

RECEIVED

DEC 09 2013

Department of Water Resources
Eastern Region

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 78973APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) MERLIN SMITH, MERLIN SMITH, JR, JENNIFER SMITH 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

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.**
- _____
- _____

78973

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
☒ ☐	35-14246	0.13 cfs	Irrigation	4/01 to 11/01	Ground Water
☒ ☐	35-14250	0.31 cfs	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	35-14257	0.42 cfs	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	35-8022	2.12 cfs	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	35-14330	0.03 cfs	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	35-14331	0.02 cfs	Irrigation	04/15 to 10/15	Ground Water
☒ ☐	35-14341	0.03 cfs	Irrigation	04/01 to 11/01	Ground Water

Total authorized under rights 3.14 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 3.14 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	NW	12	02S	33E	Bingham County	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	
02S	33E	12			5.7		33.0	32.0	31.9	33.6	18.8			6.8		24.3	12.1		198.2

Total Acres (for irrigation use) 198.2

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 to pivot

- 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:

- 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: Idaho Agricultural Credit Association

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 be dry.

- 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:

- 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: _____

[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:

78973

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

78973

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

78973

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/15/2013

WATER RIGHT NO. 35-14246

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MERLIN SMITH SR 833 S STOUT BLACKFOOT, ID 83221 (208)317-3513
Original Owner	MIKE A GOEDEN BLACKFOOT, ID 83221
Original Owner	DARRELL BURKE 480 CLIFFORD BLACKFOOT, ID 83221 (208)785-1813

Priority Date: 04/16/1953

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	0.13 CFS	27.6 AFA
Total Diversion			0.13 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NESWNW|Sec. 12|Township 02S|Range 33E|BINGHAM County

78973

IRRIGATION Use:

Acre Limit: 6.9

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM 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>
02S	33E	12		SWNE	5.4									
				NENW	33		NWNW	32		SWNW	31.9		SENE	33.6
				NESW	18.8		SESW	6.8						
				NWSE	20.5		SWSE	12.1						

Total Acres: 194.1

Conditions of Approval:

1. X27 This right is limited to the irrigation of 6.9 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-8022, 35-14246, 35-14250 and 35-14257 when combined shall not exceed the irrigation of 187.3 acres.
3. X35 Rights 35-8022, 35-14246, 35-14250, 35-14257, 35-14330, 35-14331, 35-14341 and 35-14342 when combined shall not exceed a total annual maximum diversion volume of 773.6 af at the field headgate, and the irrigation of 194.1 acres.
4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. 214 Prior to the diversion and use of water under Transfer approval 78823, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. 004 This right does not grant any right-of-way or easement across the land of another.
10. T07

78973

- The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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: 01/30/2002

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: Or

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 187.3

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

78973

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/15/2013

WATER RIGHT NO. 35-14250

<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	PLACERTON INC , ID
Original Owner	EASTERN IDAHO PRODUCTION CREDIT ASSN 188 W JUDICIAL PO BOX 985 BLACKFOOT, ID 83221 (208)785-1510

Priority Date: 07/19/1973

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	04/01	10/31	0.31 CFS	80 AFA
Total Diversion			0.31 CFS	

Location of Point(s) of Diversion:

78973

GROUND WATER|NESWNW|Sec. 12|Township 02S|Range 33E|BINGHAM County

IRRIGATION Use:

Acre Limit: 20

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM 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>
02S	33E	12		SWNE	5.4									
				NENW	33		NWNW	32		SWNW	31.9		SENEW	33.6
				NESW	18.8		SESW	6.8						
				NWSE	20.5		SWSE	12.1						

Total Acres: 194.1

Conditions of Approval:

1. X27 This right is limited to the irrigation of 20.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-8022, 35-14246, 35-14250 and 35-14257 when combined shall not exceed the irrigation of 187.3 acres.
3. X35 Rights 35-8022, 35-14246, 35-14250, 35-14257, 35-14330, 35-14331, 35-14341 and 35-14342 when combined shall not exceed a total annual maximum diversion volume of 773.6 af at the field headgate, and the irrigation of 194.1 acres.
4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. 214 Prior to the diversion and use of water under Transfer approval 78823, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. 004 This right does not grant any right-of-way or easement across the land of another.

78973

10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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: 06/07/2002

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: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 187.3

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

78973

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/15/2013

WATER RIGHT NO. 35-14257

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JENNIFER SMITH
Current Owner	MERLIN SMITH JR 399 N 500 W BLACKFOOT, ID 83221 (208)317-3514
Current Owner	MERLIN SMITH SR 833 S STOUT BLACKFOOT, ID 83221 (208)317-3513
Original Owner	VERLA SASSER 793 S 1600 W PINGREE, ID 83262 (208)684-4243

Priority Date: 03/28/1966

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	10/31	0.42 CFS	113.6 AFA
Total Diversion			0.42 CFS	

Location of Point(s) of Diversion:

78973

GROUND WATER|NESWNW|Sec. 12|Township 02S|Range 33E|BINGHAM County

IRRIGATION Use:

