

AMENDED

Page 1 of 5

Transfer No. 78799

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

AUG 27 2013
Department of Water Resources
Eastern Region

Name of Applicant(s) Nancy Linell Bills Phone: 208-756-3147

Mailing Address: PO Box 137 Carmen, Idaho 83462 Email: _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

- ☐ No Representative

Name of representative Robert L. Harris Phone: (208) 523-0620

Mailing Address: P.O. Box 50130, Idaho Falls, ID 83405 Email: rharris@holdenlegal.com

- ☐ Send all correspondence for this application to the representative and not 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.

Robert L. Harris
Signature of Applicant or Authorized Representative

Robert L. Harris, Attorney
Print Name and Title if applicable

August 26, 2013
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: Create permissible place of use
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 if **Part 1A.2**. To create a permissible place of use for the applicant's water rights described in this transfer and to add the Morton Ditch as an authorized point of diversion to the applicant's water rights.

78799

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.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or part					
✓ ☐	75-2123	6.0	Irrigation	04/01 to 10/31	Freeman Creek/Carmen Creek
✓ ☐	75-10630	1.89	Irrigation/ Stockwater	04/01 to 11/01	Freeman Creek/Carmen Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights: 7.89 cfs and/or _____ ac-ft.

2. Total amount of water being transferred or changed 7.89 Cubic feet per second and/or _____ acre-feet 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 for diversion
			NW	SW	36	23N	22E	Lemhi	Freeman Creek	Bills Ditch (647679)
Y			SE	NW	9	22N	22E	Lemhi	Freeman Creek/Carmen Creek	Morton Ditch (647781)

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	
22N	22E	17		33.2	5.6		35.3		6.9	28	2.5				1.3	19	9.8	20	161.6
		20	38	39	30	30	6.9			2.2	3.3			1.1	34	40	22.5		247

Total Acres (for irrigation use) 408.6 (PPU)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION 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 into headgate and open ditch. Both ditches are existing and have measuring devices.

b. Who owns the property at the point(s) of diversion? Bruce McFarland (Morton Ditch) and Doug and Shannon Weaver (Bills Ditch)

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Prescriptive easements to use ditches. The applicant is already a user of both ditches and the ditch does not need to be widened.

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

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 or 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: This will create a permissible place of use for the applicant's water rights to provide more flexibility with irrigation. The additional listed 111.5 acres added to the PPU will be authorized for irrigation under Water Right Nos. 75-66, 75-10061AB, 75-10062Z, and 75-14530 once the POU for these are slightly amended through a separate transfer.

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) of use: Water Right Nos. 75-66, 75-10061AB, 75-10062Z, and 75-14530 are used to irrigate the additional 111.5 acres added to the place of use to create a permissible place of use.

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

Yes No

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

If yes, describe: _____

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

- ✓ 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 you propose to change the nature of use or period of use of all or part of the right(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**.

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

1. 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 in Part 3B above.

[illegible]

Transfer contains _____ pages and _____ attachments.

Received by: _____ Date: _____ Prelim. Check by _____ Date: _____

Fee paid: _____ Date: _____ Received by _____ Receipt # _____

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from an 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.

*Means the item is always required and must be included with the application.

Yes N/A

- ☒ * 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).
- ☐ ☒ #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: Water Rights spreadsheet

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/19/2013

WATER RIGHT NO. 75-2123

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NANCY LINELL BILLS BOX 137 CARMEN, ID 83462 (208)756-3147
Original Owner	LAWRENCE J BILLS CARMEN, ID
Original Owner	JON F BILLS BOX 137 CARMEN, ID 83462 (208)756-3147

Priority Date: 05/25/1954

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FREEMAN CREEK	CARMEN CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	6 CFS	
Total Diversion			6 CFS	

Location of Point(s) of Diversion:

FREEMAN CREEK	NWSW	Sec. 36	Township 23N	Range 22E	LEMHI County
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78799

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
22N	22E	17		NESE	1.3		NWSE	19		SWSE	9.8		SESE	20
		20		NENE	38		NWNE	39		SWNE	30		SENE	30
			5	NENW	6.9	6	SENE	2.2						
			7	NESW	3.3	8	SESW	1.1						
				NESE	34		NWSE	40		SWSE	22.5			

Total Acres: 297.1

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	C03	Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3.	C05	Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4.	B01	Source is also known as East Fork Carmen Creek.
5.	S46	The use of water for irrigation under this right may begin as early as February 15 and may continue to as late as November 30, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
6.	E55	Right Nos. 75-2123 and 75-10630 are limited to the irrigation of a combined total of 297.1 acres in a single irrigation season.

