

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82309**

This is to certify that: RHONDA BODLAK
ROBERT BODLAK
746 FOERSTER ST
SAN FRANCISCO, CA 94127-2306

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>
29-14164	WR/DECREED	4/1/1897	0.280 cfs	N/A	119.0	409.0	RATTLESNAKE CREEK
29-14165	WR/DECREED	9/12/1961	0.230 cfs	111.2 af	119.0	409.0	GROUND WATER
29-14166	WR/DECREED	4/10/1907	0.080 cfs	N/A	119.0	409.0	SPRING
29-14167	WR/DECREED	9/12/1961	N/A	331.0 af	N/A	409.0	RATTLESNAKE CREEK, SPRINGS

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>
29-14164	NO	NO	YES	NO	NO	NO
29-14165	NO	NO	YES	NO	NO	NO
29-14166	NO	NO	YES	NO	NO	NO
29-14167	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>
29-14164	29-14164	0.280 cfs	N/A	N/A	119.0	N/A	N/A	N/A	N/A	N/A
29-14165	29-14165	0.230 cfs	111.2 af	N/A	119.0	N/A	N/A	N/A	N/A	N/A
29-14166	29-14166	0.080 cfs	N/A	N/A	119.0	N/A	N/A	N/A	N/A	N/A
29-14167	29-14167		331.0 af	N/A	119.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.590 cfs	N/A	N/A	119.0		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 82309

IN FILE # 29-14164

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82309

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 6th day of September, 2018.


Water Resources Program Manager



WATER RIGHT NO. 29-14164

As Modified by Transfer No. 82309

In accordance with the approval of Transfer No. 82309, Water Right No. 29-14164 is now described as follows:

Right Holder: RHONDA BODLAK
ROBERT BODLAK
746 FOERSTER ST
SAN FRANCISCO, CA 94127-2306

Priority Date: 4/1/1897

Source: RATTLESNAKE CREEK

Tributary: BANNOCK CREEK

BENEFICIAL USE

IRRIGATION

From

04/01

to 10/31

To

Diversion Rate

0.280 cfs

0.280 cfs

LOCATION OF POINT(S) OF DIVERSION

RATTLESNAKE CREEK NESWSE Sec 35 Twp 09S Rge 34E POWER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	34E	7				5.5									3.5	18.0	34.0	1.0	62.0
10S	34E	8					29.0		10.0	18.0									57.0

POU Total Acres: 119.0

CONDITIONS OF APPROVAL

1. Rights 29-14164, 29-14165, 29-14166 and 29-14167 when combined shall not exceed the irrigation of 119 acres.
2. 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. 290.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

WATER RIGHT NO. 29-14164

As Modified by Transfer No. 82309

CONDITIONS OF APPROVAL

4. This water right will be delivered in accordance with the 1990 Fort Hall Indian Water Rights Agreement and Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin. The parties agreed to "continue the historic water allocations pursuant to the Bannock Creek Decree [the decree in *United States v. Daniels*, (D. Idaho April 9, 1907, unpublished)]." Directors Report for the 1990 Fort Hall Indian Water Rights Agreement, p. 8 para. 4. "The Tribes and the United States shall exercise this right in a manner that ensures persons with water rights decreed in the Bannock Creek Decree [*United States v. Daniels* (D. Idaho April 9, 1907)] and that are confirmed in the SRBA continue to receive their full legal entitlement." Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin, p. 19-20, 25-26, Right Nos. 29-12848 and 29-12049 respectively (August 2, 1995). In times of shortage, this water right and other water rights decreed in *United States v. Daniels*, shall receive their full legal entitlement despite the federal based natural flow water right nos. 29-466, 29-467, 29-469, 29-470, 29-471, 29-472, 29-473, 29-474, 29-12049 and 29-12848.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. This right does not grant any right-of-way or easement across the land of another.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, 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. 29-14165**As Modified by Transfer No. 82309**

In accordance with the approval of Transfer No. 82309, Water Right No. 29-14165 is now described as follows:

Right Holder: ROBERT BODLAK
RHONDA BODLAK
746 FOERSTER ST
SAN FRANCISCO, CA 94127-2306

Priority Date: 9/12/1961

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

to

To

11/15

Diversion Rate

0.230 cfs

0.230 cfs

Diversion Volume

111.2 af

111.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

NWNESE
NENWSE

Sec 7 Twp 10S Rge 34E POWER County
Sec 7 Twp 10S Rge 34E POWER County

(R)

