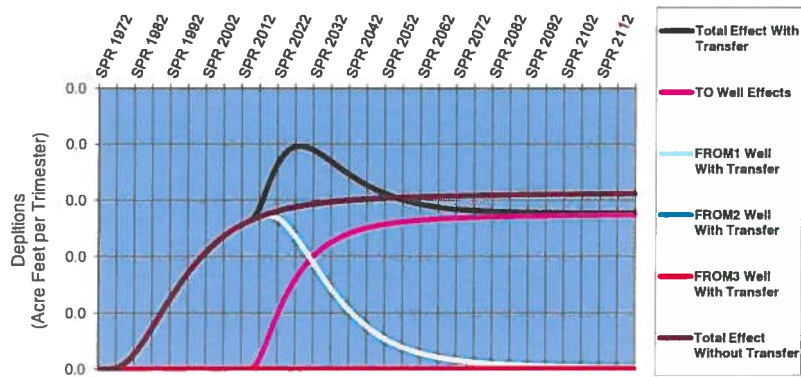
Smith
Transfer

Smith

Hydrologic Response--Thousand Springs

Customer Name:

Transfer No:

12/2/2013
Version 3.1

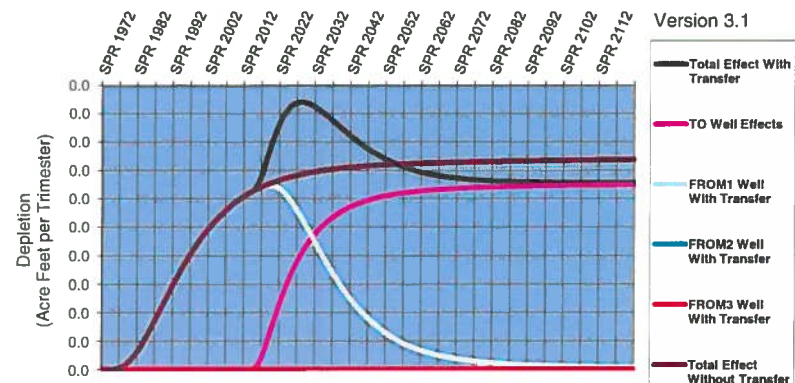
Hydrologic Response-- Malad

Customer Name:

Transfer No:

12/2/2013

Version 3.1



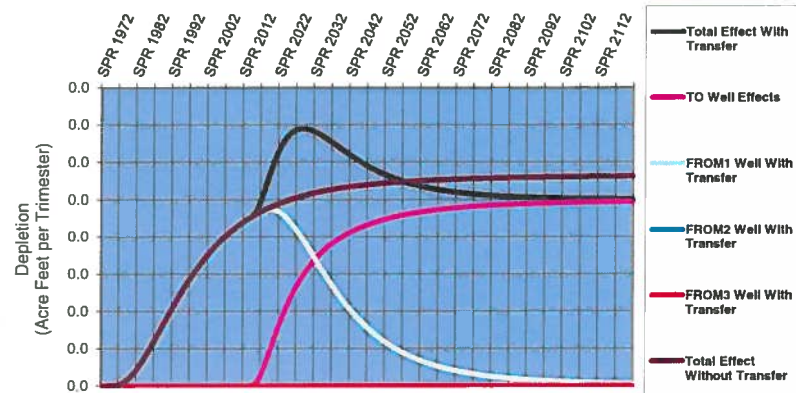
Hydrologic Response-- Malad to Bancroft

Customer Name:

Transfer No:

12/2/2013

Version 3.1



ENHANCED GROUND-WATER RIGHTS TRANSFER SPREADSHEET

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

IDAHO DEPARTMENT OF WATER RESOURCES

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	72	30		
COLUMN	131	131		

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		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
SUM 1972	0	4	4	0	0	0	0
WIN 1972	0	4	4	0	0	0	0
SPR 1973	0	4	4	0	0	0	0
SUM 1973	0	4	4	0	0	0	0
WIN 1973	0	4	4	0	0	0	0
SPR 1974	0	4	4	0	0	0	0
SUM 1974	0	4	4	0	0	0	0
WIN 1974	0	4	4	0	0	0	0
SPR 1975	0	4	4	0	0	0	0
SUM 1975	0	4	4	0	0	0	0
WIN 1975	0	4	4	0	0	0	0
SPR 1976	0	4	4	0	0	0	0
SUM 1976	0	4	4	0	0	0	0
WIN 1976	0	4	4	0	0	0	0
SPR 1977	0	4	4	0	0	0	0
SUM 1977	0	4	4	0	0	0	0

Entering Dates

Enter the starting year of the analysis period. Summer is Jul, Aug, & Sep. Once you have entered the starting year, the date only needs to be modified. Modifying the date does not change the starting year.

Entering Well Location

Enter the row and column for the 'TO' well. Enter the row and column for the 'FROM1' well. Enter the row and column for the 'FROM2' well. If the 'FROM2' well is the same as the 'FROM1' well, enter 0. If the 'FROM3' well is the same as the 'FROM1' well, enter 0. The 'FROM3' well can be the same as the 'FROM1' well.

