

JUL 23 2018

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82436

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/>.

Name of Applicant(s) BODIE D ISRAELCheck 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/WaterManagement/WaterRights/WaterRightTransfers/resources.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: _____

RECEIVED

JUL 23 2018

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant BODIE D ISRAELPhone (541) 409-2112Mailing Address 30365 SODAVILLE MTN HOME RD, LEBANON OR 97355-9373

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 Representative

Name of Representative _____

Phone _____

Mailing Address _____

Email _____

- ☐ 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 of Applicant or Authorized Representative

Bodie ISRAEL

Print Name and Title if applicable

2-17-18

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- | 1. | Right | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----|-----------|-------|-----|-----|---------|---------------|---------------|
| | 72-10130A | No | Yes | No | No | No | No |
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

Application seeks to change the POD from Forest Service land to land owned by the applicant.

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 TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
72-10130A	0.230 cfs	N/A	N/A	13.0		N/A	N/A	N/A	N/A
COMBINED TOTALS									
	0.230 cfs	N/A	N/A	13.0		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 0.23 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 72-10130A

Current Water Right Owner

**BODIE D ISRAEL
30365 SODAVILLE MTN
HOME RD
LEBANON, OR 97355-9373**

Priority Date: 5/1/1879

Origin: Water Right

Basis: Decreed

Status Active

Source: MILL CREEK Tributary: CHALLIS CREEK

Beneficial Use

From To Diversion Rate

Subuse Code

IRRIGATION

4/01 10/31 0.230 CFS

Total Diversion

0.230 CFS

Source and Point(s) of Diversion:

MILL CREEK

NESW

Sec. 28 Twp 14N Rge 18E CUSTER County

Describe the proposed diversion system

ROCK DAM WITH GRAVITY FLOW PIPE AND SPRINKLER SYSTEM.

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	
14N	18E	28									13.0								13.0

POU Total Acres: 13.0

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

Install a screened head gate/intake pipe to meet fish specs that will feed into a main underground pipeline
to be used for gravity sprinklers and feeding pumping stations, etc. Measuring could be obtained by
a meter in mainline or rated flow of 6 inch pipe. A lockable gate valve on pipeline or head gate are
both options for security.

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

Applicant.

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?

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

NA

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

NA

- 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. 72-10130A

Current Water Right Owner

**BODIE D ISRAEL
30365 SODAVILLE MTN
HOME RD
LEBANON, OR 97355-9373**

Priority Date: 5/1/1879

Origin: Water Right

Basis: Decreed

Status: Active

Source: MILL CREEK Tributary: CHALLIS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	0.230 CFS	
Total Diversion			0.230 CFS	

Source and Point(s) of Diversion:

MILL CREEK NWSWSW Sec. 28 Twp 14N Rge 18E CUSTER County

Describe the proposed diversion system

ROCK DAM WITH GRAVITY FLOW PIPE AND SPRINKLER SYSTEM.

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	
14N	18E	28									13.0								13.0

POU Total Acres: 13.0

Conditions/Remarks:

1. 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.
2. RIGHTS LISTED BELOW ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. RIGHT NOS.: 72-10130A & 72-10130B.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☒ 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 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.

