

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83537**

This is to certify that: **DON R BELLAMY**
PO BOX 1031
SALMON, ID 83467-1031

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>
75-120	WR/DECREED	6/12/1906	0.160 cfs	N/A	N/A	22.0	FOURTH OF JULY CREEK
75-125	WR/DECREED	7/12/1906	0.100 cfs	N/A	N/A	N/A	FOURTH OF JULY 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>
75-120	NO	NO	YES	NO	NO	NO
75-125	NO	NO	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>
75-120	75-120	0.160 cfs	N/A	N/A	4.0	N/A	N/A	N/A	N/A	N/A
75-125	75-125	0.100 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.260 cfs	N/A	N/A	4.0		N/A	N/A	N/A	N/A

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 24th day of JANUARY, 2020.


ANGELA GRIMM, Water Rights Section Manager

Transfer No. 83537

SUPPORT DATA
IN FILE # 75-120

WATER RIGHT NO. 75-120

As Modified by Transfer No. 83537

In accordance with the approval of Transfer No. 83537, Water Right No. 75-120 is now described as follows:

Right Holder: DON R BELLAMY
PO BOX 1031
SALMON, ID 83467-1031

Priority Date: 6/12/1906

Source: FOURTH OF JULY CREEK

Tributary: SALMON RIVER

BENEFICIAL USE

IRRIGATION
IRRIGATION

From

04/01
08/02

to 08/01
to 10/31

To

Diversion Rate

0.160 cfs
0.120 cfs
0.160 cfs

LOCATION OF POINT(S) OF DIVERSION

FOURTH OF JULY CREEK SENWNW

Sec 21 Twp 24N Rge 22E LEMHI 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	
24N	22E	20				2.9													2.9
24N	22E	21							1.1										1.1

POU Total Acres: 4.0

CONDITIONS OF APPROVAL

1. 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.
2. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

Transfer No. 83537

WATER RIGHT NO. 75-120
As Modified by Transfer No. 83537

CONDITIONS OF APPROVAL

6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.



WATER RIGHT NO. 75-125
As Modified by Transfer No. 83537

In accordance with the approval of Transfer No. 83537, Water Right No. 75-125 is now described as follows:

Right Holder: DON R BELLAMY
 PO BOX 1031
 SALMON, ID 83467-1031

Priority Date: 7/12/1906

Source: FOURTH OF JULY CREEK **Tributary:** SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
STOCKWATER	01/01	to 12/31	0.100 cfs 0.100 cfs

LOCATION OF POINT(S) OF DIVERSION

FOURTH OF JULY CREEK SENWNW Sec 21 Twp 24N Rge 22E LEMHI County

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	22E	20				X													

CONDITIONS OF APPROVAL

1. 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.
2. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

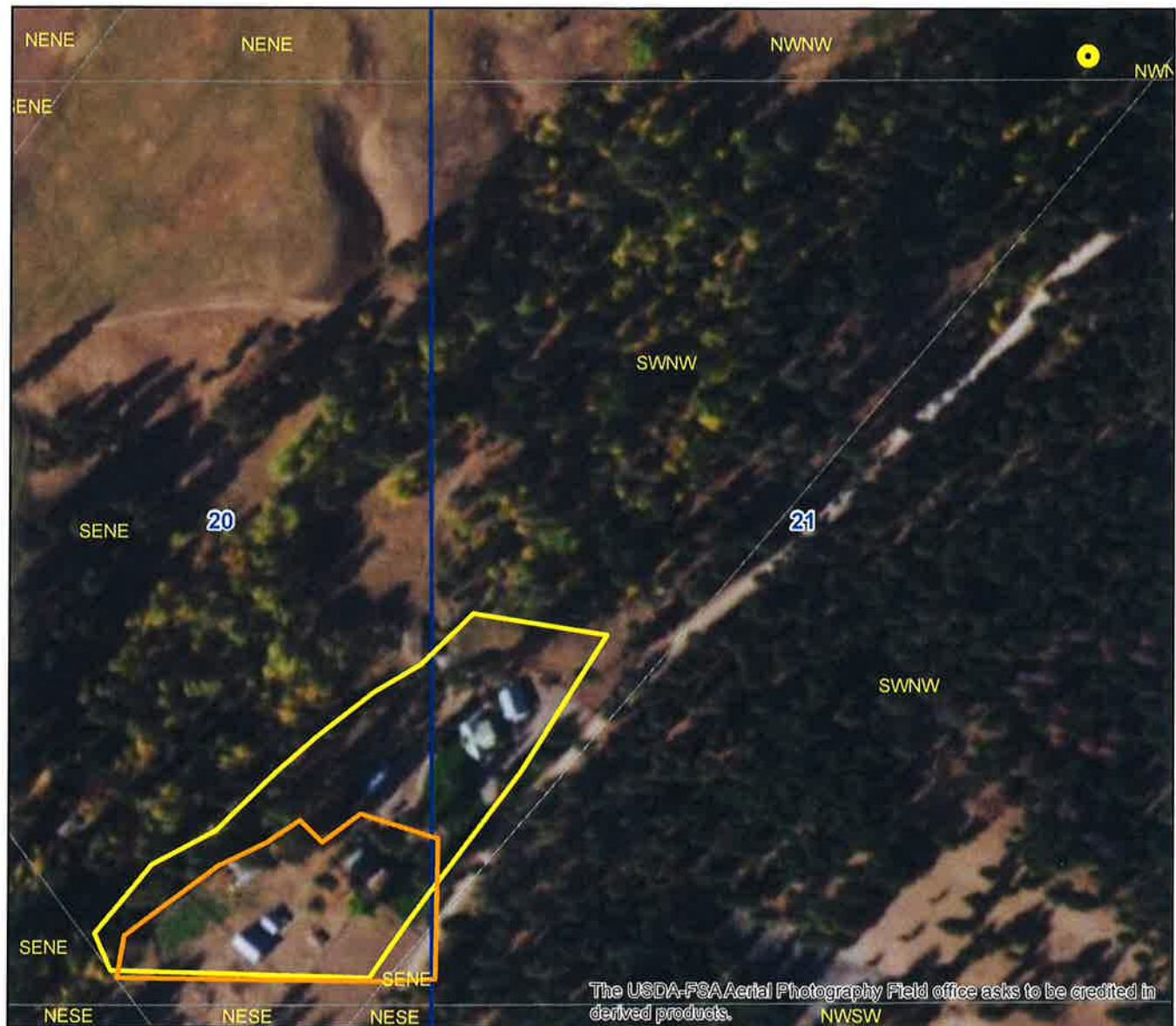
Transfer No. 83537

State of Idaho
Department of Water Resources

Attachment to Transfer No. 83537

Water Right(s): 75-120, 75-125

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



● Transfer Point of Diversion

Transfer Place of Use

75-120 IRRIGATION

75-125 STOCKWATER

PLS Sections

Quarter Quarter

0 250 500 Feet



RECEIVED

OCT 08 2019

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 83537

RECEIVED
OCT 08 2019
DEPARTMENT OF
WATER RESOURCES

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/>.

Name of Applicant(s) DON R BELLAMY

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.
- ☐ ☒ #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).
- ☐ ☒ #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.)
- ☐ ☒ #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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

OCT 08 2019

DEPT OF WATER RESOURCES
SALMON OFFICE

Name of Applicant DON R BELLAMY Phone (208) 865-2002
Mailing Address PO BOX 1031, SALMON ID 83467-1031 Email don.bellamy56@gmail.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.

 Don R. Bellamy 10/8/19
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	75-120	No	No	Yes	No	No	No
	75-125	No	No	Yes	No	No	No

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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**

Transfer seeks to correct decreed POU and accurately represent the water use. Location as decreed in the SRBA does not match historic or claimed acres. There are no physical changes proposed within the system.

B. **DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
75-120	0.160 cfs	N/A	N/A	4.0		N/A	N/A	N/A	N/A
75-125	0.100 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

**COMBINED
TOTALS**

N/A N/A N/A N/A N/A N/A N/A N/A N/A N/A

2. Total amount of water proposed to be transferred or changed 0.26 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer After Requested Changes**

Proposed Water Right No. 75-120

Current Water Right Owner

DON R BELLAMY
PO BOX 1031
SALMON, ID 83467-1031

Priority Date: 6/12/1906

Origin: Water Right

Basis: Decreed

Status Active

Source: FOURTH OF JULY CREEK

Tributary: SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/01	08/01	0.160 CFS	
IRRIGATION	08/02	10/31	0.120 CFS	
Total Diversion			0.160 CFS	

Source and Point(s) of Diversion:

FOURTH OF JULY CREEK

SENWNW

Sec. 21 Twp 24N Rge 22E LEMHI 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	
24N	22E	20				2.9													2.9
24N	22E	21							1.1										1.1

POU Total Acres: 4.0

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 75-125

Current Water Right Owner
DON R BELLAMY
PO BOX 1031
SALMON, ID 83467-1031

Priority Date: 7/12/1906

Origin: Water Right

Basis: Decreed

Status Active

Source: FOURTH OF JULY CREEK **Tributary:** SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
STOCKWATER	01/01	12/31	0.100 CFS	
Total Diversion			0.100 CFS	

Source and Point(s) of Diversion:
FOURTH OF JULY CREEK SENWNW Sec. 21 Twp 24N Rge 22E LEMHI County

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	22E	20				X													

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

Ditch exiting to southeast of creek, flows to a small pond with a pump to irrigation around homestead.

Stock drink from ditch. Pond meets 24-hour limits. No control or measurement structure at this time but

a headgate and device will be installed when required.

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

Applicant

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?
No, ☐ 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: East Idaho Central Credit Union, Deed of Trust.

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:

No change. Rights are decreed in common 128-ac place of use with 75-119 and 75-13963 and appear to

partly overlap other rights. However no physical overlap exists. These rights have always been used east

of the creek and never within the larger POU. The claim states that this ditch irrigates only 4 acres.

- e. Describe the use of any other water right(s) for the same purpose or land, or 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:



EAST IDAHO
CREDIT UNION

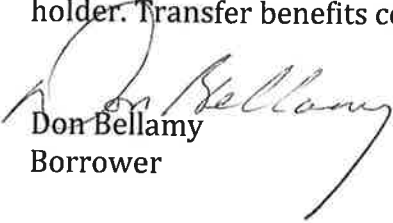
865 S. Woodruff Ave. TF: 800.727.9961
PO Box 1865 P: 208.523.9068
Idaho Falls, ID 83401 F: 208.523.4755

8/12/2019

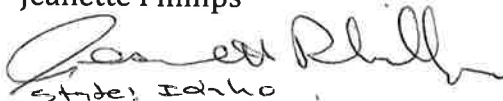
RE: Application for transfer of water right, #75-120, #75-125.