Dates:

Licensed Date:

Decreed Date: 01/16/2009

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

78799

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/19/2013

WATER RIGHT NO. 75-10630

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NANCY LINELL BILLS BOX 137 CARMEN, ID 83462 (208)756-3147
Original Owner	JON F BILLS BOX 137 CARMEN, ID 83462 (208)756-3147

Priority Date: 05/25/1954

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FREEMAN CREEK	CARMEN CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.89 CFS	
STOCKWATER	01/01	12/31	0.07 CFS	
Total Diversion			1.89 CFS	

Location of Point(s) of Diversion:

FREEMAN CREEK	NWSW	Sec. 36	Township 23N	Range 22E	LEMHI County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
22N	22E	17		NESE	1.3		NWSE	19		SWSE	9.8		SESE	20
		20		NENE	38		NWNE	39		SWNE	30		SENE	30
			5	NENW	6.9	6	SENE	2.2						
			7	NESW	3.3	8	SESW	1.1						
				NESE	34		NWSE	40		SWSE	22.5			

Place of Use Legal Description: STOCKWATER LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
22N	22E	17		NESE			NWSE			SWSE			SESE	
		20		NENE			NWNE			SWNE			SENE	
			5	NENW		6	SENE							
			7	NESW		8	SESW							
				NESE			NWSE			SWSE				

Total Acres: 297.1

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	N08	The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
3.	N14	The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day. The use of water for irrigation under this right may begin as early as February 15 and may continue to as late as November 30, provided other elements of the right are not exceeded. The
4.	S46	use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5.	E55	Right Nos. 75-2123 and 75-10630 are limited to the irrigation of a combined total of 297.1 acres in a single irrigation season.

Dates:

Licensed Date:

Decreed Date: 01/16/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

78799

Attachment No. 4

Power of Attorney

78799

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of Holden Kidwell Hahn & Crapo P.L.L.C., 1000 Riverwalk Drive, Suite 200, Idaho Falls, Idaho 83401, my/our true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on my/our behalf.

DATED this 19 day of June, 2013.

Nancy Linell Bills
(Signature)

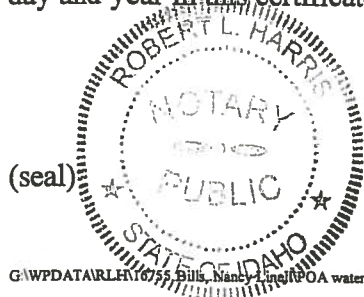
Nancy Linell Bills
(Printed name)

Box 137, Carmen, ID 83462
(Address)

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 19th day of June, 2013, before me a notary public in and for said State, personally appeared Nancy Linell Bills, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

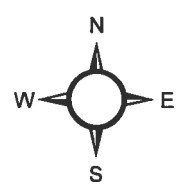


Robert L. Harris
Notary Public for Idaho
Residing at: Ammon ID
My commission expires: 11/18/2016

