

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No.

80106
Bell-Smith

RECEIVED
MAY 14 2015
Department of Water Resources
Eastern Region

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/>.

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. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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 <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.) 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 Other. Please describe: Secretary of State Business Entity

80106

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Bell-Smith LLC c/o Cole Erb Phone (208) 680-1827 / 785-0503 Fax _____Mailing address P.O. Box 830, Blackfoot, Id 83221 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 Rocky Mountain Environmental Assoc. Inc. c/o Keith C Wilson Phone (208) 524-2353 / 524-1795 Fax _____Mailing address 482 Constitution Way, Suite 303. Idaho Falls, ID 83402 Email keith.rmea@gmail.com☐ 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

Cole Erb stock member
Print Name and Title if applicable

5/5/15
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- 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**. Applicant proposes to move 1.4 ac from the SW1/4SW1/4 Sec 25, T6N, R25E to the SE1/4SW1/4 Sec 26, T6N, R25E. The Points of Diversion do Not Change and the original and new Places of Use are in the same ESPA Model Cell (R18; C111)

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 ☒ ☐					
☒ ☐	34-116A	1.80 cfs	Irrigation & Stockwater	5/1 to 10/15	Antelope Creek
☒ ☐	34-872A	2.00 cfs	Irrigation & Stockwater	5/1 to 10/15	Big Lost River
☒ ☐	34-2321	6.00 cfs	Irrigation & Domestic	4/1 to 10/31	Ground water
☒ ☐	34-7015	4.67 cfs	Irrigation & Domestic	4/1 to 11/01	Ground water
☒ ☐	34-10729	6.10 cfs	Irrigation & Stockwater	5/1 to 10/15	Big Lost River
☒ ☐	34-10763	3.10 cfs	Irrigation & Stockwater	5/1 to 10/15	Antelope Creek
☒ ☐	34-10765	1.60 cfs	Irrigation & Stockwater	5/1 to 10/15	Antelope Creek
☒ ☐	34-10767	2.80 cfs	Irrigation & Stockwater	5/1 to 10/15	Antelope Creek
☒ ☐	34-13567	4.60 cfs	Irrigation	5/1 to 10/15	Big Lost River

Total authorized under rights Cont.Next Pg cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.04 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion: **Continued Next Page**

- ☒ 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.)

Chart below reflects only those acres that changed (by 1/4-1/4) after moving 1.4 acres

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	
6N	25E	25											7.6						
		26											15.4						

Total Acres (for irrigation use) 936

In combination limited to 23.94 cfs 936 acres (Cont. next page)

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 ☒ ☐	34-13568	4.86 cfs	Irrigation	5/1 to 10/15	Antelope Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 37.35 cfs and/or _____ ac-ft **Limited to 23.94 cfs 936 ac**

2. Total amount of water proposed to be transferred or changed 0.04 cubic feet per second and/or _____ acre-feet per annum.

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.)

Chart below reflects only those acres that changed (by 1/4-1/4) after moving 1.4 acres

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	
6N	25E	25											7.6						
		26												15.4					

Total Acres (for irrigation use) 936

In combination limited to 23.94 cfs & 936 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: _____

~~Diversion systems from Antelope Creek & Big Lost River are regulated by the water master of Water District 34~~

- b. Who owns the property at the point(s) of diversion? _____
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Applicant has decreed water diverted through the Hanrahan Ditch & Darlington Ditch. Property ownership at the point of diversion for ground water rights is owned by applicant.