Acre Limit: 28.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM 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>
02S	33E	12		SWNE	5.4									
				NENW	33		NWNW	32		SWNW	31.9		SENE	33.6
				NESW	18.8		SESW	6.8						
				NWSE	20.5		SWSE	12.1						

Total Acres: 194.1

Conditions of Approval:

1. X27 This right is limited to the irrigation of 28.4 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-8022, 35-14246, 35-14250 and 35-14257 when combined shall not exceed the irrigation of 187.3 acres.
3. X35 Rights 35-8022, 35-14246, 35-14250, 35-14257, 35-14330, 35-14331, 35-14341 and 35-14342 when combined shall not exceed a total annual maximum diversion volume of 773.6 af at the field headgate, and the irrigation of 194.1 acres.
4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. 214 Prior to the diversion and use of water under Transfer approval 78823, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. R64

78973

- This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. 004 This right does not grant any right-of-way or easement across the land of another.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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: 03/07/2002

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: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 187.3

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

78973

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/15/2013

WATER RIGHT NO. 35-8022

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JENNIFER SMITH
Current Owner	MERLIN SMITH JR 399 N 500 W BLACKFOOT, ID 83221 (208)317-3514
Current Owner	MERLIN SMITH SR 833 S STOUT BLACKFOOT, ID 83221 (208)317-3513
Original Owner	DICK RUBOTTOM
Original Owner	RUSSELL STEWART PO BOX 905 BLACKFOOT, ID 83221
Security Interest	IDAHO AGCREDIT FLCA PO BOX 985 BLACKFOOT, ID 83221-0985 (800) 686-8910

Priority Date: 02/22/1982

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	10/31	2.12 CFS	528 AFA
Total Diversion			2.12 CFS	

78973

Location of Point(s) of Diversion:

GROUND WATER|NESWNW|Sec. 12|Township 02S|Range 33E|BINGHAM County

IRRIGATION Use:

Acre Limit: 132

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	33E	12		SWNE	5.4									
				NENW	33		NWNW	32		SWNW	31.9		SENW	33.6
				NESW	18.8		SESW	6.8						
				NWSE	20.5		SWSE	12.1						

Total Acres: 194.1

Conditions of Approval:

1. X27 This right is limited to the irrigation of 132.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-8022, 35-14246, 35-14250 and 35-14257 when combined shall not exceed the irrigation of 187.3 acres.
3. X35 Rights 35-8022, 35-14246, 35-14250, 35-14257, 35-14330, 35-14331, 35-14341 and 35-14342 when combined shall not exceed a total annual maximum diversion volume of 773.6 af at the field headgate, and the irrigation of 194.1 acres.
4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. 214 Prior to the diversion and use of water under Transfer approval 78823, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

78973

7. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. 004 This right does not grant any right-of-way or easement across the land of another.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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.
12. T19

Dates:

Licensed Date:

Decreed Date: 02/25/2002

Permit Proof Due Date: 4/1/1987

Permit Proof Made Date: 9/15/1982

Permit Approved Date: 4/15/1982

Permit Moratorium Expiration Date:

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: AND

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 187.3

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

78973

Cary Act Number:
Mitigation Plan: False

Close

78973

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/15/2013

WATER RIGHT NO. 35-14330

<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	0.03 CFS	12.2 AFA
Total Diversion			0.03 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWNW|Sec. 12|Township 02S|Range 33E|BINGHAM County

78973

IRRIGATION Use:

Acre Limit: 3.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM 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>
02S	33E	12		SWNE	5.4									
				NENW	33		NWNW	32		SWNW	31.9		SENE	33.6
				NESW	18.8		SESW	6.8						
				NWSE	20.5		SWSE	12.1						

Total Acres: 194.1

Conditions of Approval:

1. X35 Rights 35-14330 and 35-14331 when combined shall not exceed a total annual maximum diversion volume of 12.2 af at the field headgate, and the irrigation of 3.4 acres.
2. X35 Rights 35-8022, 35-14246, 35-14250, 35-14257, 35-14330, 35-14331, 35-14341 and 35-14342 when combined shall not exceed a total annual maximum diversion volume of 773.6 af at the field headgate, and the irrigation of 194.1 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. 214 Prior to the diversion and use of water under Transfer approval 78823, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. 004 This right does not grant any right-of-way or easement across the land of another.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. T08

78973

11. T19 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

78973

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/15/2013

WATER RIGHT NO. 35-14331

<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	0.02 CFS	7.3 AFA
Total Diversion			0.02 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWNW|Sec. 12|Township 02S|Range 33E|BINGHAM County

78973

IRRIGATION Use:

Acre Limit: 3.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM 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>
02S	33E	12		SWNE	5.4									
				NENW	33		NWNW	32		SWNW	31.9		SENE	33.6
				NESW	18.8		SESW	6.8						
				NWSE	20.5		SWSE	12.1						

Total Acres: 194.1

Conditions of Approval:

