

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85788**

This is to certify that: **DAVID BELL AND
SHARI BELL
924 S 1325 E
ALBION, ID 83311**

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-2487	WR/DECREED	1/31/1955	0.600 cfs	254.7 af	N/A	80.0	GROUND WATER
45-7378	WR/DECREED	6/6/1979	0.220 cfs	N/A	N/A	76.0	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-526	WR/DECREED	6/1/1881	0.160 cfs	N/A		76.0	COW CREEK, UNNAMED STREAM
45-211	WR/DECREED	4/12/1892	1.840 cfs	N/A		76.0	COW CREEK, UNNAMED STREAM
45-279	WR/DECREED	6/1/1882	0.400 cfs	N/A		76.0	COW CREEK, UNNAMED STREAM
45-2728	WR/DECREED	9/19/1966	0.800 cfs	N/A		76.0	GROUND WATER
45-14261	WR/DECREED	5/1/1877	0.080 cfs	N/A		7.0	HOWELL CREEK
45-14262	WR/DECREED	5/1/1877	1.670 cfs	N/A		142.0	HOWELL CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-2487	NO	YES	YES	NO	NO	NO
45-7378	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-2487	45-2487	0.600 cfs	254.7 af	N/A	75.0	N/A	N/A	N/A	N/A	N/A
45-7378	45-7378	0.220 cfs	N/A	N/A	75.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.820 cfs	254.7 af	N/A	75.0		N/A	N/A	N/A	N/A

Transfer No. 85788

SUPPORT DATA

IN FILE # 45-2487

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85788

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 17th day of May, 2022.



Southern Region Manager



WATER RIGHT NO. 45-2487

As Modified by Transfer No. 85788

In accordance with the approval of Transfer No. 85788, Water Right No. 45-2487 is now described as follows:

Right Holder: DAVID BELL
SHARI BELL
924 S 1325 E
ALBION, ID 83311

Priority Date: 1/31/1955

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.600 cfs	254.7 af
			0.600 cfs	254.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec 8 Twp 12S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	8									40.0			35.0					75.0

POU Total Acres: 75.0

CONDITIONS OF APPROVAL

1. Rights 45-2487 and 45-7378 when combined shall not exceed a total diversion rate of 0.82 cfs, a total annual maximum diversion volume of 254.7 af at the field headgate, and the irrigation of 75.0 acres.
2. Rights 45-246A, 45-320A, 45-2487, and 45-7378 when combined shall not exceed the irrigation of 75.0 acres.
3. Use of water under this right may 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. 140.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. 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.

Transfer No. 85788

WATER RIGHT NO. 45-2487

As Modified by Transfer No. 85788

CONDITIONS OF APPROVAL

6. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 45-7378
As Modified by Transfer No. 85788

In accordance with the approval of Transfer No. 85788, Water Right No. 45-7378 is now described as follows:

Right Holder: DAVID BELL AND/OR
 SHARI BELL
 924 S 1325 E
 ALBION, ID 83311

Priority Date: 6/6/1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.220 cfs 0.220 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec 8 Twp 12S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	8									40.0			35.0					75.0

POU Total Acres: 75.0

CONDITIONS OF APPROVAL

1. Rights 45-2487 and 45-7378 when combined shall not exceed a total diversion rate of 0.82 cfs, a total annual maximum diversion volume of 254.7 af at the field headgate, and the irrigation of 75.0 acres.
2. Rights 45-246A, 45-320A, 45-2487, and 45-7378 when combined shall not exceed the irrigation of 75.0 acres.
3. Use of water under this right may 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. 140.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. 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.

