

SEP 24 2015DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 80409**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 www.idwr.idaho.gov.

Name of Applicant(s) Verl Bell and/or Ancie BellCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at 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. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 24 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Verl Bell and/or Ancie Bell Phone 208-837-4405Mailing address 853 East 2830 South Hagerman, Idaho 83332 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 RepresentativeName of Representative Hattie Zobott of Brockway Engineering Phone 208-736-8543Mailing address 2016 North Washington Street, Suite 4 Twin Falls Idaho 83301 Email hattie.zobott@brockwayeng.c

- ☐ 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.

Verl E. Bell
Signature of Applicant or Authorized Representative

Owner
Print Name and Title if applicable

Sept. 22, 2015
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**.

Create a Permissible Place of Use (PPU) for water rights. Change the Place of Use shape to enable irrigation with center pivot sprinklers.

NO POD CHANGE
SEE EMAIL 9-30-15
JB

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 ☒ ☐	36-33E	0.75	Irrigation	02/15 to 11/15	Weatherby Springs/ Billingsley Creek
☐ ☐				to	
☒ ☐	36-3A	1.38	Irrigation/Stockwater	2/15 to 11/30	Billingsley Creek/ Snake River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.13 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 2.13 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 #
N		SE	NE	SW	30	07S	13E	Gooding	Billingsley Creek	
N		SE	SE	NE	11	07S	13E	Gooding	Billingsley Creek	
								NO POU CHANGE SEE EMAIL EXCHANGE w/ Brockway Eng. 9-30-15		

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	
07S	13E	27			40	25													65
Total Acres (for irrigation use)																			*65

*POU within PPU will be limited to irrigation of 30 acres

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:

Existing booster pump. Main lines and pivots will be moved after the transfer is approved.

- b. Who owns the property at the point(s) of diversion? Applicant *SEE EMAIL 9-30-15*

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: N/A

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 in purpose of use.

- 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:

See 5F.2

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

Current Water Right No.: 36-33E

Current Owner: ANCIE P BELL
 VERL C BELL

Priority Date: 3/8/1902

Origin: Water Right

Status: Active

Basis: Decreed

Source

WEATHERBY SPRINGS

Tributary

BILLINGSLEY CREEK

Beneficial Use

IRRIGATION

From To

02/15 to 11/30

Diversion Rate

0.75 CFS

Annual Volume

Total Diversion

0.75 CFS

Location of Point(s) of Diversion

WEATHERBY SPRINGS

GOODING County

SE1/4NE1/4SW1/4

Sec. 30, Twp 07S, Rge 14E B.M.

Place of Use

IRRIGATION Within GOODING County

T07S R13E S27

SWNE

26.00

T07S R13E S27

SENE

23.00

Total Acres: 49

Conditions of Approval:

1. X27 This right is limited to the irrigation of 17.0 acres within the authorized place of use in a single irrigation season.
2. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. 004 This right does not grant any right-of-way or easement across the land of another.
4. 206 This right is limited to the irrigation of a specific 17.0 acres within the 49.0 acre place of use authorized by this right in a single irrigation season. The specific 17.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 17.0 acres to be irrigated within the 49.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.
8. Water is delivered through the Bar S Ditch, Curren Ditch and North Pipeline.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Decreed Date: 10/20/2000

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

Current Water Right No.: 36-3A

Current Owner: ANCIE P BELL
VERL C BELL

Priority Date: 9/10/1884

Origin: Water Right

Status: Active

Basis: Decreed

Source

BILLINGSLEY CREEK

Tributary

SNAKE RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

STOCKWATER

01/01 to 12/31

0.02 CFS

IRRIGATION

02/15 to 11/30

1.38 CFS

Total Diversion

1.38 CFS

Location of Point(s) of Diversion

BILLINGSLEY CREEK

SE1/4SE1/4NE1/4

Sec. 11, Twp 07S, Rge 13E B.M.

GOODING County

Place of Use

STOCKWATER Within GOODING County

T07S R13E S27

SWNE

IRRIGATION Within GOODING County

T07S R13E S27

SWNE

13.00

Total Acres: 13

Conditions of Approval:

1. F01 WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
5. N15 THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

Decreed Date: 2/10/2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

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

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it Attachment #7a.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it Attachment #7b.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

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

B. CHANGES IN NATURE OF USE (Water Balance)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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

N/A

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and _____ attachments.

