

RECEIVED

FEB 08 2022

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 85788MINIMUM 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 idwr.idaho.gov.

Name of Applicant(s) David and Shari Bell**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 #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #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. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #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 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) David and Shari Bell Phone 208-431-6381
Mailing address 924 S 1325 E, Albion, Idaho 83311 Email cowgulchranch@me.com

- ☐ 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 Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ 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.

<u>David Bell</u> Signature of Applicant or Authorized Representative	<u>David Bell</u> Print Name and Title if applicable	<u>1-26-2022</u> Date
<u>Shari Bell</u> Signature of Applicant or Authorized Representative	<u>Shari Bell</u> Print Name and Title if applicable	<u>1-26-2022</u> Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 - ☐ Add diversion point(s)
☐ Change period of use
 - ☒ Change place of use
☐ Other _____
2. Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
3. 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.3**.

We purpose to transfer right #45-2487 which pertains to a well which no longer produces and right #45-7378 which pertains to a well that no longer produces the amount of water it is licensed for to a new place of use and with a new point of diversion. We purpose to change the period of use for right #45-7378 from

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 ☒	45-2487	.6cfs/254.7	irrigation	4/1 to 10/31	ground water
☒	45-7378	.22cfs/93.4	irrigation	4/1 to 10/31	ground water
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights .82 cfs and/or ~~348.9~~ acre-feet.

2. Total amount of water proposed to be transferred or changed .82 cubic feet per second and/or ~~348.9~~ acre-feet per year.

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 #
X			SE	SW	8	12S	25E	Cassia	ground water	not yet constructed

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	
12S	25E	8									40			36					76
														35					75
Total Acres (for irrigation use)																			76

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:

Construct 12" X 500' well connected to existing irrigation system which is comprised of 1/2 mile of underground mainline and three wheel lines. Metering device as per IDWR specifications. Diversion rate controlled by pump design and pump discharge control valve.

- b. Who owns the property at the point(s) of diversion? applicants

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: _____

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. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete [Attachment WSB](#).

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
no effect

- f. 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:

Rights pertaining to existing uses: 45-211, 45-246A, 45-279, 45-327C, 45-526, 45-2728, 45-14261, 45-14262

Rights pertaining to proposed use: 45-320A 45-246A 03 2-8-2012

- g. 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:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 45-7378

Current Owner: DAVID BELL
SHARI BELL
Priority Date: 6/6/1979
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.22 CFS	
	<u>Total Diversion</u>	0.22 CFS	

Location of Point(s) of Diversion

GROUND WATER
CASSIA County

SE1/4NW1/4NE1/4 Sec. 9, Twp 12S, Rge 25E B.M.

Place of Use

IRRIGATION Within CASSIA County

T12S R25E S9	NENE	39.00	T12S R25E S9	NWNE	37.00
Total Acres: 76					

Conditions of Approval:

1. C18 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. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 45-211, 45-279, 45-526, 45-2728, and 45-7378
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION VOLUME OF 266 AF. COMBINED RIGHT NOS. 45-2728 and 45-7378
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, 45-2728, and 45-7378

Decreed Date: 5/13/2005

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 45-2487

Current Owner: DAVID BELL
SHARI BELL

Priority Date: 1/31/1955

Origin: Water Right

Status: Active

Basis: Decreed

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.6 CFS	254.7 AF
	<u>Total Diversion</u>	0.6 CFS	254.7 AF

Location of Point(s) of DiversionGROUND WATER
CASSIA County

NW1/4SE1/4NE1/4 Sec. 18, Twp 12S, Rge 25E B.M.

Place of UseIRRIGATION Within CASSIA County

T12S R25E S18	NENE	28.00	T12S R25E S18	NWNE	20.00
T12S R25E S18	SWNE	20.00	T12S R25E S18	SENE	12.00

Total Acres: 80

Conditions of Approval:

1. T05 The use of water on the lands to which the above referenced water rights were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water rights.
2. C18 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, 45-14262 and 45-2487
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, 45-14262 and 45-2487
5. T02 The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.