- 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: The Bank of Commerce c/o Western AG Credit FLCA, Mortgage

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:
Land will not be irrigated

- e. 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:
34-116A, 34-872A, 34-2321, 34-7015, 34-10729, 34-10763, 34-10765, 34-10767, 34-13567 & 34-13568

- 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 34-116A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BELL SMITH LLC
	PO BOX 830
	BLACKFOOT, ID 83221

Priority Date: 05/01/1905

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ANTELOPE CREEK	BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	1.8 CFS	
STOCKWATER	01/01	12/31	0.02 CFS	
Total Diversion			1.8 CFS	

Location of Point(s) of Diversion:

ANTELOPE CREEK	SENE	Sec. 21	Township 05N	Range 25E	CUSTER County
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IRRIGATION Use: Acre Limit: 90

STOCKWATER Use: Number of stock: 1000

Place of Use Legal Description: IRRIGATION & STOCK WATER 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		SENE	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		SENE	40
				NESW	40		NWSW	40		SWSW	34		SESW	35

Total Acres: 738

IRRIGATION Use: Acre Limit: 90

(Continued Next Page)

80106 !

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 34-116A (Cont)

Conditions of Approval:

1.	X27	This right is limited to the irrigation of 90.0 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 34-116A, 34-10763, 34-10765, 34-10767 and 35-13568 when combined shall not exceed a total diversion rate of 9.30 cfs.
3.	X35	Rights 34-116A, 34-872A, 34-2321, 34-7015, 34-10729, 34-10763, 34-10765, 34-10767, 34-13567 and 34-13568 when combined shall not exceed a total diversion rate of 23.94 cfs and the irrigation of 936.0 acres.
4.	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. 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.
8.	K01	Right No. 34-13568 is an enlargement of rights 34-116A, 34-10763, 34-10765 and 34-10767 pursuant to Section 42-1426, Idaho Code.
9.		From the beginning of the irrigation season to June 15 of each year, the priority date of this right is 05/15/1909.
10.	S34	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.
11.	X02	Stockwater use is for 1000 range cattle.
12.	N15	The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.
13.	N08	The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
14.	N05	The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
15.	004	This right does not grant any right-of-way or easement across the land of another.
16.	F01	Water is delivered through Hanrahan Ditch.
17.	T07	The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
18.	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.
19.	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: 06/22/2001

Water District Number: 34

Generic Max Volume per Acre: 3.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 34-872A

<u>Owner Type</u>	<u>Name and Address</u>
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: 02/18/1885

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	2 CFS	
STOCKWATER	01/01	12/31	1 CFS	
Total Diversion			2 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: 100

STOCKWATER Use: Number of stock: 1000

Place of Use Legal Description: IRRIGATION BUTTE STOCKWATER 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
				SENE	40									
				NESW	40									
				NESE	39		NWSE	40		SESE	38			
		35		NENW	38		NWNW	37		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	34		SESW	35

Total Acres: 936

IRRIGATION Use: Acre Limit: 100

(Continued Next Page)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 34-872A (Cont)

Conditions of Approval:

1.	X27	This right is limited to the irrigation of 100.0 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.
3.	X35	Rights 34-116A, 34-872A, 34-2321, 34-7015, 34-10729, 34-10763, 34-10765, 34-10767, 34-13567 and 34-13568 when combined shall not exceed a total diversion rate of 23.94 cfs and the irrigation of 936.0 acres.
4.	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. 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.
8.	S34	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.
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: 05/29/2001

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 34-2321

<u>Owner Type</u>	<u>Name and Address</u>
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 & DOMESTIC 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		SENE	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		SENE	40
				NESW	40		NWSW	40		SWSW	34		SESW	35

Total Acres: 738

IRRIGATION Use:

Acre Limit: 462

(Continued Next Page)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 34-2321 (Cont)

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.
2.	X35	Rights 34-116A, 34-872A, 34-2321, 34-7015, 34-10729, 34-10763, 34-10765, 34-10767, 34-13567 and 34-13568 when combined shall not exceed a total diversion rate of 23.94 cfs and the irrigation of 936.0 acres.
3.	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. 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.
8.	065	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 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.
9.	104	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 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.
16.	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: 10/29/2001

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 34-7015

<u>Owner Type</u>	<u>Name and Address</u>
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: 04/17/1970

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	11/01	4.67 CFS	847 AFA
DOMESTIC	01/01	12/31	0.02 CFS	
Total Diversion			4.67 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: 242