Received by DM Date 9-24-2015 Preliminary check by _____ Date _____

Fee paid \$500 - Date 9-24-2015 Received by DM Receipt # 5035031

Add'l fee paid \$160.00 Date 9-25-2015 Received by CS Receipt # 5035037

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

5F.2

After the transfer, the Water from the Big Bend Irrigation and Mining Co. will be commingled with both water rights. In the new Permissible Place of Use, the water from 36-3A, 36-33E, and water from Big Bend Irrigation & Mining Co. will be commingled but remain in the same proportion. For example, the POU for 36-3A will remain in the same location, but will be applied by the existing center pivot. In this way, the pivot will have one portion of water applied by 33-3A. The breakdown of acres is as follows: 36-3A applies 13 acres, 36-33E applies 17 acres, and Big Bend Irrigation and Mining Co. supplies 48 shares at 9 gal/min at full allowance. Shares with big bend do not have an associative acreage rate, and acreage determination is based on historical use. The Big Bend Water, 33-3A, and 36-33E were historically, individually applied to irrigate nearly the full property of 65 acres (Exhibit A), as seen in the adjudication photos.

INCORPORATED UNDER THE LAWS OF THE

STATE OF IDAHO, FEBRUARY 2, 1904



234

NUMBER

48

SHARES

Big Bend Irrigation and Mining Co., Ltd.

CAPITAL STOCK \$2,000.00

JOHN CRITCHFIELD V. C. BELL & ANGELO P. BELL is the owner of

FOORTY-EIGHT

SHARES OF THE CAPITAL STOCK OF
BIG BEND IRRIGATION AND MINING COMPANY, LTD.

transferrable only on the Books of the Corporation by the
holder hereon in person or by duly authorized attorney, on
assignment, not otherwise transferable, properly endorsed

IN WITNESS WHEREOF, the Board of Directors of the Corporation has hereunto authorized
this instrument to be signed and the Seal of the Corporation hereunto affixed
this 10th day of FEBRUARY 1920

Wm. J. BELL

Chairman of the Board

SECRETARY

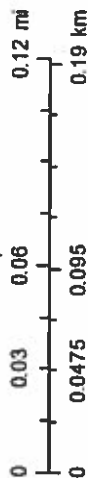
Shares \$10.00 Each.

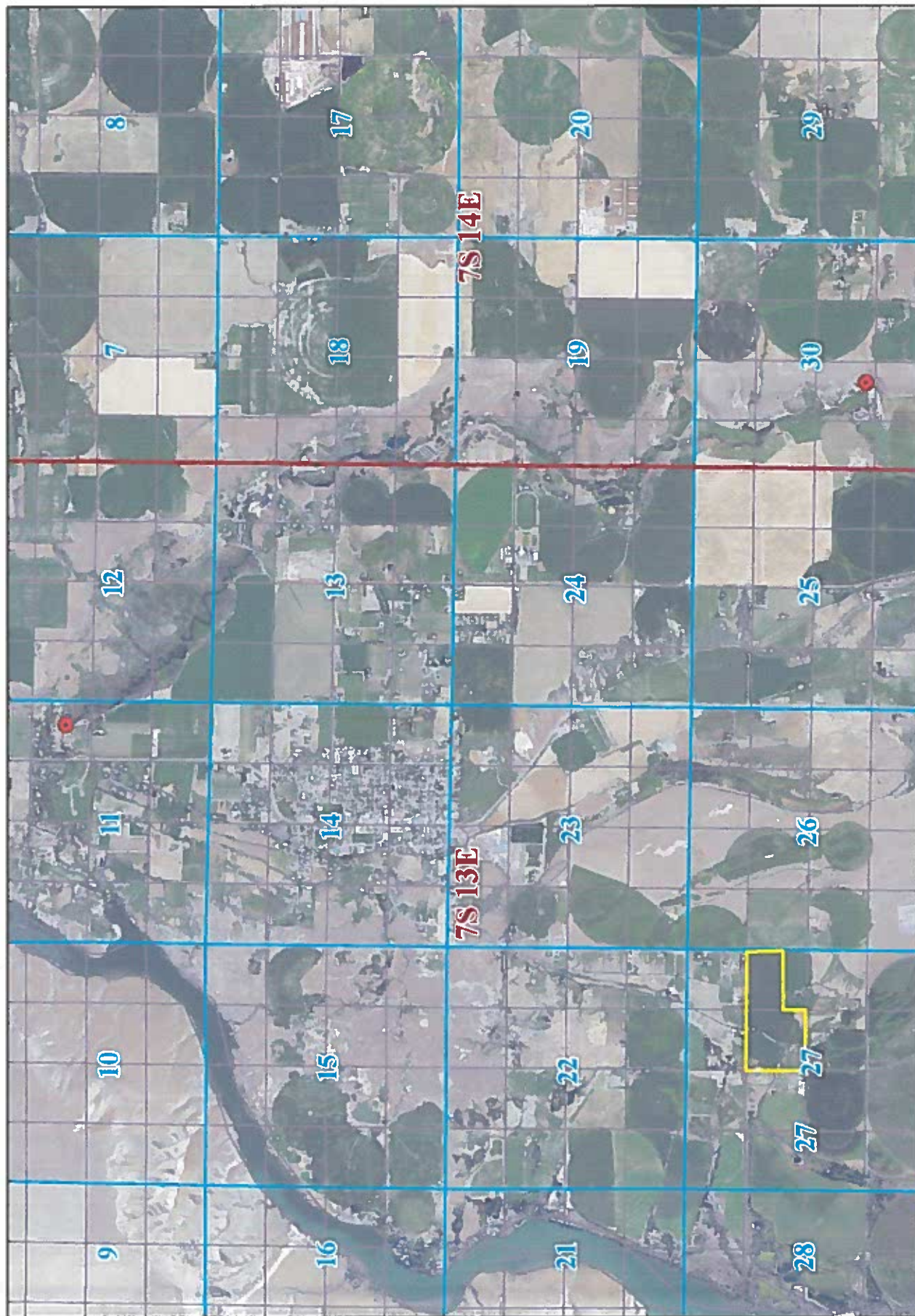
Exhibit A: Verl Bell Property Adjudication Photos