Page 2 of 2

Decreed Date: 5/6/2005

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.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

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 rights(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:

See attachment 8b OS 2-A-2022

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by DM Date 2-8-2022 Preliminary check by _____ Date _____

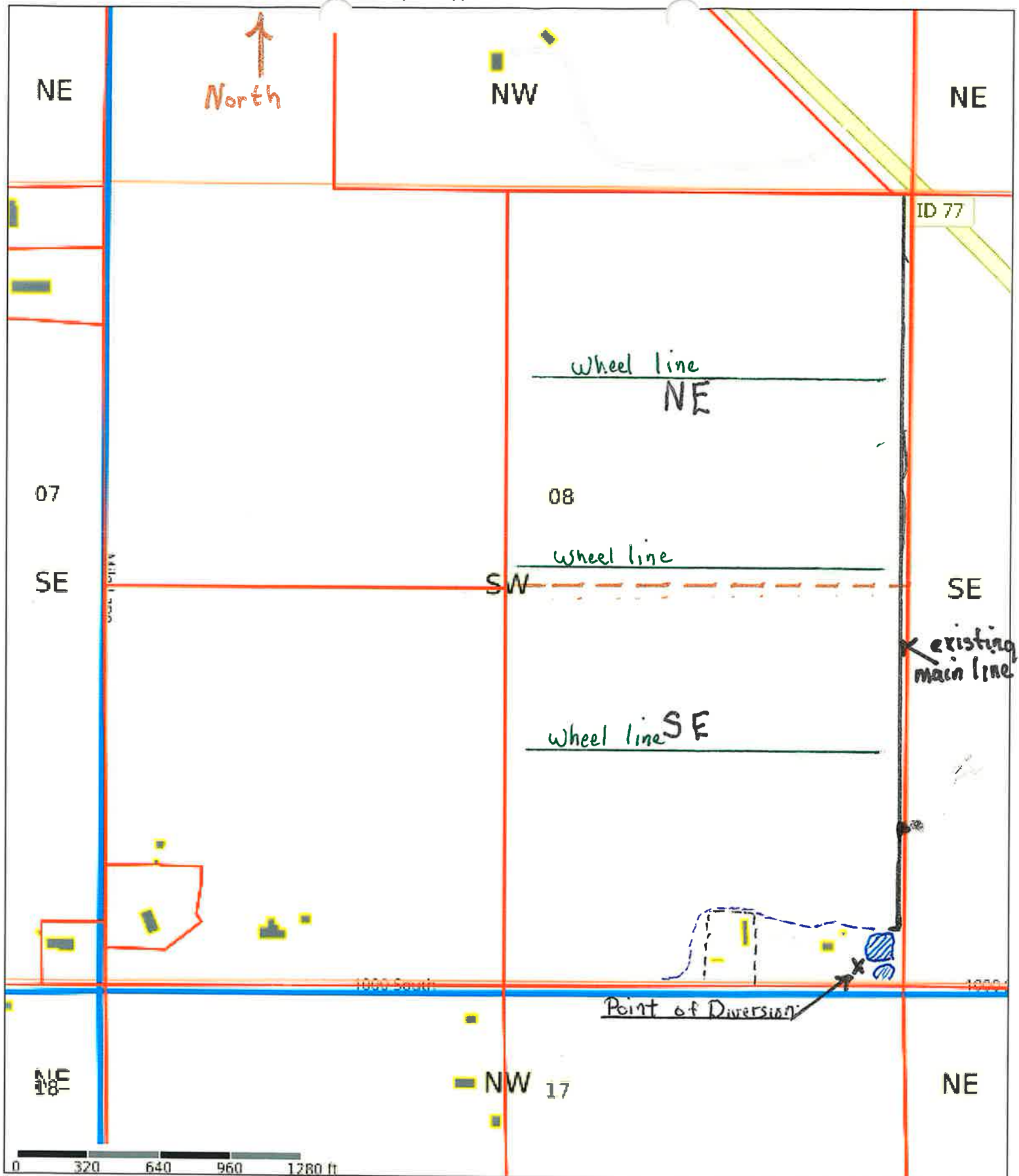
Fee paid \$500.00 Date 1-18-2022 Received by SG Receipt # SO 39036