Transfer No. 85788

WATER RIGHT NO. 45-7378

As Modified by Transfer No. 85788

CONDITIONS OF APPROVAL

6. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 45-526
As Modified by Transfer No. 85788

In accordance with the approval of Transfer No. 85788, Water Right No. 45-526 is now described as follows:

Right Holder: DAVID BELL AND/OR
 SHARI BELL
 924 S 1325 E
 ALBION, ID 83311

Priority Date: 6/1/1881

Source: UNNAMED STREAM
Source: COW CREEK

Tributary: HOWELL CREEK
Tributary: HOWELL CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.160 cfs 0.160 cfs

LOCATION OF POINT(S) OF DIVERSION

UNNAMED STREAM	NWNENE	Sec 15 Twp 12S Rge 25E	CASSIA County
COW CREEK	NESWNE	Sec 15 Twp 12S Rge 25E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	9	39.0	37.0															76.0

POU Total Acres: 76.0

CONDITIONS OF APPROVAL

1. SOURCE FOR THE POINT OF DIVERSION IN TWP 12S, RNG 25E, SEC 15, NWNENE IS ALSO KNOWN AS ASHER CANYON CREEK.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 76 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-211, 45-279, 45-526, & 45-2728.
3. The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
4. 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.

Transfer No. 85788

WATER RIGHT NO. 45-526
As Modified by Transfer No. 85788

CONDITIONS OF APPROVAL

5. THE COMBINED FLOW RATE FOR THE RIGHTS LISTED BELOW INCLUDES 0.88 CFS FOR CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION AND THE FIELD HEADGATE. COMBINED RIGHTS: 45-211, 45-279, and 45-526.
6. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 45-211, 45-279, 45-526, and 45-2728.



WATER RIGHT NO. 45-211**As Modified by Transfer No. 85788**

In accordance with the approval of Transfer No. 85788, Water Right No. 45-211 is now described as follows:

Right Holder: DAVID BELL AND/OR
SHARI BELL
924 S 1325 E
ALBION, ID 83311

Priority Date: 4/12/1892

Source: UNNAMED STREAM
Source: COW CREEK

Tributary: HOWELL CREEK
Tributary: HOWELL CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	1.840 cfs 1.840 cfs

LOCATION OF POINT(S) OF DIVERSION

UNNAMED STREAM	NWNENE	Sec 15 Twp 12S Rge 25E	CASSIA County
COW CREEK	NESWNE	Sec 15 Twp 12S Rge 25E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	9	39.0	37.0															76.0

POU Total Acres: 76.0

CONDITIONS OF APPROVAL

1. THE COMBINED FLOW RATE FOR THE RIGHTS LISTED BELOW INCLUDES 0.88 CFS FOR CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION AND THE FIELD HEADGATE. COMBINED RIGHTS: 45-211, 45-279, and 45-526.
2. 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.
3. SOURCE FOR THE POINT OF DIVERSION IN TWP 12S, RNG 25E, SEC 15, NWNENE IS ALSO KNOWN AS ASHER CANYON CREEK
4. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 76 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-211, 45-279, 45-526, and 45-2728.
5. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 45-211, 45-279, 45-526, and 45-2728.

Transfer No. 85788

WATER RIGHT NO. 45-211
As Modified by Transfer No. 85788

CONDITIONS OF APPROVAL

6. The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.



WATER RIGHT NO. 45-279

As Modified by Transfer No. 85788

In accordance with the approval of Transfer No. 85788, Water Right No. 45-279 is now described as follows:

Right Holder: DAVID BELL AND/OR
SHARI BELL
924 S 1325 E
ALBION, ID 83311

Priority Date: 6/1/1882

Source: UNNAMED STREAM
Source: COW CREEK

Tributary: HOWELL CREEK
Tributary: HOWELL CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.400 cfs 0.400 cfs

LOCATION OF POINT(S) OF DIVERSION

UNNAMED STREAM	NWNENE	Sec 15 Twp 12S Rge 25E	CASSIA County
COW CREEK	NESWNE	Sec 15 Twp 12S Rge 25E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	9	39.0	37.0															76.0

POU Total Acres: 76.0

CONDITIONS OF APPROVAL

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. SOURCE FOR THE POINT OF DIVERSION IN TWP 12S, RNG 25E, SEC 15, NWNENE IS ALSO KNOWN AS ASHER CANYON CREEK.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 76 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-211, 45-279, 45-526, and 45-2728.
4. 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.
5. THE COMBINED FLOW RATE FOR THE RIGHTS LISTED BELOW INCLUDES 0.88 CFS FOR CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION AND THE FIELD HEADGATE. COMBINED RIGHTS: 45-211, 45-279, and 45-526.

