

RECEIVED**AUG 31 2012**DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78140**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.
- ☐ ☒ #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/water/rights/>.
- ☐ ☒ #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.)
- ☐ ☒ #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: _____

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78140

AUG 31 2012

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**DEPT. OF WATER RESOURCES
SOUTHERN REGIONName of Applicant(s) Verl Bell and/or Ancie Bell Phone 208-837-4405Mailing address 853 East 2830 South Hagerman, Idaho 83332 Email _____

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

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

☐ No RepresentativeName of Representative Greg Sullivan of Brockway Engineering Phone 208-736-8543Mailing address 2016 North Washington Street, Suite 4 Twin Falls Idaho 83301 Email greg.sullivan@brockwayeng.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.

Verl C. Bell
Signature of Applicant or Authorized Representative

VERL C. BELL OWNER 8-30-12
Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. Create a permissible place of use for this water right. Water will be commingled with Big Bend Irrigation and Mining Co.**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 05 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	36-33E	0.75/	Irrigation	2/15 to 11/30	Weatherby Springs
☐ ☐				to	Billingsley Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

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

2. Total amount of water proposed to be transferred or changed _____ 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	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	13E	27			23	26													49

↑
only 25 acres
per
dead
tag lot

*Only 17.0 acres will be irrigated by 36-33E

Total Acres (for irrigation use) 49.0*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	36-33E	0.75/	Irrigation	2/15 to 11/30	Weatherby Springs
☐ ☐				to	Billingsley Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

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

2. Total amount of water proposed to be transferred or changed _____ 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 & Attachment #5.

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	13E	27													23	26			49

*Only 17.0 acres will be irrigated by 36-33E

Total Acres (for irrigation use) 49.0*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Existing booster pump. Main lines and pivots will be moved after transfer is approved.

- b. Who owns the property at the point(s) of diversion? Verl Bell and/or Ancie Bell
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6. List the name of the entity and type of lien: N/A**

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: No change

- 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: Water from the Big Bend Irrigation and Mining Co. will be commingled with this water right.

- 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: _____

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

Current Water Right No.: 36-33e

Current Owner: ANCIE P BELL
VERL C BELL

Priority Date: 3/8/1902

Origin: Water Right

Status: Active

Basis: Decreed

Source

WEATHERBY SPRINGS

Tributary

BILLINGSLEY CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>
IRRIGATION	2/15	11/30
	<u>Total Diversion</u>	

<u>Diversion Rate</u>	<u>Annual Volume</u>
0.75 CFS	
0.75 CFS	

Location of Point(s) of Diversion

WEATHERBY SPRINGS
GOODING County

SE1/4NE1/4SW1/4 Sec. 30, Twp 07S, Rge 14E B.M.

Place of Use

IRRIGATION Within GOODING County

T07S R13E S27	SENE	17.00
Total Acres: 17		

Conditions of Approval:

1. WATER IS DELIVERED THROUGH THE BAR S DITCH, CURREN DITCH AND NORTH PIPELINE.

Decreed Date: 10/20/2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number:

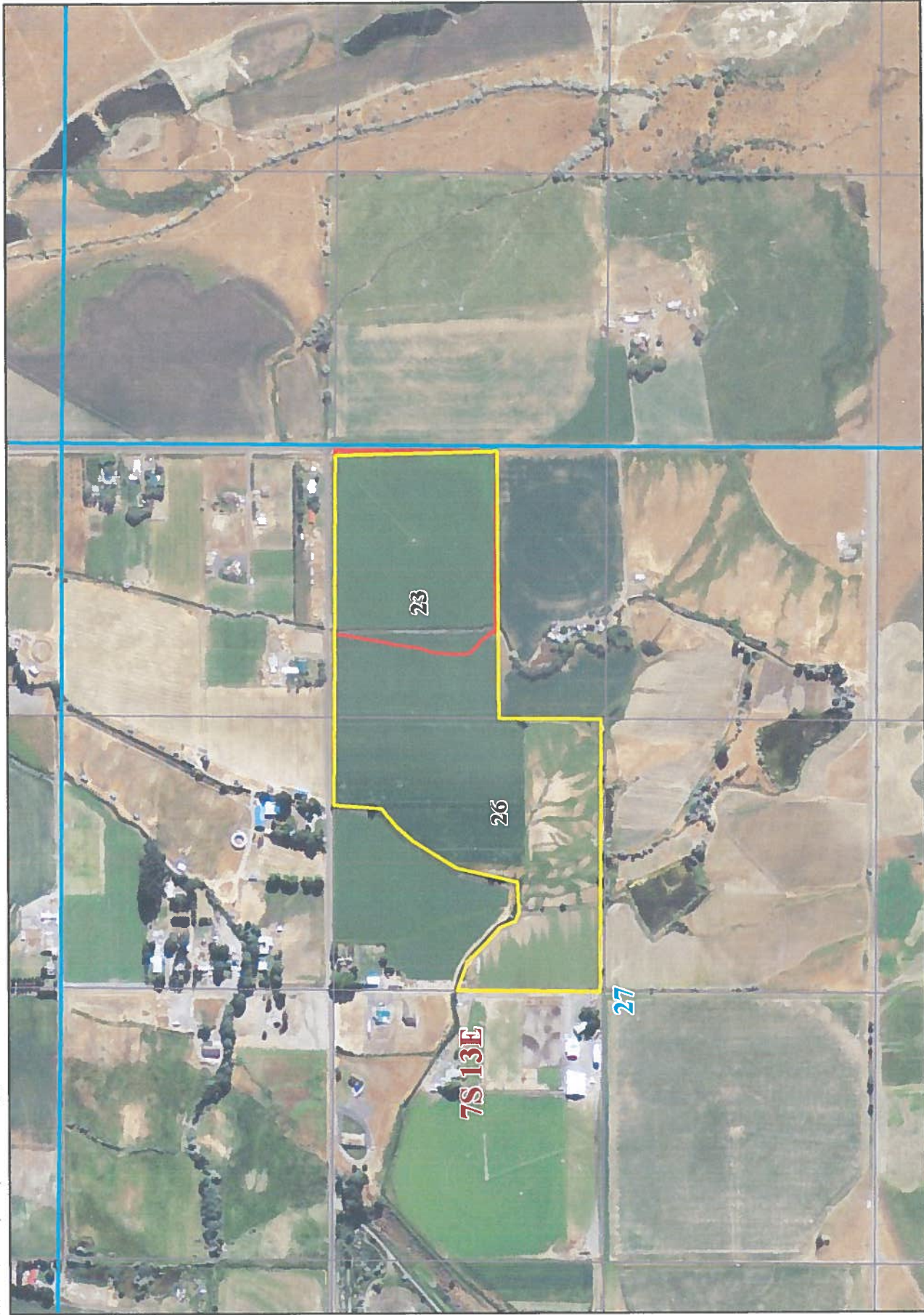
- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use) _____

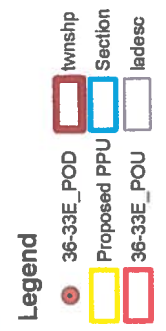
Transfer contains 10 pages and _____ attachments.
Received by P. SKINNER Date 8/31/2012 Prelim. Check by _____ Date _____
Fee Paid \$500.00 Date 8/31/2012 Received by P. SKINNER Receipt # 5032768
Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____