September 3, 2015

1:3,538

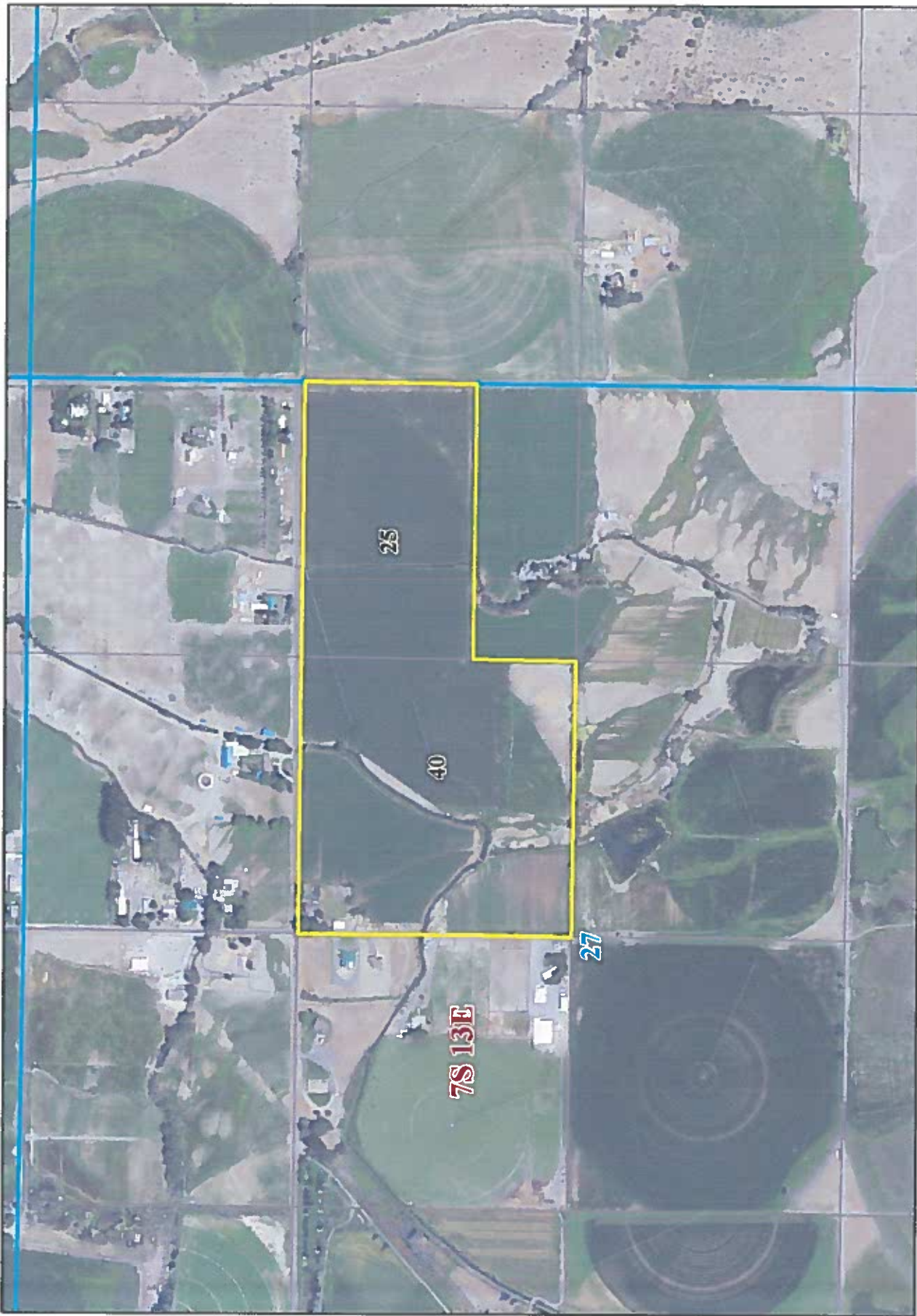




**BELL, VERL
PPU TRANSFER
NAIP 2011 AERIAL**

0 1,350 2,700 5,400 Feet

Legend