To whom it may concern.

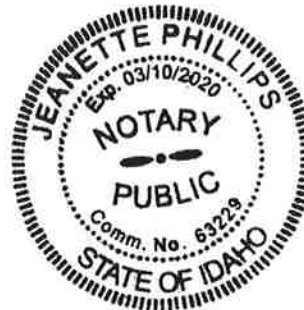
East Idaho Credit Union consents to the above transfer of water right as the lien holder. Transfer benefits collateral pledged for this lien. No issues or concerns.


Don Bellamy
Borrower

Jeanette Phillips


State, Idaho
County: Lemhi.

East Idaho Credit Union
Lien Holder



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

Current Water Right No.: 75-120

Current Owner: DON R BELLAMY
Priority Date: 6/12/1906
Origin: Water Right
Status: Active
Basis: Decreed

Source

FOURTH OF JULY CREEK

Tributary

SALMON RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 08/01	0.16 CFS	
IRRIGATION	08/02 to 10/31	0.12 CFS	
	<u>Total Diversion</u>	0.16 CFS	

Location of Point(s) of Diversion

FOURTH OF JULY CREEK
LEMHI County

SE1/4NW1/4NW1/4 Sec. 21, Twp 24N, Rge 22E B.M.

Place of Use

IRRIGATION Within LEMHI County

T24N R22E S20	SESW	14.00	T24N R22E S20	SWSE	2.00
T24N R22E S29	NENW	6.00			

Total Acres: 22

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. E56 The rights listed below are limited to the irrigation of a combined total of 128 acres in a single irrigation season. Combined Right Nos.: 75-119, 75-120, and 75-13963
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. E64 This right authorizes the irrigation of 4 total acres.

Decreed Date: 10/20/2009

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

Current Water Right No.: 75-125

Current Owner: DON R BELLAMY
Priority Date: 7/12/1906
Origin: Water Right
Status: Active
Basis: Decreed

Source

FOURTH OF JULY CREEK

Tributary

SALMON RIVER

Beneficial Use

STOCKWATER

From To

01/01 to 12/31

Diversion Rate

0.1 CFS

Annual Volume

Total Diversion

0.1 CFS

Location of Point(s) of Diversion

FOURTH OF JULY CREEK

SE1/4NW1/4NW1/4

Sec. 21, Twp 24N, Rge 22E B.M.

LEMHI County

Place of Use

STOCKWATER Within LEMHI County

T24N R22E S20	SWNE	T24N R22E S20	NESW
T24N R22E S20	SESW	T24N R22E S20	NWSE
T24N R22E S20	SWSE	T24N R22E S29	NENW

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.

Decreed Date: 10/20/2009

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) 2/p

- ☐ 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:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

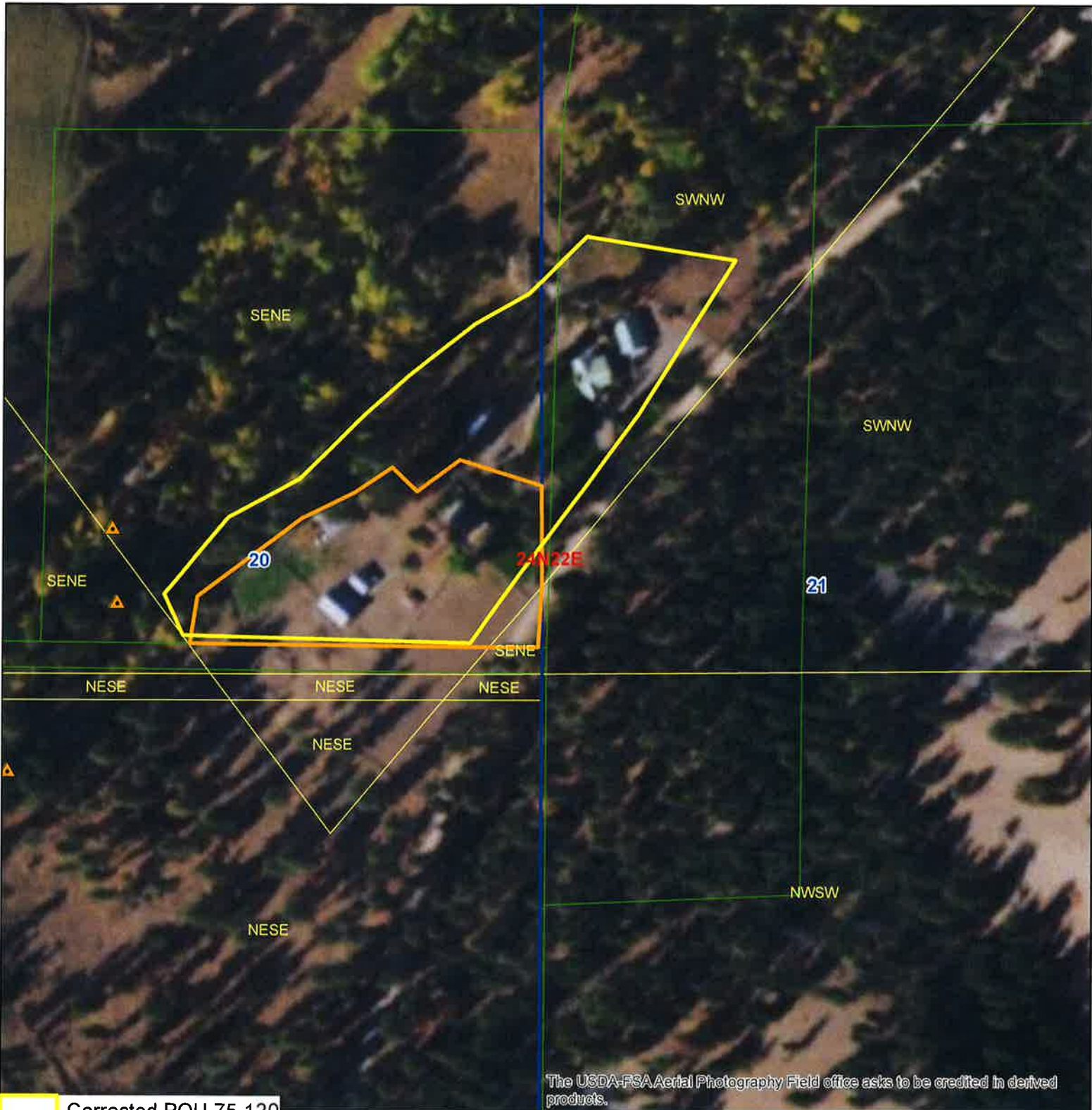
Received by [Signature] Date 8/15/19 Preliminary check by _____ Date _____

Fee paid 200 Date 8/15/19 Received by du Receipt # C107393

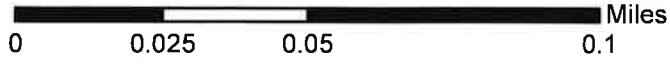
Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

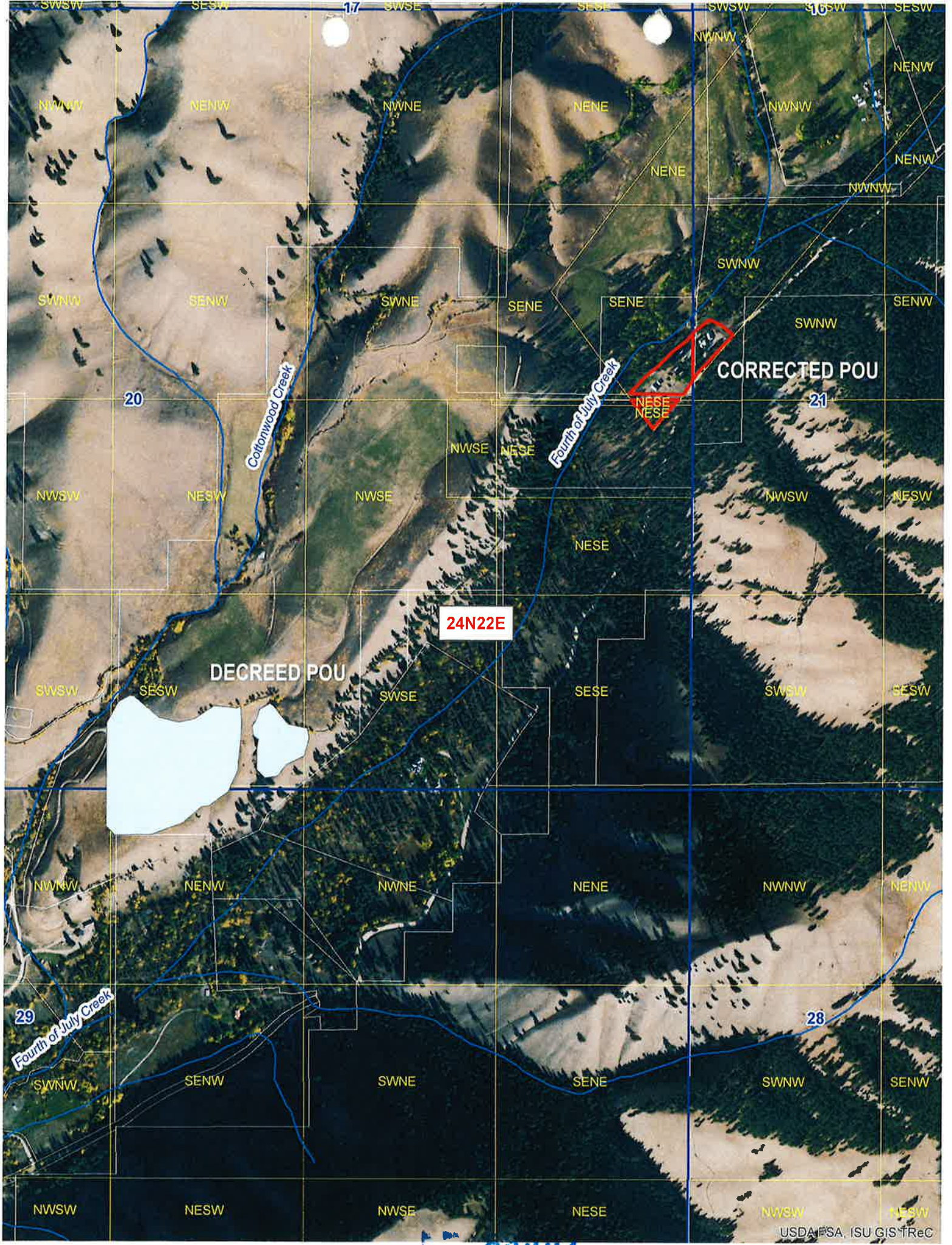
Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Corrected POU for Bellamy 75-120 & 75-125



- Corrected POU 75-120
- Corrected POU 75-125
- QQ
- Parcels







RECEIVED

AUG 19 2019

DEPT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

83537

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 idwr.idaho.gov.