Running the Model

Once the model cells are entered, push the 'RUN MODEL' button. The model will run and the results will be displayed. The model needs to be re-run if the input data changes.

Getting the Model Output

Once the model has been run, the output will be displayed. The output includes the projected water use for each well and the total water use for the system.

Entering water use data

All water use should be entered in the 'TO' well column. For instructions on how to enter water use data, see the user manual.

Entering 'TO' Well Projected Use

Enter the projected water use for the 'TO' well. The projected water use should start in the first trimester of the analysis period.

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

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SPR 2007	0	4	4	0	0	0	0
SUM 2007	0	4	4	0	0	0	0
WIN 2007	0	4	4	0	0	0	0
SPR 2008	0	4	4	0	0	0	0
SUM 2008	0	4	4	0	0	0	0
WIN 2008	0	4	4	0	0	0	0
SPR 2009	0	4	4	0	0	0	0
SUM 2009	0	4	4	0	0	0	0
WIN 2009	0	4	4	0	0	0	0
SPR 2010	0	4	4	0	0	0	0
SUM 2010	0	4	4	0	0	0	0
WIN 2010	0	4	4	0	0	0	0
SPR 2011	0	4	4	0	0	0	0
SUM 2011	0	4	4	0	0	0	0
WIN 2011	0	4	4	0	0	0	0
SPR 2012	0	4	4	0	0	0	0
SUM 2012	0	4	4	0	0	0	0
WIN 2012	0	4	4	0	0	0	0
SPR 2013	0	4	4	0	0	0	0
SUM 2013	0	4	4	0	0	0	0
WIN 2013	0	4	4	0	0	0	0
SPR 2014	4	0	4	0	0	0	0
SUM 2014	4	0	4	0	0	0	0
WIN 2014	4	0	4	0	0	0	0
SPR 2015	4	0	4	0	0	0	0
SUM 2015	4	0	4	0	0	0	0
WIN 2015	4	0	4	0	0	0	0
SPR 2016	4	0	4	0	0	0	0
SUM 2016	4	0	4	0	0	0	0
WIN 2016	4	0	4	0	0	0	0
SPR 2017	4	0	4	0	0	0	0
SUM 2017	4	0	4	0	0	0	0
WIN 2017	4	0	4	0	0	0	0
SPR 2018	4	0	4	0	0	0	0
SUM 2018	4	0	4	0	0	0	0
WIN 2018	4	0	4	0	0	0	0
SPR 2019	4	0	4	0	0	0	0
SUM 2019	4	0	4	0	0	0	0
WIN 2019	4	0	4	0	0	0	0
SPR 2020	4	0	4	0	0	0	0
SUM 2020	4	0	4	0	0	0	0
WIN 2020	4	0	4	0	0	0	0
SPR 2021	4	0	4	0	0	0	0
SUM 2021	4	0	4	0	0	0	0
WIN 2021	4	0	4	0	0	0	0
SPR 2022	4	0	4	0	0	0	0

RECORDING REQUESTED BY:
Baker & Harris
266 W Bridge
Blackfoot, ID 83221

Instrument # 652814

BINGHAM COUNTY, IDAHO
2013-09-13 02:06:26 PM No. of Pages: 2
Recorded for: BAKER & HARRIS
SARA J. STAUB Fee: \$13.00
Ex-Officio Recorder Deputy CMiles
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

space above this line for Recording use only

WARRANTY DEED

For Value Received, BRETT J. WHITE and JERIANN WHITE, husband and wife, the Grantors, do hereby grant, bargain, sell, and convey unto MERLIN SMITH, SR., a married man dealing with his sole and separate property, of 833 S Stout, Blackfoot, Idaho 83221, the Grantee, the following-described premises, to-wit:

Part of Section 36, Township 1 South, Range 33, East, Boise Meridian, Bingham County, Idaho, described as:

Commencing at the Southwest corner of Section 36, Township 1 South, Range 33 East and running thence South 89°45'28" East 662.99 feet along the South line of Section 36 to the True Point of Beginning; thence North 00°14'40" East 400.13 feet along the East line of parcel as described in Bingham County Instrument Number 571570; thence South 89°45'28" East 662.86 feet to the West 1/16 line of said Section 36; thence South 00°20'02" West 400.16 feet along said West 1/16 line to the South line of said Section 36; thence North 89°45'28" West 662.23 feet along said South line to the Point of Beginning.

Subject to a 15 foot Powerline Easement along the East side of the above described property.

Subject to a 25 foot County Road right-of-way along the South side.

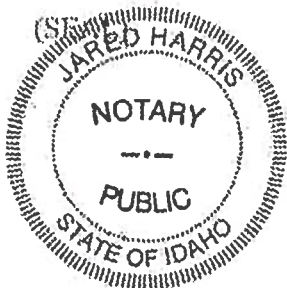
Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

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.

DATED this 13th day of September, 2013.


Jeriann White

Notary Public for Idaho
Residing at Blackfoot
My Commission Expires: 2/23/17



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

78982
#4 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, 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: _____

Page 1 of Transfer No. _____

78982

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 —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