G:\WPDATA\RLH\10755 Bills, Nancy Linell\POA water.docx

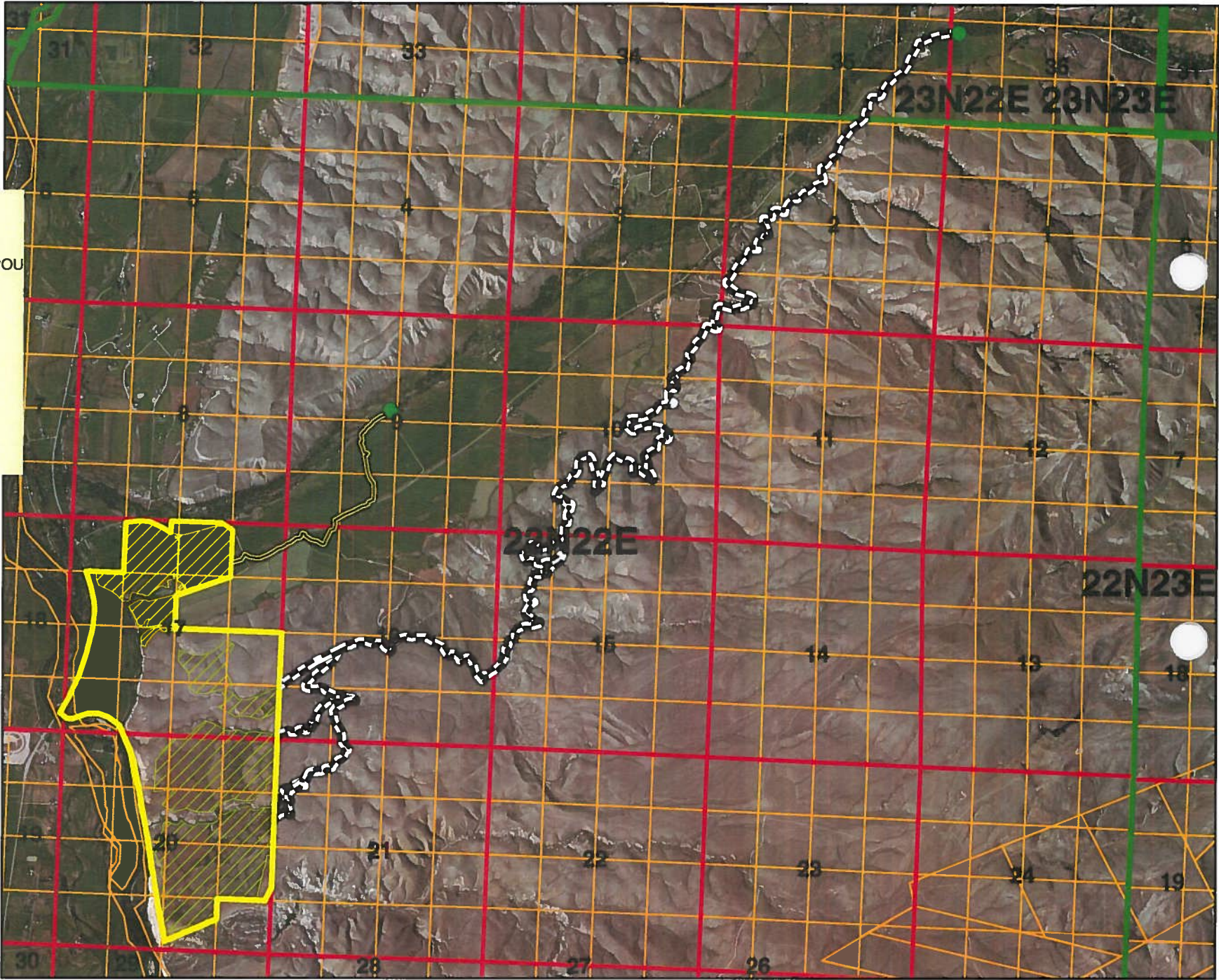
Attachment No. 7a Map - Proposed POD

LINELL BILLS TRANSFER



Legend

- Property_Line
- New Carmen Creek POU
- Freeman.Creek.POU
- Bills.PODs
- Morton Ditch
- Bills Ditch
- TR Lines
- Section Lines
- QQ

