

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 76335APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Glen & Carol Bills Phone 805-237-9991Mailing address 6625 Trailblazer Lane, Paso Robles, CA 93446-7677 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 Matt Woodard Phone 208-552-0891 ext. 713Mailing address 151 North Ridge Avenue, Suite 120, Idaho Falls, ID 83402 Email mwoodard@tu.org

- ☒ 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.

Carol W. Bills

Signature of Applicant or Authorized Representative

Carol W Bills

Print Name and Title if applicable

3-27-2010

Date

Matt Woodard

Signature of Applicant or Authorized Representative

Matt Woodard

Print Name and Title if applicable

3/24/2010

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**. The purpose of the transfer is to provide a more suitable location in which to construct a new diversion that will be fish friendly, have both upstream and down stream fish passage, and install a fish screen on the out going diversion ditch to eliminate fish being lost down the ditch. See attached sheet labeled 1A.2

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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 ☒ ☐	23-19B	1.6 CFS	Irrigation	04/15 to 10/31	Rainey Creek
☒ ☐				to	
☒ ☐				to	
☒ ☐	23-47A	1.55 CFS	Irrigation	04/15 to 10/31	Rainey Creek
☒ ☐				to	
☒ ☐				to	
☒ ☐	23-92	4 CFS	Irrigation	04/15 to 10/31	Rainey Creek
☒ ☐				to	
☐ ☐				to	

Total authorized under rights 7.15 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 7.15 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion: New location of POD is listed below.

- ☐ 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 #
		SW	SW	SE	33	2N	44E	Bonneville	Rainey Creek	Glen Bills/Tom Weeks

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	

Total Acres (for irrigation use) _____

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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: The new diversion will be built with a sliding (waterman) type control gate with a control wheel at the top for raising and lowering the gate.

If it should be necessary to lock the control wheel that can be easily accommodated.

- b. Who owns the property at the point(s) of diversion? Celeste Beam

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Celeste Beam provides access to the diversion point for water regulation and for regular maintenance activities of the diversion.

- 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: N/A

- 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: N/A

- 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: _____

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

Current Water Right No.: 23-19B

Current Owner: GLEN H BILLS
CAROL W BILLS

Priority Date: 4/15/1889

Origin: Water Right

Status: Active

Basis: Decreed

Source

RAINEY CREEK

Tributary

SOUTH FORK SNAKE RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

1.6 CFS

1.6 CFS

Annual Volume**Location of Point(s) of Diversion**

RAINEY CREEK

SE1/4SE1/4SW1/4

Sec. 33, Twp 02N, Rge 44E B.M.

BONNEVILLE County

Place of UseIRRIGATION Within BONNEVILLE County

T01N R44E S5	NESE	30.00	T01N R44E S5	NWSE	31.00
T01N R44E S5	SWSE	40.00	T01N R44E S5	SESE	39.00

Total Acres: 140

Conditions of Approval:

1. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-19B, 29-47A, 29-92.
2. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 140.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-19B, 29-47A, 29-92.
3. 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.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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Decreed Date: 10/21/2004

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

Current Water Right No.: 23-47A

Current Owner: GLEN H BILLS
CAROL W BILLS

Priority Date: 5/15/1896

Origin: Water Right

Status: Active

Basis: Decreed

Source

RAINEY CREEK

Tributary

SOUTH FORK SNAKE RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

1.55 CFS

1.55 CFS

Annual Volume**Location of Point(s) of Diversion**

RAINEY CREEK

SE1/4SE1/4SW1/4

Sec. 33, Twp 02N, Rge 44E B.M.

BONNEVILLE County

Place of UseIRRIGATION Within BONNEVILLE County

T01N R44E S5	NESE	30.00	T01N R44E S5	NWSE	31.00
T01N R44E S5	SWSE	40.00	T01N R44E S5	SESE	39.00

Total Acres: 140

Conditions of Approval:

1. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-19B, 29-47A, 29-92.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 77.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. 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.
4. E58 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 140.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-19B, 29-47A, 29-92.

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

Current Water Right No.: 23-92

Current Owner: GLEN H BILLS

Priority Date: 1/22/1916

Origin: Water Right

Status: Active

Basis: Decreed

Source

RAINEY CREEK

Tributary

SOUTH FORK SNAKE RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

4 CFS

4 CFS

Annual Volume**Location of Point(s) of Diversion**

RAINEY CREEK

SE1/4SE1/4SW1/4

Sec. 33, Twp 02N, Rge 44E B.M.