Name of Applicant(s) DON R BELLAMY WR 75-120

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- | Yes | N/A | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | * Means the item is <u>always required</u> and must be included with the application. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Completed Application for Transfer of Water Right form, Part 1. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Application for Transfer Part 2A. Attach a <u>Part 2A</u> report describing each water right in the transfer as currently recorded. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Complete and attach an Application for Transfer <u>Part 2B</u> for each water right for which <u>only a portion</u> is proposed to be changed through this transfer application. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Correct fee submitted with transfer application form. (<u>Fee schedule</u> 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.

- | | | |
|-------------------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | #1 If the applicant is a business, partnership, organization, or association, and <u>not</u> 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.) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. ** |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | #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. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | #3 Documentation of authority to make the change if the applicant is not the water right owner. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | #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 . |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | #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.) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | * #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.) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | #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. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | #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 <u>fee schedule</u> . |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | #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.) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (<u>Attachment WSB</u>) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | #10 Other. Please describe: _____ |

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 15 2019

DEPARTMENT OF
WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Don R Bellamy Phone 208-865-2002Mailing address PO Box 1031 Salmon ID 83467 Email _____

- ☐ 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.

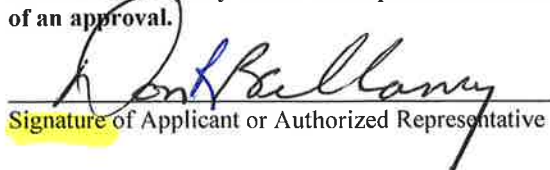
☐ No Representative

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.



Signature of Applicant or Authorized Representative



Print Name and Title if applicable

8/12/19
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

Transfer seeks to correct decreed POU and accurately represent the water use. Location as decreed in SRBA does not match historic or claimed acres. There are no physical changes proposed within the system.

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 <input checked="" type="checkbox"/> <input type="checkbox"/>	75-120	0.16	Irrigation	04/01 to 08/01	Fourth of July Creek
<input type="checkbox"/> <input type="checkbox"/>		0.12	Irrigation	08/02 to 10/31	Fourth of July Creek
<input checked="" type="checkbox"/> <input type="checkbox"/>	75-125	0.1	Stockwater	01/01 to 12/31	Fourth of July Creek
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	

Total authorized under rights 0.17 cfs and/or acre-feet.

2. Total amount of water proposed to be transferred or changed 0.17 cubic feet per second and/or 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 #

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	
75-120:																			
24N	22E	20				2.0										0.7			2.7
24N	22E	21							1.3										1.3
75-125:																			
24N	22E	20				S										S			
Total Acres (for irrigation use)																			4

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:
Ditch exiting to southeast of creek, flows to a small pond with pump to irrigation around homesite. Stock drink from ditch. Pond meets 24-hour limits. No control or measurement at this time but a headgate and device will be installed when required.

- b. Who owns the property at the point(s) of diversion? applicant
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: East Idaho Credit Union, Deed of Trust

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 change. Rights are decreed in a common 128-ac place of use with 75-119 and 75-13963 and appear to partly overlap other rights. However no physical overlap exists. These rights have always been used east of the creek and never within the larger POU. The claim states that this ditch irrigates only 4 acres.
- 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:

- 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:



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 28, 2020

DON R BELLAMY
PO BOX 1031
SALMON ID 83467-1031

Re: Transfer No: 83537
Water Right Nos.: 75-120 and 75-125
Transfer Approval Notice

Dear Water Right Holder:

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

The Transfer of Water Right is a PRELIMINARY ORDER issued by the Department pursuant to Idaho Code § 67-5243. 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 Idaho Code § 42-1701A(3). 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) 287-4800.

Sincerely,

A handwritten signature in cursive script, reading "Angela M. Grimm". The signature is fluid and elegant, with the first letters of each word being capitalized and prominent.

Angela Grimm

Water Rights Section Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person listed below:

Re: Transfer No.: 83537
Water Right Nos.: 75-120 and 75-125

DON R BELLAMY
PO BOX 1031
SALMON ID 83467-1031

A handwritten signature in cursive script, appearing to read "Debbi Judd", is written over a horizontal line.

Debbi Judd
Technical Records Specialist

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: October 17, 2019
To: Transfers 83536, 83537 & 83538
From: Scott Storms
Re: Review & Evaluation of Sufficiency of Information

Review & Evaluation of Sufficiency of Information

Applications for transfer 83536, 83537, and 83568 were submitted by Don R and Consuelo Bellamy and received by the Department of Water Resources (Department) on August 19, 2019. An email preceding the applications was sent from Cindy Yenter to Jean Hersley stating that she (Cindy) had assisted the applicant in completing the forms and that all applications were simply to correct legal descriptions for points of diversion (PODs) and places of use (POUs) that had been decreed incorrectly. She also stated, because there will be no physical changes to the water rights, simply updates and corrections to the way the POD and POU descriptions were decreed, these applications should qualify for the \$50 per water right (WR) fee, as outlined in Idaho Code §42-221.O.8.

Initial review of the claim files associated with these rights did not provide any support that the location descriptions for the POU and PODs on the transfer applications were the historical descriptions. In fact, when reviewing the claim files, as well as other documents associated with SRBA proceedings, all documentation supported the location descriptions as they were decreed. The POD and POU descriptions on the claim filings, as well as on a Standard Form 5, which outlined the elements of the water rights, and was signed by Don Bellamy, all described the water rights exactly as was on the decree. Over the course of several correspondence with Cindy, and discussion with Water Rights section management, it was determined that, if Cindy Yenter completed an in depth investigation as to the original location of the PODs and POU, and concluded the location descriptions on the transfer applications were in fact the historical and original locations of those elements, then the applications would be considered acceptable under §42-221.O.8. Cindy's review did come to that conclusion, and her findings are outlined in a separate memo to the file, written by her.

Cindy provided her final recommendations at the conclusion of the review memo and also included a spreadsheet that outlined all quarter quarter (QQ) acre descriptions as they should be on the applications, for each water right. These recommended QQ descriptions included changes to the description on applications 83537 and 83538, and therefore required amendments to those applications. She also recommended the PODs be described as there were on the original transfer applications and that all applications be processed at the \$50 per WR fee according to Idaho Code §42-221.O.8, because her research found the POU and POD updates to indeed be the original and historical location descriptions. As additional support for one of the PODs referred to as Ditch 1, a statement was obtained from Mr. Glen May, who purchased the property now owned by Mike and Jane Dougherty (also served by this POD) in 1960, which stated the location of that diversion had not changed since that time.

On October 4, 2019, I sent an email to Don Bellamy explain the need for amendments to applications 83537 and 83538 per Cindy's recommendations. On October 7, 2019 I received a phone call from Mr. Bellamy asking me to email the amended applications for him to print, sign, and return. I then completed and emailed those applications to him later that day. Mr. Bellamy reviewed those amendments with Cindy and returned the signed amendments on October 8, 2019. The amendments were received at the State office on October 11, 2019.

Condition N08 was dropped off of right 75-14642 because it does not have a stockwater use. The total acres, after the transfers, for WR 75-119, 75-120, and 75-13963 will add up to the total 128 acres listed in the combined acre limit conditions on these rights. These three rights originally contained acre limit and combined limit conditions. Because the POU for those rights will now only be equal to the acre limit condition (E64) and the total will equal the combined limit condition (E56), those conditions will be removed on the rights involved in transfers 83538 and 83537 (75-119 & 75-120). Additionally, these two rights contained adjudication condition C05, which becomes nullified upon a completed transfer, and therefore will be dropped from these rights.

Authority to File:

Owners of record on water right (WR) 75-14642, are Don R and Consuelo Bellamy. Application 83536, involving this WR was signed by both. Owner of record on 75-119, 75-120, and 75-125, is Don R Bellamy. Transfer applications 83537 and 83538, involving those rights were signed by him. No concerns over validity to file.

Water Right Validity:

None of these water rights are in the water supply bank nor is there any evidence to suggest any of them are in any other set-aside program (state, federal, or otherwise). Review of aerial and satellite imagery show clear signs of irrigation on all places of use (POU) involved. No concerns over WR validity.

Injury to Other Water Rights:

The applicant states that there will be no physical changes to the locations of the points of diversion (PODs) nor to the diversion rates. The applications simply aim to correct inconsistencies between the descriptions on the decrees and how the water has always been historically diverted and used. In depth review by Department staff, as well as a signed affidavit from the original homesteader, provide a wealth of evidence supporting this fact. There are no concerns over injury to other water rights.

Enlargement of Use:

The applications only seek to correct inconsistencies between the decree and true historical use. Nothing will be physically moved or changed. No concerns of enlargement of use.

Local Public Interest:

No physical changes are occurring to the way the water is used, there are no apparent issues with local public interest.

Beneficial Use/Conservation of Water Resources:

This proposed transfer appears to be consistent with the conservation of water resources in Idaho.

Effect on Economy the Local Area:

No physical changes are occurring to the way the water is used, so no adverse effects anticipated.

Effect on Agricultural Base of the Local Area:

No physical changes are occurring to the way the water is used, so no adverse effects 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.

Storms, Scott

From: Yenter, Cindy
Sent: Tuesday, October 8, 2019 10:56 AM
To: Storms, Scott
Cc: Bellamy, Don
Subject: amended transfer signature pages
Attachments: 20191008105145.pdf

Scott, I reviewed the apps with Don and we are happy with them. The POU maps are good too. Thanks for making the changes. Attached are copies of the signature pages. I will have the originals in the mail to you today.