1. X35 Rights 35-14330 and 35-14331 when combined shall not exceed a total annual maximum diversion volume of 12.2 af at the field headgate, and the irrigation of 3.4 acres.
2. X35 Rights 35-8022, 35-14246, 35-14250, 35-14257, 35-14330, 35-14331, 35-14341 and 35-14342 when combined shall not exceed a total annual maximum diversion volume of 773.6 af at the field headgate, and the irrigation of 194.1 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. 214 Prior to the diversion and use of water under Transfer approval 78823, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. X61 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 shown and other elements of the right are not exceeded. The use of water before 4/15 and

78973

- 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.
9. 004 This right does not grant any right-of-way or easement across the land of another.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

78973

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/15/2013

WATER RIGHT NO. 35-14341

<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	0.03 CFS	11.4 AFA
Total Diversion			0.03 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWNW|Sec. 12|Township 02S|Range 33E|BINGHAM County

78973

IRRIGATION Use:

Acre Limit: 3.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM 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>
02S	33E	12		SWNE	5.4									
				NENW	33		NWNW	32		SWNW	31.9		SENE	33.6
				NESW	18.8		SESW	6.8						
				NWSE	20.5		SWSE	12.1						

Total Acres: 194.1

Conditions of Approval:

1. X35 Rights 35-14341 and 35-14342 when combined shall not exceed a total annual maximum diversion volume of 12.2 af at the field headgate, and the irrigation of 3.4 acres.
2. X35 Rights 35-8022, 35-14246, 35-14250, 35-14257, 35-14330, 35-14331, 35-14341 and 35-14342 when combined shall not exceed a total annual maximum diversion volume of 773.6 af at the field headgate, and the irrigation of 194.1 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. 214 Prior to the diversion and use of water under Transfer approval 78823, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. 004 This right does not grant any right-of-way or easement across the land of another.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. T08

78973

11. T19 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

78973

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/15/2013

WATER RIGHT NO. 35-14342

<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	0.02 CFS	7.3 AFA
Total Diversion			0.02 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWNW|Sec. 12|Township 02S|Range 33E|BINGHAM County

78973

IRRIGATION Use:

Acre Limit: 3.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM 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>
02S	33E	12		SWNE	5.4									
				NENW	33		NWNW	32		SWNW	31.9		SENW	33.6
				NESW	18.8		SESW	6.8						
				NWSE	20.5		SWSE	12.1						

Total Acres: 194.1

Conditions of Approval:

1. X35 Rights 35-14341 and 35-14342 when combined shall not exceed a total annual maximum diversion volume of 12.2 af at the field headgate, and the irrigation of 3.4 acres.
2. X35 Rights 35-8022, 35-14246, 35-14250, 35-14257, 35-14330, 35-14331, 35-14341 and 35-14342 when combined shall not exceed a total annual maximum diversion volume of 773.6 af at the field headgate, and the irrigation of 194.1 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. 214 Prior to the diversion and use of water under Transfer approval 78823, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. X61 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 shown and other elements of the right are not exceeded. The use of water before 4/15 and

78973

- 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.
9. 004 This right does not grant any right-of-way or easement across the land of another.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

78973

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

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

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ 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. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

FOR DEPARTMENT USE ONLY

Transfer contains pages and attachments.