Place of Use Legal Description: IRRIGATION & DOMESTIC 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		SENE	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		SENE	40
				NESW	40		NWSW	40		SWSW	34		SESW	35

Total Acres: 738

IRRIGATION Use: Acre Limit: 242

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 34-7015 (Cont)

Conditions of Approval:

1.	X27	This right is limited to the irrigation of 242.0 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 34-116A, 34-872A, 34-2321, 34-7015, 34-10729, 34-10763, 34-10765, 34-10767, 34-13567 and 34-13568 when combined shall not exceed a total diversion rate of 23.94 cfs and the irrigation of 936.0 acres.
3.	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. 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.
8.	065	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 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.
9.	104	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 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.
16.	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: 10/29/2001

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 34-10729

<u>Owner Type</u>	<u>Name and Address</u>
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 & STOCKWATER 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
				SENE	40									
				NESW	40									
				NESE	39		NWSE	40		SESE	38			
		35		NENW	38		NWNW	37		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	34		SESW	35

Total Acres: 936 IRRIGATION Use: Acre Limit: 305

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 34-10729 (Cont)

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.
3.	X35	Rights 34-116A, 34-872A, 34-2321, 34-7015, 34-10729, 34-10763, 34-10765, 34-10767, 34-13567 and 34-13568 when combined shall not exceed a total diversion rate of 23.94 cfs and the irrigation of 936.0 acres.
4.	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. 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.
8.	S34	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.
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
Generic Max Volume per Acre: 3.5

Water District Number: 34

Generic Max Rate per Acre: 0.02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 34-10763

<u>Owner Type</u>	<u>Name and Address</u>
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: 10/15/1893

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ANTELOPE CREEK	BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	3.1 CFS	
STOCKWATER	01/01	12/31	0.02 CFS	
Total Diversion			3.1 CFS	

Location of Point(s) of Diversion:

ANTELOPE CREEK	SENE	Sec. 21	Township 05N	Range 25E	CUSTER County
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IRRIGATION Use: Acre Limit: 155

Place of Use Legal Description: IRRIGATION & STOCKWATER

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		SENE	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		SENE	40
				NESW	40		NWSW	40		SWSW	34		SESW	35

Total Acres: 738

IRRIGATION Use: Acre Limit: 155

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 34-10763 (Cont)

Conditions of Approval:

1.	X27	This right is limited to the irrigation of 155.0 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 34-116A, 34-10763, 34-10765, 34-10767 and 35-13568 when combined shall not exceed a total diversion rate of 9.30 cfs.
3.	X35	Rights 34-116A, 34-872A, 34-2321, 34-7015, 34-10729, 34-10763, 34-10765, 34-10767, 34-13567 and 34-13568 when combined shall not exceed a total diversion rate of 23.94 cfs and the irrigation of 936.0 acres.
4.	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. 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.
8.	K01	Right No. 34-13568 is an enlargement of rights 34-116A, 34-10763, 34-10765 and 34-10767 pursuant to Section 42-1426, Idaho Code.
9.	S34	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.
10.	X02	Stockwater use is for 1000 range cattle.
11.	N15	The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.
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 Hanrahan 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: 06/22/2001

Water District Number: 34

Generic Max Volume per Acre: 3.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 34-10765

<u>Owner Type</u>	<u>Name and Address</u>
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: 11/15/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ANTELOPE CREEK	BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	1.6 CFS	
STOCKWATER	01/01	12/31	0.02 CFS	
Total Diversion			1.6 CFS	

Location of Point(s) of Diversion:

ANTELOPE CREEK	SENE	Sec. 21	Township 05N	Range 25E	CUSTER County
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IRRIGATION Use: Acre Limit: 80

STOCKWATER Use: Number of stock: 1000

Place of Use Legal Description: IRRIGATION & STOCKWATER 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		SENE	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		SENE	40
				NESW	40		NWSW	40		SWSW	34		SESW	35