● Points of Diversion
□ Proposed PPU
□ Township
□ Section
□ Tadsac



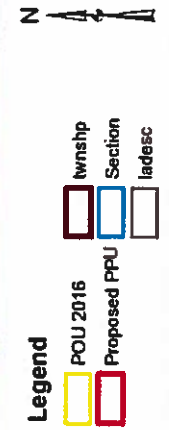
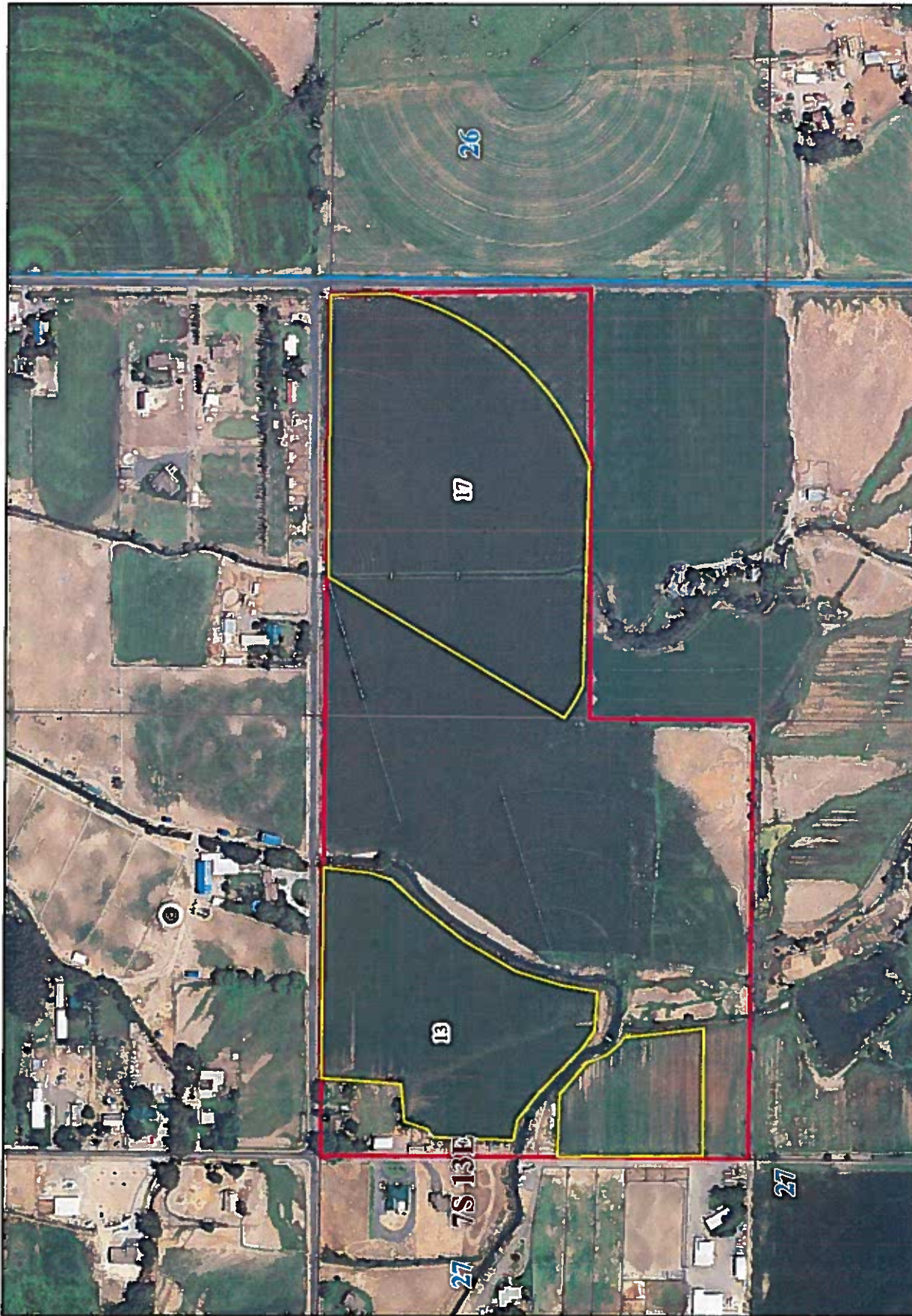
0 300 600 1,200 Feet