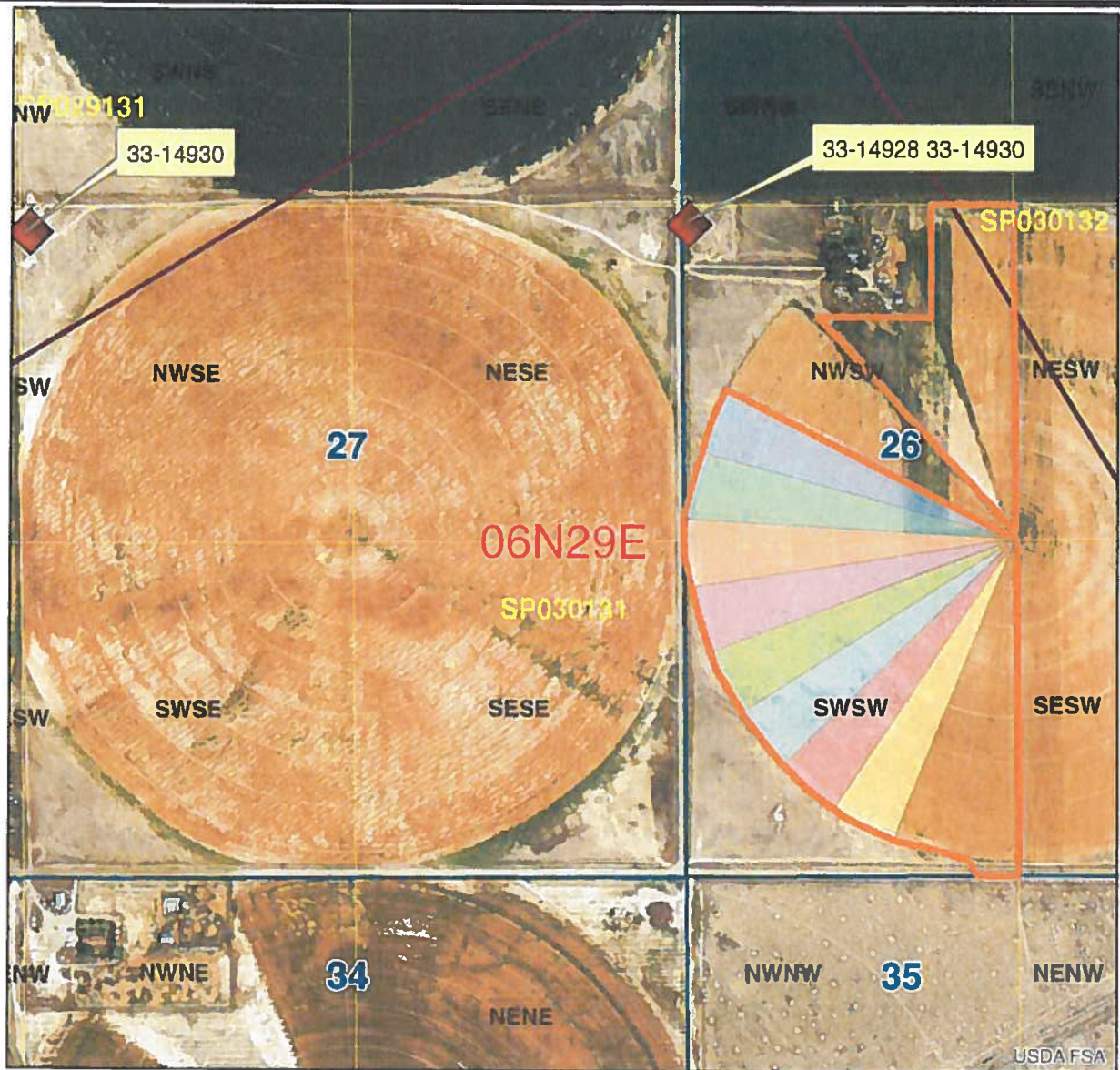
Received by _____ Date _____ Prelim. Check by _____ Date _____

Fee Paid 81600.00 Date _____ Received by State Receipt # F039363

Add'l Fee Paid	Date	Received by	Receipt #
----------------	------	-------------	-----------

8 applications for transfer.