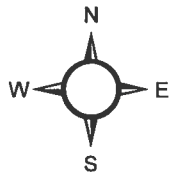


66482

Attachment No. 7b

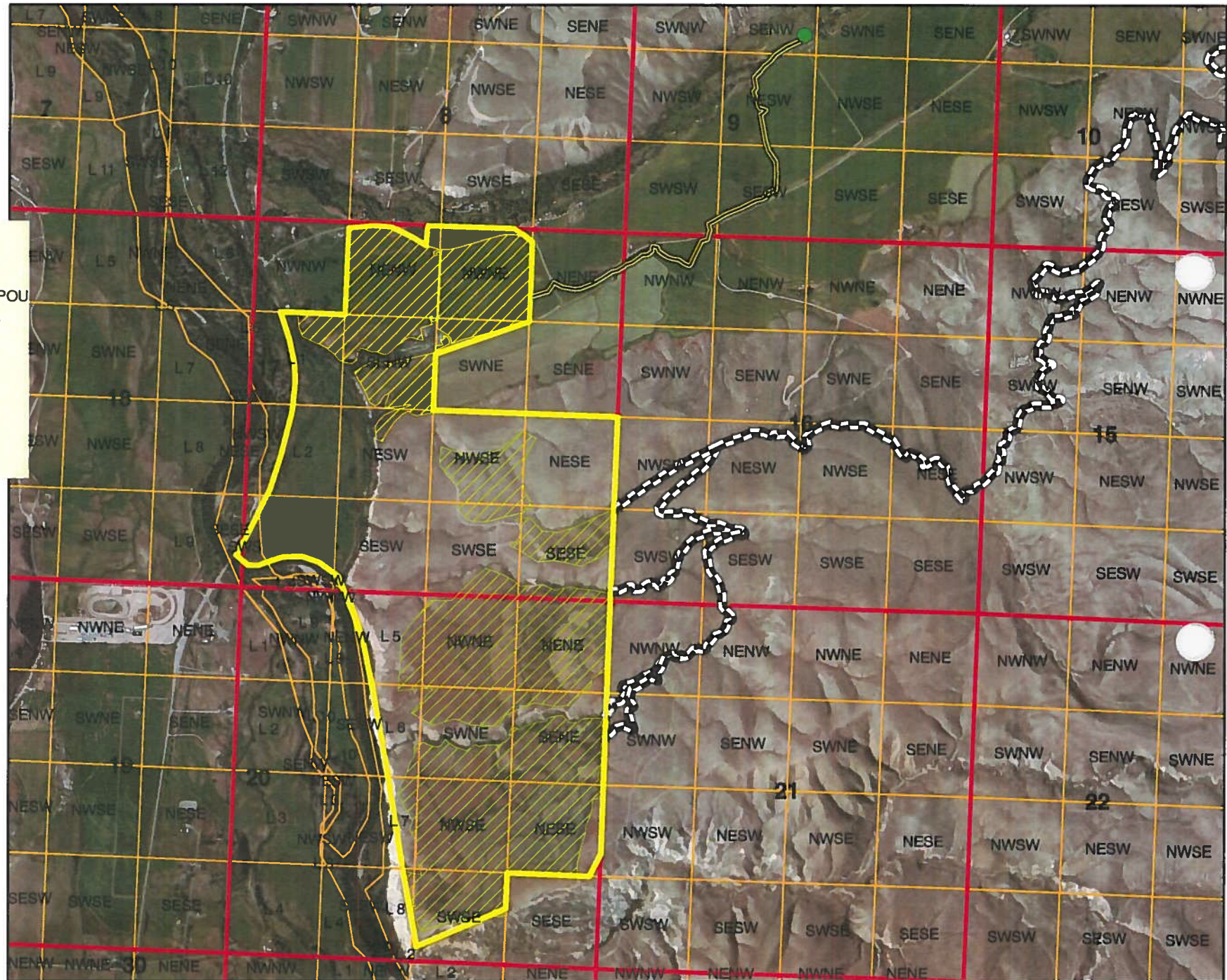
GIS Shape File

LINELL BILLS TRANSFER



Legend

- Property_Line
- New Carmen Creek POU
- Freeman Creek POU
- Bills.PODs
- Morton Ditch
- Bills Ditch
- Section Lines
- QQ



THE YELLOW AREA IS
11.5 ACRES AND WILL
BE ADDED TO THE
GREEN AREA TO
CREATE THE 408.6
ACRE PERMISSIBLE
PLACE OF USE.

Attachment No. 9

Other

Nancy Linell Bills Water Rights

BEFORE TRANSFER

Water Right No.	Name on Water Right	Basis	Priority Date	Source	Beneficial Use	Individual Diversion Rate Limitation (cfs)	Individual Volume Limitation (AFA)	Individual Acre Limitation	Total Place of Use	Point of Diversion	Notes
75-66	Nancy Linell Bills	Partial Decree	May 1, 1885	Carmen Creek	Irrigation	1.5	None	None	111.5	SENW, Sec. 9, 22N, 22E (Morton Ditch)	
75-10061AB			May 1, 1875			0.58					
75-10062Z			May 1, 1882			0.32					
75-14530			April 1, 1915			0.95					
75-2123	Nancy Linell Bills	Partial Decree	May 25, 1954	Freeman Creek	Irrigation	6	None	None	297.1	NWSW, Sec. 36, 23N, 22E (Bills Ditch)	
75-10630			May 25, 1954	(East Fork Carmen Creek)	Irrigation/Stockwater	1.89 Irr. .07 Stockwater					

AFTER TRANSFER

75-66	Nancy Linell Bills	Partial Decree	May 1, 1885	Carmen Creek	Irrigation	1.5	None	None	111.5	SENW, Sec. 9, 22N, 22E (Morton Ditch)	111.5 acres will be rearranged through this transfer.
75-10061AB			May 1, 1875			0.58					
75-10062Z			May 1, 1882			0.32					
75-14530			April 1, 1915			0.95					
75-2123	Nancy Linell Bills	Partial Decree	May 25, 1954	Freeman Creek	Irrigation	6	None	297.1	408.6	NWSW, Sec. 36, 23N, 22E (Bills Ditch)	
75-10630			May 25, 1954	(East Fork Carmen Creek)	Irrigation/Stockwater	1.89 Irr. .07 Stockwater				SENW, Sec. 9, 22N, 22E (Morton Ditch)	

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SUPERCEDED

**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 an 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.

***Means the item is always required and must be included with the application.**

Yes N/A

- ☒ * 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).
- ☐ ☒ **#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: Water Rights spreadsheet

SUPERCEDEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

RECEIVED**JUL 26 2013**Department of Water Resources
Eastern Region**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant(s) Nancy Linell Bills Phone: 208-756-3147Mailing Address: PO Box 137 Carmen, Idaho 83462 Email: _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

- ☐ No Representative

Name of representative Robert L. Harris Phone: (208) 523-0620Mailing Address: P.O. Box 50130, Idaho Falls, ID 83405 Email: rharris@holdenlegal.com

- ☐ Send all correspondence for this application to the representative and not 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.