Transfer No. 85788

WATER RIGHT NO. 45-279
As Modified by Transfer No. 85788

CONDITIONS OF APPROVAL

6. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 45-211, 45-279, 45-526, and 45-2728.
7. The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
8. RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.



WATER RIGHT NO. 45-2728

As Modified by Transfer No. 85788

In accordance with the approval of Transfer No. 85788, Water Right No. 45-2728 is now described as follows:

Right Holder: DAVID BELL AND/OR
SHARI BELL
924 S 1325 E
ALBION, ID 83311

Priority Date: 9/19/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.800 cfs 0.800 cfs	266.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENWNE Sec 9 Twp 12S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	9	39.0	37.0															76.0

POU Total Acres: 76.0

CONDITIONS OF APPROVAL

1. 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.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 76 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-211, 45-279, 45-526, and 45-2728.
3. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 45-211, 45-279, 45-526, and 45-2728.

Transfer No. 85788

WATER RIGHT NO. 45-14261

As Modified by Transfer No. 85788

In accordance with the approval of Transfer No. 85788, Water Right No. 45-14261 is now described as follows:

Right Holder: DAVID BELL
924 S 1325 E
ALBION, ID 83311

Priority Date: 5/1/1877

Source: HOWELL CREEK

Tributary: MARSH CREEK

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.080 cfs

0.080 cfs

LOCATION OF POINT(S) OF DIVERSION

HOWELL CREEK

SENENE

Sec 29 Twp 12S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	18	7.0																7.0

POU Total Acres: 7.0

CONDITIONS OF APPROVAL

1. The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. 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.
3. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS . 45-14261 and 45-14262.
4. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 149 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-14261 and 45-14262.

Transfer No. 85788

WATER RIGHT NO. 45-14262**As Modified by Transfer No. 85788**

In accordance with the approval of Transfer No. 85788, Water Right No. 45-14262 is now described as follows:

Right Holder: DAVID BELL AND/OR
SHARI BELL
924 S 1325 E
ALBION, ID 83311

Priority Date: 5/1/1877

Source: HOWELL CREEK

Tributary: MARSH CREEK

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

1.670 cfs

1.670 cfs

LOCATION OF POINT(S) OF DIVERSION

HOWELL CREEK

SENESE

Sec 29 Twp 12S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	18	26.0	20.0	20.0	37.0									39.0				142.0