*Cindy Yenter
Idaho Dept of Water Resources
Salmon Field Office
102 S Warpath, Salmon ID 83467
cindy.yenter@idwr.idaho.gov
208-742-0655
208-731-0901 cell*

Storms, Scott

From: Storms, Scott
Sent: Monday, October 7, 2019 4:20 PM
To: 'Bellamy, Don'
Cc: Consuelo Bellamy (dcjbellamy@gmail.com); Don Bellamy (don.bellamy56@gmail.com)
Subject: RE: Water Right Applications
Attachments: Amended Transfer App 83537.pdf; Amended Transfer App 83538.pdf; POU Map 75-119.pdf; POU Map 75-120 & 125.pdf; Bellamy-Dougherty 4th of July.pdf

Okay Don, attached are amended transfer applications for 75-119 (application 83538) and 75-120 & 75-125 (application 83537), along with associated maps and a copy of Cindy's review memo. Please take a look over all these to make sure they look rights. If all looks good, please print out the applications, sign, and return to the State office ATTN: Scott Storms.

Also, in order to save you the ink, you don't have to print off the maps, unless you need to make some sort of changes.

Feel free to call me with any other questions.

Scott

Scott Storms
Senior Water Resource Agent
Idaho Department of Water Resources
208-287-4915
Scott.Storms@idwr.idaho.gov

From: Bellamy, Don [mailto:Don.Bellamy@northwestfcs.com]
Sent: Friday, October 4, 2019 4:38 PM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Cc: Consuelo Bellamy (dcjbellamy@gmail.com) <dcjbellamy@gmail.com>; Don Bellamy (don.bellamy56@gmail.com) <don.bellamy56@gmail.com>; Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Subject: Re: Water Right Applications

Thanks, Scott. Send what you need us to sign for the transfers plus attachments. Yes, go ahead with the processing of the new permit for the spring.

Don

Sent from my iPhone

On Oct 4, 2019, at 3:16 PM, Storms, Scott <Scott.Storms@idwr.idaho.gov> wrote:

Hello again Don,

Cindy Yenter recently submitted to me a full review of everything she found regarding your transfer applications and it looks like we will need a couple of amendments to the applications in order to

correctly describe a couple of the places of use. In order to make those amendments, I will need your signature on what will essentially be a new application. I can make these changes and send you a completed application and all you will need to do is review them, sign them, and return to me at the State office. I believe Cindy has been in contact with you on all these updates but if you'd like, I can enclose a copy of her review memo when I send the amended applications.

My main question for you is, do you still want me to hold back on processing your new permit application while we work through these transfer amendments, or should I just move forward with processing it so we can get the permit application advertised?

Let me know what you think.

Scott

From: Bellamy, Don [<mailto:Don.Bellamy@northwestfcs.com>]
Sent: Friday, September 6, 2019 3:22 PM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Cc: Consuelo Bellamy (dcjbellamy@gmail.com) <dcjbellamy@gmail.com>; Don Bellamy (don.bellamy56@gmail.com) <don.bellamy56@gmail.com>
Subject: RE: Water Right Applications

AOK. Will do.

Thanks.

Don

From: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Sent: Friday, September 6, 2019 2:56 PM
To: Bellamy, Don <Don.Bellamy@northwestfcs.com>
Cc: Consuelo Bellamy (dcjbellamy@gmail.com) <dcjbellamy@gmail.com>; Don Bellamy (don.bellamy56@gmail.com) <don.bellamy56@gmail.com>
Subject: RE: Water Right Applications

Hello Don,

I got your message. What I actually meant is that there will be a copy enclosed in the letter you receive. The attached email letter was more for reference however, either way we are dealing with a copy of the original app so I've attached a copy to this email that you can print out. That way we can keep things moving forward and you don't have to wait for the letter to come in the mail. I will need you to actually mail back the new amended application with your written initials next to the changes. Unfortunately I cannot accept a scanned, emailed copy of that.

Let me know if you have any more questions.

Scott

From: Bellamy, Don [<mailto:Don.Bellamy@northwestfcs.com>]
Sent: Friday, September 6, 2019 2:38 PM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Cc: Consuelo Bellamy (dcjbellamy@gmail.com) <dcjbellamy@gmail.com>; Don Bellamy

(don.bellamy56@gmail.com) <don.bellamy56@gmail.com>

Subject: FW: Water Right Applications

Hi Scott,

Per my VM, we would be interested in increasing the amount from .02 cfs to .03 cfs. Could you attach our application so I can make those pen and ink changes you suggest below?

Thanks. Don Bellamy

From: Consuelo Bellamy <consuelo.bellamy@salmon291.org>

Sent: Friday, September 6, 2019 2:23 PM

To: Bellamy, Don <Don.Bellamy@northwestfcs.com>

Subject: Fwd: Water Right Applications

Begin forwarded message:

From: "Storms, Scott" <Scott.Storms@idwr.idaho.gov>

Subject: FW: Water Right Applications

Date: September 6, 2019 at 1:44:56 PM MDT

To: "dcjbellamy@gmail.com" <dcjbellamy@gmail.com>

From: Storms, Scott

Sent: Friday, September 6, 2019 1:44 PM

To: 'don.bellamy56@gmail.com' <don.bellamy56@gmail.com>; 'dcjbellamy@gamil.com' <dcjbellamy@gamil.com>

Subject: Water Right Applications

Don and Consuelo,

I have been assigned the review of your water right transfer applications and your application for a new water right. As part of formality with a new application in an area tributary to the Salmon Wild and Scenic River, I have sent out a Letter of Public Interest, and have attached a copy of that letter to this email. The letter basically outlines some of the common issues and concerns that come up during the processing and advertising of new water rights in this area. The purpose of this letter is to provide you the opportunity to supply us with any further information you think might be helpful in the processing of your application and help prevent protests during the protest period. We allow 30 day to respond to this letter, however if you feel you have nothing further to add, you can simply let me know by calling or responding to this email, and I will continue processing.

One thing I did notice in reviewing your application is that you applied for a flow rate of 0.02 cfs for irrigation on one acre of land. According to Idaho Code, you are allowed to apply for up to 0.03 cfs per acre on irrigation of anything 5 acres or less. I just want to

be sure you are aware of that, and that you could apply for a new rate of 0.03 cfs for that one acre. Enclosed with the letter of public interest is a copy of your application. If you would like to increase the rate to 0.03 cfs for irrigation, you can make that change on that copy, initial next to those changes, and return the amended application to our office. Note that the change would need to take place in section 5 of the application, and the total rate in section 6 would go from 0.04 to 0.05 cfs. One thing to also keep in mind is that, an increase in flow rate will cause an advance in the priority date for your water right to the date that we receive the amended application. Right now your Priority Date is August 23, 2019. If you amend the application to increase to 0.03 cfs for irrigation, your priority date will advance to the day we receive that amended application here in our office (likely a date in September).

Please feel free to call or email me if you have any further questions.

Scott Storms
Senior Water Resource Agent
Idaho Department of Water Resources
208-287-4915
Scott.Storms@idwr.idaho.gov

CONFIDENTIALITY NOTICE: Unless specifically stated: (i) this email does not create a legal relationship between Northwest FCS, including its subsidiaries and affiliates (collectively "Northwest") and the recipient; (ii) Northwest disclaims any liability for the content of this email or for the consequences of any actions taken on the basis of the information provided in this email or its attachments; and (iii) Northwest reserves the right to monitor and retain email messages to and from its systems as permitted by law. Email messages may contain defects, may not be accurately replicated for viewing on other systems and may be intercepted, modified, deleted or otherwise interfered with without the knowledge of the sender or the intended recipient. Northwest makes no warranties related to these matters. This email and any attachments are intended solely for the use of the intended recipient(s) and may contain information that is confidential, privileged, proprietary, private or otherwise protected from disclosure. If you are not the intended recipient of this email, please notify the sender and delete it from your system. In communicating via email with Northwest, you consent to the foregoing. This institution is an equal opportunity provider and employer.

CONFIDENTIALITY NOTICE: Unless specifically stated: (i) this email does not create a legal relationship between Northwest FCS, including its subsidiaries and affiliates (collectively "Northwest") and the recipient; (ii) Northwest disclaims any liability for the content of this email or for the consequences of any actions taken on the basis of the information provided in this email or its attachments; and (iii) Northwest reserves the right to monitor and retain email messages to and from its systems as permitted by law. Email messages may contain defects, may not be accurately replicated for viewing on other systems and may be intercepted, modified, deleted or otherwise interfered with without the knowledge of the sender or the intended recipient. Northwest makes no warranties related to these matters. This email and any attachments are intended solely for the use of the intended recipient(s) and may contain information that is confidential, privileged, proprietary, private or otherwise protected from disclosure. If you are not the intended recipient of this email, please notify the sender and delete it from your system. In communicating via email with Northwest, you consent to the foregoing. This institution is an equal opportunity provider and employer.

CONFIDENTIALITY NOTICE: Unless specifically stated: (i) this email does not create a legal relationship between Northwest FCS, including its subsidiaries and affiliates (collectively "Northwest") and the recipient;

MEMORANDUM

Date: October 7, 2019
To: Transfer 83536, 83537, and 83538
From: Scott Storms
Re: Legal Notice Not Required

Legal Notice Not Required
10/7/2019

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

Memorandum

September 23, 2019

TO: Transfer files 83536, 83537 and 83538 in the name of Bellamy, and Transfer file 83534 in the name of Dougherty

FROM: Cindy Yenter, Salmon Field Office

RE: Analysis of Historic Point of Diversion and Place of Use

Don Bellamy visited the Salmon Field Office early this year seeking some analysis and explanation of his water rights on Fourth of July Creek (B75). During that initial visit we identified discrepancies in his water rights. The irrigation right that has always been used around the Bellamy residence and the old homestead appeared to be missing, or not decreed in the correct location. Neighboring rights that shared a diversion with the Bellamy right 75-119 were decreed at completely different points of diversion. Mr. Bellamy and his neighbors, Michael and Jane Sandstrom Dougherty, asked me to visit their properties and make recommendations on any needed modifications to the water rights.

I conducted a site visit on April 23, 2019. As a result of my visit and some thorough file research, I concluded that for whatever reason, certain elements of the associated water rights had been decreed incorrectly in the SRBA. I found no evidence that point of diversion or place of use under the affected rights had ever changed from the historic locations.

The above transfers seek to correct, at the reduced fee of \$50 per water right pursuant to I.C. 42-221(O)(8), the points of diversion for Bellamy rights 75-119 and 75-14642, the points of diversion for Dougherty rights 75-14313 and 75-14641 and the place of use for Bellamy rights 75-119 and 75-120. This memo will discuss my findings, conclusions, and recommendations.