Total Acres: 738 IRRIGATION Use: Acre Limit: 80

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 34-10765 (Cont)

Conditions of Approval:

1.	X27	This right is limited to the irrigation of 80.0 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 34-116A, 34-10763, 34-10765, 34-10767 and 35-13568 when combined shall not exceed a total diversion rate of 9.30 cfs.
3.	X35	Rights 34-116A, 34-872A, 34-2321, 34-7015, 34-10729, 34-10763, 34-10765, 34-10767, 34-13567 and 34-13568 when combined shall not exceed a total diversion rate of 23.94 cfs and the irrigation of 936.0 acres.
4.	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. 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.
8.	K01	Right No. 34-13568 is an enlargement of rights 34-116A, 34-10763, 34-10765 and 34-10767 pursuant to Section 42-1426, Idaho Code.
9.	S34	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.
10.	X02	Stockwater use is for 1000 range cattle.
11.	N15	The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.
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 Hanrahan 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: 06/22/2001

Water District Number: 34

Generic Max Volume per Acre: 3.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 34-10767

<u>Owner Type</u>	<u>Name and Address</u>
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: 05/01/1880

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ANTELOPE CREEK	BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	2.8 CFS	
STOCKWATER	01/01	12/31	0.5 CFS	
Total Diversion			2.8 CFS	

Location of Point(s) of Diversion:

ANTELOPE CREEK	SENE	Sec. 21	Township 05N	Range 25E	CUSTER County
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IRRIGATION Use: Acre Limit: 140

STOCKWATER Use: Number of stock: 1000

Place of Use Legal Description: IRRIGATION & STOCKWATER 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		SENE	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		SENE	40
				NESW	40		NWSW	40		SWSW	34		SESW	35

Total Acres: 738 IRRIGATION Use: Acre Limit: 140

(Continued Next Page)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 34-10767 (Cont)

Conditions of Approval:

1.	X27	This right is limited to the irrigation of 140.0 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 34-116A, 34-10763, 34-10765, 34-10767 and 35-13568 when combined shall not exceed a total diversion rate of 9.30 cfs.
3.	X35	Rights 34-116A, 34-872A, 34-2321, 34-7015, 34-10729, 34-10763, 34-10765, 34-10767, 34-13567 and 34-13568 when combined shall not exceed a total diversion rate of 23.94 cfs and the irrigation of 936.0 acres.
4.	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. 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.
8.	K01	Right No. 34-13568 is an enlargement of rights 34-116A, 34-10763, 34-10765 and 34-10767 pursuant to Section 42-1426, Idaho Code.
9.	S34	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.
10.	X02	Stockwater use is for 1000 range cattle.
11.	N15	The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.
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 Hanrahan 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: 06/22/2001

Water District Number: 34

Generic Max Volume per Acre: 3.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 34-13567

<u>Owner Type</u>	<u>Name and Address</u>
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: 05/01/1980

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	4.6 CFS	
Total Diversion			4.6 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: 531

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
				SENE	40									
				NESW	40									
				NESE	39		NWSE	40		SESE	38			
		35		NENW	38		NWNW	37		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	34		SESW	35

Total Acres: 936

IRRIGATION Use: Acre Limit: 531

(Continued Next Page)

80106

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. **34-13567 (Cont)**

Conditions of Approval:

1.	K09	This right is for an enlargement of 531.0 acres within the place of use described for this right.
2.	X35	Rights 34-00872A, 34-10729 and 34-13567 when combined shall not exceed a total diversion rate of 8.10 cfs.
3.	X35	Rights 34-116A, 34-872A, 34-2321, 34-7015, 34-10729, 34-10763, 34-10765, 34-10767, 34-13567 and 34-13568 when combined shall not exceed a total diversion rate of 23.94 cfs and the irrigation of 936.0 acres.
4.	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. 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.
8.	K02	This right is based upon an enlargement of Right No. 34-872A and 34-10729 pursuant to Section 42-1426, Idaho Code.
9.	C11	This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
10.	S34	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.
11.	004	This right does not grant any right-of-way or easement across the land of another.
12.	F01	Water is delivered through Darlington Ditch.
13.	T07	The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
14.	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.
15.	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: 06/04/2001