POU Total Acres: 142.0

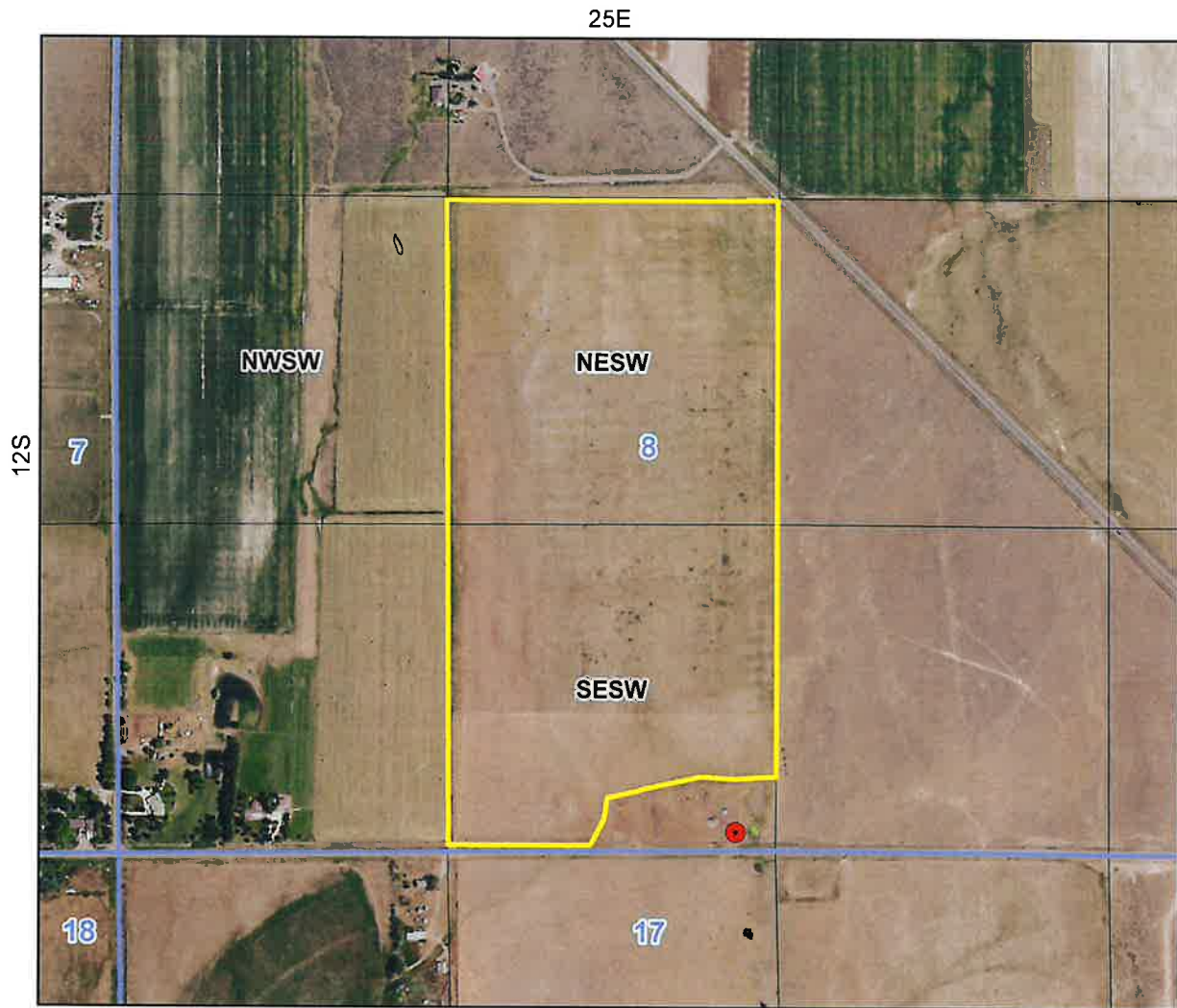
CONDITIONS OF APPROVAL

1. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS . 45-14261 and 45-14262.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 149 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-14261 and 45-14262.
3. 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.
4. The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Transfer No. 85788

State of Idaho
Department of Water Resources
Attachment to Transfer # 85788
45-2487 & 45-7378

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion

0 0.075 0.15 0.3 Miles





IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 18, 2022

DAVID BELL
SHARI BELL
924 S 1325 E
ALBION ID 83311

Re: Transfer No: 85788

Water Right No(s): 45-211, 45-279, 45-526, 45-2487, 45-2728, 45-7378,
45-14261, 45-14262

Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,



Corey Skinner
Regional Manager

Enclosure

c:

WATER DISTRICT 140
ADAM MC COY
355 W 500 S
BURLEY ID 83318-5229

WATER DISTRICT 45F
ALAN LLOYD
939 S 950 E
ALBION ID 83311-9705

CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2022 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 85788

