

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 45-320A
Date Received: 5/8/1989
Receipt No: M003459
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LEO R BELL Phone: (208)673-5372
STAR RT BOX 26
ALBION ID 83311

MERLA C BELL Phone: (208)673-5372
STAR RT BOX 26
ALBION ID 83311

2. Date of Priority: 05/01/1877

3. Source: HOWELL CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	25E	29	SE NE NE	CASSIA	

5. Description of diverting works:

HEADGATE AND DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1	

7. Total Quantity Appropriated is:
1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12S	25E	8	NE	SW	IRRIGATION	38
			SE	SW	IRRIGATION	39
					Section Acres	77
					Total Acres	77

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

P/U GIVEN IN CHATBURN VS BRIM.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

May 1, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LEO BELL
MERLA BELL
STAR RT BOX 26
ALBION ID 83311

Re: SRBA Claim(s) 45-246A, 45-320A, 45-329A

Dear Mr. and Mrs. Bell:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

Enc.

KC

RECEIVED
APR 22 2002
Department of Water Resources
Southern Region

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	1745-00246A				
	1745-00329A				
	45-320A				

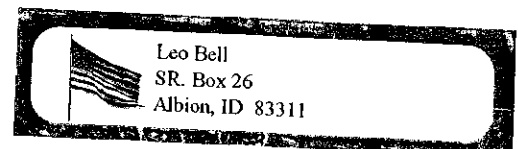
2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Lamar Hagar
4. New Owner/Claimant(s) 614 Shilling, Blackfoot, Ida 83221
Leo And/or Merla Bell
Name Connector (Check one): ☒ and, ☐ or, ☒ and/or
- New Mailing Address Star RT Box 26
- City, State and ZIP Code Albion, Idaho 83311
- New Telephone Number 208-673-5372
5. Date you acquired the property _____



6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Leo B. Mc
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by [Signature] Date _____ Receipt No. _____
 Processed by [Signature] AJ Date 4/30/02 WR _____ Date _____

WARRANTY DEED

#26713

240115

For Value Received

F. LAMAR HAGAR and CHARLOTTE W. HAGAR, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

LEO BELL and MERLA BELL, husband and wife

Address: Star Route Box 26, Albion, Id 83311

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

TOWNSHIP 12 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 8: E $\frac{1}{2}$ SW $\frac{1}{4}$

Section 17: NE $\frac{1}{4}$ NW $\frac{1}{4}$

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes subsequent to the year 1995.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: December 11, 1995

F. Lamar Hagar
F. LAMAR HAGAR

Charlotte W. Hagar
CHARLOTTE W. HAGAR

STATE OF IDAHO)
COUNTY OF Bingham) ss.

On this 12th day of December, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared F. LAMAR HAGAR and CHARLOTTE W. HAGAR, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Lorece Hopkins
Notary Public
Residing at: Blackfoot
My Commission expires: 11-23-96

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

FILM 272

1995 DEC 15 P 4: 36

CASSIA COUNTY, IDAHO
CORRELL M. ROSKELLEY
RECORDER

RE 300 DEPUTY LH

LAND TITLE & ESCROW

240115

NAPF-4983

R25

48 R

T1397

T. 1398

11

125

3
131

4
111

2
34.3

5
50

T. 1398

(11)

230

HEL
NW

6
34.0

T. 1398

(12)

27.1

NW

3

4.5

4

12.0

6

9.0

7

32

HEL
NW

(14)

39.4

HEL

HEL

(15)

127

(16)

52.0

HEL
NW

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

RECEIVED

AUG 23 1989

Ident. Number: A45-00320A
Date Received: 5/08/1989
Receipt No: MC03459
Received By: JPC

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LAMAR HAGAR
Address: 61 N. SHILLING ST.
BLACKFOOT, ID

208-785-3079

83221

2. Date of Priority: MAY 01, 1877

3. Source: HOWELL CREEK

Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	25E	29	SE	NE	NE		CASSIA

5. Description of diverting works:
HEADGATE AND DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 231.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
12S	25E	8	NE	SW		IRR	38.0
			SE	SW		IRR	39.0

Section Acres 77.0

A45-00320A

Page 1

Date: 05/08/89

MICROFILMED

MAR 07 1993

10. Place of Use: Continued

Total Acres 77.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A4500246A,A4500329

14. Remarks:
P/U GIVEN IN CHATBURN VS BRIM.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

R. L. WOOD, ET. AL.
Decree Plaintiff

vs

WM. STOKES, ET. AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Le. Mar Hagan Date: 5/8/89
Date: _____

State of Idaho)
County of Bingon) SS.

Subscribed and sworn (or affirmed) before me this 8 day

of May 19 89

John Dale Carlen
Notary Public

Seal

Residing at Boon Id

My Commission Expires 6/2/94



MED

93

86

87

35' R 25 E

88

89



MICROFILMED
MAR 07 1993

MICROFILMED
 MAR 07 1993

Water right number - 45-00320

+ - - Audit Fields -

[illegible]

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Tested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- p
Start Work Date	- 00/00/0000	Verified Date	- 03/02/1987	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 45P
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 03/21/1892				

MICROFILMED
MAR 07 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 26, 2004

LEO R & MERLA BELL
1137 E 100 S
ALBION ID 83311

RECEIVED
JAN 29 2004
Department of Water Resources
Southern Region

Re: Snake River Basin Adjudication (SRBA)
Change of Address

Dear Claimants:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water rights can be sent only to the address on your water rights or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it in the enclosed self-addressed envelope. Make corrections to your name and address, if necessary, before returning this letter. Please return this letter by February 28, 2004. If your mail delivery address changes in any form, please contact us in writing so we can update our records.

