

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 88679

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 idwr.idaho.gov.

Name of Applicant(s) Richard J. Bills and Sandra Bills

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 #1-10.

- ☐ ☒ #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 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). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☐ ☒ #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. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #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 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☐ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 11 2023

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Department of Water Resources
Eastern Region

Name of Applicant(s) Richard J. Bills and Sandra Bills Phone 208-761-9800
Mailing address PO Box 640, Salmon, ID 83467 Email jim@savewaymarket.com

- ☐ 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 83402 Email rharris@holdenlegal.com

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

☒ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

[Signature]
Signature of Applicant or Authorized Representative

RICHARD J Bills
Print Name and Title if applicable

12/05/2023
Date

[Signature]
Signature of Applicant or Authorized Representative

SANDRA L Bills
Print Name and Title if applicable

12/5/2023
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 PPU and Reduce POU Acreage

2. Is this a transfer for changes pursuant to Idaho Code §42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.

3. 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.3**.

Applicant proposes to conform WR shapefiles to currently irrigated acres and create a PPU for 2 water rights that are both diverted at the same POD from Jessee Creek. The WRs do not have combined limits, but together authorize irrigation of 26 acres (12 and 14). After transfer, there will be a combined PPU of 18.3 acres.

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
☒ ☐	75-14846	0.11	Irrigation	4/1 to 10/31	Jesse Creek/Salmon River
☒ ☐	75-113B	0.124	Irrigation	4/1 to 10/31	Jessee Creek/Salmon River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.234 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.234 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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

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	31							1.1			16.9	0.3						18.3
Total Acres (for irrigation use)																			18.3

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:
Headgate into ditch/pipeline for irrigation.
- b. Who owns the property at the point(s) of diversion? Merrill L. King
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Headgate and delivery system exists by virtue of a long-established prescriptive easement.
- 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: _____
- 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. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
None. The GIS shapefile for the WRs will be reduced to a combined PPU of 18.3 acres which matches current irrigation on the Applicant's property. Even with the reduction of acres, the result will be a diversion rate per acre of only 0.013 cfs/acre (below the maximum of 0.02 cfs/acre).
- f. 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:
None for POU. For POD: 75-14124, 75-10475, 75-14123, 75-14125, 75-14533, 75-14534, 75-14535, 75-14536, 75-113A, and 75-113C.
- g. 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:
A portion of WR 75-113B is authorized for irrigation of a sidehill property that has not been recently irrigated. This transfer acknowledges this, and reduces the POU of this WR accordingly.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/13/2023

Water Right 75-113B

Owner Type

Current Owner
Current Owner

Name

RICHARD J BILLS
SANDRA BILLS

Priority Date: 4/1/1894

Basis: Decreed

Status: Active

Source

JESSE CREEK

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

0.124 CFS

Volume

Total Diversion

0.124 CFS

Source and Point(s) of Diversion:

JESSE CREEK

SWNW

Sec. 1, Twp 21N, Rge 21E, LEMHI County

Place Of Use:

IRRIGATION within LEMHI County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	22E	31										13.0 L3	1.0 L4						14.0

POU Total Acres: 14.0

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.

Dates and Other Information:

Decreed Date: 2/2/2010

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: AND

Water District Number: 75A

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/13/2023

Water Right 75-14846

Owner Type

Current Owner
Current Owner

Name

RICHARD J BILLS
SANDRA BILLS

Priority Date: 6/1/1868

Basis: Decreed

Status: Active

Source

JESSE CREEK

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

0.110 CFS

Volume

Total Diversion

0.110 CFS

Source and Point(s) of Diversion:

JESSE CREEK

SWNW

Sec. 1, Twp 21N, Rge 21E, LEMHI County

Place Of Use:

IRRIGATION within LEMHI County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	22E	31										12.0 L3							12.0

POU Total Acres: 12.0

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.