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	
10S	34E	7				5.5									3.5	18.0	34.0	1.0	62.0
10S	34E	8					29.0		10.0	18.0									57.0

POU Total Acres: 119.0

CONDITIONS OF APPROVAL

1. Rights 29-14164, 29-14165, 29-14166 and 29-14167 when combined shall not exceed the irrigation of 119 acres.
2. This ground water right is entitled to the protections of paragraph x.c. of water right 29-12052.
3. 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. 290.
4. Prior to the diversion and use of water under Transfer approval 82309, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

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WATER RIGHT NO. 29-14165
As Modified by Transfer No. 82309

CONDITIONS OF APPROVAL

5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. This right does not grant any right-of-way or easement across the land of another.
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 Section 42-1412(6), Idaho Code, 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. 29-14166
As Modified by Transfer No. 82309

In accordance with the approval of Transfer No. 82309, Water Right No. 29-14166 is now described as follows:

Right Holder: ROBERT BODLAK
 RHONDA BODLAK
 746 FOERSTER ST
 SAN FRANCISCO, CA 94127-2306

Priority Date: 4/10/1907

Source: SPRING

Tributary: SINKS

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.080 cfs

0.080 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRING

SWSENE

Sec 7 Twp 10S Rge 34E POWER 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	
10S	34E	7				5.5									3.5	18.0	34.0	1.0	62.0
10S	34E	8					29.0		10.0	18.0									57.0

POU Total Acres: 119.0

CONDITIONS OF APPROVAL

1. Rights 29-14164, 29-14165, 29-14166 and 29-14167 when combined shall not exceed the irrigation of 119 acres.
2. 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. 290.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. This right does not grant any right-of-way or easement across the land of another.

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WATER RIGHT NO. 29-14166
As Modified by Transfer No. 82309

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, 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. 29-14167**As Modified by Transfer No. 82309**

In accordance with the approval of Transfer No. 82309, Water Right No. 29-14167 is now described as follows:

Right Holder: ROBERT BODLAK
RHONDA BODLAK
746 FOERSTER ST
SAN FRANCISCO, CA 94127-2306

Priority Date: 9/12/1961

Source: RATTLESNAKE CREEK
Source: SPRINGS

Tributary: BANNOCK CREEK
Tributary: BANNOCK CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION FROM STORAGE	04/01	to 10/31		331.0 af
IRRIGATION STORAGE	01/01	to 12/31		2.1 af
				331.0 af

LOCATION OF POINT(S) OF DIVERSION

RATTLESNAKE CREEK NESWSE Sec 35 Twp 09S Rge 34E POWER County
SPRINGS SWSENE Sec 7 Twp 10S Rge 34E POWER County

PLACE OF USE: IRRIGATION FROM STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	34E	7				5.5									3.5	18.0	34.0	1.0	62.0
10S	34E	8					29.0		10.0	18.0									57.0

POU Total Acres: 119.0

PLACE OF USE: IRRIGATION STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	34E	7														X			

CONDITIONS OF APPROVAL

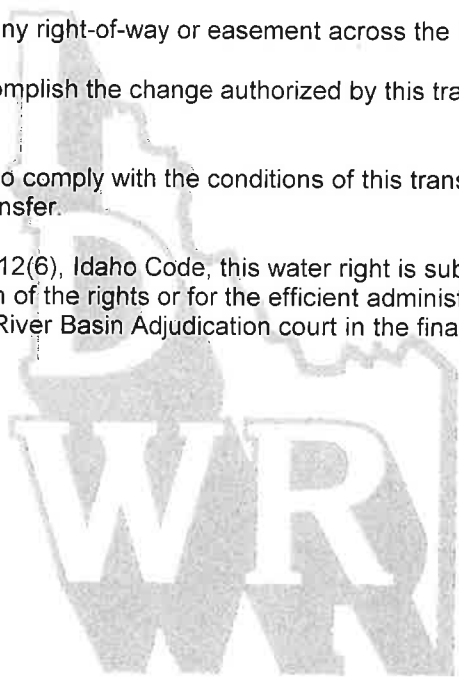
1. Rights 29-14164, 29-14165, 29-14166 and 29-14167 when combined shall not exceed the irrigation of 119 acres.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 290.