78973



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

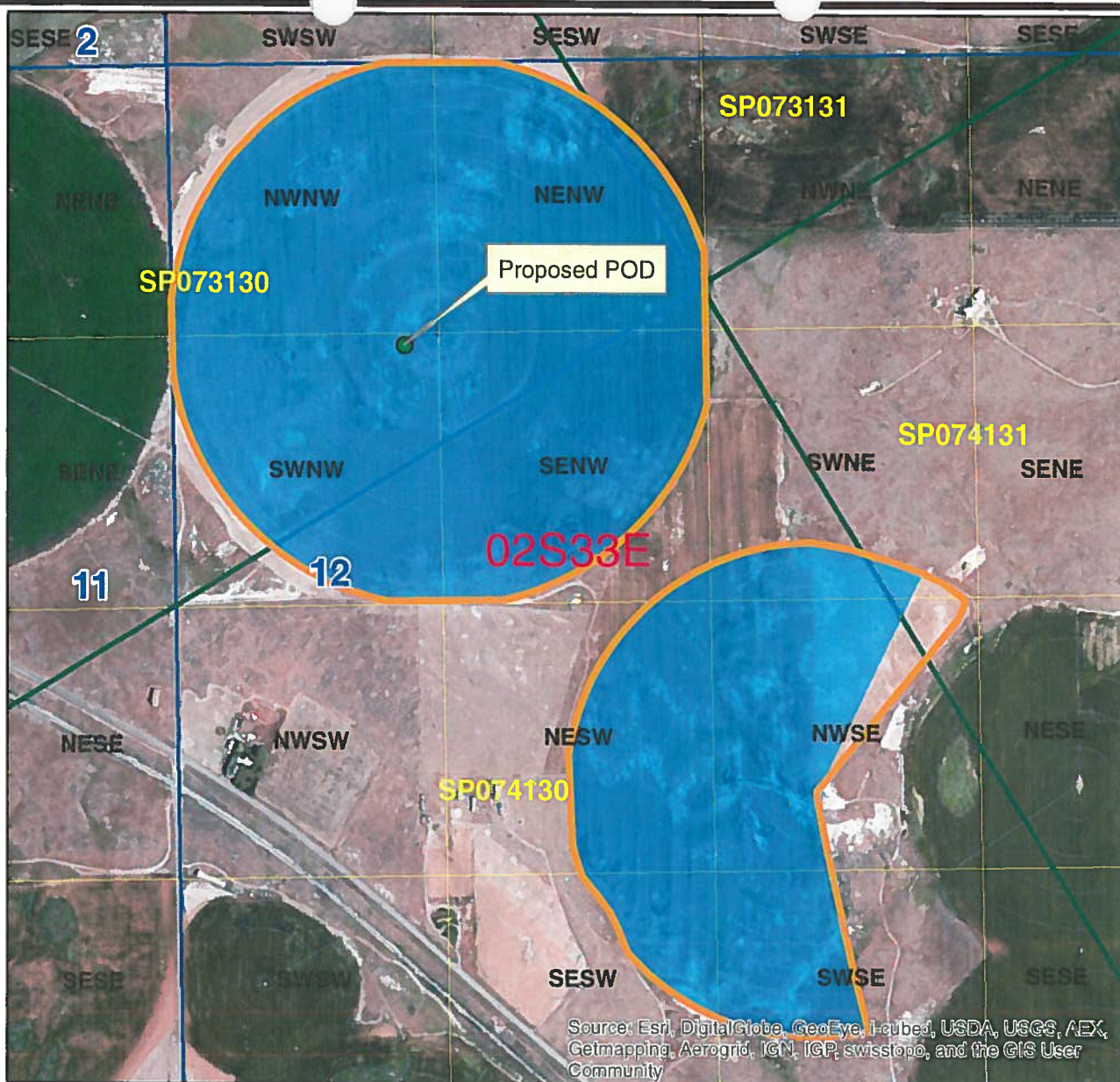


Sections



QQ

78973



- Proposed_POU_35-8022_35-14330_35-14331_35-14341_35-14342_35-14246_35-14257_35-14250_33-14298_33-14930
- Current_POU_35-8022_35-14330_35-14331_35-14341_35-14342_35-14246_35-14257_35-14250
- modelgrid
- Township/Range
- Sections
- QQ



78973

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

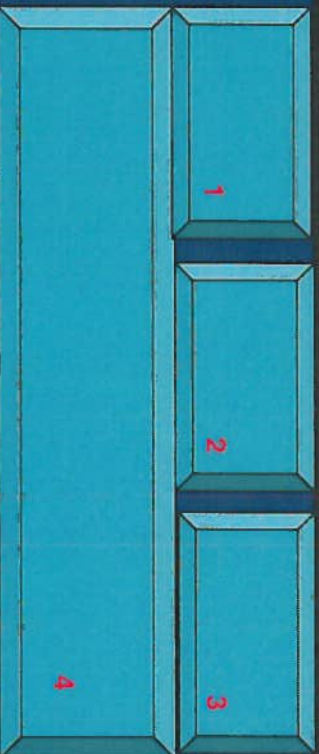
ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

YEAR: 1972

SEASON: SPRING

TRANSFER NO: 1

TRANSFER NAME: Smith Transfer



ENTER CELL LOCATIONS:

TO CELL: 73

FROM1 CELL: 30

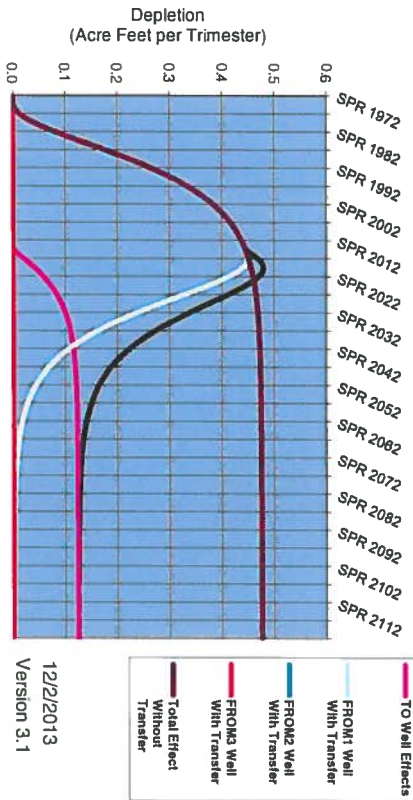
FROM2 CELL: 130

FROM3 CELL: 131

TRIMESTER OF ACTIVITY	TO WELL Protected Use AF/TRIMESTER	FROM1 WELL		FROM2 WELL		FROM3 WELL		
		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	Entering Dates
SUM 1972	0	4	4	0	0	0	0	Enter the starting year of the analysis period
WIN 1972	0	4	4	0	0	0	0	Summer is Jul, Aug, S
SPR 1973	0	4	4	0	0	0	0	Once you have entered
SUM 1973	0	4	4	0	0	0	0	The date only needs to
WIN 1973	0	4	4	0	0	0	0	Modifying the date do
SPR 1974	0	4	4	0	0	0	0	Entering Well Location
SUM 1974	0	4	4	0	0	0	0	Enter the row and col
WIN 1974	0	4	4	0	0	0	0	Enter the row and col
SPR 1975	0	4	4	0	0	0	0	Enter the row and col
SUM 1975	0	4	4	0	0	0	0	If the 'FROM2' well is
WIN 1975	0	4	4	0	0	0	0	If the 'FROM3' well is
SPR 1976	0	4	4	0	0	0	0	The 'FROM3' well can
SUM 1976	0	4	4	0	0	0	0	Running the Model
WIN 1976	0	4	4	0	0	0	0	Once the model cells
SPR 1977	0	4	4	0	0	0	0	the 'RUN MODEL' but
SUM 1977	0	4	4	0	0	0	0	needs to be re-run if t