Dates and Other Information:

Decreed Date: 2/2/2010
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: And
Water District Number: 75A
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ 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 any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ 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**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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 on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Received by _____
 Fee paid 500.00 Date 12-11-23 Received by M. Pittari Receipt # E049670

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

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

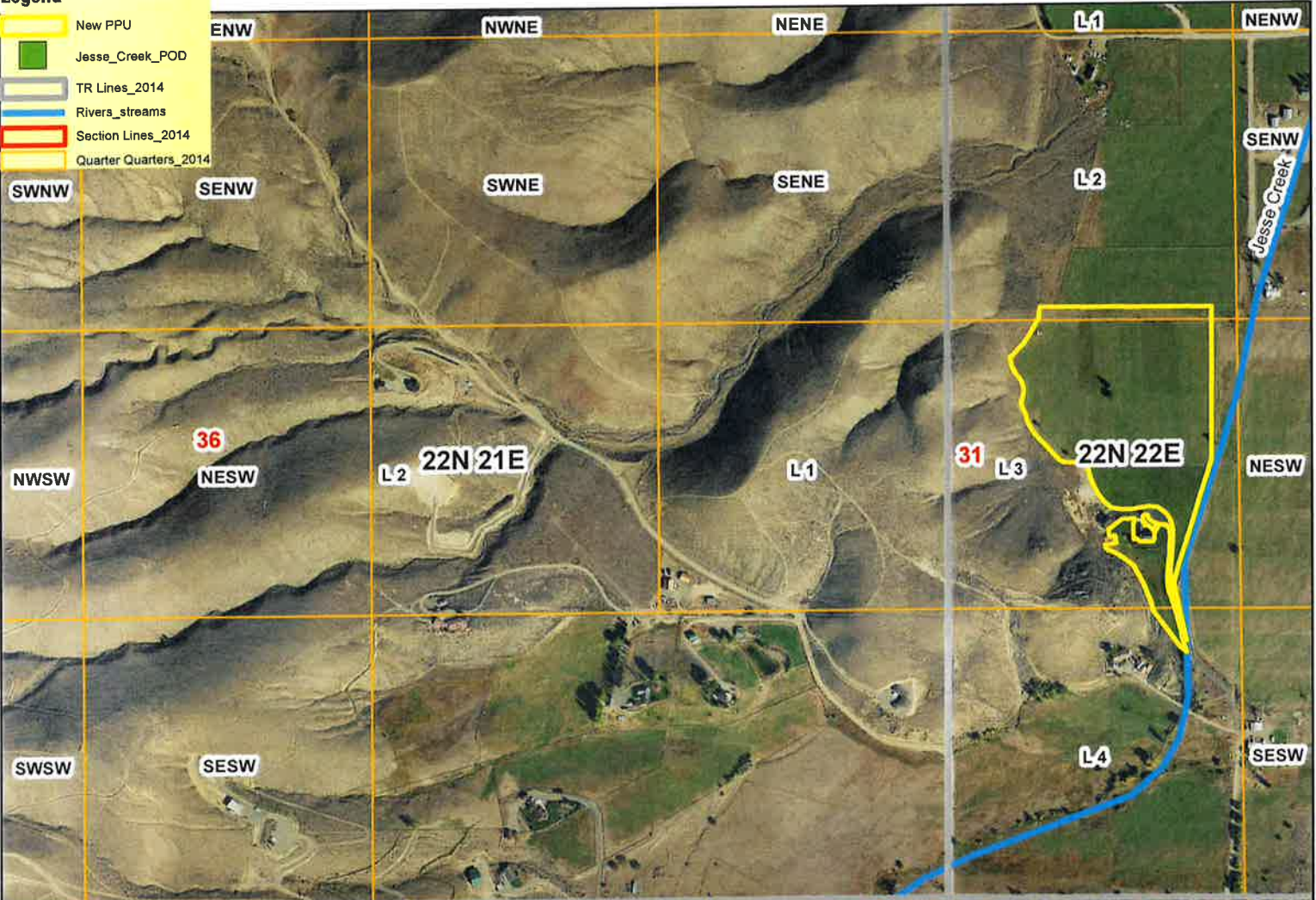
Attachment No. 7a

Map

BILLS WATER RIGHTS



- Legend**
- New PPU
 - Jesse_Creek_POD
 - TR Lines_2014
 - Rivers_streams
 - Section Lines_2014
 - Quarter Quarters_2014