Water Right No(s): 45-211, 45-279, 45-526, 45-2487, 45-2728, 45-7378,
45-14261, 45-14262

DAVID BELL
SHARI BELL
924 S 1325 E
ALBION ID 83311

WATER DISTRICT 140
ADAM MC COY
355 W 500 S
BURLEY ID 83318-5229

WATER DISTRICT 45F
ALAN LLOYD
939 S 950 E
ALBION ID 83311-9705



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: March 30, 2022

To: Transfer #85788, David and Shari Bell File

From: Jim Bitzenburg

Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the points of diversion (POD) and places of use (POU) of ground water rights 45-2487 and 45-7378 from their present locations to a nearby farm. Right 45-2487 currently irrigates 80.0 acres of land on a farm located approximately 2.0 miles south and 0.2 mile east of the city park in Albion, while right 45-7378 currently irrigates 76.0 acres of land located approximately 0.9 mile south and 2.1 miles east of Albion. The proposed POU for both rights will be a 75.0 acre farm located approximately 1.5 miles south and 0.8 mile east of Albion. The proposed POD will be a new well located approximately 1.8 miles south and 0.9 mile east of Albion. After the transfer, the two rights will irrigate a total of 75.0 acres with a diversion rate of 0.82 cfs.

Right 45-2487 is supplemental to a pair of surface water rights with priority dates of May 1, 1877, and right 45-7378 supplements surface water rights with 1881, 1882, and 1892 priority dates. The surface water rights at the proposed POU have priority dates of May 1, 1877 and 1892. The duty of water of the surface rights at the proposed POU is slightly higher than that of the surface water rights at the current POUs of the supplemental rights.

Because the transfer is moving points of diversion, it was advertised and no protests were filed. Comments were solicited from the Watermaster of WD-140 and the Watermaster of WD-45F. The Watermasters did not oppose the transfer.

- **Authority to File:**
The Department's database indicates that the water rights involved are owned by the applicants, David and Shari Bell and the application was signed by the Bells.
- **Water Right Validity:**
The water rights involved have all been decreed in the SRBA. Recent aerial imagery seems to indicate that the lands from which the rights are being transferred have been irrigated, so forfeiture may not be an issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen. Acres of the transferring rights will be reduced in the move to the proposed POU.
- **Enlargement of Use:**
None anticipated. Enlargement does not appear likely, as the surface water rights at the proposed POU have similar, or earlier priority dates, in addition to higher duties of water than those at the existing POUs of the transferring rights. Right 45-7378 is being separated from ground water right 45-2728 at its current POU, but it will bring no volume or extra acres to the proposed POU, only an its flow rate.
- **Local Public Interest:**
No issues anticipated. Transfer was advertised.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated
- **Effect of the Agricultural Base of the Area:**
None Anticipated

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

*** Proof of Publication ***

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

SHERRI DAVIS, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES

650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

ORDER NUMBER 125065

Sherri Davis

(Legals Clerk)

STATE OF IDAHO)

SS

COUNTY OF TWIN FALLS)

On this 10th day of March in the year of 2022 before me, a Notary Public, personally appeared before me Sherri Davis known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Reba M. Davis
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 5/8/2026



Section: Legals

Category: 50 Legal

PUBLISHED ON: 03/03/2022, 03/10/2022

TOTAL AD COST: 154.50

FILED ON: 3/10/2022

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-23372

GEORGE A YERION
SUSAN F YERION

1840 S 1500 E

GOODING, ID 83330-5013

Point of Diversion SWSWNW S3 T06S R14E GOODING County

Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 01-28-2022

Place Of Use: DOMESTIC

T06S R14E S3 SWNW

Application for permit proposes diversion of up to 0.08 cfs from an existing well for year-round domestic in-house use for three homes. The point of diversion and place of use are located approximately 4.0 miles west and 0.6 mile north of the intersection of U.S. Highway 26 and State Highway 46 in Gooding. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85788