BONNEVILLE County

Place of UseIRRIGATION Within BONNEVILLE County

T01N R44E S5

NESE

30.00

T01N R44E S5

NWSE

31.00

T01N R44E S5

SWSE

40.00

T01N R44E S5

SESE

39.00

Total Acres: 140

Conditions of Approval:

1. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-19B, 29-47A, 29-92.
2. 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.
3. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 140.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-19B, 29-47A, 29-92.

Decreed Date: 10/21/2004

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76335

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. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☐ * 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/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.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.)
- ☐ ☒ #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: _____

A23-00019B

33.5
78.5

T2N

T1N

R 4 4 E

6

R 4 4

PROFIL

NEW POINT
AT DIVISION

POINT
OF DIVISION

DITCH

Point of
Division

Point of
Division

Point of
Division

Point of
Division

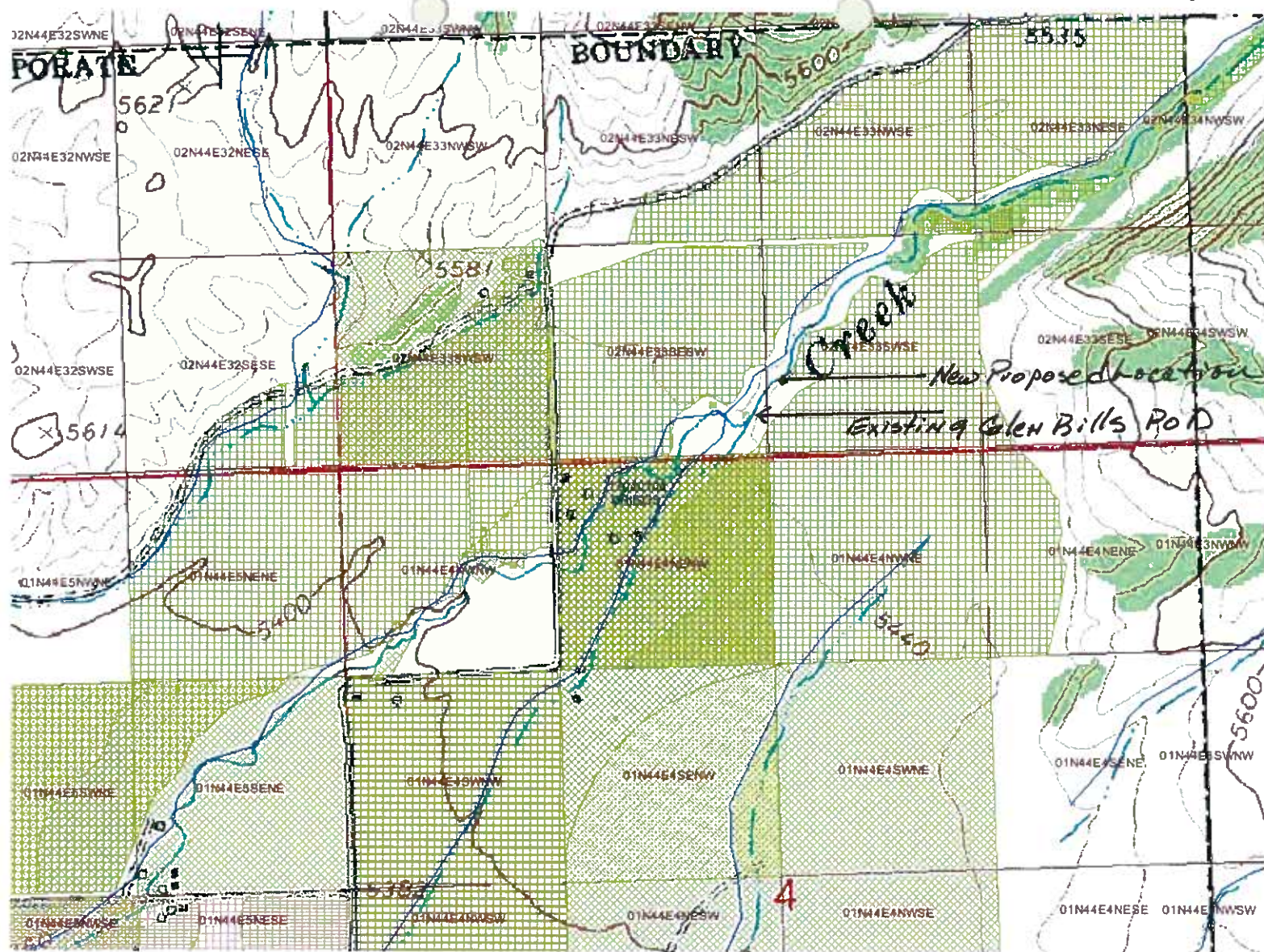
Point of
Division

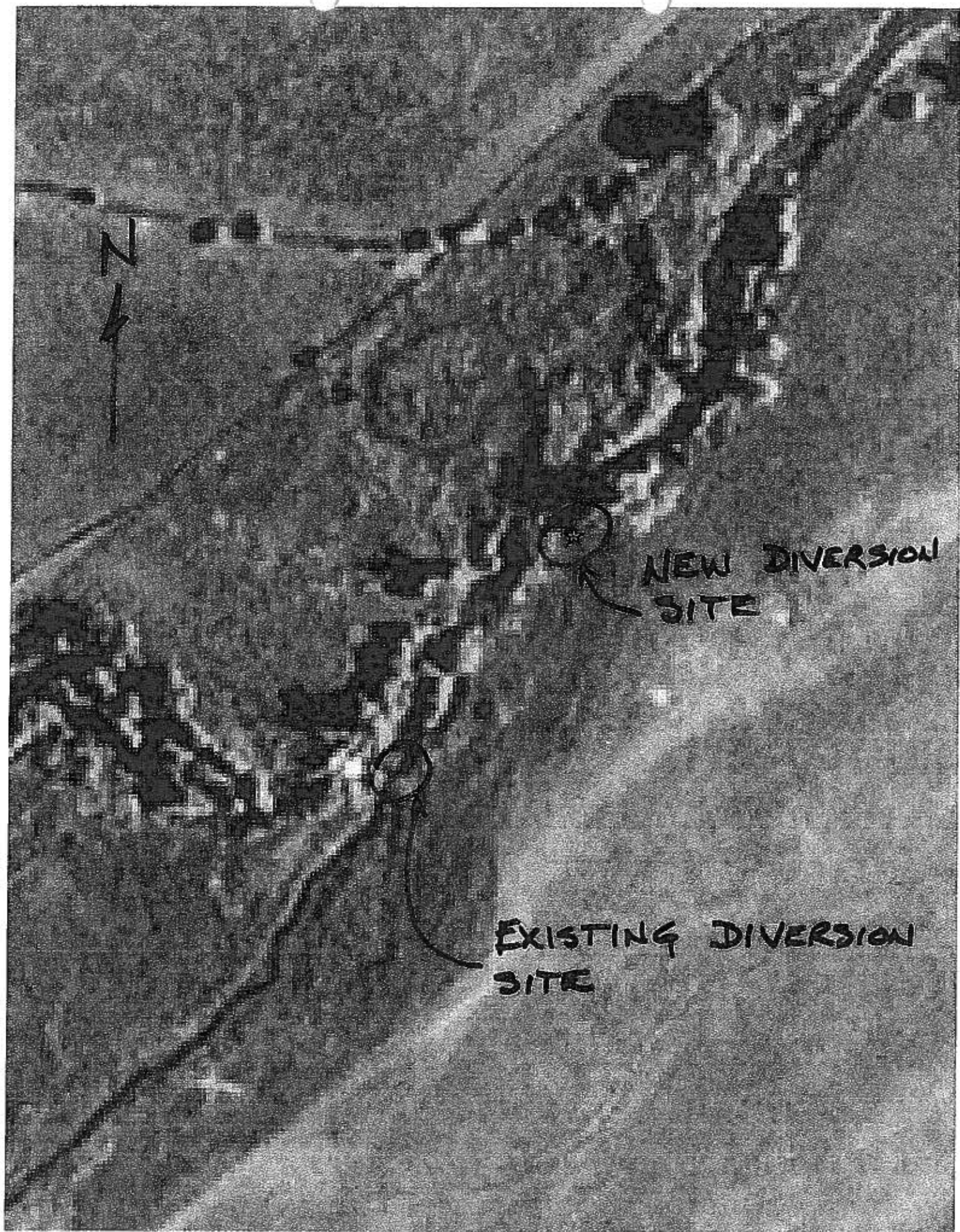
Point of
Division

Point of
Division

Point of
Division

Point of
Division





T2N, R44E
T1N, R44E

32 33
5 4

irrigated?

yes!