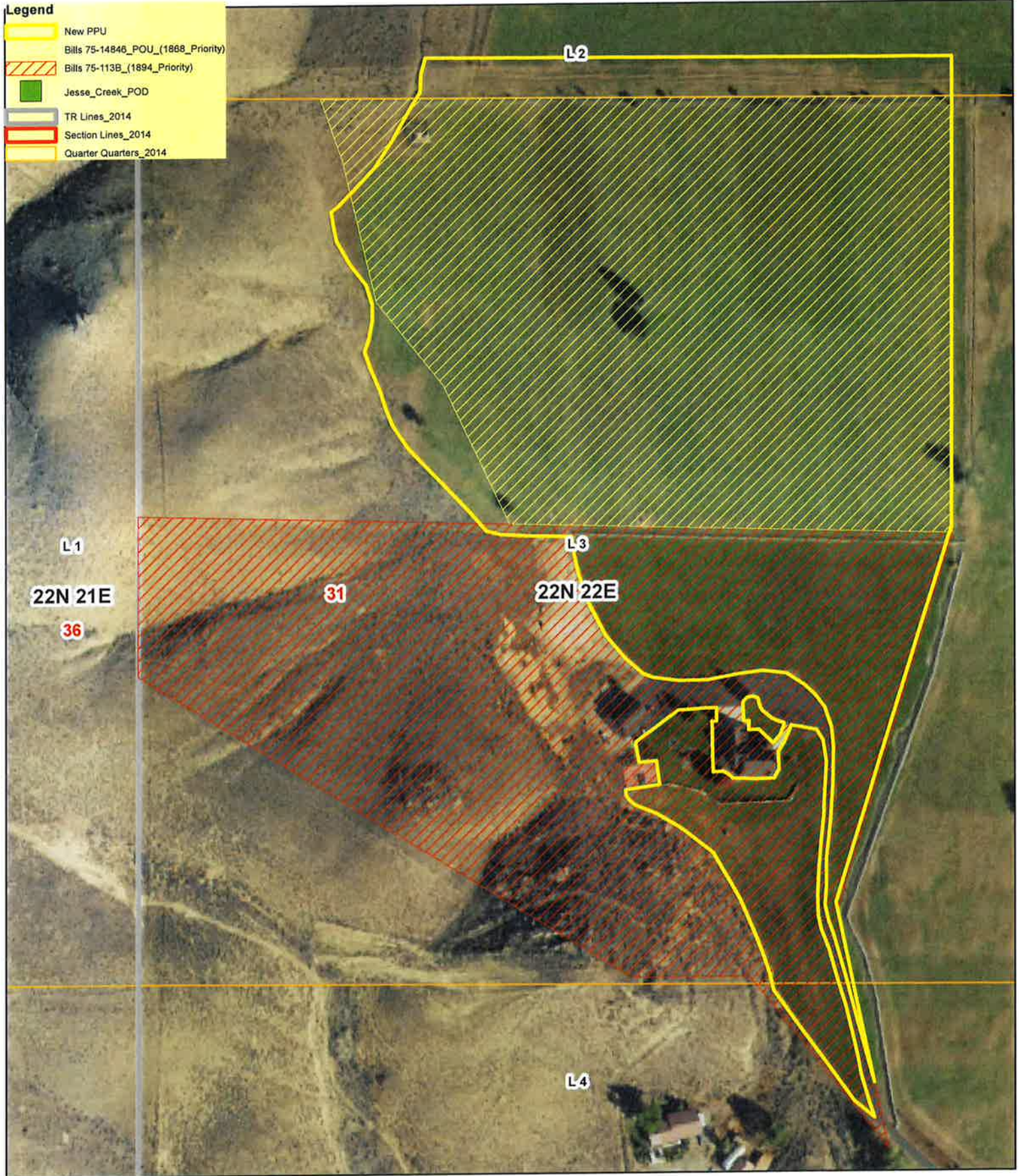
Attachment No. 7b Map (GIS shapefile)

