

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. 34-2321 (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 # C100687

WATER RIGHT NO. 34-2321

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: 02/08/1955

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	6 CFS	1617 AFA
DOMESTIC	01/01	12/31	0.04 CFS	
Total Diversion			6 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SEnw	Sec. 02	Township 05N	Range 25E	CUSTER County
GROUND WATER	SENE	Sec. 34	Township 06N	Range 25E	CUSTER County
GROUND WATER	SWNE	Sec. 35	Township 06N	Range 25E	CUSTER County

IRRIGATION Use: Acre Limit: 462

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	29		SEnw	29

06N		25		SWSW	9									
		26		SESW	14									
				SWSE	39		SESE	32						
		34	1	NENE	36		NWNE	35		SWNE	40	2	SENE	39
		35		NENW	38		NWNW	37		SWNW	40		SENW	40
				NESW	40		NWSW	40		SWSW	34		SESW	35

Place of Use Legal Description: DOMESTIC 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	
		35		NENW			NWNW			SWNW			SENW	
				NESW			NWSW			SWSW			SESW	

Total Acres: 738

Conditions of Approval:

1. X27 This right is limited to the irrigation of 462.0 acres within the authorized place of use in a single irrigation season.
Rights 34-116A, 34-872A, 34-2321, 34-7015, 34-10729, 34-10763, 34-10765, 34-10767, 34-13567
2. 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
3. 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.
4. 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.
5. 214 Prior to the diversion and use of water under Transfer approval 76509, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
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 right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the
8. 065 diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
- If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an
9. 104 approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
11. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
12. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
13. F06 The following rights are diverted through point(s) of diversion described above: 34-2321, 34-7015.
14. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
15. 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.
- 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
16. T19 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: 10/29/2001



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 black ink, appearing to read "Chad Jensen", with a stylized flourish at the end.

Chad Jensen
Staff Water Rights Analyst

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