Bellamy and Dougherty Points of Diversion at Main Ditch (Ditch #1)

Right nos. 75-14313, 14641 and 14642 were originally licensed to Glen May as 75-2156 with a priority date of 1964. The POD on application 75-2156 is shown as NWNE Sec 16, T24N R22E (TR reference will not be repeated). Proof of Beneficial Use filed in 1969 lists the POD in SWSE Sec 16. The right was licensed with a single POD in NWNE Sec 16. It is unclear how or if the field examiner verified this location. The map accompanying the field exam appears to be a duplicate of the map in the application, drawn on a grid rather than on a topo map or other image.

75-2156 was included as 75-118 with a 1906 priority in the 1982 Fourth of July Creek decree (see old decree file 75-L). The POD in the 75-L decree is shown as NESE Sec 9, T24N R22E, and identified as Ditch #1. In 1990 May filed a claim on 75-2156 in the SRBA with POD in NWNE Sec 16, but did not file a claim pursuant to 75-118. Doughertys acquired a portion of the May property in 1998 and filed an ownership change on 75-2156 which resulted in splits 75-2156 A & B. In 2006, May filed SRBA claim 75-14312, and Dougherty filed SRBA claim 75-14313. Both claimed a priority of 1906, referenced license 75-2156 and decreed right 75-118, and showed two points of diversion, one in NESE Sec 9 (from decree 75-L) and the second in NWNE Sec 16 (from claim 75-2156). Ditch #1 is also named but it is unclear which diversion is referenced. Dougherty ultimately acquired 75-14312 and sold a portion to Bellamy, resulting in splits

75-14641 and 14642. All three rights were decreed in the SRBA with PODs in NESE Sec 9 and NWNE Sec 16. Claims 75-2156A and 2156B were disallowed.

Right no. 75-119 was included in the 1982 75-L decree in the name of Frank Nelson, with a POD at NESE Sec 9, Ditch #1. SRBA claim 75-10253 was filed in 1990 combining rights 75-119, 75-120 and 75-125, and including PODs in NESWNE Sec 16 and SENWNW Sec 21 (Ditches #1 and #2). Bellamy acquired the ranch in 1994. In 2008, 75-10253 was disallowed and the claim was split back to the component rights. Bellamy filed an amended claim for 75-119 which was recommended and decreed with a single POD in NESWNE Sec 16 (Ditch #1).

Water right records presently recognize Ditch #1 in three different locations: NESE Sec 9, NWNE Sec 16, and SWNE Sec 16. IDWR spatial data for these three locations are digitized and not established with GPS coordinates. It is evident from these records that the exact diversion location of Ditch #1 on Fourth of July Creek was never confirmed, nor was there any obvious effort made to correlate the various claimed POD descriptions for rights sharing a common diversion. Poor maps, no field verification, and lack of GPS technology during early licensing likely all contributed to the PLS errors. Additionally, the POD map from the 1982 75-L decree is not in IDWR's files. None of the currently decreed POD locations accurately defines the historic location of Ditch #1.

The Ditch #1 diversion is located west / northwest of the USFS campground on Fourth of July Creek, approximately 0.7 mile above the forest boundary. This campground is visible on imagery. GPS coordinates taken by me during the 4/23/19 site visit and by Mr. Dougherty a few days later confirm two diversions for Ditch #1 in **NWNWSE Sec 16**. Dougherty also sent a photo of site tag A0015077, which he found nailed to a tree near the lower diversion. This tag number is presently associated with SDID 376272 in SWNE Sec 16 (75-119 decreed POD). IDWR staff or a contractor obviously visited the Ditch #1 diversion to place the tag, but did not collect GPS coordinates or otherwise verify the location.

Ditch #1 has two headings on the west side of Fourth of July Creek, both within NWNWSE Sec 16, which are separated by less than 150 feet. Each is comprised of a rock dam which checks up water to an open ditch. The two diversions merge at the lower heading and form a single ditch. Approximately 200 yards down the ditch, a control structure regulates flows into the ditch and allows excess flow to spill back to the creek. The ditches were still closed on the day of my visit and the control structure was being re-built.

The water users allege that the physical location of Ditch #1 has never changed. I concur that it is very unlikely that this ditch ever diverted further upstream, as the terrain west of the creek becomes quite steep above the diversion. Construction and maintenance of a side-hill ditch would have been difficult or impossible. There are also a number of tributary drainages (dry washes) which the ditch would have had to cross. Spring runoff down these drainages would have repeatedly washed out the ditch.

The inclusion of both Sec 9 and Sec 16 PODs on the Dougherty SRBA claims is baffling but may have been an attempt to recognize the dual diversions for Ditch #1, or could simply reflect the general uncertainty about the actual POD location. Due to insufficient maps and lack of familiarity with the PLS system, the water users did not recognize at the time that the PODS were too far apart and simply too high in the system to be correct.

Bellamy Place of Use 75-119 and 75-120

The 1982 final decree on Fourth of July Creek (75-L) included general place of use descriptions only, with total acres, but did not include QQ acres for most rights. Many of the rights included in the 75-L decree were established by beneficial use around the turn of the century. Only a handful of statutory claims were filed in this drainage, so IDWR had no prior records of water use. SRBA claims taking in 1990 was likely the first time that detailed place of use information was collected for these rights.

When Don Bellamy acquired the Frank Nelson ranch in 1994, the Nelson irrigation rights had been claimed in the SRBA under two combined rights: 75-10252 and 75-10253. 75-10252 (75-122 and 75-123) was split by ownership change in 2000. Bellamy retained 22 acres; his split was re-numbered 75-13963. Some acres under 75-13963 also appear to have been claimed on 75-10253.

75-10253 was disallowed in 2008 and was split back to the component rights. Bellamy was required to submit amended claims for 75-119, 75-120, and 75-125. The SRBA claim files contain no information regarding the amendments to 75-119, 120 and 125, or who prepared them. Objections filed to the recommendations resulted in acreage reductions to remove duplicate acres – this appears to be when the POU errors first occur. Rather than removing the duplicate acres under 75-119 on the south end of the ranch where 75-13963 was already recommended, acres were randomly reduced in SENE Sec 20, creating a false overlap with 75-13963. A combined acreage limit was applied to rights 75-119, 75-120 and 75-13963. The rights were partially decreed in 2009.

Bellamy now asserts that the decreed POUs do not reflect the historic places of use on the ranch, nor do they correlate with the physical delivery systems. The 128-acre place of use decreed for 75-119 appears to be a carryover from the combined acres claimed in 75-10253. The tabular place of use does not match the existing water right shape in several QQs. POUs for 75-119, 75-120 and 75-13963 are stacked on the south end of the ranch, where 75-13963 should be the only appurtenant right. Further, the POUs for 75-120 and 75-125 are on the wrong side of the creek. Bellamy did not recognize these discrepancies during the notice of error period due to his general unfamiliarity with water rights and the PLS system.

During the April 23, 2019 site visit I confirmed the water rights and acres associated with each Bellamy diversion. I found four distinct diversion and delivery systems from Fourth of July Creek:

1. Ditch #1, NWNWSE Sec 16 (*see above*)– the uppermost ditch, diverts to the west of the creek to deliver the Dougherty rights 75-14313 and 75-14641, and then the Bellamy rights 75-14642 (7.5 acres) and 75-119 (102 acres) on the north end of the ranch. The ditch crosses Cottonwood Creek in SWNE Sec 20 to irrigate pasture on the west side of that drainage.
2. Ditch #2, aka Home Ditch, SENWNW Sec 21 – diverts to the east of the creek, to deliver irrigation and stock water at the Bellamy residence and the old cabin under rights 75-120 and 75-125.
3. Ditch #3, SENE Sec 20 – diverts to the west of the creek, to deliver right 75-13963 on 22 acres at the south end of the ranch, then goes on to deliver water to subdivided properties.
4. Ditch #12, NWNESE Sec 20 – diverts to the east of the creek, delivers right 75-121 to the old orchard area south of the homestead.

Rights 75-119, 75-120 and 75-13963 were decreed with a combined acre limit of 128 acres. Since 128 is the sum of the individual authorized acres (102 + 4 + 22), this limit is moot: each right may be treated as a standalone right. As each right diverts at a different ditch to a different area of the ranch, there is no physical overlap between the rights. 75-119 is diverted at Ditch #1, but does not irrigate south of Ditch

#3. Acres south of Ditch #3 are irrigated by 75-13963 – this water cannot be used north of the ditch. 75-120 is diverted at Ditch #2, on the east side of the creek and cannot irrigate acres west of the creek. For additional evidence of this place of use, see the claim 75-10253 comment that “the ditch in Section 16 irrigates 105 (*sic*) acres and the ditch in Section 21 irrigates 4 acres”. 75-125 is also diverted at Ditch #2 and was identified in the 75-L decree as being associated with the domestic spring right 75-124, used at the homestead in SENE Sec 20, east of the creek.

The attached spreadsheet compares the places of use for rights 75-119, 75-120, 75-125 and 75-13963 as they are described in the 75-L decree, the SRBA claims, the SRBA partial decrees, and as they are drawn on the original SRBA claim map. Don Bellamy shared from his personal files the original color map prepared for the Nelson SRBA claims. The claim file maps are copied in black and white and are virtually unintelligible. The original map clearly delineates the total irrigated acres and, while still in small scale, is clear enough that I was able to digitize Mr. Nelson’s original acres as claimed in the SRBA, and distribute them across the QQs for each right as described in the 75-L decree. Most importantly, the Nelson map confirms irrigation at the homestead in SENE Sec 20 on the east side of the creek (75-120). The transfers were initially prepared without benefit of this map.

The digitized shape for 75-119 is almost identical to the existing water right shape for 75-119, less the acres decreed to 75-13963. Some acres on public land needed to be excluded from the shape. In turn, the QQ acres from the digitized shape are quite close to the acres claimed on 75-10253, less the acres decreed to 75-13963 (shape cleanup affected some QQ acres). Had the acres on claim 75-10253 been split properly when the amended claims were filed for 75-119, 120 and 125, and had the acreage reductions been applied to the correct areas, the SRBA decrees would have more accurately represented both historic and present use under the rights.

Bellamy indicates that the irrigated acres have not changed since the 1982 decree. I find this entirely reasonable, as there is little other arable land on the ranch. All lands outside of the presently irrigated areas are hillside, creek bottom or timber.