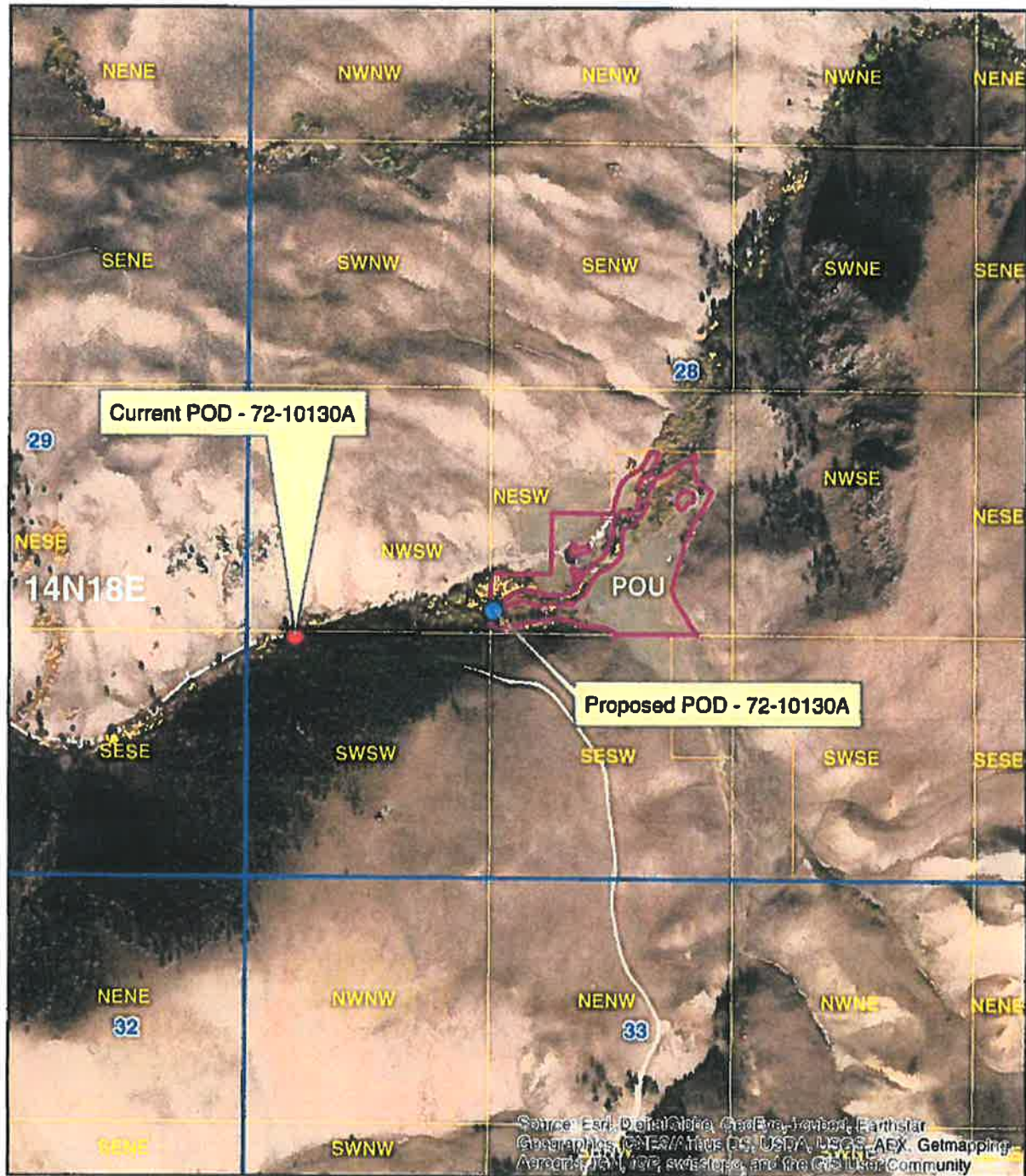
☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it Attachment #8b

1. 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.:

[illegible]

Received By Am Date 7-23-2018 Prelim. Check By _____ Date _____
 Fee Paid \$500- Date 7-23-2018 Received By Am Receipt # 5036866
 Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____

Israel POD Transfer #82436



Legend

- Township/Range
- Sections
- QQ
- Parcels



0 0.05 0.1 0.2 Miles

TRANSFER 82436

Maline, Denise

From: Maline, Denise
Sent: Friday, August 10, 2018 10:33 AM
To: Cindy Yenter
Subject: Comment Letter - Transfer 82436 (Bodie Israel)
Attachments: Transfer 82436 (Israel).pdf

Hi Cindy,

Attached is an application for transfer currently being processed within your District. Please review the information and provide any necessary comments. *This application is being advertised on August 16 & 23, with a protest deadline of Tuesday Sept. 4, 2018.*

Comments have also been solicited from WD72A.