Reaney

Creek

23-19B,
23-47A,
23-92

Existing Glen Bills Pond

Approximate
location of new
pond

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Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 4/15/1889 Claimed Basis: DecommissionedRecommended Priority Date: 4/15/1889 Recommended Basis: Decommissioned☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Matchless Decree

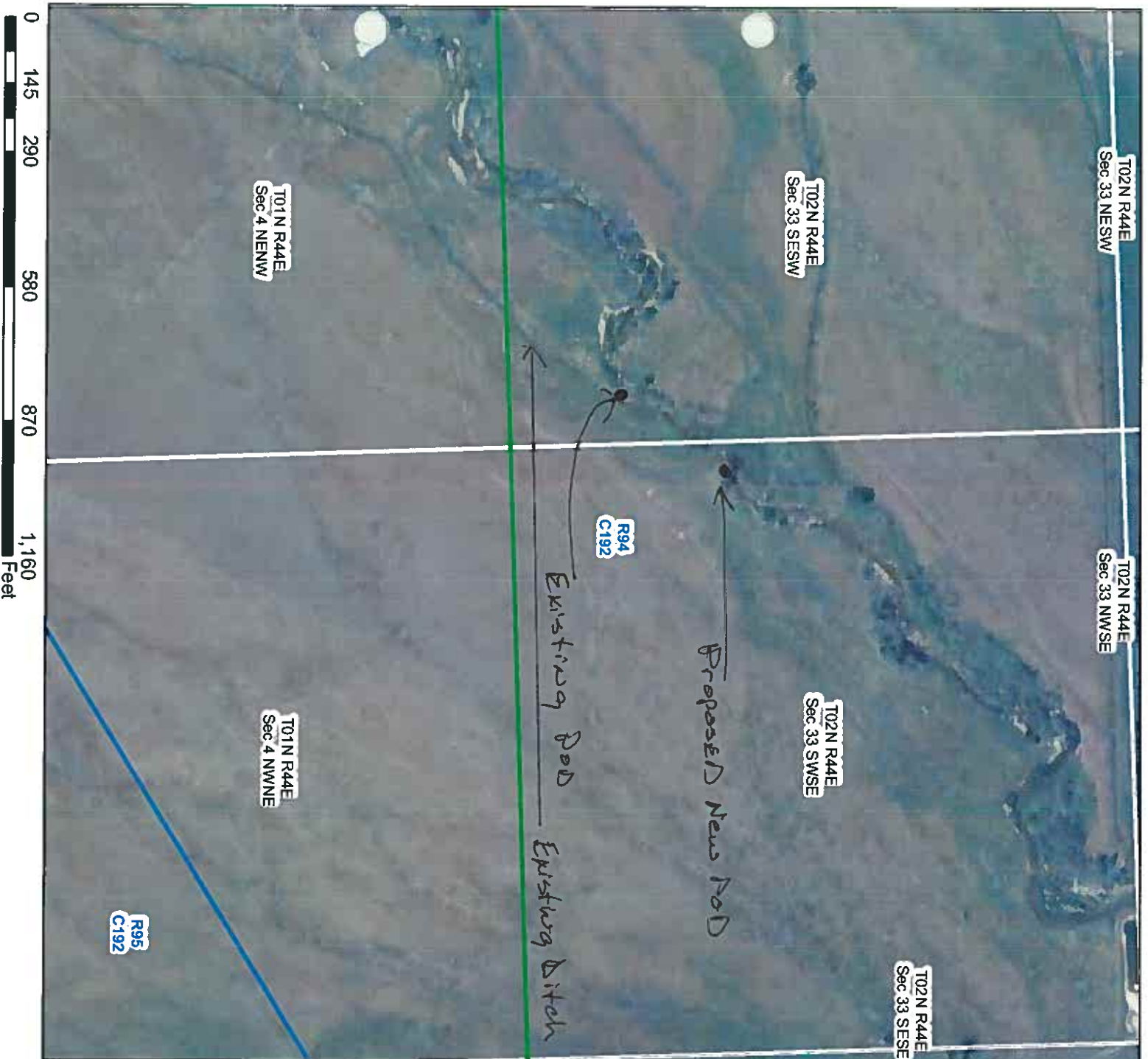
Picture of Existing POD this will be
decommissioned once the new POD is finished.
We will apply for the necessary permitting to
decommission the old POD.