0 300 600 1,200 Feet

BELL, VERL
PPU TRANSFER 36-33E
NAIP 2011 AERIAL

BROCKWAY ENGINEERING, PLLC.
ALR - AUG. 27, 2012



#78140

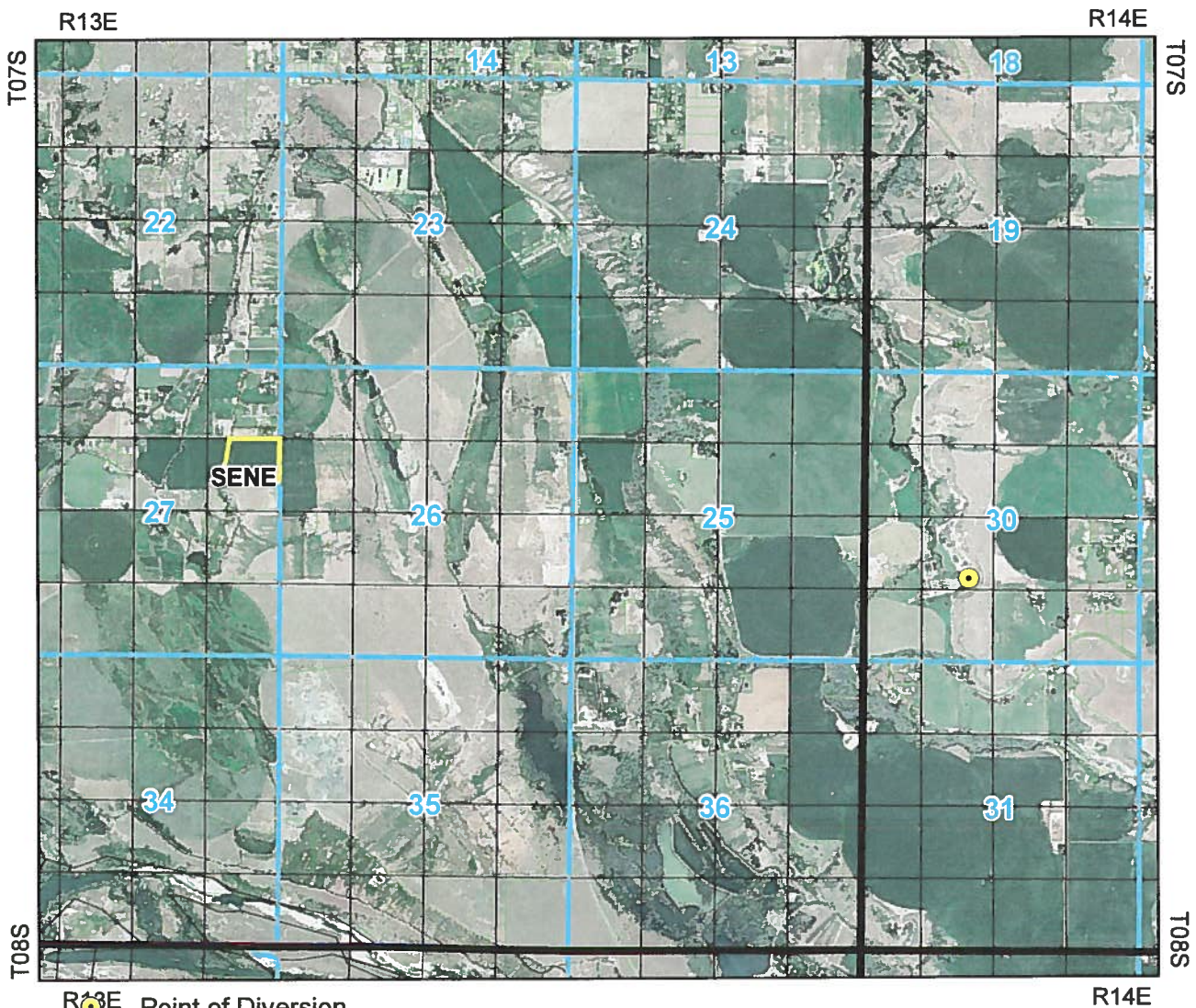
State of Idaho
Department of Water Resources

Water Right

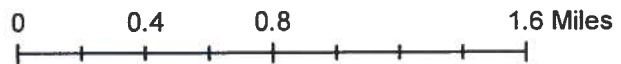
36-33E

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots



#78140

Craig D. Hobdey
HOBDEY & HOBDEY
125 Fifth Avenue West
P.O. Box 176
Gooding, Idaho 83303-0176
Telephone (208) 934-4429
Facsimile (208) 934-4420
I.S.B. #3199

Attorney for Personal Representative

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

IN THE MATTER OF THE ESTATE OF:)

EDNA M. REA,)

Case No. CV-2006-728

Decedents.)

DEED OF DISTRIBUTION

THIS INDENTURE made this 8 day of November, 2006, by VERL C. BELL, Personal Representative of the Estate of EDNA M. REA, deceased, hereinafter referred to as Grantor and VERL C. BELL, hereinafter referred to as Grantee:

WITNESSETH:

NOW, THEREFORE, pursuant to the law in such case made and provided, and particularly pursuant to the provisions of §15-3-907 Idaho Code, Grantor does hereby convey, transfer, distribute and set-over unto Grantee and to his successors in interest, heirs and assigns, all of the following described real property situate in Gooding County, Idaho to-wit:

DEED OF DISTRIBUTION

Instrument # 219026

GOODING, GOODING, IDAHO

2006-11-08

04:21:29 No. of Pages: 3

Recorded for : CRAIG HOBDEY

DENISE M. GILL

Fee: 9.00

Ex-Officio Recorder Deputy

Page 1 of 2

Page 2 of 2

EXHIBIT A
Edna M. Rea Estate

Situate in Gooding County, Idaho:

Township 7 South, Range 13 EBM
Section 27: SWNE,

Together with 1.6 cfs waters of Billingsley Creek with
priority date of September 10, 1884 as awarded and appurtenant
to said land in the decree appearing in Book 6, page 31, of the
Records of Judgments of Gooding County, Idaho.