Robert L. Harris
Signature of Applicant or Authorized Representative

Robert L. Harris, Attorney
Print Name and Title if applicable

July 25, 2013
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: Create permissible place of use
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 if **Part 1A.2**. To create a permissible place of use for the applicant's water rights described in this transfer and to add the Morton Ditch as an authorized point of diversion to the applicant's water rights.

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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					
✓ ☐	75-2123	6.0	Irrigation	04/01 to 10/31	Freeman Creek/Carmen Creek
✓ ☐	75-10630	1.89	Irrigation/ Stockwater	04/01 to 11/01	Freeman Creek/Carmen Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights: 7.89 cfs and/or _____ ac-ft.

2. Total amount of water being transferred or changed 7.89 Cubic feet per second and/or _____ acre-feet 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 for diversion
			NW	SW	36	23N	22E	Lemhi	Freeman Creek	Bills Ditch (647679)
Y			SE	NW	9	22N	22E	Lemhi	Freeman Creek/Carmen Creek	Morton Ditch (647781)

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	
22N	22E	17	5	31	7.5		34		5.9	26	2.1								111.5
		20	38	39	30	30	6.9			2.2	3.3			1.1	34	40	22.5		297.1

Total Acres (for irrigation use) 408.6 (PPU)

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 into headgate and open ditch. Both ditches are existing and have measuring devices.

b. Who owns the property at the point(s) of diversion? Bruce McFarland (Morton Ditch) and Doug and Shannon Weaver (Bills Ditch)

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Prescriptive easements to use ditches. The applicant is already a user of both ditches and the ditch does not need to be widened.

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

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 or 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: This will create a permissible place of use for the applicant's water rights to provide more flexibility with irrigation. The additional 111.5 acres added to the PPU are already authorized for irrigation under Water Right Nos. 75-66, 75-10061AB, 75-10062Z, and 75-14530.

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) of use: Water Right Nos. 75-66, 75-10061AB, 75-10062Z, and 75-14530 are used to irrigate the additional 111.5 acres added to the place of use to create a permissible place of use.

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

Yes No

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

If yes, describe: _____

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

- ✓ 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 you propose to change the nature of use or period of use of all or part of the right(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**.

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

- [illegible]

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

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/19/2013

WATER RIGHT NO. 75-2123

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NANCY LINELL BILLS BOX 137 CARMEN, ID 83462 (208)756-3147
Original Owner	LAWRENCE J BILLS CARMEN, ID
Original Owner	JON F BILLS BOX 137 CARMEN, ID 83462 (208)756-3147

Priority Date: 05/25/1954

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FREEMAN CREEK	CARMEN CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	6 CFS	
Total Diversion			6 CFS	

Location of Point(s) of Diversion:

FREEMAN CREEK	NWSW	Sec. 36	Township 23N	Range 22E	LEMHI County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
22N	22E	17		NESE	1.3		NWSE	19		SWSE	9.8		SESE	20
		20		NENE	38		NWNE	39		SWNE	30		SENE	30
			5	NENW	6.9	6	SENE	2.2						
			7	NESW	3.3	8	SESW	1.1						
				NESE	34		NWSE	40		SWSE	22.5			

Total Acres: 297.1

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	C03	Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3.	C05	Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4.	B01	Source is also known as East Fork Carmen Creek.
5.	S46	The use of water for irrigation under this right may begin as early as February 15 and may continue to as late as November 30, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
6.	E55	Right Nos. 75-2123 and 75-10630 are limited to the irrigation of a combined total of 297.1 acres in a single irrigation season.