Attachment 7a

Legend

- ESPA
- Counties
- GCDB Township/Range
- GCDB Section
- GCDB Quarter-Quarter

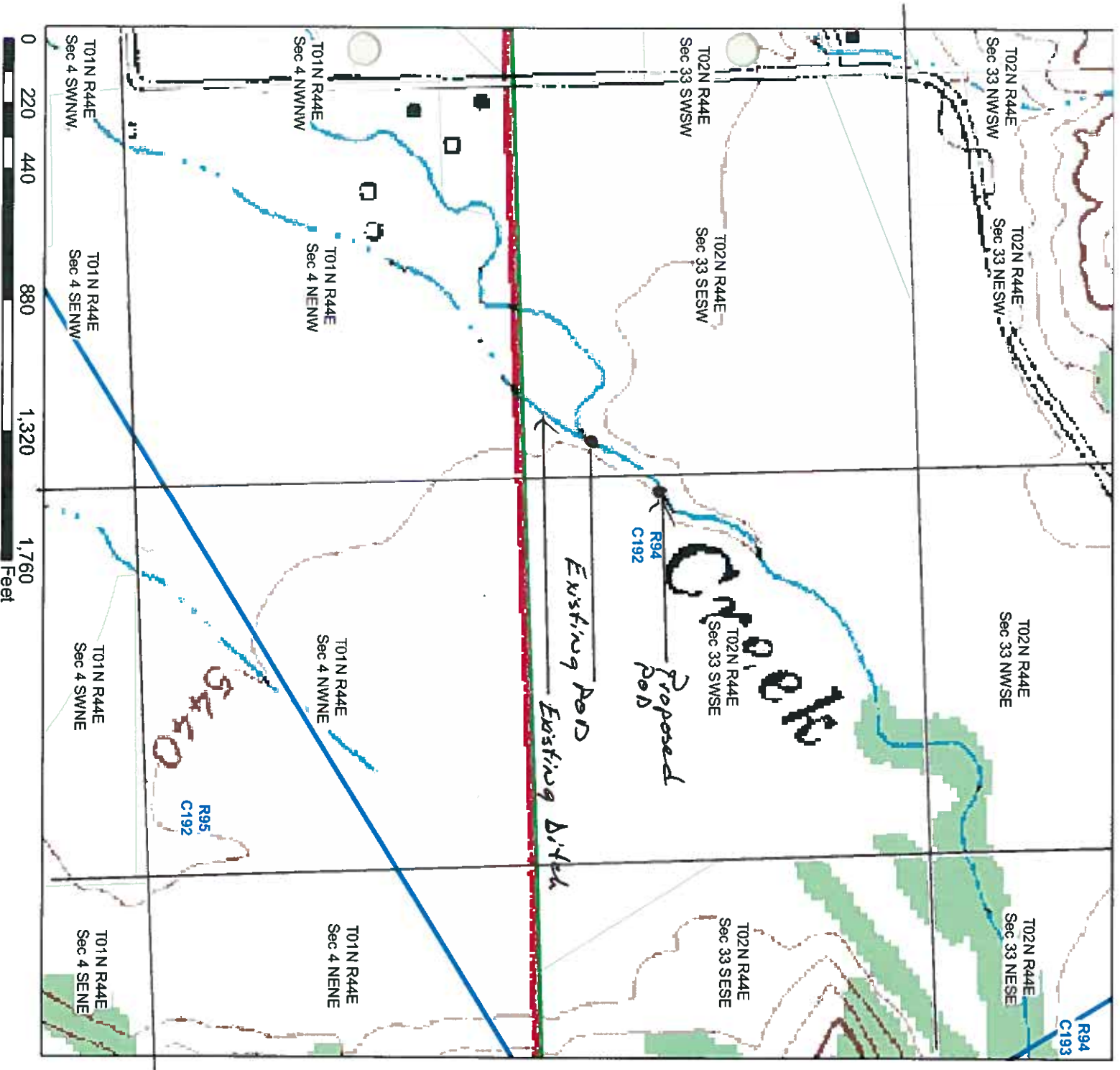


Attachment 7A

Legend

- ESPA
- Counties
- GCDB Township/Range
- GCDB Section
- GCDB Quarter-Quarter

New connecting ditch will be dug from upstream location to tie into existing ditch.



Hachmunt 7a

NESW

NWSE

SESW

SWSE

Proposed P.O.D.

Existing P.O.D.

NENW

NWNE