Thank you,

Denise



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 10, 2018

CINDY YENTER *via e-mail*
WATER DISTRICT #170
102 S WARPATH
SALMON, ID 83467

RE: Transfer No. 82436
Water Right No(s): 72-10130A

Dear Cindy:

A copy of the above referenced application is enclosed. Please review the application, and provide any necessary comments within 21 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 water master, 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's regional offices can finish reviewing an untested 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 21 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.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 10, 2018

WATER DISTRICT #72A
DAVID PHILPS
PO BOX 910
CHALLIS ID 83226

RE: Transfer No. 82436
Water Right No(s): 72-10130A

Dear Craig:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 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 water master, 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's regional offices 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 21 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.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 10, 2018

IDAHO DEPT OF FISH & GAME
JEFF RICHARDS
99 HWY 93 N
SALMON ID 83467

RE: Transfer No. 82436
Water Right No(s). 72-10130A

Dear Fish & Game:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days. In addition, detailed information regarding this application(s) can be found on our website at www.idwr.idaho.gov.

The Department can publish notice of the application as soon as the initial review is completed. Therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

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

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 9, 2018

BODIE D ISRAEL
30365 SODAVILLE MTN HOME RD
LEBANON, OR 97355-9373

RE: Transfer No. 82436
Water Right No(s). 72-10130A

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **CHALLIS MESSENGER on 8/16/2018 and 8/23/2018**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **September 4, 2018**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 09, 2018 9:41 AM
To: Challis Messenger
Subject: LEGAL NOTICE
Attachments: Challis Messenger cover letter.docx; Challis Messenger ad.doc

Attached please find (1) legal notice being submitted for publication on August 16th & 23rd, 2018. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise

Denise Maline
Administrative Assistant I
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 9, 2018

LEGAL NOTICE DEPARTMENT

CHALLIS MESSENGER

PO BOX 405

CHALLIS, ID 83226

RE: Transfer No. 82436
Water Right No(s): 72-10130A

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before September 4, 2018. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82436**

BODIE D ISRAEL, 30365 SODAVILLE MTN HOME RD, LEBANON, OR 97355-9373; has filed Application No. 82436 for changes to the following water rights within CUSTER County(s): Right No(s). 72-10130A; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion (POD) for irrigation water right 72-10130A (0.23 cfs) which is currently diverted from Mill Creek at a point approximately 6.5 miles west and 0.3 mile north of the intersection of Main Street and Highway 93 in Challis. The new POD will be located approximately 0.20 mile downstream on Mill Creek at a point on the applicant's property.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **September 4, 2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on August 16th & 23rd, 2018

TRANSFER SYNOPSIS

Date: July 27, 2018
To: Bodie D. Israel, Transfer #82436 file
From: Jim Bitzenburg
Re: Summary of transfer

Application for transfer proposes to change the point of diversion (POD) for irrigation water right 72-10130A (0.23 cfs) which is currently diverted from Mill Creek at a point approximately 6.5 miles west and 0.3 mile north of the intersection of Main Street and Highway 93 in Challis. The new POD will be located approximately 0.20 mile downstream on Mill Creek at a point on the applicant's property.

Because the transfer involves changing the POD for a surface water right, the transfer will be advertised. Comments will be solicited from the Watermasters of WD-170 and WD-72A.

Water right 72-10130B was also diverted from the current location on Mill Creek and was a right allowing irrigation on U.S. Forest Service property by the applicant. The applicant did not wish to irrigate Forest Service property, and the Forest Service did not want irrigation of USFS land, so the applicant chose to abandon right 72-10130B. The POD for both rights was originally on USFS property, and the Forest Service preferred that the POD for the rights was located on the applicant's property.

FEE MEMORANDUM

Date: July 27, 2018
To: Bodie D. Israel Transfer #82436 File
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer was filed on July 23, 2018 and its purpose is to change the existing point of diversion from U.S. Forest Service property to that of the applicant. Since the entire flow rate of the single water right (72-10130A, 0.23 cfs) can flow through the new POD, it is appropriate to charge a fee based on 0.23 cfs or \$500.00. This fee was paid when the application was filed with check #1789, receipt #S036866.