Enlargement Statute Priority Date: 4/12/1994

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 34-13568

<u>Owner Type</u>	<u>Name and Address</u>
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: 05/01/1980

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ANTELOPE CREEK	BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	4.68 CFS	
Total Diversion			4.68 CFS	

Location of Point(s) of Diversion:

ANTELOPE CREEK	SENE	Sec. 21	Township 05N	Range 25E	CUSTER County
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IRRIGATION Use: Acre Limit: 471

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
				SENE	40									
				NESW	40									
				NESE	39		NWSE	40		SESE	38			
		35		NENW	38		NWNW	37		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	34		SESW	35

Total Acres: 936

IRRIGATION Use: Acre Limit: 471

(Continued Next Page)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 34-13568 (Cont.)

Conditions of Approval:

1.	K09	This right is for an enlargement of 471.0 acres within the place of use described for this right.
2.	X35	Rights 34-116A, 34-10763, 34-10765, 34-10767 and 35-13568 when combined shall not exceed a total diversion rate of 9.30 cfs.
3.	X35	Rights 34-116A, 34-872A, 34-2321, 34-7015, 34-10729, 34-10763, 34-10765, 34-10767, 34-13567 and 34-13568 when combined shall not exceed a total diversion rate of 23.94 cfs and the irrigation of 936.0 acres.
4.	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. 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.
8.	K02	This right is based upon an enlargement of Right No. 34-00116A, 34-10763, 34-10765 and 34-10767 pursuant to Section 42-1426, Idaho Code.
9.	C11	This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
10.	S34	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.
11.	004	This right does not grant any right-of-way or easement across the land of another.
12.	F01	Water is delivered through Hanrahan Ditch.
13.	T07	The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
14.	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.
15.	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: 06/04/2001