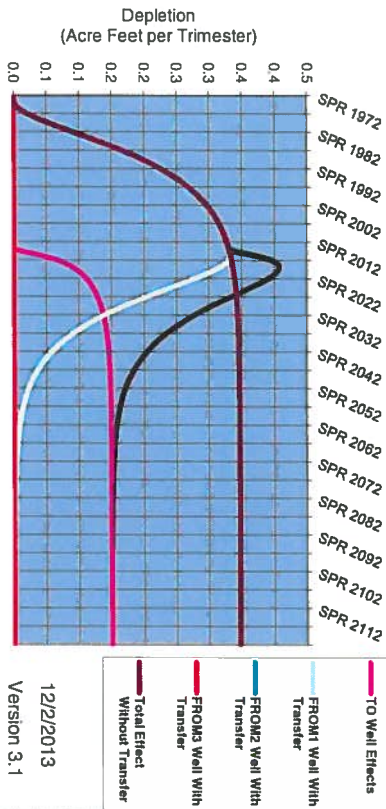
Hydrologic Response—Ashton to Rexburg

Customer Name: Smith Transfer Transfer No:



Hydrologic Response—Haise to Shelley

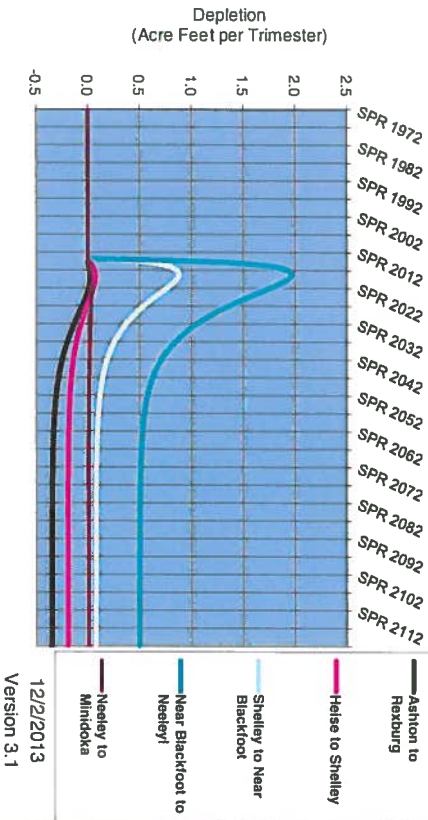
Customer Name: Smith Transfer Transfer No:



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

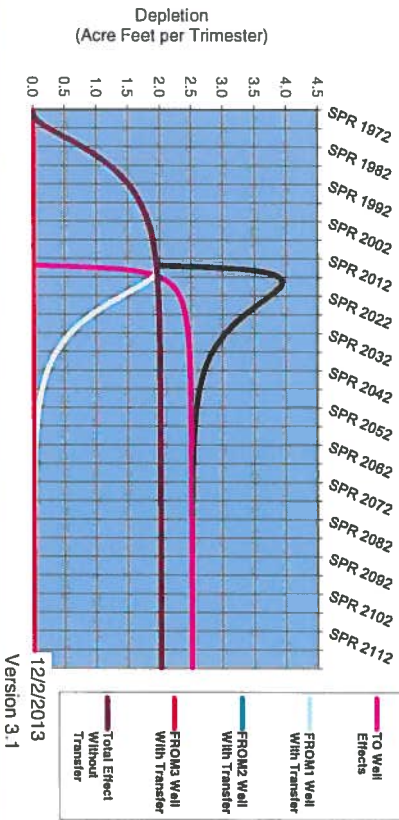
Customer Name: Smith Transfer

Transfer No:



Hydrologic Response—Near Blackfoot to Neeley

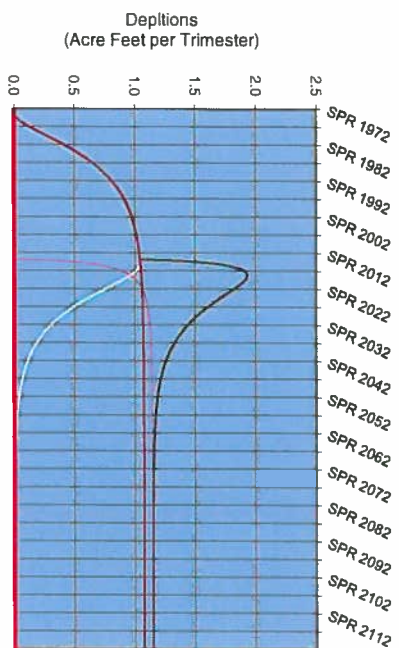
Customer Name: Smith Transfer No:



Smith

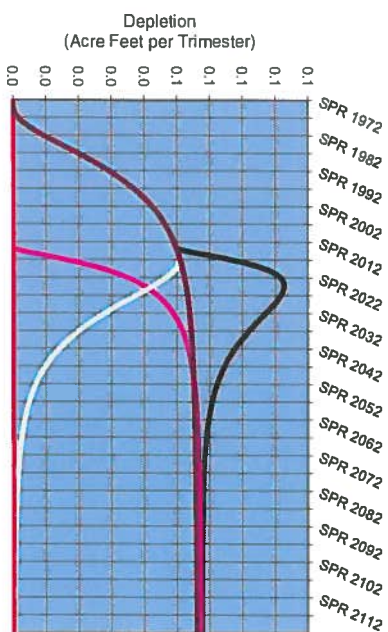
Smith
Transfer

Transfer No:



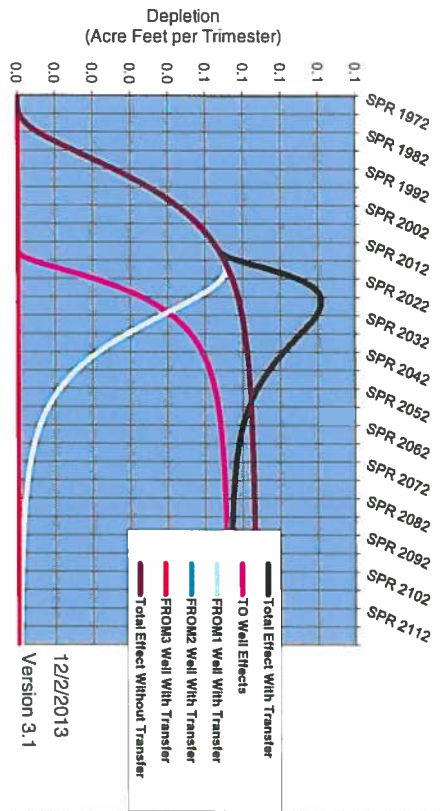
Transfer No:

12/2/2013



Hydrologic Response--Devil's Washbowl to Buhl

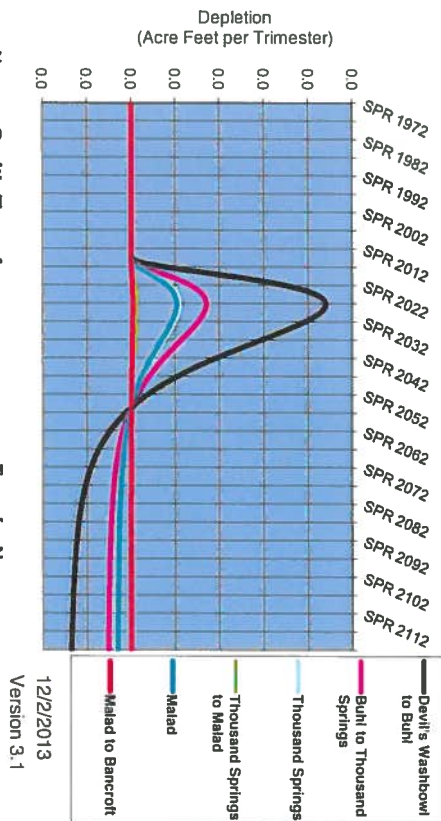
Customer Name: Smith Transfer Transfer No:



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

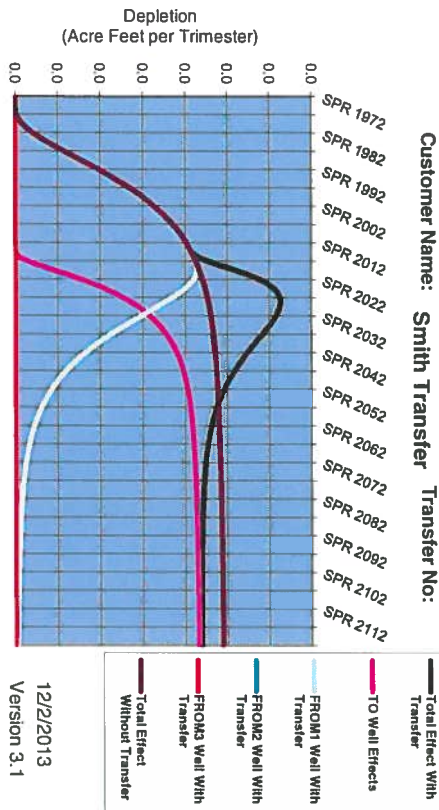
Customer Name: Smith Transfer

Transfer No:



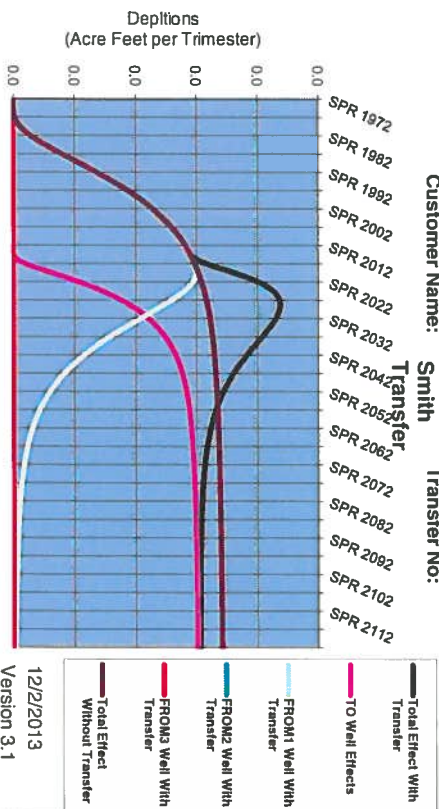
Hydrologic Response--Buhl to Thousand Springs

