

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

RECEIVED

JUN 29 2015

DEPARTMENT OF
WATER RESOURCES

Section 42-222(4), Idaho Code, provides that a water right holder may apply to protect a valid water right from forfeiture. Upon a showing of reasonable cause, the Director may grant one (1) extension of five (5) years in which to resume use.

1. Water Right No. 34-10729 (one right per application)
☐ Attach a copy of the water right record, available at <http://www.idwr.idaho.gov>, *Water Right Transfers, Step 1*, or by contacting any Department office.
2. Applicant Bell-Smith LLC c/o Cole Erb Phone 208-680-1827
3. Are you the current water right holder of record? Yes ☒ No ☐
☐ If no, provide documentation of your authority to sign on behalf of the right holder -- OR -- attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee.
4. Mailing address ☒ Same as water right record -- OR -- complete the following information:
Address _____ City _____
State _____ Zip code _____ Email _____
5. Give the last date water was beneficially used 2009
6. Explain your reasons for non-use of the water right and your reasons for requesting an extension of time.
Attach additional documentation if needed.
Corners currently not irrigated due to extra man-power required. Plans are in place for the near future to water
corners, including the placement of a center pivot.

The information contained in this application is true to the best of my knowledge.

Cole Erb
Signature of applicant or authorized agent

Cole Erb
Print name (and title, if applicable)

6/16/15
Date

Signature of applicant or authorized agent

Print name (and title, if applicable)

Date

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby
_____ said application, subject to the following conditions or reasons:

The right holder shall resume beneficial use of water on or before _____

Signed this _____ day of _____, 20_____.
Title: _____

Stamped received ☒ Fee receipted by J. Strange Date 6-29-15 Receipt # C100689

WATER RIGHT NO. 34-10729

Owner Type **Name and Address**
Current Owner BELL SMITH LLC
 PO BOX 830
 BLACKFOOT, ID 83221

Security Interest THE BANK OF COMMERCE
 C/O WESTERN AG CREDIT FLCA
 10980 W SOUTH JORDAN GATEWAY
 PO BOX 95850
 SOUTH JORDAN, UT 84095-0850

Priority Date: 05/10/1897

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	6.1 CFS	
STOCKWATER	01/01	12/31	0.02 CFS	
Total Diversion			6.1 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER	SWNE	Sec. 33	Township 07N	Range 24E	CUSTER County
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IRRIGATION Use: Acre Limit: 305

STOCKWATER Use: Number of stock: 1000

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	25E	2	2	NWNE	30		SWNE	37						
			3	NENW	31	4	NWNW	34		SWNW	30		SENE	29
06N		25		SWSW	9									
		26		SESW	14									
				SWSE	39		SESE	32						

		34	1	NENE	36		NWNE	35		SWNE	40	2	SENE	39
				SENW	40									
				NESW	40									
				NESE	39		NWSE	40		SESE	38			
		35		NENW	38		NWNW	37		SWNW	40		SENW	40
				NESW	40		NWSW	40		SWSW	34		SESW	35

Place of Use Legal Description: STOCKWATER BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	25E	2	2	NWNE			SWNE							
			3	NENW		4	NWNW			SWNW			SENW	
06N		25		SWSW										
		26		SESW										
				SWSE			SESE							
		34	1	NENE			NWNE			SWNE		2	SENE	
				SENW										
				NESW										
			3	NESE			NWSE		4	SESE				
		35		NENW			NWNW			SWNW			SENW	
				NESW			NWSW			SWSW			SESW	

Total Acres: 936

Conditions of Approval:

1. X27 This right is limited to the irrigation of 305.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-872A, 34-10729 and 34-13567 when combined shall not exceed a total diversion rate of 8.10 cfs.
Rights 34-116A, 34-872A, 34-2321, 34-7015, 34-10729, 34-10763, 34-10765, 34-10767, 34-13567
3. X35 and 34-13568 when combined shall not exceed a total diversion rate of 23.94 cfs and the irrigation of 936.0 acres.
Use of water under this right will be regulated by a watermaster with responsibility for the distribution
4. R05 of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
5. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. 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).
7. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

- The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
8. S34
 9. K01 Right No. 34-13567 is an enlargement of rights 34-872A and 34-10729 pursuant to Section 42-1426, Idaho Code.
 10. N15 The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement in T06N, R25E, S34, SWNW.
 11. X02 Stockwater use is for 1000 range cattle.
 12. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
 13. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
 14. 004 This right does not grant any right-of-way or easement across the land of another.
 15. F01 Water is delivered through Darlington Ditch.
 16. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
 17. 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.
 18. 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.

Decreed Date: 11/08/2001



RECEIVED
JUN 29 2015
DEPARTMENT OF
WATER RESOURCES

June 22, 2015

RMEA 14-0158

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

RECEIVED
JUL 06 2015
Department of Water Resources
Eastern Region

Re: Application for Extension of Time to Avoid Forfeiture of Water Rights

Dear Agent,

Enclosed are ten Applications for Extension of Time to Avoid Forfeiture of a Water Right with their respective Water Right Reports and maps for clarification for Bell-Smith LLC, c/o Mr. Cole Erb. Also enclosed is a check in the amount of \$1000.00 for a total of ten extension fees.

Bell-Smith LLC has not irrigated corners since 2009 due to extra man-power required. Plans for the near future are currently in place to water the corners, including the installation of mini pivots and end guns.

Thank you,

A handwritten signature in blue ink, appearing to read "Chad Jensen".

Chad Jensen
Staff Water Rights Analyst

Enclosures: Ten Applications for Extension of Time
 Check for \$1000.00