Bitzenburg, James

From: Bodie Israel <bodieisrael@aol.com>
Sent: Monday, July 16, 2018 9:29 PM
To: Bitzenburg, James
Subject: Re: Transfer on Mill Creek

Jim-
Ok that sounds good, my plan is to -

Install a screened head gate/intake pipe to meet fish specs that will feed into a main under ground pipeline to be used for gravity sprinklers and feeding pumping stations, etc. measuring could be obtained by a meter in mainline or rated flow of 6 in pipe- lockable gate valve on pipeline or head gate are both options for security.

Let me know if this is enough info?

Thanks,
Bodie

-----Original Message-----

From: Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov>
To: Bodie Israel <bodieisrael@aol.com>
Sent: Mon, Jul 16, 2018 3:49 pm
Subject: Transfer on Mill Creek

Bodie-

I'm about ready to send the transfer application out to you and I couldn't remember how you said you'd divert the water. I thought you said you'd divert from the creek into a pipeline, then into a pump. I'm trying to fill in some of the answers to the questions on the form, and one of the questions is "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". So I don't know if there will be a headgate or what, but let me know. Thanks.

Jim

Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
james.bitzenburg@idwr.idaho.gov

RECEIVED

JUL 13 2018

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Abandonment of Water Right

Print Name of Water Right Owner(s): Bodie D. IsraelMailing Address: 30365 Sodaville Mountain Home RoadLebanon, OR 97355-9373

Phone: _____

Note: If you are not listed as the current owner of the water right in the Idaho Department of Water Resources' records, you must include evidence of ownership of the water right (or portion of the water right) with this form. Evidence may include a warranty deed, quitclaim deed, court decree, contract of sale, etc.

I am the current owner of X all, or _____ part of, the water right described in the Idaho Department of Water Resources' records as Water Right No. 72-10130B.

I hereby abandon X all, or _____ part of the water right designated above. This abandonment is intentional and voluntary. I recognize that this abandonment permanently eliminates the right to divert and use water under the water right designated above.

If this abandonment applies to a portion of the water right, please indicate which part is abandoned by describing the diversion rate, annual diversion volume or storage volume, and place of use (include acres if the use is irrigation) and by attaching a detailed map identifying the specific locations.

Bodie D. Israel
Signature of Water Right Owner(s) or Authorized Representative

7-10-18
Date

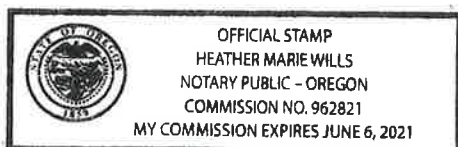
Bodie ISRAEL - owner
Print Name and Title of Authorized Representative
(Complete if applicable and include your authority to act on behalf of the water right owner)

State of Oregon)
County of Linn) ss

On this 10 day of July, 2018, the signer(s) of the above instrument appeared before me and duly acknowledged to me that he/she executed the same.

Heather Marie Will
Notary Public

SEAL

My commission expires: June 6, 2021

COPY FOR TRANSFER 82436



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 29, 2018

BODIE D ISRAEL
30365 SODAVILLE MTN HOME RD
LEBANON OR 97355-9373

Dear Bodie:

I have been communicating by both email and phone with many people within the Forest Service in the past two weeks concerning the water right which you own, but is appurtenant to USFS property, right 72-10130B. They support the idea of you abandoning the right, and proceeding with the transfer to move the point of diversion of your irrigation right, 72-10130A, from Forest Service ground to your own property. I have enclosed the abandonment form for you to fill out and return. Please note that the form needs to be notarized. When completed, you can return the form to my attention at:

**Idaho Department of Water Resources
650 Addison Ave. West, Suite 500
Twin Falls, ID 83301**

When I get the abandonment form back, I'll send the transfer application for you to review. If you have any questions, feel free to contact me by phone or email. Thanks for your assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Bitzenburg".