BELL, VERL
PPU TRANSFER
NAIP 2011 AERIAL
(NOTE: POD NOT SHOWN)

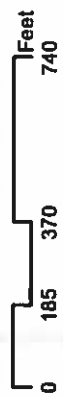
Legend

	Proposed PPU		Township
			Section
			Adesc





BELL, VERL
PPU TRANSFER - POU 2016
NAIP 2011 AERIAL





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 6, 2015

FRANK ERWIN
WATER DISTRICT #36-A
711 EAST AVE N
HAGERMAN, ID 83332

RE: Transfer No. 80409
Water Right No(s). 36-3A, 36-33E

Dear Frank:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

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

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

Sincerely,


Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 6, 2015

BIG BEND IRRIGATION & MINING CO.
C/O ALMER HUNTLEY, JR.
2721 S 900 E
HAGERMAN, ID 83332

RE: Transfer No. 80409
Water Right No(s). 36-3A, 36-33E

Dear Interested Party:

The Department of Water Resources is seeking written comments and/or recommendations from your agency regarding the above referenced water right transfer application. A copy of the application is enclosed for your reference.

Please review the application, and submit any necessary comments to this office within 21 days. If the department has not received your written comments within 21 days; we will presume that you do not oppose approval of the application and that you have no comments for the department to consider.

In addition, if your agency desires to formally protest the approval of this application, you may do so by filing a written protest with this office, along with a \$25.00 filing fee no later than close of business on **Monday, October 26, 2015**.

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

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 6, 2015

125 LATERAL SHARE DITCH WATER USERS ASSOCIATION
2825 S 900 E
HAGERMAN, ID 83332

RE: Transfer No. 80409
Water Right No(s). 36-3A, 36-33E

Dear Interested Party:

The Department of Water Resources is seeking written comments and/or recommendations from your agency regarding the above referenced water right transfer application. A copy of the application is enclosed for your reference.

Please review the application, and submit any necessary comments to this office within 21 days. If the department has not received your written comments within 21 days; we will presume that you do not oppose approval of the application and that you have no comments for the department to consider.

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

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 6, 2015

BUCKEYE DITCH CO
PO BOX 425
HAGERMAN, ID 83332

RE: Transfer No. 80409
Water Right No(s). 36-3A, 36-33E

Dear Interested Party:

The Department of Water Resources is seeking written comments and/or recommendations from your agency regarding the above referenced water right transfer application. A copy of the application is enclosed for your reference.

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Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



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Governor

GARY SPACKMAN
Director

October 5, 2015

Verl and/or Ancie Bell
853 East 2830 South
Hagerman, ID 83332

RE: Transfer of water rights 36-3A and 36-33E; co-mingling with shares of Big Bend Irrigation and Mining Company water in a Permissible Place of Use

Dear Verl and Ancie:

In reviewing and processing your Application for Transfer, #80409, involving rights 36-3A and 36-33E, there is an item which needs to be addressed. Since you state in your transfer application and cover letter that the water from rights 36-3A and 36-33E will be co-mingled with shares of water from the Big Bend Irrigation and Mining Company in a common irrigation system, it appears that some of the co-mingled water will be applied to farm ground outside of the service area of the Big Bend (see enclosed map). Our office will continue to process the application for transfer, but you will need to contact Big Bend Irrigation and Mining to request that they file an Application for Transfer to change the place of use for their water rights to include the parcel in question. The Big Bend Irrigation and Mining Company water rights do not allow irrigation on that parcel.

Although the map you submitted shows that right 36-3A will cover the parcel outside of the Big Bend service area, the fact that the water from all three sources will be co-mingled necessitates Big Bend to modify its place of use.

If you have any questions or concerns, feel free to give me a call at 208-736-3033.