SHARI BELL and DAVID BELL, 924 S 1325 E, ALBION, ID 83311 has filed Application No. 85788 for changes to the following water rights within CASSIA County(s): Right No(s). 45-2487, 45-7378. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the points of diversion (POD) and places of use (POU) of ground water rights 45-2487 and 45-7378 from their present locations to a nearby farm. Right 45-2487 currently irrigates 80.0 acres of land on a farm located approximately 2.0 miles south and 0.2 mile east of the city park in Albion, while right 45-7378 currently irrigates 76.0 acres of land located approximately 0.9 mile south and 2.1 miles east of Albion. The proposed POU for both rights will be a 75.0 acre farm located approximately 1.5 miles south and 0.8 mile east of Albion. The proposed POD will be a new well located approximately 1.8 miles south and 0.9 mile east of Albion. After the transfer, the two rights will irrigate a total of 75.0 acres with a diversion rate of 0.82 cfs.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before March 21, 2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on March 3rd & 10th, 2022

RECEIVED

MAR 30 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

✓ OK DM 3/30/2022

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 125065

Publication

Times News

Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	154.50
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	154.50
Fax			
Section	Legals	Start/End Dates	03/03/2022 - 03/10/2022
SubSection		Insertions	2
Category	50 Legal	Size	100
Ad Key	125065-1	Salesperson(s)	Legal Notices
Keywords	NTC/TRANSFER NO. 85788	Taken By	Sherri Davis
Notes			

Ad Proof

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-23372
 GEORGE A YERION
 SUSAN F YERION
 1840 S 1500 E
 GOODING, ID 83330-5013
 Point of Diversion SWSWNW S3 T06S R14E GOODING County
 Source GROUND WATER Tributary
 Use: DOMESTIC 01/01 to 12/31 0.08 CFS
 Total Diversion: 0.08 CFS
 Date Filed: 01-28-2022
 Place Of Use: DOMESTIC
 T06S R14E S3 SWNW
 Application for permit proposes diversion of up to 0.08 cfs from an existing well for year-round domestic in-house use for three homes. The point of diversion and place of use are located approximately 4.0 miles west and 0.6 mile north of the intersection of U.S. Highway 26 and State Highway 46 in Gooding. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

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GARY SPACKMAN, Director

Published on March 3rd & 10th, 2022

*Proof of legal notice received
from Times News 2/28/2022*

✓ Am 3-1-2022

Maline, Denise

From: Adam McCoy <adam@waterwellconsultants.com>
Sent: Thursday, February 24, 2022 10:36 AM
To: Maline, Denise
Subject: RE: Comment Letter for Transfer No. 85788 - David & Shari Bell
Attachments: Comment letter to WD140 for 85788-Signed.docx

Hello Denise,
I looked over the application. It looks fine to me. Attached is the form.

Thank you,
Adam

From: Maline, Denise <Denise.Maline@idwr.idaho.gov>
Sent: Thursday, February 24, 2022 9:21 AM
To: Adam McCoy <adam@waterwellconsultants.com>
Subject: Comment Letter for Transfer No. 85788 - David & Shari Bell

Good morning,

Attached is an application for transfer within Water District 140, currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this application, please feel free to contact Water Right Agent Jim Bitzenburg at our office at (208) 736-3033.

Thank you in advance,

Denise @ IDWR

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov

State of Idaho
Department of Water Resources
RECOMMENDATION FORM

Re: Transfer No. 85788

Water Right No(s): 45-2487, 45-7378

Transfer Applicant's Name: DAVID & SHARI BELL
924 S 1325 E
ALBION ID 83311

RECEIVED

FEB 24 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

Watermaster's Recommendation:

- a) X I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned as follows:
- c) I oppose approval of this application for the following reasons:
- d) Additional comments:

Dated this 24 day of February , 2022

Water District 140

Adam R McCoy

Watermaster's Signature

Adam McCoy

Printed Name