Recommendations

1. 75-13963 does not require transfer. The right was included in the analysis and discussion because POU’s for 75-119 and 75-120 were decreed in error to overlap with 75-13963.
2. The PODs for 75-119 and 75-14642 in the name of Bellamy, and the PODs for 75-14313 and 75-14641 in the name of Dougherty should be changed to the two verified diversion locations of Ditch #1 in NWNWSE Sec 16, T24N R22E.
3. The POU on 75-119 should be reduced and modified so the right does not overlap with 75-13963 and reflects only the 102 authorized acres north of Ditch #3. I suggest amendment of transfer 83538 using the digitized acres from the original claim map (see spreadsheet column L).
4. The POU for 75-120 and 75-125 should be moved to the east side of the creek where the rights were historically used. I suggest amendment of transfer 83537 using the digitized acres from the claim map (see spreadsheet columns R and W). The transfer as filed may have inadvertently included some public land. There is an existing USFS inholding across the Bellamy property, situated to the south of the corrals.
5. All transfers should be processed at the reduced fee pursuant to 42-221(O)(8), and advertising should not be required as the proposed transfers do not describe or authorize physical changes in POD or POU.

To Whom it may concern:

I bought 80 acres in 1960 at 488 Fourth of July Creek Rd, North Fork, ID. This property is irrigated by the highest active ditch on Fourth of July Creek (called Ditch #1 in the 1982 decree).

Ditch #1 and it's points of diversion (PODs) are in the same exact physical location today as they were when I bought the property. The ditch and PODs have never been moved.

The 2 places of diversion supplying ditch #1 have always been there and also have never been moved.

I have since sold this property to Mike and Jane Dougherty although I continue to live on the property.

Glen M May

Glen May

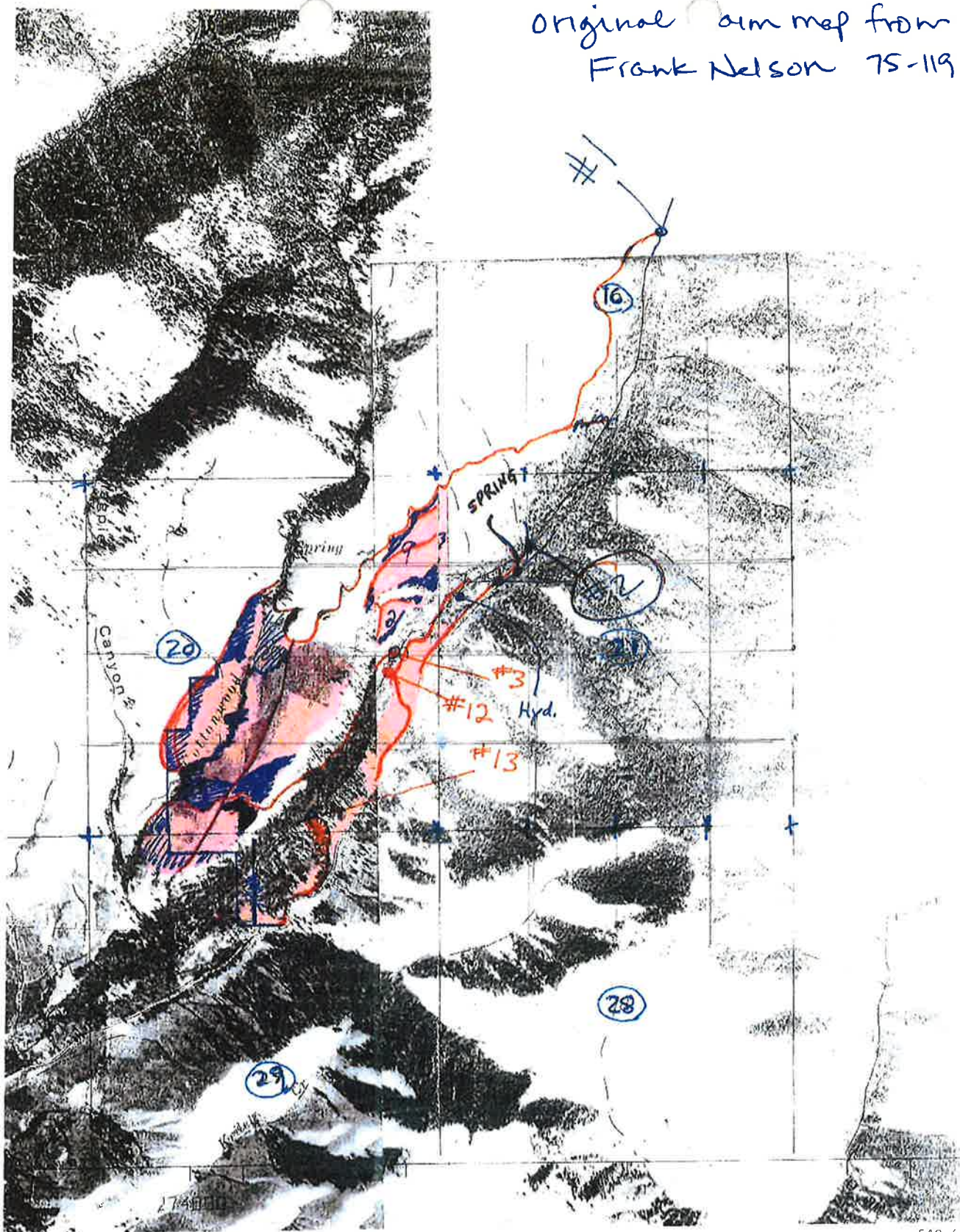
488 Fourth of July Creek Rd

North Fork, ID 83466

Sep 27 2019

Date

original aim map from
Frank Nelson 75-119 et al



274000m.E.

113°2'30"

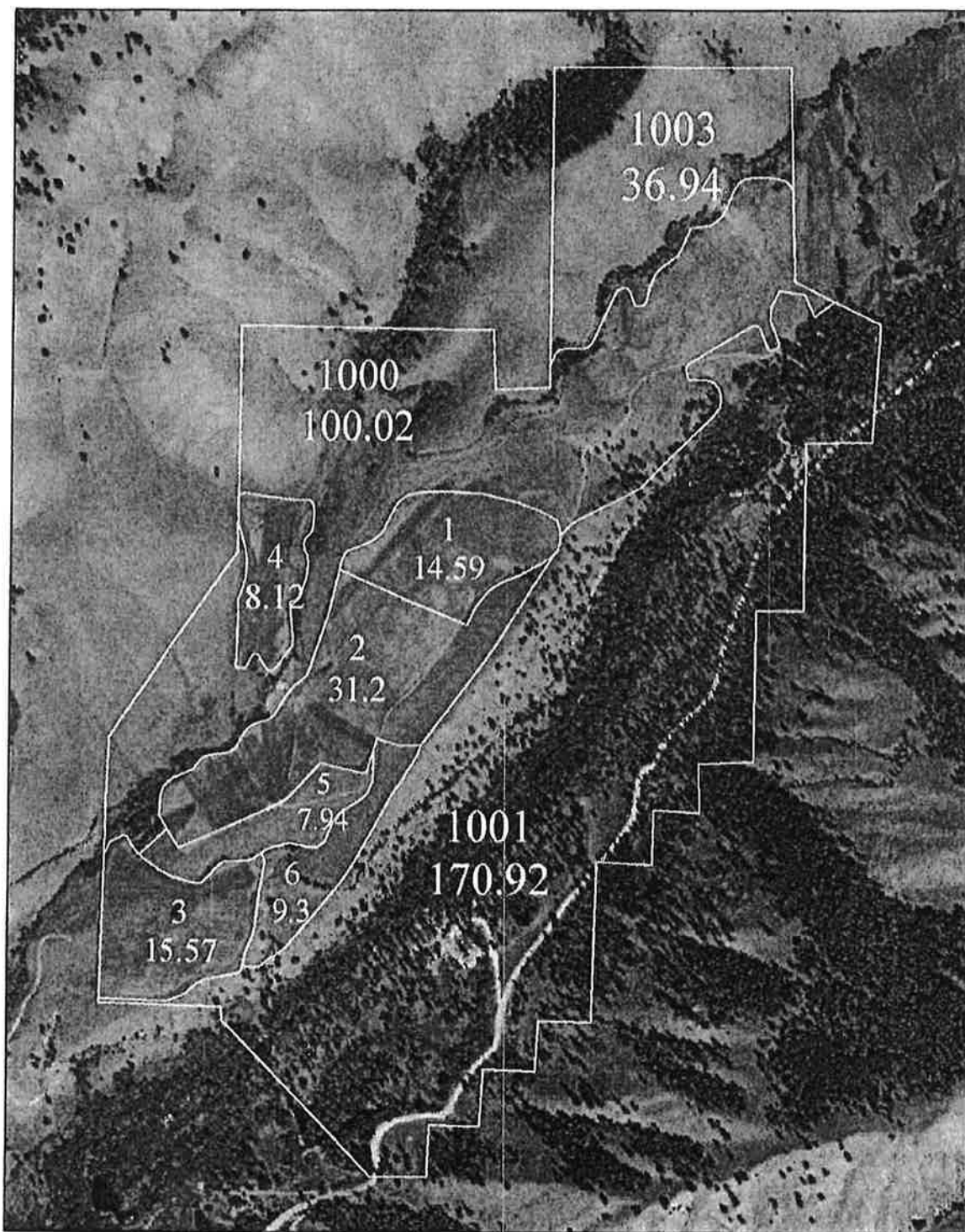
540'

Produced and published by the Geological Survey
in cooperation with the U.S. Forest Service

Orthophotograph prepared from 1:80,000-scale
aerial photographs taken August 28, 1974

R22

Projection: Montana coordinate system, south zone
(Lambert conformal conic)
10,000-foot grid ticks based on Montana coordinate system,
south zone and Idaho coordinate system, central zone
1,000-metre Universal Transverse Mercator grid ticks,
NAD 83, 1927 North American datum



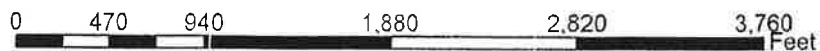
United States Department of Agriculture
Farm Service Agency
Lemhi/North Custer