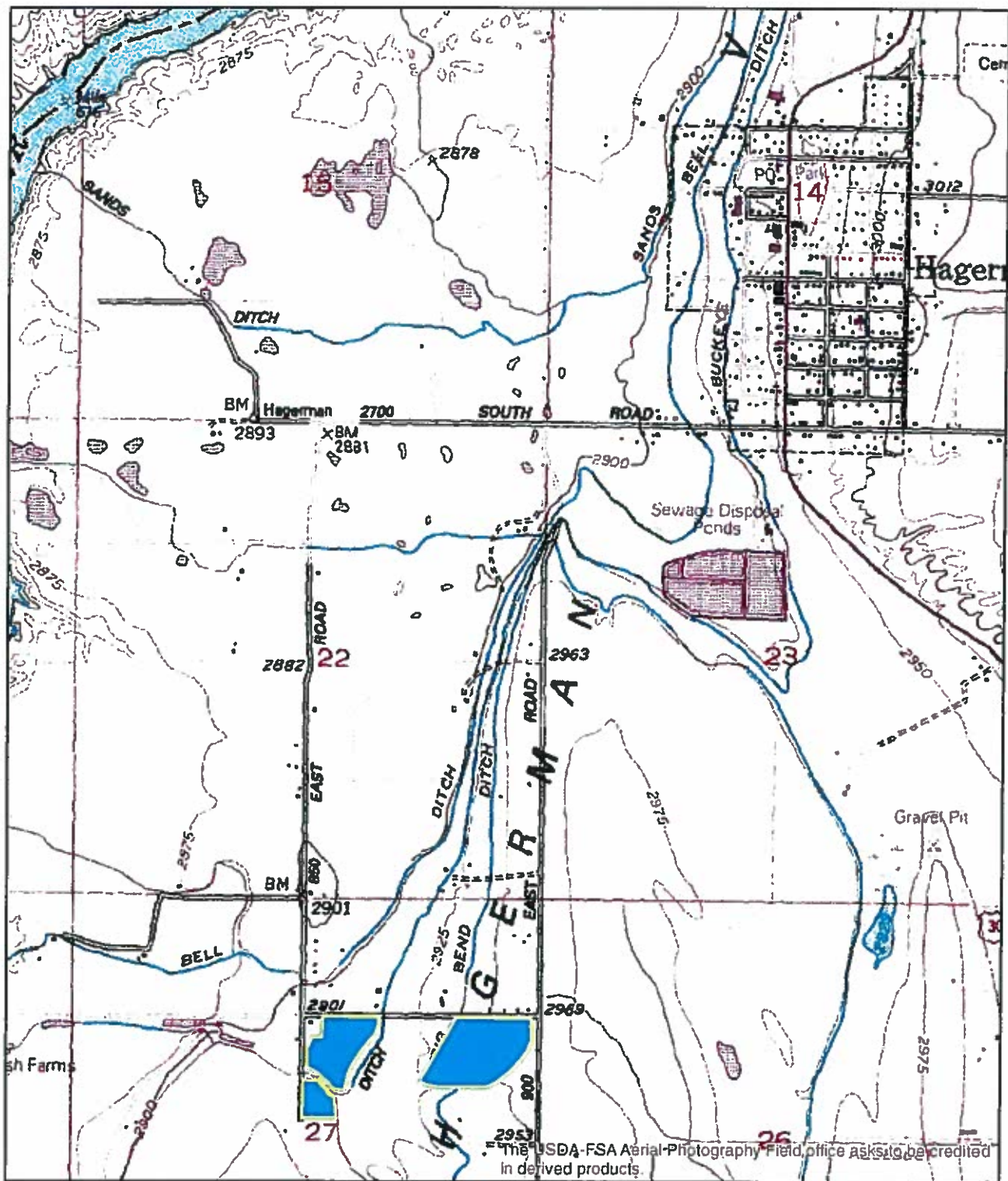
Sincerely,

Jim Bitzenburg
Water Resource Agent

Enclosure

CC: Hattie Zobott, Brockway Engineering
Almer Huntley, President, Big Bend Irrigation and Mining Company