Jim Bitzenburg
Water Resource Agent

Enclosures

Bitzenburg, James

From: Bodie Israel <bodieisrael@aol.com>
Sent: Thursday, June 28, 2018 12:10 AM
To: Bitzenburg, James
Subject: Re: Water right transfer

Jim,

All sounds good to me and looks good on the map- thanks for all your help!

Bodie

-----Original Message-----

From: Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov>
To: Bodie Israel <bodieisrael@aol.com>
Sent: Wed, Jun 27, 2018 12:39 pm
Subject: Water right transfer

Bodie-

I am still waiting to hear from the Forest Service for their input on right 72-10130B, which is in your name, but appurtenant to USFS property. It looks like the way we are heading is to have you abandon the right since you don't want to irrigate Forest Service land, and they don't want to have it irrigated, either. We talked last time about the shape of that right covering a portion of your property, and it appears that one of the previous owners may have acquired a small amount of Forest Service land north of the house, moving the tax parcel over onto the water right shape. In reviewing the adjudication claim file, the special use permit appears to have expired in 1996, and I can't find any evidence of recent irrigation associated with that right, so I don't believe it is of any use, anyway.

I made a shape (the gold outline) for your right, 72-10130A (attached) that stays within your tax parcel area (light blue color), excludes the creek, pond, and buildings, and stays within the authorized place of use, the NESW of Section 28. It is 13 acres in size (to match the water right total acres), and I think it gives you plenty of acres to work with. The water right gives you the right to irrigate 13.0 acres anywhere within the NESW, so you may move it around in that QQ, even north of the house, as long as you stay within your own property. If you want to shift some acres outside of that QQ, we would need to also include a change in place of use in this transfer, so let me know if you want to do that.

I'll let you know when I hear back from Gail Baer.

Jim

Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
james.bitzenburg@idwr.idaho.gov

Bitzenburg, James

From: Baer, Gail -FS <gbaer@fs.fed.us>
Sent: Friday, June 29, 2018 10:24 AM
To: Bitzenburg, James
Subject: RE: Bodie Israel POD Transfer on Mill Creek

Jim, that would be perfect!! Thank you for your help in this. Gail



Gail Baer
Lands and Non-Recreation Special Uses Program Manager
Forest Service
Salmon-Challis National Forest
p: 208-756-5128
f: 208-756-5151
gbaer@fs.fed.us

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Salmon, ID 83467
www.fs.fed.us

Caring for the land and serving people

From: Bitzenburg, James [mailto:James.Bitzenburg@idwr.idaho.gov]
Sent: Wednesday, June 27, 2018 11:28 AM
To: Baer, Gail -FS <gbaer@fs.fed.us>
Subject: RE: Bodie Israel POD Transfer on Mill Creek

Gail-

In looking at the Adjudication Claim file for right 72-10130B, it looks like that right was associated with a special use permit for the USFS land surrounding Bodie Israel's property (Robert Keefer was the owner at the time). It appears that the permit was only valid for a ten year time period from 1986 to 1996, and does not seem to have been irrigated for quite some time. In talking with Bodie, he is open to the idea of abandoning the water right. If you are fine with that, we can have him sign a Notice of Abandonment of Water Right form, and we can proceed with the water right transfer to change the point of diversion on his right, 72-10130A, from USFS property to his property.

Jim

Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037

james.bitzenburg@idwr.idaho.gov

From: Baer, Gail -FS [<mailto:gbaer@fs.fed.us>]

Sent: Tuesday, June 12, 2018 7:52 AM

To: Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov>; Baer, Gail -FS <gbaer@fs.fed.us>; Macfarlane, William A -FS <wamacfarlane@fs.fed.us>; Pindel, Kurt - FS <kpindel@fs.fed.us>

Subject: RE: Bodie Israel POD Transfer on Mill Creek

Hi Jim, Yes, I have had conversations with Bodie about moving is pod from the NF to private land. It would be a good thing for everyone.

I will need to do some research on the FS water right as I was not aware of that. The Forest does not want any USFS land irrigated that I am aware of.

Bill, can you do a little research on the FS water right as it seems to make sense to transfer it too, or if possible, "abandon" it?

