

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83467**

This is to certify that: **RODNEY A PETERSON**
11866 N HONESTY RD
POCATELLO, ID 83202-5334

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
29-13228	WR/DECREED	4/1/1947	0.100 cfs	N/A	5.0	6.5	SPRING
29-2098	WR/DECREED	5/18/1910	0.060 cfs	N/A	0.5	6.5	SPRING
29-2258	WR/DECREED	4/15/1944	0.040 cfs	N/A	1.0	6.5	SPRING

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
29-13228	NO	NO	YES	NO	NO	NO
29-2098	NO	NO	YES	NO	NO	NO
29-2258	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
29-13228	29-13228	0.100 cfs	N/A	5.0	6.5	N/A	N/A	N/A	N/A	N/A
29-2098	29-2098	0.060 cfs	N/A	0.5	6.5	N/A	N/A	N/A	N/A	N/A
29-2258	29-2258	0.040 cfs	N/A	1.0	6.5	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.200 cfs	N/A	6.5	6.5		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 16th day of September, 2019.


for Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 29-2098

Transfer No. 83467

WATER RIGHT NO. 29-2098**As Modified by Transfer No. 83467**

In accordance with the approval of Transfer No. 83467, Water Right No. 29-2098 is now described as follows:

Right Holder: RODNEY A PETERSON
11866 N HONESTY RD
POCATELLO, ID 83202-5334

Priority Date: 5/18/1910

Source: SPRING

Tributary: PORTNEUF RIVER

BENEFICIAL USE

DOMESTIC
IRRIGATION

From

01/01
04/01

To

to 12/31
to 10/31

Diversion Rate

0.040 cfs
0.020 cfs
0.060 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRING NWSWSE Sec 10 Twp 09S Rge 38E BANNOCK County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	38E	10															X		

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	38E	10															6.5		6.5

Right Acre Limit: 0.5

POU Total Acres: 6.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 0.5 acres within the authorized place of use in a single irrigation season.
2. Rights 29-2098, 29-2258, and 29-13228 when combined shall not exceed the irrigation of 6.5 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 83467

WATER RIGHT NO. 29-2098
As Modified by Transfer No. 83467

CONDITIONS OF APPROVAL

4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 29.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Domestic use is for 1 home.
7. Source is also known as Blaser Spring and Hadley Spring.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 29-13228**As Modified by Transfer No. 83467**

In accordance with the approval of Transfer No. 83467, Water Right No. 29-13228 is now described as follows:

Right Holder: RODNEY A PETERSON
11866 N HONESTY RD
POCATELLO, ID 83202-5334

Priority Date: 4/1/1947

Source: SPRING

Tributary: PORTNEUF RIVER

BENEFICIAL USE

IRRIGATION
STOCKWATER

From

04/01
01/01

To

to 10/31
to 12/31

Diversion Rate

0.100 cfs
0.020 cfs
0.100 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRING NWSWSE Sec 10 Twp 09S Rge 38E BANNOCK County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	38E	10															6.5		6.5

Right Acre Limit: 5.0

POU Total Acres: 6.5

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	38E	10															X		

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 5.0 acres within the authorized place of use in a single irrigation season.
2. Rights 29-2098, 29-2258, and 29-13228 when combined shall not exceed the irrigation of 6.5 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 83467

WATER RIGHT NO. 29-13228

As Modified by Transfer No. 83467

CONDITIONS OF APPROVAL

4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 29.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Stockwater use is for 10 head of mixed stock.
7. Source is also known as Blaser Spring and Hadley Spring.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 29-2258**As Modified by Transfer No. 83467**

In accordance with the approval of Transfer No. 83467, Water Right No. 29-2258 is now described as follows:

Right Holder: RODNEY A PETERSON
11866 N HONESTY RD
POCATELLO, ID 83202-5334

Priority Date: 4/15/1944

Source: SPRING

Tributary: PORTNEUF RIVER

BENEFICIAL USE

DOMESTIC
IRRIGATION

From

01/01
04/01

To

to 12/31
to 10/31

Diversion Rate

0.020 cfs
0.030 cfs
0.040 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRING NWSWSE Sec 10 Twp 09S Rge 38E BANNOCK County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	38E	10															X		

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	38E	10															6.5		6.5

Right Acre Limit: 1.0

POU Total Acres: 6.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1.0 acres within the authorized place of use in a single irrigation season.
2. Rights 29-2098, 29-2258, 29-13228 when combined shall not exceed the irrigation of 6.5 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 83467

WATER RIGHT NO. 29-2258
As Modified by Transfer No. 83467

CONDITIONS OF APPROVAL

4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 29.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Domestic use is for 1 home.
7. Source is also known as Blaser Spring and Hadley Spring.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Attachment to Transfer Approval 83467

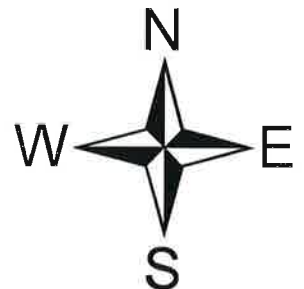
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- Water Right POD
- Parcels
- Water Right POU
- Township/Range
- Sections
- QQ

0 170 340 680 Feet



Date: 9/16/2019



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 16, 2019

RODNEY A PETERSON
11866 N HONESTY RD
POCATELLO ID 83202-5334

Re: Transfer No: 83467
Water Right No(s): 29-2098, 29-2258, 29-13228
Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Cefalo', written over the printed name.

James Cefalo

Regional Manager

JC:CH

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 83467
Water Right No(s): 29-2098, 29-2258, 29-13228

RODNEY A PETERSON
11866 N HONESTY RD
POCATELLO ID 83202-5334



Christina Henman
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: September 4, 2019
To: Transfer 83467
From: James Cefalo
Re: Legal Notice Not Required

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

MEMORANDUM

Date: July 30, 2019
To: Transfer 83467
From: Jeff Nield
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the place of use of water rights 29-2098, 29-2258, and 29-13228.

Authority to File:

Department records show the applicant as the current owner of the water rights. Bannock County taxlot data shows the applicant as the owner of the proposed place of use. The decreed place of use for the rights included property that is not owned by the applicant, and has never been owned by the applicant.

Water Right Validity:

The rights proposed to be transferred were decreed in the SRBA in 2004. A portion of the place of use has been , and is currently in a CRP set-aside program with the federal government, and consequently is not irrigated. The number of irrigated acres found during review of 2013, 2015, and 2017 aerial imagery was about the same as the number of acres authorized to be irrigated by these rights, aside from the acres in the CRP program.

Injury to Other Water Rights:

The proposed transfer does not appear to injure other water rights. The place of use is being rearranged and moved to reflect the current property lines. Neither the point of diversion nor the quantity authorized to be diverted will change as result of the transfer. Since it is clear that the proposed change will not adversely affect other water rights, this application will not require public notice. The watermaster was notified of the transfer application and did not provide comment.

Enlargement of Use:

The proposed change does not appear to result in an enlargement of rights. Neither rate, nor volume, nor irrigated acreage will increase as a result of the transfer.

Local Public Interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

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.