Dates:

Licensed Date:

Decreed Date: 01/16/2009

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

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[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/19/2013

WATER RIGHT NO. 75-10630

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NANCY LINELL BILLS BOX 137 CARMEN, ID 83462 (208)756-3147
Original Owner	JON F BILLS BOX 137 CARMEN, ID 83462 (208)756-3147

Priority Date: 05/25/1954

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FREEMAN CREEK	CARMEN CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.89 CFS	
STOCKWATER	01/01	12/31	0.07 CFS	
Total Diversion			1.89 CFS	

Location of Point(s) of Diversion:

FREEMAN CREEK	NWSW	Sec. 36	Township 23N	Range 22E	LEMHI County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
22N	22E	17		NESE	1.3		NWSE	19		SWSE	9.8		SESE	20
		20		NENE	38		NWNE	39		SWNE	30		SENE	30
			5	NENW	6.9	6	SENE	2.2						
			7	NESW	3.3	8	SESW	1.1						
				NESE	34		NWSE	40		SWSE	22.5			

Place of Use Legal Description: STOCKWATER LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
22N	22E	17		NESE			NWSE			SWSE			SESE	
		20		NENE			NWNE			SWNE			SENE	
			5	NENW		6	SENE							
			7	NESW		8	SESW							
				NESE			NWSE			SWSE				

Total Acres: 297.1

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	N08	The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
3.	N14	The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4.	S46	The use of water for irrigation under this right may begin as early as February 15 and may continue to as late as November 30, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5.	E55	Right Nos. 75-2123 and 75-10630 are limited to the irrigation of a combined total of 297.1 acres in a single irrigation season.

Dates:

Licensed Date:

Decreed Date: 01/16/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

78799

Attachment No. 4

Power of Attorney

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of Holden Kidwell Hahn & Crapo P.L.L.C., 1000 Riverwalk Drive, Suite 200, Idaho Falls, Idaho 83401, my/our true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on my/our behalf.

DATED this 19 day of June, 2013.

Nancy Linell Bills
(Signature)

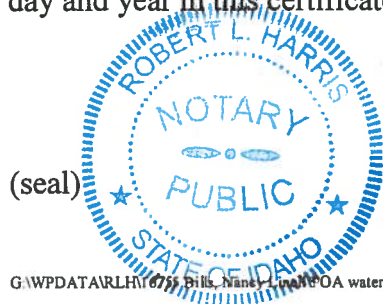
Nancy Linell Bills
(Printed name)

Box 137, Carmen, ID 83462
(Address)

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 19th day of June, 2013, before me a notary public in and for said State, personally appeared Nancy Linell Bills, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

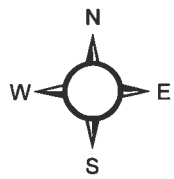


Robert L. Harris
Notary Public for Idaho
Residing at: Ammon ID
My commission expires: 11/18/2016