Should you have any questions or need assistance, please feel free to contact this office.

Sincerely,

Carrie Hahn

Carrie Hahn
Clerk



Mr. Leo Bell
1137 E. 1000 S. Lot A.
Albion, ID 83311-9709

- Street
Address - Same
Location as Address
Sticker Below.

The address is correct as shown above or as otherwise changed.

Leo Bell

Claimant Signature



Leo Bell
SR. Box 26
Albion, ID 83311

Rural route
address out of
Albion - P.O.

All correspondence on SRBA is under
this address. - Both addresses
are same Residence - L.B.

45-320A

RECEIVED

MAY 26 2004

01/30/2004

Department of Water Resources
Southern Region

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: See cover letter

Water right number: 45-320A

LEO R BELL
1137 E 1000 S LOT A
ALBION ID 83311
Telephone Number: (208)673-5372

MERLA C BELL
1137 E 1000 S LOT A
ALBION ID 83311
Telephone Number: (208)673-5372

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 5-15-04 SIGNATURE: Leo Bell
Please print your name: Leo Bell

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

12/12/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-320A
NAME AND ADDRESS: LEO R BELL
STAR RT BOX 26
ALBION ID 83311

MERLA C BELL
STAR RT BOX 26
ALBION ID 83311

KKC

SOURCE: HOWELL CREEK TRIBUTARY: MARSH CREEK
QUANTITY: 1.000 CFS
PRIORITY DATE: 05/01/1877
POINT OF DIVERSION:

T12S R25E S29 SENENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.000 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R25E S08	NESW	40.0	T12S R25E S08	SESW	35.0
---------------	------	------	---------------	------	------

75 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 75 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 45-246A and 45-320A.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 10-1-2001

File: 45-320 decree split analysis

Prepared by Kelly K Christensen

ANALYSIS OF 45-320
5-1-1877 source = Howell Creek
2.00 cfs on four 40 acre tracts

This right is claimed as follows;

45-320A	^{Bell} Hagar	1.00 cfs
45-320B	Kempton	1.00 cfs
45-320C	Droz	0.25 cfs
	total	2.25 cfs

claimed p/u includes two of the 4 decreed 40 acre tracts
claimed p/u includes two of the 4 decreed 40 acre tracts
claimed p/u is not part of decreed p/u

Split analysis based upon a proportion of owned 40 acre tracts vs decreed 40 acre tracts.

Hagar	$2/4 * 2.00 \text{ cfs} = 1.00 \text{ cfs}$
Kempton	$2/4 * 2.00 \text{ cfs} = 1.00 \text{ cfs}$
Droz	$0/4 * 2.00 \text{ cfs} = 0.00 \text{ cfs}$
Total	$4/4 \quad 2.00 \text{ cfs}$

RECOMMENDATION ANALYSIS:

I am recognizing Bell and Kempton as having valid claims against the decreed right.

I am recommending the Droz claim 45-320C for disallowal as the claimed place of use does not match the decreed place of use.

45-246 decreed @ 3.60 cfs on 7-40 acre tracts

$$40 * 7 = 280 \text{ ac}$$

$$3.60 \text{ cfs} * 280 \text{ ac} = 0.0128 \text{ cfs/ac}$$

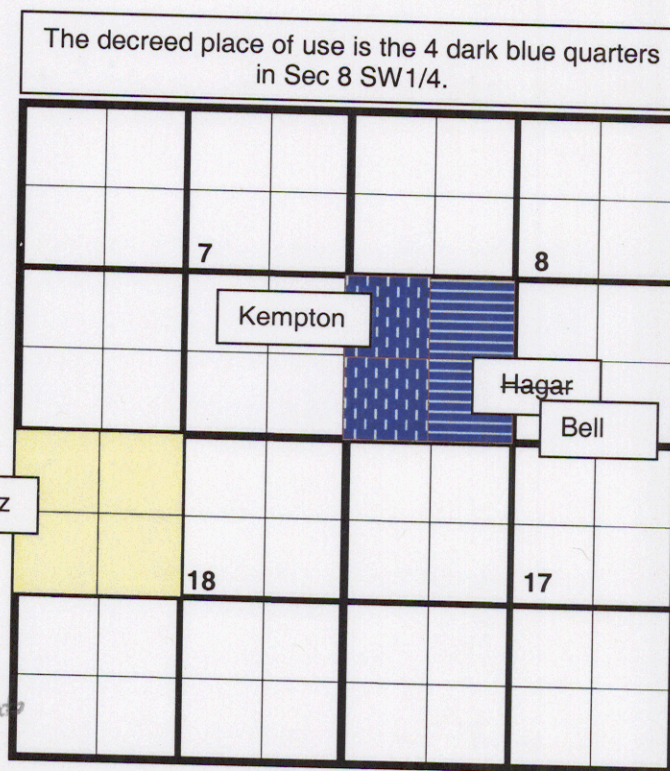
45-320 decreed @ 2.00 cfs on 4-40 acre tracts

$$40 * 4 = 160 \text{ ac}$$

$$2.00 \text{ cfs} * 160 = 0.0125 \text{ cfs/ac}$$

$$\text{tot } 0.0253 \text{ cfs}$$

combined diversion rate
per acre. Exceeds 1" per acre.



45-320
Analysis

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s25e	8	NESW	38	40	
12s25e	8	SESW	39	39	
Totals:			77	79	

1. 45 - 320A is the only claimed right for this P/U.
2. Claim split 50/50 with Kempton (each owns 50% of the decreed P/U).
3. Question in SE SW, how much ground is irrigated around buildings? It does not appear irrigated in Terra server.
4. P/U field appears to include 2 acres in the SE NW claimed by Kempton.

Township , 12S25E