FSN 512 T11



- Wetlands
- ▬ Fields, Boundaries

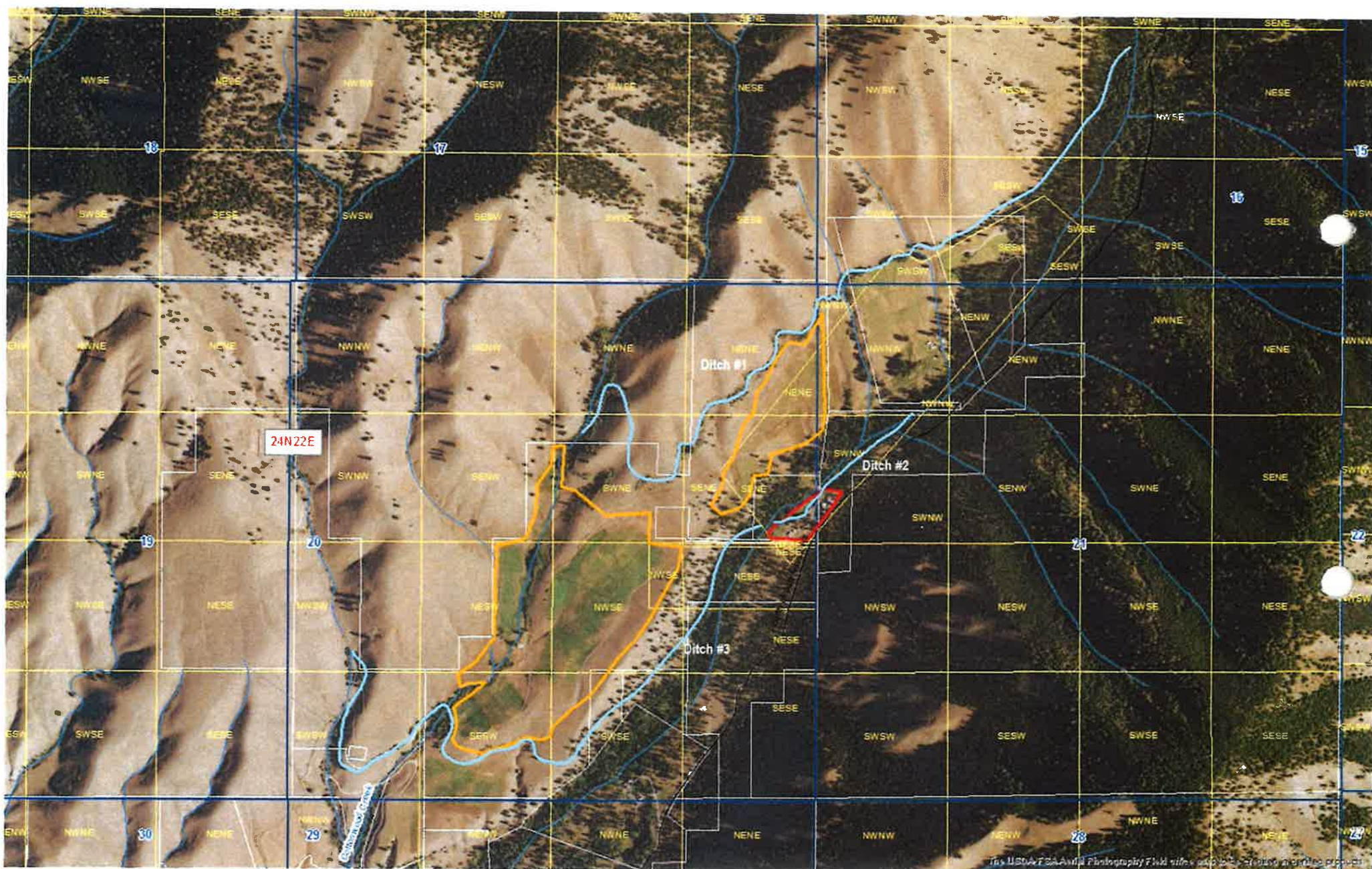
February 23, 2006



PLS				SRBA claim 75-10253	75-L decree 75-119	SRBA decree 75-119	proposed after acres 75-119	digitized from claim map 75-119	75-L decree 75-120	SRBA decree 75-120	proposed transfer acres 75-120	digitized from claim map 75-120	75-L decree 75-125	SRBA decree 75-125	proposed transfer POU 75-125	SRBA claim 75-10252	75-L decree 75-122	75-L decree 75-123	SRBA decree 75-13963	SRBA decree 75-13964
24N	22E	20	NENE	5	X	5	8.1	8.7												
			SWNE	6.9	X	11	13	9.5												
			SENE	11	X	2.5	12.2	10.8												
			NENW		X						2	2.9			5					
			SENW	4.6	X	4.5	4	3.2												
			NESW	21		20	19	18												
			SWSW			1														
			SESW	36	X	32	16	10		14	0.7						14	14		14
			NESE				0.2		X				D/S							
			NWSE	27	X	27	24.4	30.4												
			SWSE	6.9		4.5	2.6	3.9		2							2		X	2
		21	SENE	5																
			NENW																	
			NWNW	13		14	2.1	1.3									6			
			SWNW				0.4	0.2			1.3	1.1								
		29	NWNE																	
			NENW	5.7		6				6							8		X	8
			NWNW			0.5														
				137.1	102	126	102	102	4	22	4	4				30	20	10	22	8 decree to Verden, right subsequently modified.
						acre limit 102				acre limit 4										

NOTES:

- 1 14 acres are 75-13963
- 2 2 acres are 75-13963
- 3 6 acres are 75-13963
- 4 should be NESW Sec 20
- 5 in this QQ, only 2.3 to 75-119
- 6 should be NENW Sec 29
- 7 these are 75-13963, wrong side of creek
- 8 wrong side of creek



Storms, Scott

From: Yenter, Cindy
Sent: Tuesday, October 1, 2019 3:45 PM
To: Storms, Scott
Subject: FW: May letter on 4th of July Creek Ditch
Attachments: Glen May statement ditch_diversion 4th of July Creek 0923 2019.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Scott– see attached, and the message below. This statement from Mr. May supports the POD transfers for both Bellamy and Dougherty.

From: jdsandstrom@centurytel.net [mailto:jdsandstrom@centurytel.net]
Sent: Tuesday, October 01, 2019 9:41 AM
To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Cc: Mike Dougherty <mdougherty15@outlook.com>; Dalglish, Alex <Alex.Dalglish@idwr.idaho.gov>
Subject: May letter on 4th of July Creek Ditch

Cindy,

Per our discussion I have attached a letter that Glen May signed with information regarding the ditch that irrigates our property on Fourth of July Creek. Glen is 94 years old and has a solid memory regarding irrigation in this area. He is the previous owner of our property and still lives in his original home on the creek, in fact he participated in the spring ditch opening into his 80s. In talking with him he knows that the ditch and diversions irrigating our property are in the same place as when he bought the place in 1960. While his memory is clear, at 94 he is now not that physically mobile so asking him to go to a notary would be a burden on him. If it is critical it be notarized, we can pursue this.

This is more evidence that confirms our request for correction of the currently recorded IDWR information. If you have questions please feel free to email or call.

Jane Dougherty Sandstrom

Mike Dougherty

208-865-1118 (landline)

Storms, Scott

From: Yenter, Cindy
Sent: Friday, September 27, 2019 4:15 PM
To: Storms, Scott; Dalgleish, Alex
Subject: Bellamy-Dougherty transfers Fourth of July Ck
Attachments: Bellamy-Dougherty 4th of July.pdf; File maps.pdf; Bellamy acre analysis.xlsx; fourth of july ditches 1-3.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

Gentlemen, here is a memo in support of these transfers, along with some supporting data as referenced in the the memo. The map shows the location of the 3 relevant ditches. I note that Scott has created spatial points for the Ditch 1 headings and they are right on. POD locations for Ditches 2 and 3 are accurate in spatial data (I collected coordinates and checked them).

I have the pou shapefiles shown on the map in orange and red. Those are the proposed shapes for 75-119 and 75-120 respectively. I could not get them all attached to this message so I'll pull them out to my P folder on Monday so you can use them.

If you have additional questions please let me know.

Happy Friday!

*Cindy Yenter
Idaho Dept of Water Resources
Salmon Field Office
102 S Warpath, Salmon ID 83467
cindy.yenter@idwr.idaho.gov
208-742-0655
208-731-0901 cell*

Storms, Scott

From: Grimm, Angie
Sent: Thursday, September 5, 2019 12:51 PM
To: Storms, Scott
Subject: RE: Bellamy Transfers

Scott,

Just to follow up to this email and memorialize our conversation, I think it would be helpful if Cindy can write a short memo regarding her site visit and conclusions that the POD and associated ditch have been in their current location for several years and no physical change is proposed for this transfer. Despite the fact that the right(s) are decreed as claimed, I think it is reasonable to say interpreting PLS location information using aerial imagery can be difficult. Cindy's site visit confirming the location and establishing there is no physical change proposed should be enough to allow for the \$50 filing fee. Please let me know if you have any more questions on this.

Thanks,
Angie

From: Storms, Scott
Sent: Tuesday, September 03, 2019 11:13 AM
To: Grimm, Angie <Angie.Grimm@idwr.idaho.gov>
Subject: Bellamy Transfers

Good morning,

I've been going back and forth a bit with Cindy about a group of transfers I have on Fourth of July Creek and before she took off on vacation, she mentioned that you guys talked about these rights, and maybe even went to the site? Cindy's been kind of pushing for these to get processed at the \$50 per water right fee based on §42-221.O.8, essentially stating this is the fee if the transfer is to simply correct the legal description and no physical change is to occur and no unauthorized physical change has occurred inconsistent with the decree. The thing I'm struggling with is that, in the decree proceedings, they not only had the normal opportunities to review and make corrections, it appears there were some additional proceedings over the location of the PODs and POU's and there is a form SF5 in the scan docs where the water right owners actually signed an agreement that states they concur to the elements of the water right as listed in an attached proof report, and those proof reports read the same as the final decree. However, these applications are now essentially stating that the decree was wrong, and that the descriptions on the transfer apps is where everything has always been located. So I'm trying to figure out if I can move forward at the \$50 fee, and if so, what further information I would need or can accept to show these PODs and POU's historically existed as they explain in the transfers, and that there is indeed no physical changes taking place. Do you have any insight into this after meeting with Cindy? Right now my next course of action was going to be to compose a letter explaining this situation to the right holder, and explain that they will need to provide the full fee for each water right in order for me to proceed.