G:\WPDATA\RLH\7755 Bills, Nancy Linell POA water.docx

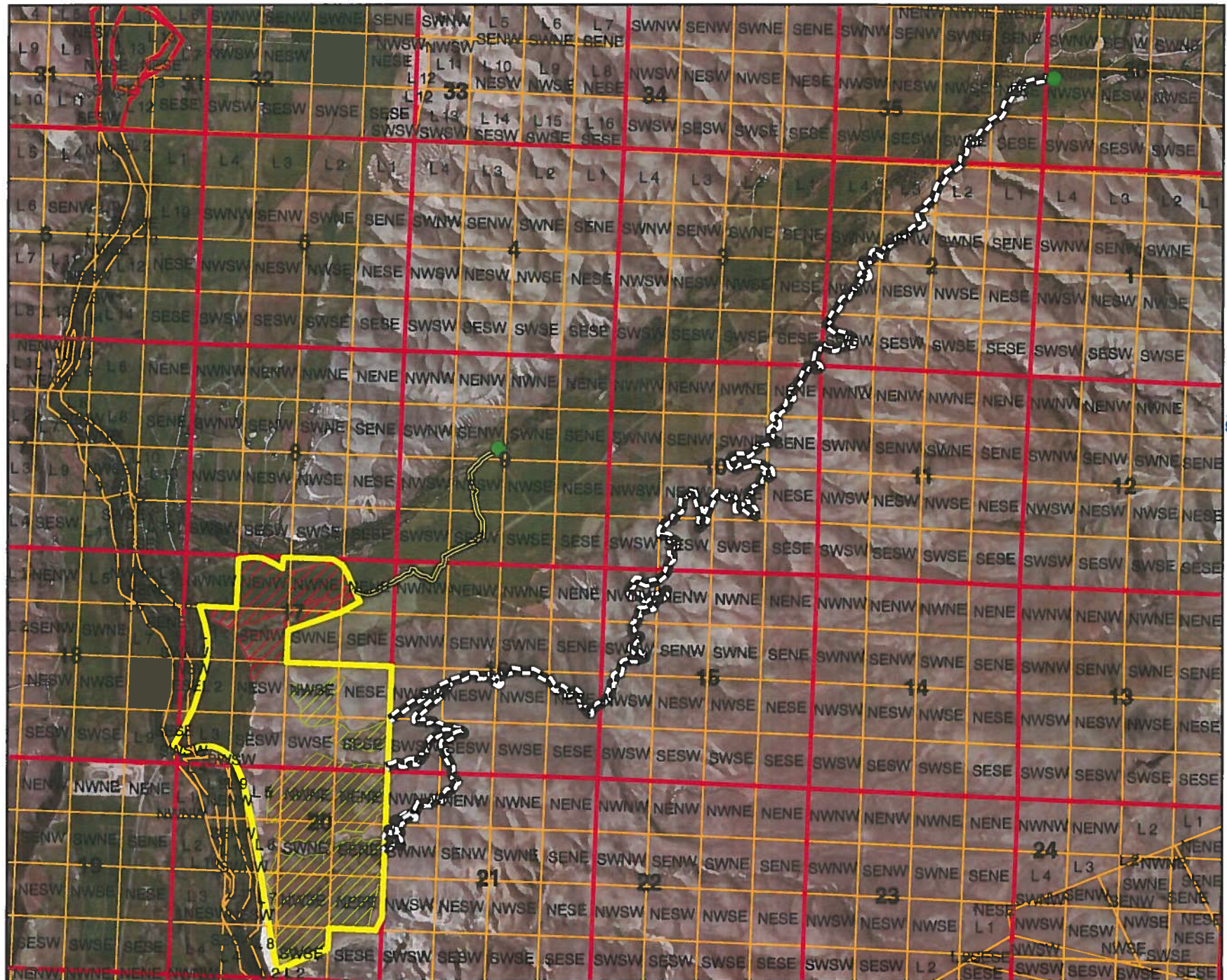
Attachment No. 7a
Map - Proposed POD

LINELL BILLS WATER RIGHTS



Legend

- Bills.PODs
- Morton Ditch
- Bills Ditch
- Property_Line
- Section Lines
- QQ
- TR Lines
- Freeman.Creek.POU
- Carmen.Creek.POU

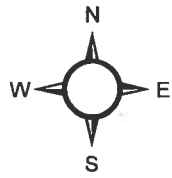


Attachment No. 7b

GIS Shape File

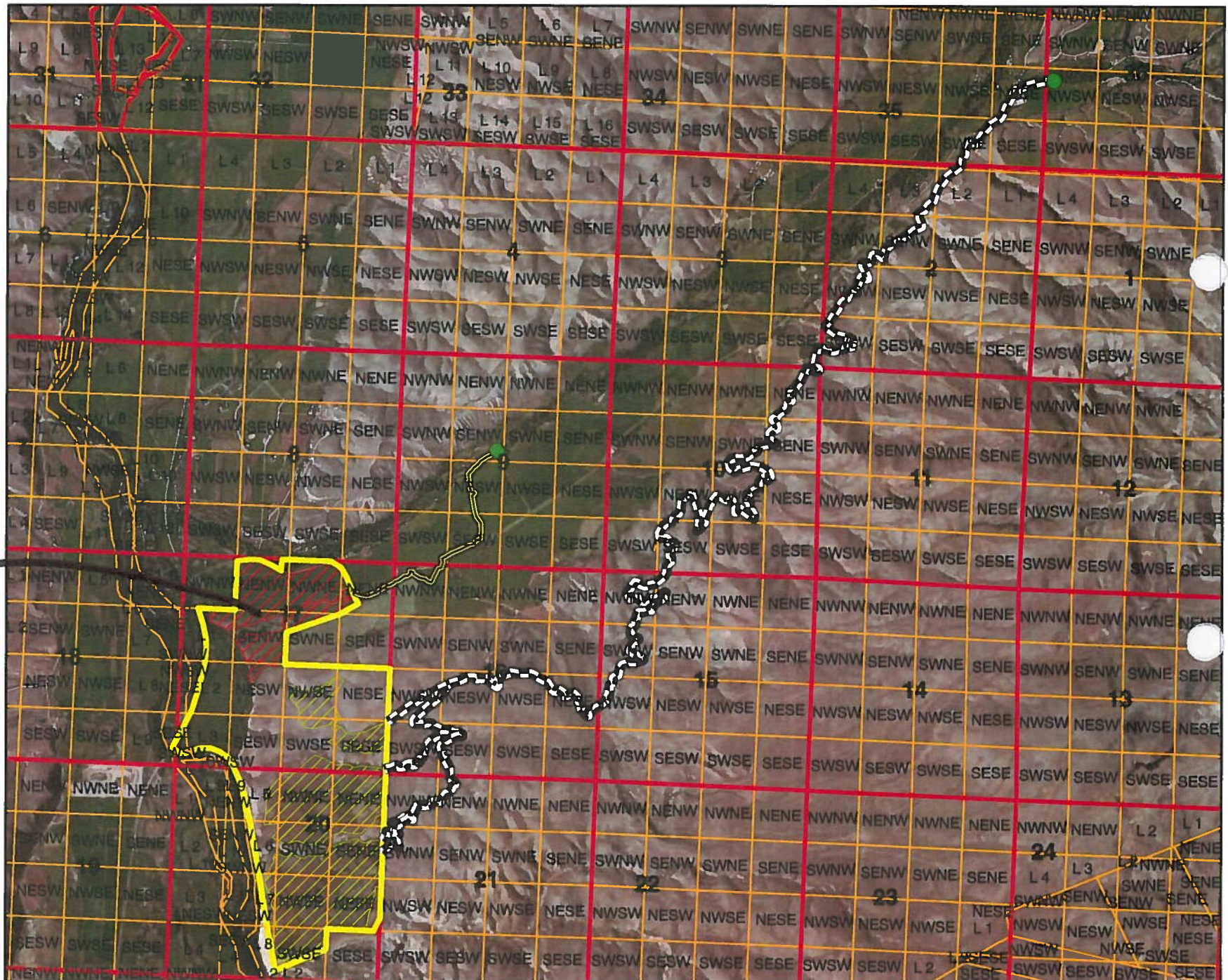
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LINELL BILLS WATER RIGHTS