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Attachment 8b (question Part 3C)

Transfer will move supplemental right 45-2487 from a farm with surface rights with 5/1/1877 priority dates and supplemental right 45-7378 from a farm with surface rights with priority dates ranging from 6/1/1881 – 4/12/1892 to a farm with surface water rights with priority dates ranging from 5/1/1877 - 4/12/1892. The surface water at the proposed new location is better in both quantity and priority.



Maxar | Created by NRCS from 1:24,000 scale USGS topographic maps. | Idaho Department of Water Resources | USDA, Natural Resources Conservation Services | Esri, HERE, iPC |



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

February 24, 2022

DAVID BELL
SHARI BELL
924 S 1325 E
ALBION, ID 83311

RE: Transfer No. 85788
Water Right No(s). 45-2487, 45-7378

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 3/3/2022 and 3/10/2022**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **March 21, 2022**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Gary Spackman

February 24, 2022

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

RE: Transfer No. 85788 (David & Shari Bell)

Dear Alan:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, February 24, 2022 9:21 AM
To: Adam Mc Coy (WD140)
Subject: Comment Letter for Transfer No. 85788 - David & Shari Bell
Attachments: Application for Transfer No. 85788 (David & Shari Bell).pdf; Comment letter to WD140 for 85788.docx

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



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Governor Brad Little

Director Gary Spackman

February 24, 2022

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

RE: Transfer No. 85788 (David & Shari Bell)

Dear Adam:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, February 24, 2022 8:28 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News ad.docx

Attached please find **(1)** legal notice being submitted for publication on March 3rd & 10th, 2022. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

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



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February 24, 2022

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Transfer No. 85788

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

RE: Application for Permit No. 37-23372

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before March 21, 2022. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline

Administrative Assistant

Enclosure(s)

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

TRANSFER SYNOPSIS

Date: February 10, 2022
To: David and Shari Bell Transfer #85788 file
From: Jim Bitzenburg
Re: Summary of transfer

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 will be advertised. Comments will be solicited from the Watermaster of WD-140 and the Watermaster of WD-45F.

The rights involved in the transfer are:

45-2487	0.60 cfs	254.7 AF	80.0 acres	149.0 acre POU
45-7378	0.22 cfs		76.0 acres	76.0 acre POU

Associated Rights:

45-2728	0.80 cfs	266.0 AF	76.0 acres	76.0 acre POU
45-526	0.16 cfs		76.0 acres	76.0 acre POU
45-279	0.40 cfs		76.0 acres	76.0 acre POU
45-211	1.84 cfs		76.0 acres	76.0 acre POU
45-14261	0.08 cfs		7.0 acres	149.0 acre POU
45-14262	1.67 cfs		142.0 acres	149.0 acre POU

FEE MEMORANDUM

Date: February 10, 2022
To: David and Shari Bell Transfer #85788 File
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer was originally filed on January 18, 2022, was returned, and refiled on February 8, 2022 and it will change the POD and POU of ground water rights 45-2487 (0.60 cfs) and 45-7378 (0.22 cfs) from their present locations to a nearby farm. Because the entirety of both rights will be changing, the fee is based on the total flow rate of the two rights, 0.82 cfs. From the transfer fee schedule, the resulting fee is \$500.00. The fee was paid at the time of the original filing by Cow Gulch Ranch, LLC, with check #1848, and the IDWR receipt number is S039036.