Scott Storms
Senior Water Resource Agent
Idaho Department of Water Resources
208-287-4915
Scott.Storms@idwr.idaho.gov

Storms, Scott

From: Yenter, Cindy
Sent: Wednesday, August 28, 2019 8:36 AM
To: Storms, Scott
Subject: RE: Bellamy Transfers

Hi Scott – I took Angie out on a tour yesterday and we talked about Bellamy. Today I am headed for the Bird hearing then I'll be out until Sept 12. Angie has my notes and was going to look them over. You can visit with her when she returns. C.

From: Storms, Scott
Sent: Tuesday, August 27, 2019 3:45 PM
To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Subject: RE: Bellamy Transfers

Hi Cindy, are you in today and tomorrow? I know you mentioned last week that you are headed out on vacation soon.

From: Yenter, Cindy
Sent: Thursday, August 22, 2019 4:20 PM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Subject: RE: Bellamy Transfers

I did locate the Fourth of July Decree, signed 1982. For both 75-118 and 119, the original decreed pod is in NESE Sec 9, 24N22E. SRBA claims for 75-14312 and 14313 (splits of 118) used the Sec9 POD and added a point of diversion in NWNE Sec16. 75-119 was claimed in SRBA with PODs in SWNE Sec16 and NWNW Sec21. This was originally a combined claim (75-10253) which was later split; the pod in Sec16 was retained and decreed for 75-119 and the Sec21 POD went with 75-120 and 125. This POD appears correct.

I think Dougherty's homestead entry docs may shed some light on the historic POD locations and those should be requested.

The 1982 Decree does describe the POU for 75-120 consistent with the recent transfer submitted by Bellamy: 4 acres in NESE Sec 20 at the "Nelson Premises" i.e. homesite.

I have not had time to look closer at the 1982 place of use description for 75-119. I still think the acres are screwed up. This appeared to happen subsequent to the Dougherty's 2008 objection to Bellamy's combined claim 75-10253.

I'll be unavailable or out from Aug 27-Sept 10. Let me know what transpires.

From: Storms, Scott
Sent: Thursday, August 22, 2019 12:57 PM
To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Subject: RE: Bellamy Transfers

Well it looks like we see pretty much the same thing in the backfiles. I talked it over a little with Clay this morning and we are going to have a sit-down meeting later today or early next week to try and decide what we should do. I only

have the Bellamy files, I think he assigned the Dougherty's to Alex. There's nothing extra in the vault files for 119 or 120/125 but Clay mentioned we may need to request the adjudication files from the Records Office. I'll let you know what we figure out and I guess just let me know if you find anything or get any more historical information from the applicants.

Scott

From: Yenter, Cindy

Sent: Wednesday, August 21, 2019 3:56 PM

To: Storms, Scott <Scott.Storms@idwr.idaho.gov>

Subject: RE: Bellamy Transfers

There was an earlier decree on Fourth of July Creek, prior to the SRBA. I would like to locate that decree and do a little more research. I have compared the SRBA claimed acres on the Bellamy claim 75-10253 (initially combining 75-119, 120 and 125) with the SRBA decreed pods for the individual rights, and there are some discrepancies which support the fact that the 4 acres from 75-120 were historically situated to the east of the creek. These acres were decreed to the west of the creek into a combined pod which does not match the decreed acres in all areas.

Doughertys repeatedly referred to original "licensed" rights on which the pods differ from the fourth of July decreed pods. I never found those records. However, Doughertys claim to have the homestead entry documents describing the location of the original ditches which are described in the transfers for 119, 14642, 14641 and 14313. The latter 3 rights are all splits of 75-118. There is no back file info for either 118 or 119; I was hoping that more information resided in the vault for these numbers.

Both parties happen to be gone right now delivering kids to college. I will try and touch base with at least one of them before I leave for vacation next week. I do think we need to give them a chance to support their transfers. I have done site visits to the diversions and ditches. Of course it's hard to know for sure, but they all look to be old ditches in historic locations.

From: Storms, Scott

Sent: Wednesday, August 21, 2019 2:39 PM

To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>

Subject: Bellamy Transfers

Hi Cindy,

I've been handed the review of the Bellamy transfers that you helped draft. In your email to Jean you said you recommended these be processed at the \$50 per WR fee because it is simply to correct POD and POU descriptions that were decreed incorrectly. The issue I'm seeing however, is that the claim files for all of these rights match the way they were decreed. I need to discuss this further with Clay and he is out today but I'm wondering if you have any other information from Don Bellamy that would show these were somehow even claimed wrong? Otherwise it would seem we need charge each of these applications based on flow rate. Let me know what you think.

Scott

Scott Storms

Senior Water Resource Agent

Idaho Department of Water Resources

208-287-4915

Scott.Storms@idwr.idaho.gov

Hersley, Jean

From: Yenter, Cindy
Sent: Friday, August 16, 2019 12:21 PM
To: Hersley, Jean; Grimm, Angie
Subject: Correction transfers, reduced fees

I've recently helped draft several transfers in Basin 75 which request corrections to incorrect SRBA decrees, and describe historical locations for POD and/or POU. I have recommended that these be submitted with the reduced \$50 fee per water right. There are no physical changes proposed on any of these. Please be on the lookout for them and let me know if you have any questions or issues processing as corrections.

Fourth of July Ck – will be filed in the name of Bellamy (75-14641, 119) and Dougherty (75-14313, 14641). They should all come in together. PODs for four right are way off. Dougherty and I both collected GIS coordinates for the correct pod locations, and his were better so he's supposed to send that info. If he does not, I have it. Bellamy also has POU corrections on 75-119 and 120. I have the shape files for both corrected irrigation pous, and am happy to send that to the reviewing agent.

Tower Creek – POU transfer and ownership change filed in the name of Tambe. Hint – look in the claim file and at the submitted warranty deed. Lemhi Co parcel layer is way off in this area. The metes and bounds puts the entire property in the correct location in SWSE S33. During claim review it appears someone mistook a parcel line for a section line, and part of this recommendation landed in Sec 4 where it doesn't belong it. The claim was filed correctly in SWSE, albeit for too many acres (5 as opposed to 0.5). Total 0.5 acres is correct.

*Cindy Yenter
Idaho Dept of Water Resources
Salmon Field Office
102 S Warpath, Salmon ID 83467
cindy.yenter@idwr.idaho.gov
208-742-0655
208-731-0901 cell*

Hersley, Jean

From: Bellamy, Don <Don.Bellamy@northwestfcs.com>
Sent: Monday, August 19, 2019 9:22 AM
To: Hersley, Jean
Cc: Bellamy, Don; Yenter, Cindy
Subject: RE: Applications for Transfer
Attachments: IDWR Transfer Application Checklists WR 75-119 and WR 75-120 Don R Bellamy.pdf

Hi Jean,

Please find the attached completed transfer checklists for 75-119 and 75-120 per request. Thank you for helping and please let me know if you have any questions as our set of applications are processed. Also, please confirm receipt of this email and it's attachment.

Don R. Bellamy
208 865 2006 (home office)/406 660 4381 (cell)

From: Don Bellamy <don.bellamy56@gmail.com>
Sent: Saturday, August 17, 2019 9:12 PM
To: Bellamy, Don <Don.Bellamy@northwestfcs.com>
Subject: Fwd: Applications for Transfer

Sent from my iPad

Begin forwarded message:

From: "Hersley, Jean" <Jean.Hersley@idwr.idaho.gov>
Date: August 16, 2019 at 12:36:57 PM MDT
To: "don.bellamy56@gmail.com" <don.bellamy56@gmail.com>
Subject: Applications for Transfer

Mr. Bellamy,
The Department of Water Resources received your applications for transfer for several of your water rights. Two of the applications require a checklist as part of the application. I have attached the checklists for your convenience. Please complete the checklists and return to the Department within 30 days. If you have any questions, please contact me. Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

CONFIDENTIALITY NOTICE: Unless specifically stated: (i) this email does not create a legal relationship between Northwest FCS, including its subsidiaries and affiliates (collectively "Northwest") and the recipient; (ii) Northwest disclaims any liability for the content of this email or for the consequences of any actions taken on the basis of the information provided in this email or its attachments; and (iii) Northwest reserves the right to monitor and retain email messages to and from its systems as permitted by law. Email messages may contain defects, may not be accurately replicated for viewing on other systems and may be intercepted, modified, deleted or otherwise interfered with without the knowledge of the sender or the intended recipient. Northwest

makes no warranties related to these matters. This email and any attachments are intended solely for the use of the intended recipient(s) and may contain information that is confidential, privileged, proprietary, private or otherwise protected from disclosure. If you are not the intended recipient of this email, please notify the sender and delete it from your system. In communicating via email with Northwest, you consent to the foregoing. This institution is an equal opportunity provider and employer.

August 12, 2019
Fourth of July Creek Road
North Fork, Idaho

Idaho Department of Water Resources
322 E Front Street Suite 648
PO Box 83720
Boise, ID 83720-0098

RECEIVED

AUG 15 2019

**DEPARTMENT OF
WATER RESOURCES**

Re: Applications for Transfer of Water Rights - POD

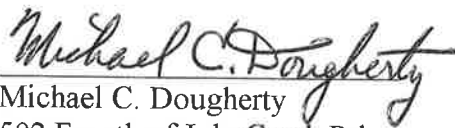
Enclosed please find four (4) applications for transfer of water rights to correct the location of points of diversion as administrative changes only. There are no proposed changes to the existing systems. These applications are being submitted together for clarity as they involve the common points of diversion for one shared ditch.

Please process as an administrative change, the required fee of \$50 per water right for such administrative changes is included.

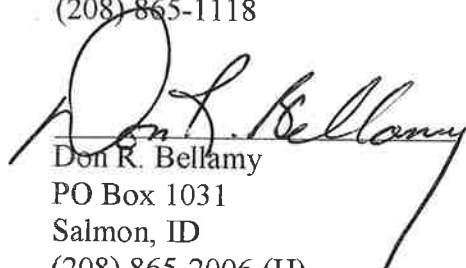
We understand no advertisement is necessary on any of these applications due to the administrative nature.

If you need further information or have questions please call either of the parties involved or Cindy Yenter, IDWR Salmon Office as she assisted us in researching and developing these applications.

Sincerely yours,


Michael C. Dougherty
502 Fourth of July Creek Rd
North Fork, ID 83466
(208) 865-1118


Jane E. Dougherty Sandstrom
502 Fourth of July Creek Rd
North Fork, ID 83466
(208) 865-1118


Don R. Bellamy
PO Box 1031
Salmon, ID
(208) 865-2006 (H)
(406) 660-4381 (C)

Encl: (4) Applications for Transfer of Water Rights – POD with maps
Fee

83537