Transfer No. 82309

WATER RIGHT NO. 29-14167
As Modified by Transfer No. 82309

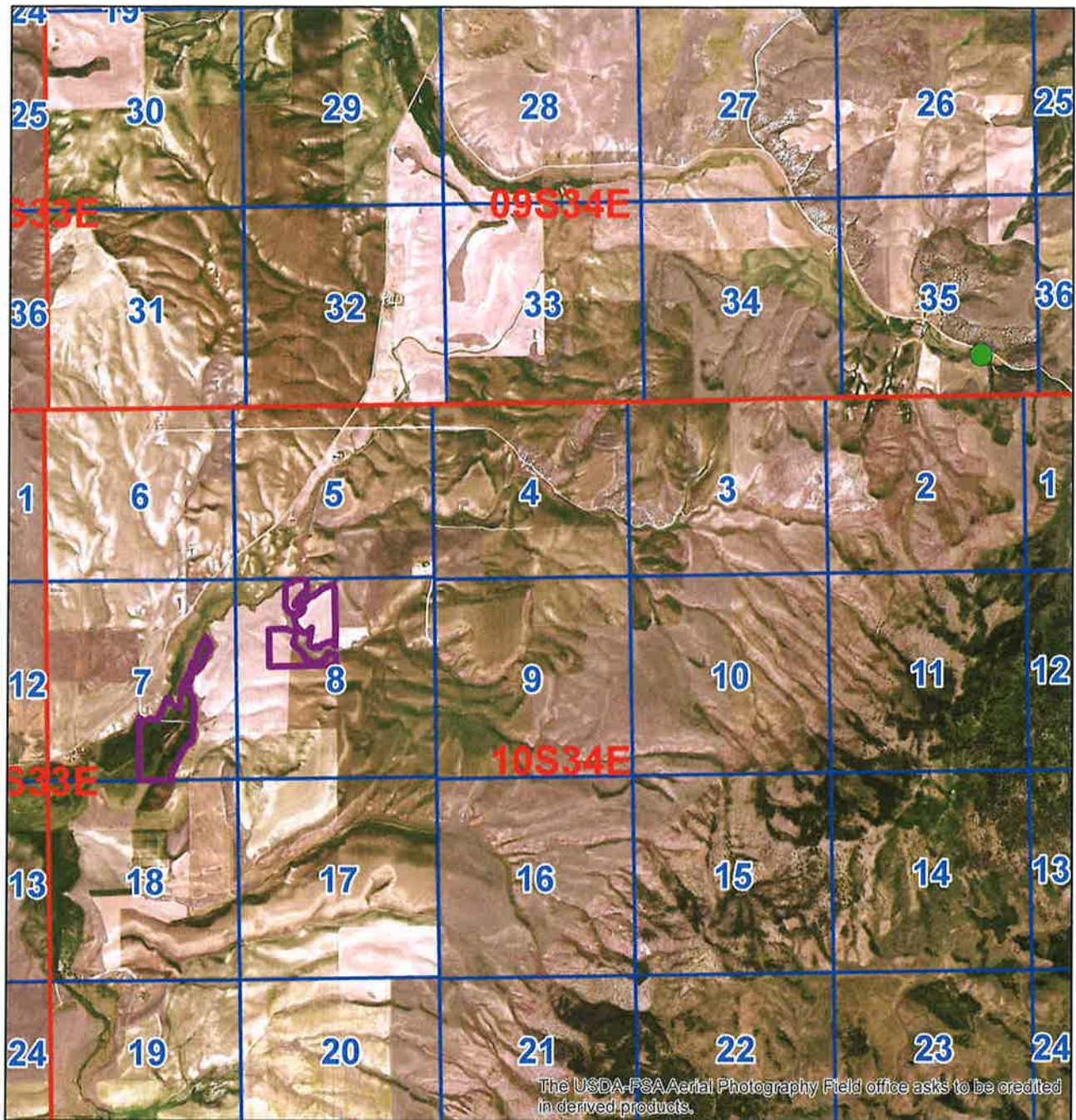
CONDITIONS OF APPROVAL

3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, 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 82309

This map depicts the IRRIGATION 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
- Water Right POU
- Township/Range
- Sections

0 1,900 3,800 7,600 Feet

1 inch = 4,242 feet