BILLS WATER RIGHTS



Legend

- New PPU
- Bills 75-14846_POU_(1868_Priority)
- Bills 75-113B_(1894_Priority)
- Jesse_Creek_POD
- TR Lines_2014
- Section Lines_2014
- Quarter Quarters_2014



2021 Aerial Photo

0 0.0425 0.085 0.17 Miles

88679

BILLS WATER RIGHTS



Legend

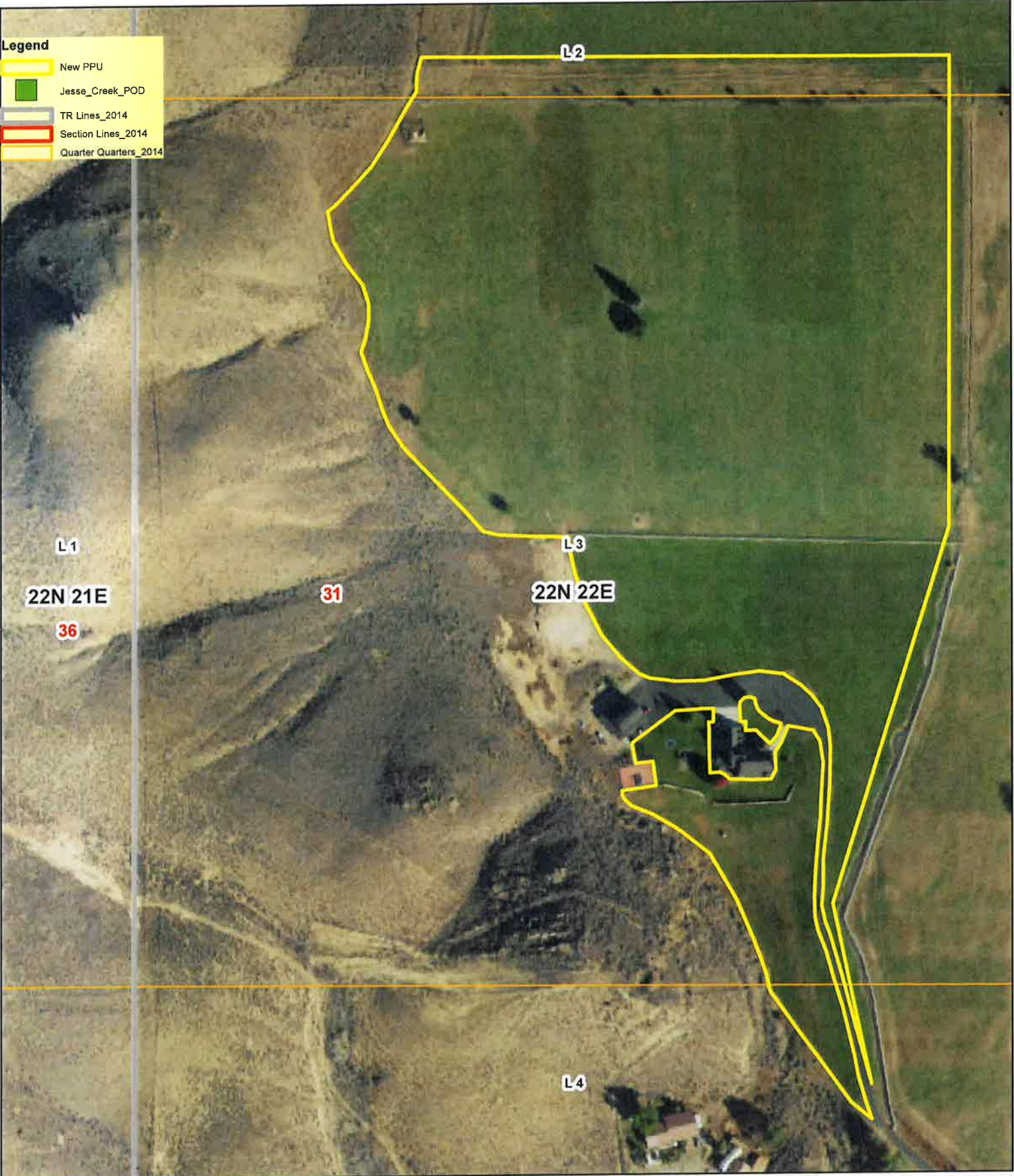
New PPU

Jesse_Creek_POD