Verl/Ancie Bell Proposed Transfer Area of Irrigation



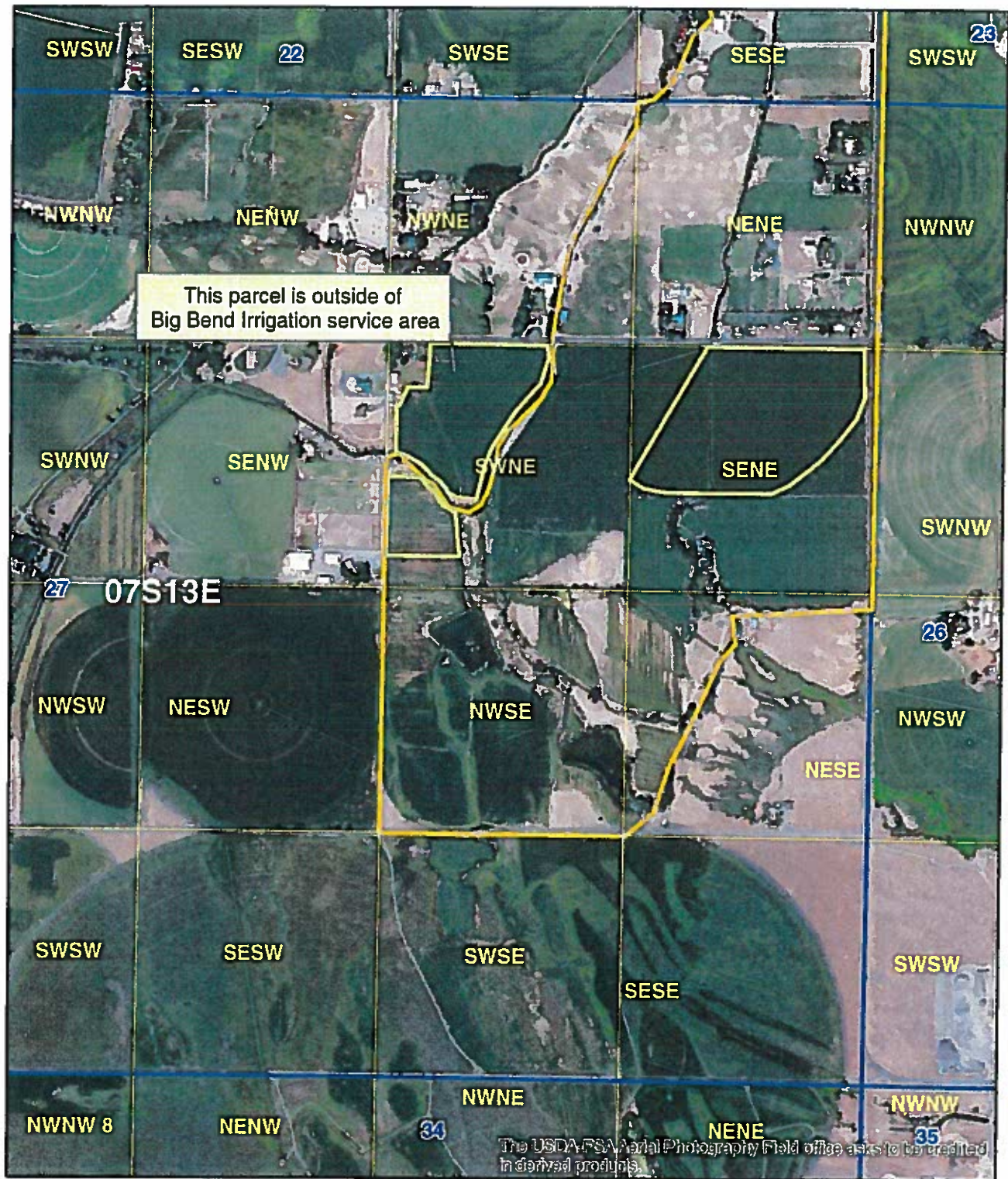
 Proposed Transfer Acres



0 0.25 0.5 1 Miles

TRANSFER 80409

Verl/Ancie Bell Proposed Transfer Area of Irrigation



Proposed Transfer Acres



Big Bend Irrigation Service Area



Bitzenburg, James

From: Hattie Zobott [hattie.zobott@brockwayeng.com]
Sent: Wednesday, September 30, 2015 4:24 PM
To: Bitzenburg, James
Subject: RE: Bell Transfer #80409

Dear James,

Yes to the first two, and I will call Mr. Bell on the third. I was in the field the last couple of days and didn't get a chance to reply to you this morning.

Mr. Bell said that the diversions are both cooperative diversions in place and unchanged.
The Billingsly Creek diversion comes out of the Buckeye Canal
The Weatherby Springs diversion is the Bar S Diversion (aka Lateral 125 Users Association)

Is the above a sufficient description of the agreement for the diversions?

Thank you for the follow up.