Enlargement Statute Priority Date: 4/12/1994

Water District Number: 34

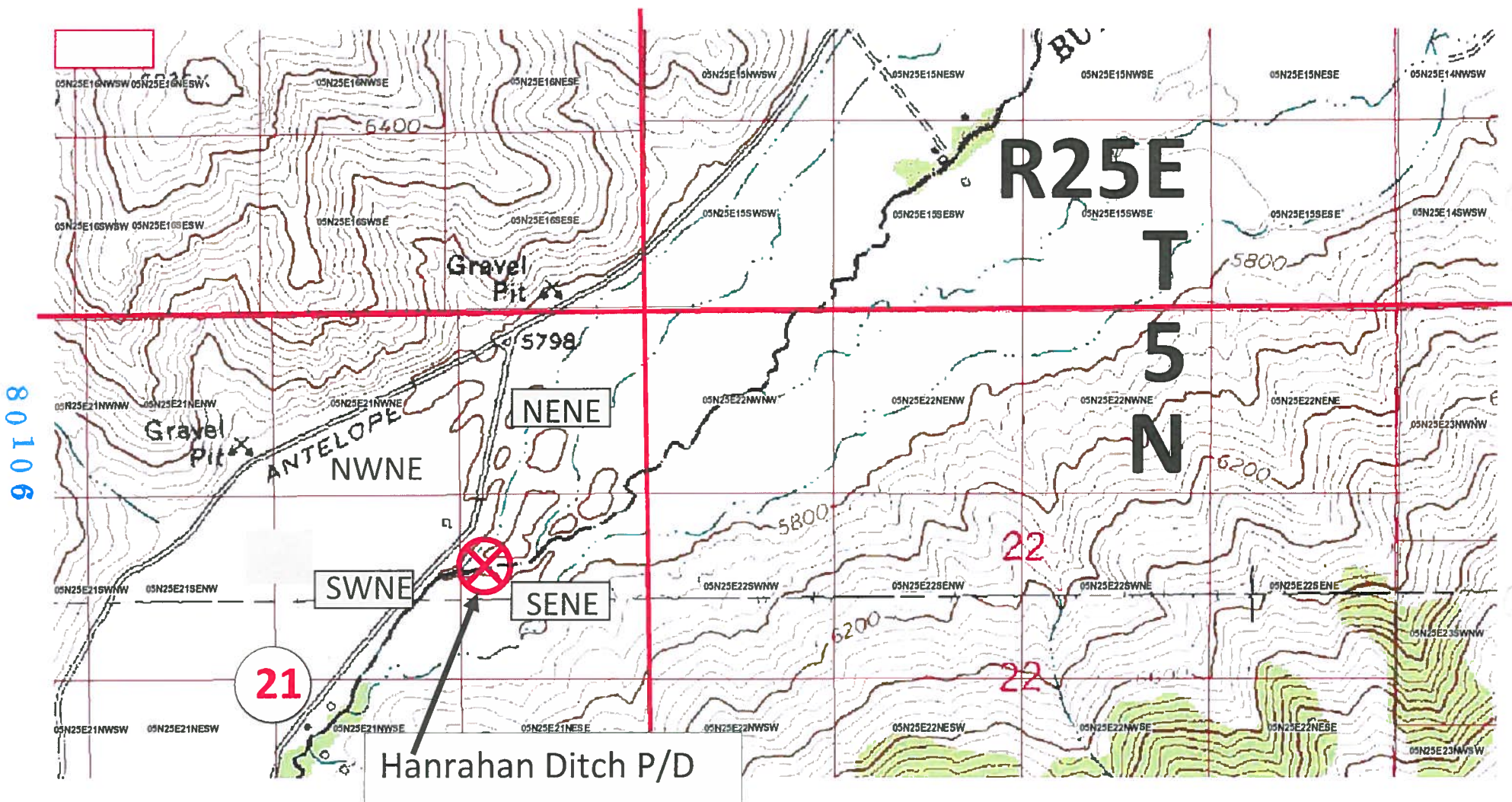
Generic Max Rate per Acre: 0.02

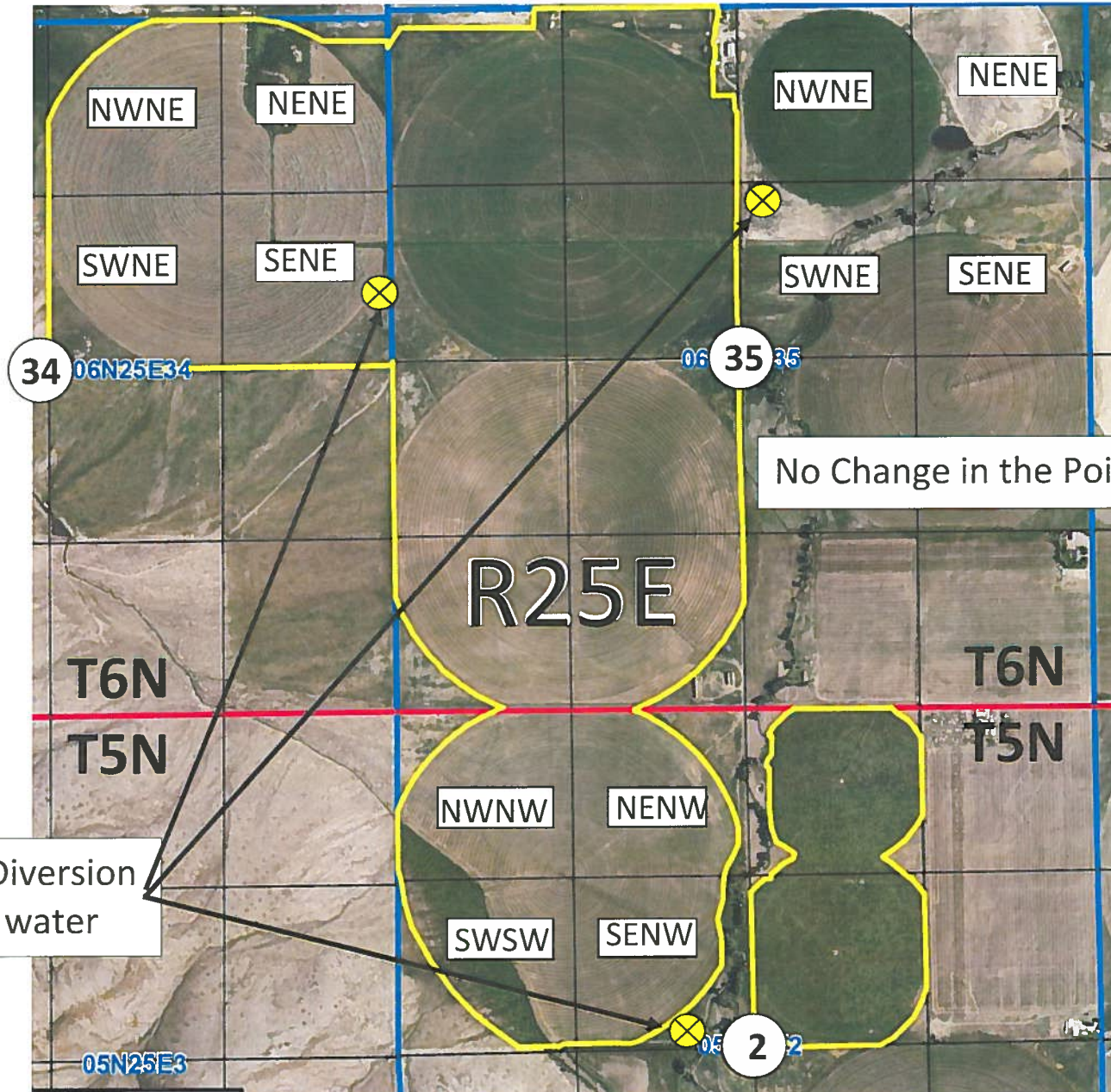
Generic Max Volume per Acre: 3.5

80106

The map displays the Lost River flowing through a hilly landscape. A dam is located on the river. To the left, there are gravel pits and a prospect labeled '33' marked with a red circle and a cross. A 'Darlington Ditch P/D' is also indicated. The map is overlaid with a grid showing sections 33 and 34. Various geological and topographical features are labeled, including 'Adit', 'Prospects', and 'Dam'. The map is oriented with North at the top, and the grid lines are labeled with coordinates: R24E, T7N, and various section numbers like 33 and 34.

No Change in Point of Diversion





80106

Attachment #7A

06N25E26NESW

06N25E26NWSE

06N25E26NESE

06N25E25NWSW

06N25E26SESW

06N25E26SWSE

06N25E26SESE

06N25E25SWSW

New Place of Use

Acres to dry up