TR Lines_2014

Section Lines_2014

Quarter Quarters_2014

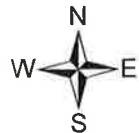


2021 Aerial Photo

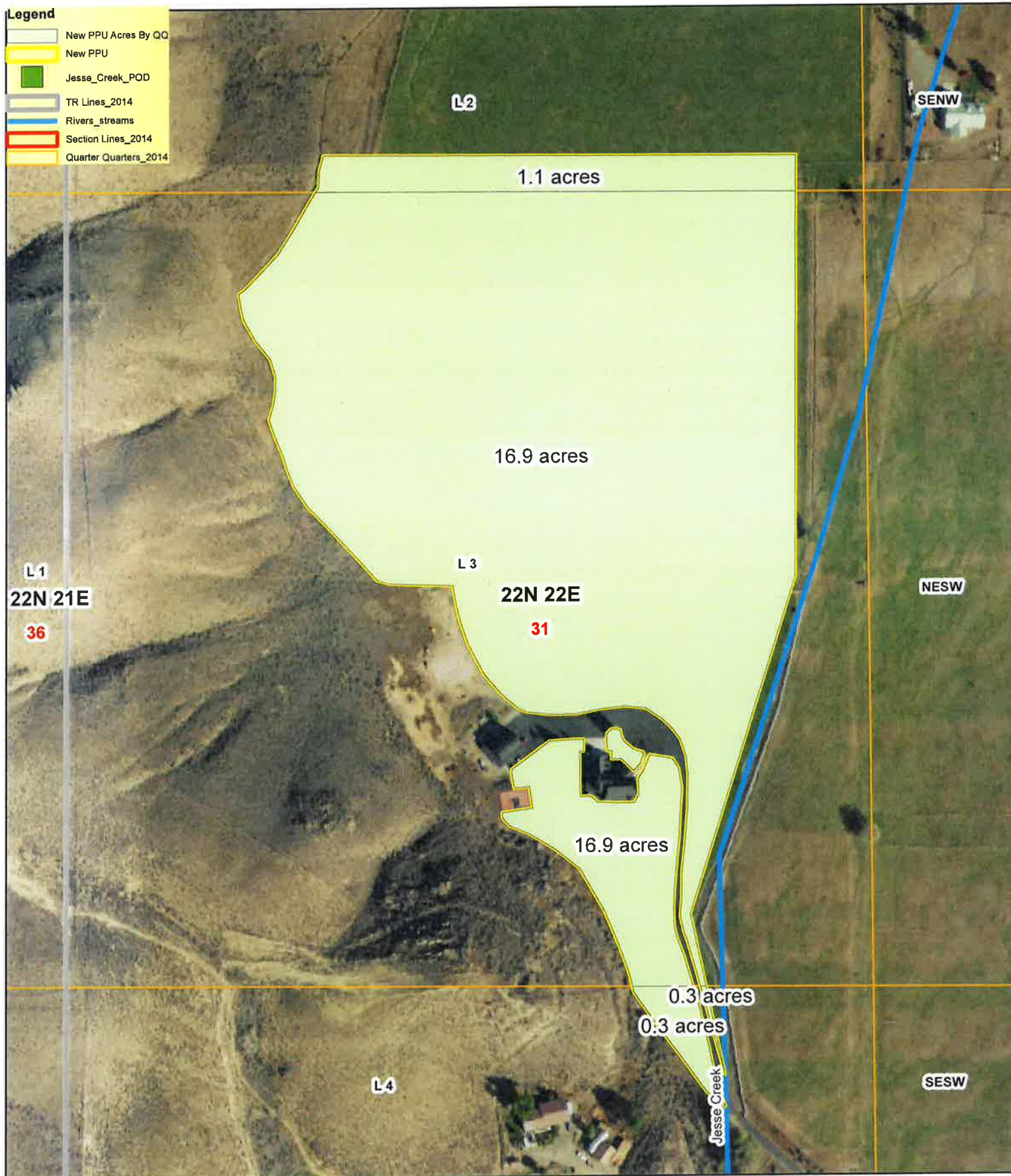


88679

BILLS WATER RIGHTS



- Legend**
- New PPU Acres By QQ
 - New PPU
 - Jesse_Creek_POD
 - TR Lines_2014
 - Rivers_streams
 - Section Lines_2014
 - Quarter Quarters_2014