Thanks, Gail



Gail Baer
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Forest Service
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f: 208-756-5151
gbaer@fs.fed.us

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Caring for the land and serving people

From: Bitzenburg, James [<mailto:James.Bitzenburg@idwr.idaho.gov>]

Sent: Monday, June 11, 2018 10:43 AM

To: Baer, Gail -FS <gbaer@fs.fed.us>

Subject: Bodie Israel POD Transfer on Mill Creek

Gail-

I am working with Bodie Israel in connection to his water rights on his property on Mill Creek about 6 miles west of Challis and I believe he has been in communication with you on the same matter. I understand that the Forest Service would like to have Bodie move the Point of Diversion (POD), which is currently on USFS property, to his own property, where he intends to pump directly out of Mill Creek. He is agreeable to that arrangement and I am in the process of drafting a transfer to move the POD from NWSWSW of Section 28, T14N, R18E to Mr. Israel's property in the NESW of the same section. The water right appurtenant to his property is 72-10130A, while right 72-10130B is also in his name,

but is appurtenant to Forest Service property adjacent to his property. Mr. Israel has indicated that he does not intend to irrigate the adjacent USFS property, but I believe we need to include that right in the transfer in order to move that POD from Forest Service property onto Mr. Israel's property, also.

I have attached water right proof reports for both rights and I would like to get your input on including right 72-10130B in the transfer, and any other issues you have concerns with regarding this transfer. If you have any questions, feel free to give me a call or email.

Jim

Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
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james.bitzenburg@idwr.idaho.gov

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Bitzenburg, James

From: Baer, Gail -FS <gbaer@fs.fed.us>
Sent: Friday, June 29, 2018 10:09 AM
To: Spencer, Steven M -FS; Bitzenburg, James; Macfarlane, William A -FS; Pindel, Kurt - FS
Subject: RE: Bodie Israel POD Transfer on Mill Creek

Great!!



Gail Baer
Lands and Non-Recreation Special Uses Program Manager
Forest Service
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Caring for the land and serving people

From: Spencer, Steven M -FS
Sent: Friday, June 29, 2018 10:07 AM
To: Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov>; Baer, Gail -FS <gbaer@fs.fed.us>; Macfarlane, William A -FS <wamacfarlane@fs.fed.us>; Pindel, Kurt - FS <kpindel@fs.fed.us>
Subject: RE: Bodie Israel POD Transfer on Mill Creek

Jim and all,

I don't foresee any problem with what I understand about this situation and is being discussed and outlined in the trailing messages. If anything comes up that I may be able to assist with please let me know.

Thank you,

Steve



Steven M. Spencer
Water Use Specialist
Idaho Water Right Coordinator
Forest Service
Intermountain & Northern Regions
p: 208-365-7055
sspencer@fs.fed.us

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Emmett, ID 83617

www.fs.usda.gov



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From: Bitzenburg, James [<mailto:James.Bitzenburg@idwr.idaho.gov>]
Sent: Friday, June 29, 2018 9:47 AM
To: Baer, Gail -FS <gbaer@fs.fed.us>; Spencer, Steven M -FS <sspencer@fs.fed.us>; Macfarlane, William A -FS <wamacfarlane@fs.fed.us>; Pindel, Kurt - FS <kpindel@fs.fed.us>
Subject: RE: Bodie Israel POD Transfer on Mill Creek

I'm pretty sure he'll be fine with that. I just wanted to make sure that the Forest Service was agreeable to that course. Thank you all for your assistance with this matter.

Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
james.bitzenburg@idwr.idaho.gov

From: Baer, Gail -FS [<mailto:gbaer@fs.fed.us>]
Sent: Friday, June 29, 2018 9:42 AM
To: Spencer, Steven M -FS <sspencer@fs.fed.us>; Macfarlane, William A -FS <wamacfarlane@fs.fed.us>; Pindel, Kurt - FS <kpindel@fs.fed.us>; Baer, Gail -FS <gbaer@fs.fed.us>; Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov>
Subject: RE: Bodie Israel POD Transfer on Mill Creek

Hi All,

There is not a special use permit or an application on file for irrigation of NFS lands. If he were to submit an application, we would deny it. If he is irrigating NFS by accident we would ask him to stop.