Attachment 7.A

06N25E35NENW

06N25E35NWNE

06N25E35NENE

06N25E36NWNW

- New POU
- WRPOU_original
- Dry Acres
- Township and Range
- Section
- QQ

Cole Erb

0 315 630 1,260 Feet

2013 NAIP Photography

(Pg 4 of 4)



Attachment #7B

06N25E26NESW

06N25E26NWSE

06N25E26NESE

06N25E25NWSW

06N25E26SESW

06N25E26SWSE

06N25E26SESE

06N25E25SWSW

New Place of Use

Acres to dry up

Attachment #7.B

06N25E35NENW

06N25E35NWNE

06N25E35NENE

06N25E36NWNW

- New POU
- WRPOU_original
- Dry Acres
- Township and Range
- Section
- QQ

Cole Erb

0 315 630 1,260 Feet

2013 NAIP Photography

(Pg 1 of 1)





2072 North Main Suite 201
North Logan, UT 84341-1993
(435) 752-2146
1-800-748-5071
(435) 752-9180 (Fax)

May 8, 2014

To: Idaho Department of Water Resources

From: Western AgCredit C/O Garn Lovell

Re: Cole Erb/Bell Smith Water Rights Transfer

Cole Erb has requested that, as a secured lender, Western AgCredit acknowledge their water transfer between several Butte County and Custer properties.