2021 Aerial Photo

0 0.05 0.1 0.2 Miles

88679

BILLS WATER RIGHTS



Legend

New PPU

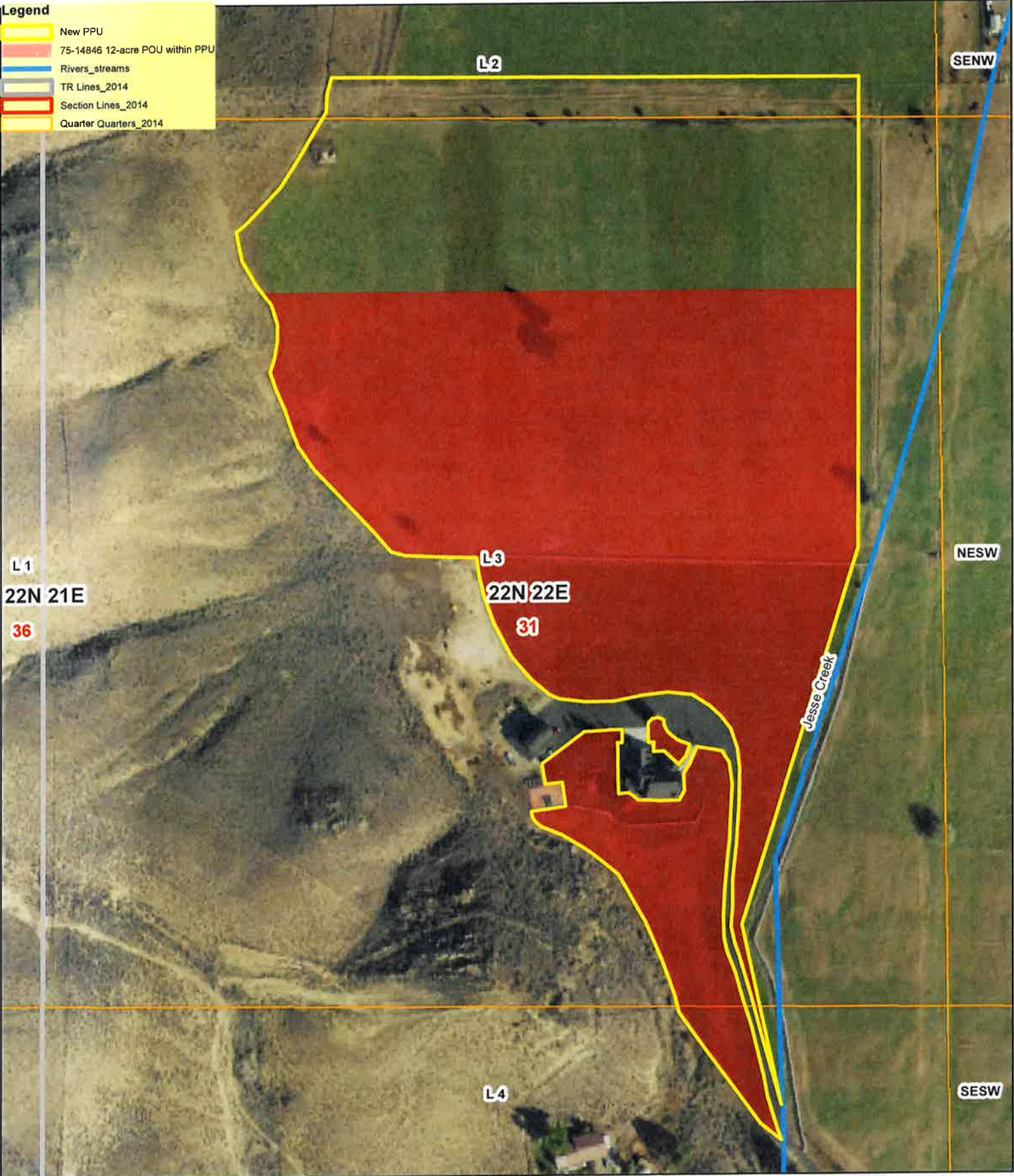
75-14846 12-acre POU within PPU

Rivers_streams

TR Lines_2014

Section Lines_2014

Quarter Quarters_2014





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

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December 7, 2023

RECEIVED

DEC 11 2023

Eastern Region Office
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Department of Water Resources
Eastern Region

RE: *Application for Transfer to Amend WR 75-113B and WR 75-14846 Filed on Behalf of Richard and Sandra Bills.*

Dear Reviewing Agent:

Enclosed for processing is an *Application for Transfer* proposing to amend the above-referenced water rights. As described in the Application, there is no proposed change in the point of diversion of the water rights, and the only amendments relate to the place of use of both water rights, which is now proposed to become a permissible place of use as the point of diversion and the source of the water rights is the same. Accordingly, because there is no change in the point of diversion, it is our understanding that this transfer will not be advertised under Department procedures. If the Department does decide to advertise the transfer, please let me know.

Also enclosed is the filing fee in the amount of \$500.00 for this transfer.

Once the reviewing agent is assigned, upon emailed request, we can email the Department the GIS shapefiles associated with this transfer. Further, I briefly discussed the structure of this transfer with James Cefalo several months ago. You may also want to visit with him about any specific questions. We appreciate your assistance in the review and processing of this application. 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