The property has recently been surveyed and the previous owners were told to put the fences on their property boundary. Bodie is on top of the ownership and fences.

My recommendation is that we recommend to him that he abandon the water right that has POU of the NFS ground and I don't think he will argue.

Let's try that course of action prior to getting too excited about this. From my conversations with him, he seems to be a reasonable person.

Thanks, Gail



Gail Baer
Lands and Non-Recreation Special Uses Program Manager
Forest Service
Salmon-Challis National Forest
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gbaer@fs.fed.us

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Caring for the land and serving people

From: Spencer, Steven M -FS
Sent: Thursday, June 28, 2018 2:51 PM
To: Macfarlane, William A -FS <wamacfarlane@fs.fed.us>; Baer, Gail -FS <gbaer@fs.fed.us>; Pindel, Kurt - FS <kpindel@fs.fed.us>; Bitzenburg, James (James.Bitzenburg@idwr.idaho.gov) <James.Bitzenburg@idwr.idaho.gov>
Subject: RE: Bodie Israel POD Transfer on Mill Creek

Bill and all,

It looks like we need to find out how the special use permit factors before we can consider what the next step might be.

Steve



Steven M. Spencer
Water Use Specialist
Idaho Water Right Coordinator
Forest Service
Intermountain & Northern Regions
p: 208-365-7055
sspencer@fs.fed.us

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From: Macfarlane, William A -FS
Sent: Thursday, June 28, 2018 12:58 PM
To: Baer, Gail -FS <gbaer@fs.fed.us>; Pindel, Kurt - FS <kpindel@fs.fed.us>; Bitzenburg, James (James.Bitzenburg@idwr.idaho.gov) <James.Bitzenburg@idwr.idaho.gov>
Cc: Spencer, Steven M -FS <sspencer@fs.fed.us>
Subject: RE: Bodie Israel POD Transfer on Mill Creek

Gail,

The 72-10130B partial decree states that "PLACE OF USE IS OWNED BY USFS AND USED BY KEEFER UNDER SPECIAL USE PERMIT." Is there a special use permit for irrigation on USFS lands by Robert Keefer (past owner) or Bodie Israel (current owner)? If the special use permit is currently in place, then yes, I think the transfer should include both 72-10130A (for irrigation on private land) and 72-10130B (for irrigation on USFS land adjacent to the private land).

However, Jim Bitzenburg noted below that "Mr. Israel has indicated that he does not intend to irrigate the adjacent USFS property," which suggests that maybe he does not have a special use permit to irrigate USFS lands adjacent to his property.

If there is no special use permit, and the USFS does not want to irrigate this land for any purpose, then there would be no need for the 72-10130B water right. Although the POU for 72-10130B is on USFS lands, the water right is owned by Bodie Israel. In this case, I think Mr. Israel would want to give up the 72-10130B water right if he is not putting it to beneficial use. Since the Forest Service does not own the water right, it is not really our decision.

Steve – do you have any thoughts on this?

-Bill



Bill MacFarlane
Hydrologist

Forest Service
Salmon-Challis National Forest

p: 208-756-5108
wamacfarlane@fs.fed.us

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Caring for the land and serving people

From: Baer, Gail -FS

Sent: Tuesday, June 12, 2018 7:52 AM

To: Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov>; Baer, Gail -FS <gbaer@fs.fed.us>; Macfarlane, William A -FS <wamacfarlane@fs.fed.us>; Pindel, Kurt - FS <kpindel@fs.fed.us>

Subject: RE: Bodie Israel POD Transfer on Mill Creek

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Thanks, Gail



Gail Baer
Lands and Non-Recreation Special Uses Program Manager
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Caring for the land and serving people

From: Bitzenburg, James [<mailto:James.Bitzenburg@idwr.idaho.gov>]

Sent: Monday, June 11, 2018 10:43 AM

To: Baer, Gail -FS <gbaer@fs.fed.us>

Subject: Bodie Israel POD Transfer on Mill Creek

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Jim

Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
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