Currently, Western AgCredit has a security interest in the following water rights:

Water Right Number(s): 34-872A, 34-10729, 34-13567, 34-116A, 34-2321, 34-7015, 34-10763, 34-10765, 34-10767, 34-13568, 34-111, 34-112, 34-113, 34-266, 34-657A, 34-658, 34-2322, 34-23 78, and 34-10496

ALSO TOGETHER with 22,655 INCHES of storage water rights in the MACKAY RESERVOIR, as administered and delivered through the BIG LOST RIVER IRRIGATION DISTRICT.

It is my understanding that Cole Erb is moving water from dry corners of several pivots to be used on other adjoining farm property. Western AgCredit does not oppose this water transfer as long as Western AgCredit's security interest in the above water rights remains in force through and after the water transfer.

If you would like to discuss this approval, I can be reached at 208.317.8119

Sincerely,

Garn Lovell

Regional Vice President – Correspondent Lending



IDAHO SECRETARY OF STATE

Viewing Business Entity

Ben Ysursa, Secretary of State

BELL-SMITH LLC

PO BOX 3189
IDAHO FALLS, ID 83403

Type of Business:	LIMITED LIABILITY COMPANY
Status:	EXISTING, ANREPT SENT 06 Jun 2013
State of Origin:	IDAHO
Date of Origination/Authorization:	01 Aug 2012
Current Registered Agent:	STEPHEN E MARTIN 425 S HOLMES AVE IDAHO FALLS, ID 83401
File Number:	W116105
Date of Last Annual Report:	14 Jun 2013

No. W 116105 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		Due no later than Aug 31, 2013 Annual Report Form 1. Mailing Address: Correct in this box if needed. BELL-SMITH LLC STEPHEN E MARTIN PO BOX 3189 IDAHO FALLS ID 83403		2. Registered Agent and Address (NO PO BOX) STEPHEN E MARTIN 425 S HOLMES AVE IDAHO FALLS ID 83401 3. New Registered Agent Signature:*		
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MANAGER	COLE ERB	PO BOX 596	BLACKFOOT	ID	USA	83221
5. Organized Under the Laws of: ID W 116105		6. Annual Report must be signed.* Signature: Stephen E. Martin Name (type or print): Stephen E. Martin Date: 06/14/2013 Title: Attorney				
Processed 06/14/2013		* Electronically provided signatures are accepted as original signatures.				



CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

2012 AUG -1 PM 2:54

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Bell-Smith LLC

2. The complete street and mailing addresses of the initial designated office:

187 West 350 North, Blackfoot, Idaho 83221

(Street Address)

P.O. Box 596, Blackfoot, Idaho 83222

(Mailing Address, if different than street address)

3. The name and complete street address of the registered agent:

Stephen E. Martin

(Name)

425 S. Holmes Avenue, Idaho Falls, Idaho 83401

(Street Address)

4. The name and address of at least one member or manager of the limited liability company:

Name

Address

Cole James Erb

P.O. Box 596, Blackfoot, Idaho 83221

5. Mailing address for future correspondence (annual report notices):

P.O. Box 3189, Idaho Falls, Idaho 83403-3189

6. Future effective date of filing (optional): _____

Signature of a manager, member or authorized person.

Signature

Stephen E. Martin

Typed Name: Stephen E. Martin, Organizer

Signature _____

Typed Name: _____

Secretary of State use only

IDAHO SECRETARY OF STATE
08/01/2012 05:00
CK: NONE CT: 113824 BH: 1334349
1 @ 100.00 = 100.00 ORGAN LLC # 2

cert_org_llc Rev. 07/2010

WY16105