\\law\data\wpdata\rlh\22597-001 bills, jim and sandra\2023.12.07 ltr to idwr.docx

88679

RICHARD AND SANDRA BILLS WATER RIGHTS <u>BEFORE</u> TRANSFER												
Type	Basin	Sequence	Suffix	Basis	Priority Date	Div. Rate (cfs)	Irrigated Acres	Combined Acres	Point of Diversion	Source	Water Use	Owner
WR	75	113	B	Decreed	4/1/1894	0.124	14	None	21N 21E 01 SWNW	JESSE CREEK	IRRIGATION	BILLS, RICHARD J; BILLS, SANDRA
WR	75	14846		Decreed	6/1/1868	0.11	12	None				
TOTALS						0.234	26					

RICHARD AND SANDRA BILLS WATER RIGHTS <u>AFTER</u> TRANSFER												
Type	Basin	Sequence	Suffix	Basis	Priority Date	Div. Rate (cfs)	Irrigated Acres	Combined Acres	Point of Diversion	Source	Water Use	Owner
WR	75	113	B	Decreed	4/1/1894	0.124	6.3	18.3	21N 21E 01 SWNW	JESSE CREEK	IRRIGATION	BILLS, RICHARD J; BILLS, SANDRA
WR	75	14846		Decreed	6/1/1868	0.11	12					
TOTALS						0.234	18.3					

Henman, Christina

From: Henman, Christina
Sent: Wednesday, February 7, 2024 2:54 PM
To: Graybill, David
Subject: Application for Transfer No. 88679
Attachments: tmpFD02.docx; 88679 Application.pdf

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the attached water right application. Please review the application, then complete the enclosed recommendation form and return it to this office within 14 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 14 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.