Legend

- Bills.PODs
- Morton Ditch
- Bills Ditch
- Property_Line
- Section Lines
- QQ
- TR Lines
- Freeman.Creek.POU
- Carmen.Creek.POU



THE RED AREA IS 111.5 ACRES AND WILL BE ADDED TO THE GREEN AREA TO CREATE THE 108.6 ACRES PERMISSIBLE LAKE OF USE.

Attachment No. 9

Other

Nancy Linell Bills Water Rights

BEFORE TRANSFER

Water Right No.	Name on Water Right	Basis	Priority Date	Source	Beneficial Use	Individual Diversion Rate Limitation (cfs)	Individual Volume Limitation (AFA)	Individual Acre Limitation	Total Place of Use	Point of Diversion	Notes
75-66	Nancy Linell Bills	Partial Decree	May 1, 1885	Carmen Creek	Irrigation	1.5	None	None	111.5	SENW, Sec. 9, 22N, 22E (Morton Ditch)	
75-10061AB			May 1, 1875			0.58					
75-10062Z			May 1, 1882			0.32					
75-14530			April 1, 1915			0.95					
75-2123	Nancy Linell Bills	Partial Decree	May 25, 1954	Freeman Creek	Irrigation	6	None	None	297.1	NWSW, Sec. 36, 23N, 22E (Bills Ditch)	
75-10630			May 25, 1954	(East Fork Carmen Creek)	Irrigation/Stockwater	1.89 Irr. .07 Stockwater					

AFTER TRANSFER

75-66	Nancy Linell Bills	Partial Decree	May 1, 1885	Carmen Creek	Irrigation	1.5	None	None	111.5	SENW, Sec. 9, 22N, 22E (Morton Ditch)	
75-10061AB			May 1, 1875			0.58					
75-10062Z			May 1, 1882			0.32					
75-14530			April 1, 1915			0.95					
75-2123	Nancy Linell Bills	Partial Decree	May 25, 1954	Freeman Creek	Irrigation	6	None	297.1	408.6	NWSW, Sec. 36, 23N, 22E (Bills Ditch)	
75-10630			May 25, 1954	(East Fork Carmen Creek)	Irrigation/Stockwater	1.89 Irr. .07 Stockwater				SENW, Sec. 9, 22N, 22E (Morton Ditch)	

66282



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

RECEIVED

JUL 26 2013

Department of Water Resources
Eastern Region

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

Email: rharris@holdenlegal.com

July 25, 2013

Idaho Department of Water Resources
Attn: Blake Jordan
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

**RE: *Application for Water Right Transfer and Application for Exchange of Water
Submitted on Behalf of Linell Bills.***

Dear Blake:

Enclosed for processing is an *Application for Water Right Transfer* and an *Application for Exchange of Water* involving various water rights owned by Linell Bills. The water rights divert from Carmen Creek and Freeman Creek, which is a tributary to Carmen Creek, in the Salmon River drainage. We discussed this transfer and exchange a couple of months ago, so review of the documents should be familiar to you. We have also included the appropriate filing fees for both applications.

If you have any questions or concerns, please let me know.

Best Regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

G:\WP\DATA\RLH\16755 Bills, Nancy Linell\blake jordan ltr 2013 07 25.docx

Established in 1896