(The SWNE is sometimes known, and the same is sometimes known
as, Outlots 1, 2, 20, and 21 of the Buckeye Ranch according to the
official plat of said ranch of record in the County Recorder's Office,
Gooding County, Idaho).

and

Section 27:

The North 25 acres of the SENE, together with 20 shares of water
stock in the Big Bend Irrigation and Mining Company a corporation,
and also including 25 inches ($\frac{1}{2}$ csf) of water diverted from Whetherby
Springs through the Ormsby pipe being 25 inches of the certain 3 csf of
water from Whetherby Springs decreed to the above and other
lands in the name of Clifford Heirs with a priority of date of March 8, 1902,
by that certain Judgment rendered in the District Court of the United States for the
District of Idaho, Southern Division, in the case of New International Mortgage
Bank, a corporation, vs. Idaho Power Company, a corporation, et al, on March 22,
1932.

Skinner, Corey

From: Skinner, Corey
Sent: Thursday, September 13, 2012 2:16 PM
To: 'pferwin@Q.com'
Subject: RE: Application for Transfer No. 78140
Attachments: Bell Transfer.pdf

Frank,

Attached is a copy of Verl Bell's transfer that I talked to you about the other day. Please review the attached application and provide your water master response/comments. Your prompt response to this request will ensure that your recommendation can be considered during review. If IDWR has not received your response within 21 days, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

If you have any questions, feel free to give me a call (736-3033).

Thanks,

Corey

MEMORANDUM

Date: September 13, 2012
To: Transfer 78140 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application proposes creating a permissible place of use for water right 36-33E on land located approximately 1.5 – 2.0 miles south and 0.5 – 1.0 miles west of the center of Hagerman. The proposed permissible place of use includes the currently authorized place of use and adjacent property. Since the transfer only proposes creating a permissible place of use to include adjacent property, it is anticipated that there will be no hydrologic impacts. Therefore it is recommended that this application be processed without public notice advertising. The application should be fairly straightforward, but there is one item that should be mentioned. The application proposes a 49 acre permissible place of use, with 26 acres being located within the SENE of Section 27. However, the deed included with the application, and IDWR tax lot data, indicates that the applicant only owns the north 25 acres within the SENE of Section 27. It is recommended that the proposed permissible place of use be approved for 25 acres within the SENE of Section 27 for a total of 48 acres rather than the 49 acres listed on the application.

- **Authority to File:** The applicants (Verl &/or Ancie Bell) are listed as the current owners of the right involved with the transfer. A deed was included indicating that Verl Bell owns the proposed permissible place of use.
- **Water Right Validity:** The right involved with the transfer was decreed in the SRBA in October of 2000. Review of aerial photography supports the recent use of the water right involved with the transfer. Possible forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:** None anticipated.
- **Enlargement of Use:** No issues anticipated if appropriate conditions are implemented.
- **Local Public Interest:** No negative issues anticipated.
- **Beneficial Use/Conservation of Water Resources:** No negative issues anticipated. Proposed use is recognized as a beneficial use of water. It appears that sprinklers are utilized as part of the irrigation system.

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

Skinner, Corey

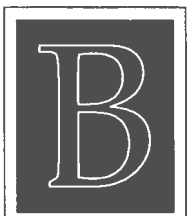
From: Greg Sullivan [greg.sullivan@brockwayeng.com]
Sent: Wednesday, September 05, 2012 11:31 AM
To: Skinner, Corey
Subject: Verl Bell Transfer
Attachments: 600DOC.PDF

Corey,

It is necessary to replace the submitted PART 1 Continued for the Verl Bell transfer of 36-33E with the attached PART 1 Continued.

The aerial map submitted with the transfer application identified the 17.0 acres to be covered by 36-33E in the area circumferenced by the solid red line.

Greg Sullivan
2016 N. Washington St. Suite 4
Twin Falls, Id 83301
208-736-8543



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

AUG 31 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

August 31, 2012

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

Re: Transfer of 36-33E

Dear Mr. Merritt:

Verl Bell desires to create a permissible place of use for water right 36-33E. The irrigation water provided by 36-33E will be commingled with Big Bend Irrigation and Mining Company. This transfer will allow better management of the farm and use of available irrigation water.

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

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., E.I.T.

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Cc: Verl Bell

Enc: Aerial Map, Check #/0967 for \$500.00