Customer Name: Smith Transfer Transfer No:



Hydrologic Response--Thousand Springs to Malad

Customer Name: Smith Transfer Transfer No:



Smith
Transfer

Smith

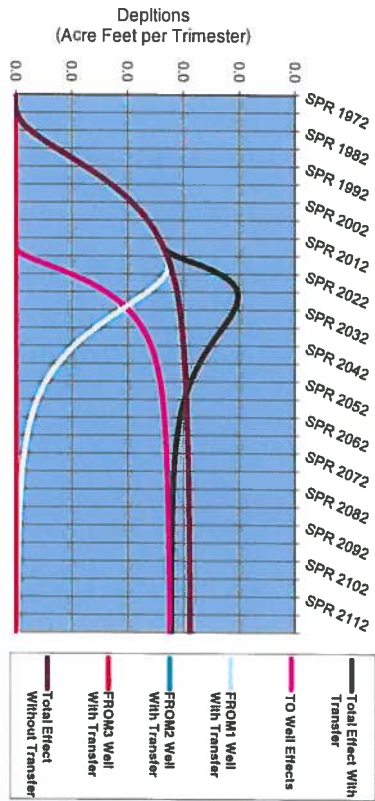
Hydrologic Response—Thousand Springs

Customer Name:

Transfer No:

12/2/2013

Version 3.1



Hydrologic Response—Malad

Customer Name:

Transfer No:

12/2/2013

Version 3.1



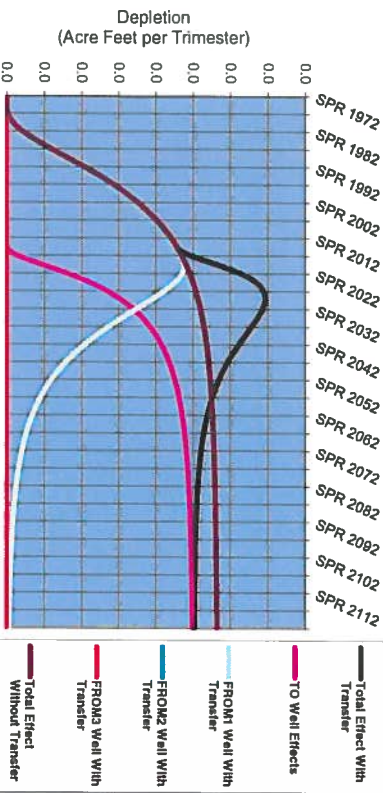
Hydrologic Response—Malad to Bancroft

Customer Name:

Transfer No:

12/2/2013

Version 3.1





188 W. Judicial Street - P.O. Box 985
Blackfoot, Idaho 83221
208.785.1510 or 800.686.8910
Fax: 208.785.7066
www.idahoagcredit.com

Idaho Department of Water Rights
900 N Skyline Dr. Suite A
Idaho Falls ID 83402-1718

Re: Water Rights Transfers - Merlin Smith, Sr., Merlin Smith, Jr., and Jennifer Smith
Baker & Harris Matter No: 5921

To Whom It May Concern:

This letter is to inform you that Idaho Agricultural Credit Association is aware of and consents to the proposed transfer of a portions of Water Right Numbers 33-14928 and 33-14930 to Water Right Numbers 35-2164A, 35-4237, 35-13912 and 35-14071, and consents to the change in the Point of Use and Point of Diversion both referred to below.

1. Transfer of Water Right - FROM: Point of Diversion & Point of Use:

Water Right No.	Legal Description
33-14928	Township 6 North, Range 29 E, Section 26
33-14930	Township 6 North, Range 29 E, Section 26

2. Transfer of Water Right - TO: Point of Diversion & Point of Use:

Water Right No.	Legal Description
35-2164A	Township 2 South, Range 34 E, Section 7 - Tract NWNE
35-4237	Township 2 South, Range 34 E, Section 8 - Tract NWSW
35-13912	Township 2 South, Range 34 E, Section 7 - Tract SENE & SWNE
35-14071	Township 2 South, Range 33 E, Section 13 - Tract NWSW & NESW

Sincerely,

IDAHO AGRICULTURAL CREDIT ASSOCIATION

By: *Kate Wallace*

It's: *Loan Officer*

Attachment #6

78973

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

78973
#1 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 <http://www.idwr.idaho.gov/>.

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 transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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 <http://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: _____

78973

RECEIVE

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:

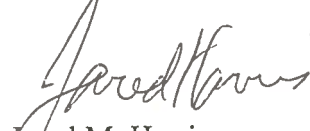
Enclosed, please find eight Applications for Transfer of Water Rights. At this time, we are submitted eight simultaneous applications to various points of use throughout Bingham County.

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