Hattie Zobott, EIT

Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543
hattie.zobott@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Bitzenburg, James [<mailto:James.Bitzenburg@idwr.idaho.gov>]
Sent: Tuesday, September 29, 2015 9:17 AM
To: hattie.zobott@brockwayeng.com
Subject: Bell Transfer #80409

Hattie-

I just wanted to contact you to clarify a few items in the Verl/Ancie Bell transfer:

- On page 2, item A. 1.- As we discussed earlier, I believe that the transfer is only changing the place of use by forming the PPU. Neither of the two water rights will change their PODs. Is this correct?
- Likewise, on page 3, item B. 3.- The box for 'No changes in point(s) of diversion...' is checked, yet the chart showing changes in points of diversion is partially completed. The chart should be blank, as no PODs are changing, correct?
- On page 4, item 5. b.- This item needs clarification, as the applicant doesn't own the property where the PODs for the water rights are located.

On the question of the Big Bend Ditch Company water being applied outside the Company service area, we are going to discuss that topic at our weekly staff meeting tomorrow morning. AND- the transfer won't need to be advertised, so it should move right along. Thanks for your assistance.

MEMORANDUM

Date: September 29, 2015
To: Transfer 80409 File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to modify the place of use (POU) for surface water rights 36-33E (0.75 cfs, 17.0 acres, Weatherby Springs) and 36-3A (1.38 cfs, 13.0 acres, Billingsley Creek) to reflect changes in the irrigation system. The transfer will create a 65 acre Permissible Place of Use (PPU) to allow for the co-mingling of the above two rights with water shares delivered through the Big Bend Irrigation and Mining Company system. The proposed PPU is located 0.5 to 1.0 mile west and 1.3 to 1.5 miles south of the intersection of 2700 South Road and U.S. Highway 30 in Hagerman.

The transfer should not be subject to public notice per the March 18, 2009 memo by Allen Merritt pertaining to advertising guidance.

- **Authority to File:**
The Department's database indicates that water rights 36-3A and 36-33E are owned by the applicants, Verl and Ancie Bell. Application was signed by Verl Bell. Taxlot data shows the Bells to be the owners of the property which is the subject of the transfer. A copy of a stock certificate for 48 shares in the Big Bend Irrigation and Mining Company in the name of Verl and Ancie Bell was supplied with the application.
- **Water Right Validity:**
Water right 36-3A was decreed in February of 2003, while right 36-33E was decreed in October of 2000. Aerial imagery shows the POU has been irrigated within the past five years, so forfeiture is not an issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen.
- **Enlargement of Use:**
None anticipated. There will be no increase in irrigated acreage.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated
- **Effect of the Agricultural Base of the Area:**
None Anticipated

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

Legal Notice Not Required Memo

Legal Notice Not Required

9/29/2015

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.

Legal notice not required per memo from Allen Merritt dated March 18, 2000 because the transfer only changes the POU of contiguous lands and creates a PPU.

FEE MEMORANDUM

Date: September 28, 2015
To: Bell 80409 transfer file
From: Jim Bitzenburg
Re: Receipting of fees paid

This transfer intends to change the place of use for two surface water rights and create a permissible place of use (PPU) with the two surface rights co-mingled with shares of water delivered through the Buckeye Ditch. The POU for right 36-33E before the transfer is 49 acres with an acre limit of 17 acres. The new PPU will be 65 acres, so right 36-33E will see a POU increase of 16 acres out of the 17 acre limit, so: $16/17 = 0.94 \times 0.75 \text{ cfs} = 0.71 \text{ cfs}$ changing, and all of the 13 acres in 36-3A will change. Total flow rate changing will be $0.71 \text{ cfs} + 1.38 \text{ cfs} = 2.09 \text{ cfs}$. From the transfer fee schedule, 2.09 cfs results in a fee of \$660.00. Brockway Engineering paid \$500.00 when the transfer was filed (receipt S035031, 9/24/15) and the additional \$160.00 on 9/25/15 (receipt S035037).



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

SEP 24 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

September 16, 2015

Allan Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Verl Bell Transfer

Dear Mr. Merritt:

Verl Bell desires to create a Permissible Place of Use (PPU) for water right 36-3A and 36-33E. The pertaining property includes 65 acres, south of Hagerman, Idaho. The irrigation water provided by 36-3A and 36-33E will be commingled with Big Bend Irrigation and Mining Company. Combining the water rights into a PPU will allow better management of the farm and use of available irrigation water.

The points of diversion, period of use, beneficial use and ownership will not be changing with this transfer.

Sincerely,

Hattie Zobott, M.S., E.I.T.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Cc: Verl Bell
Att: Transfer Application, Brockway Engineering
Enc: Check # 12898 for \$500.00