

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82293
RECEIVED
APR 09 2013
Department of Water Resources
Eastern Region

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 www.idwr.idaho.gov.

Name of Applicant(s) William H. Bolingbroke

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 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. 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

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

RECEIVED

APR 09 2018

Department of Water Resources
Eastern RegionName of Applicant(s) William H. Bolingbroke Phone (301) 471-7421Mailing address 3335 Eclipse Drive, Jefferson MD 21755 Email bill.bolingbroke@gmail.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 _____ 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.

William Bolingbroke
Signature of Applicant or Authorized Representative

William Bolingbroke
Print Name and Title if applicable

4/3/2018
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
 Right 29-14249 was recently updated to reflect the deeds and agreements associated with settlement of the Dale Bolingbroke estate. Right 29-14249 will be consolidated onto 40 acres. Other rights were conveyed to Jacob Anderson and Rhonda Bodlak, who will file similar applications to update the place of use for their rights.

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
All or Part ☒ ☐	29-14249	0.42 cfs	Irrigation	4/1 to 10/31	Rattlesnake Cr
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.42 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.26 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	
10S	34E	7			19.5											14	6.5		40
Total Acres (for irrigation use)																			40

4/12/2018

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM H BOLINGBROKE 3335 ECLIPSE DR JEFFERSON, MD 21755

Status: Active

Tributary
BANNOCK CREEK

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

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10S	34E	7	28.0		35.0	36.0									31.0	27.0	39.0		196.0
10S	34E	8			29.0		6.0	39.0	40.0	20.0	39.0	40.0							213.0

POU Total Acres: 409.0

3. 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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/12/2018

- 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.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
 5. 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.

Decreed Date: 4/3/2006

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:

Point of diversion from Rattlesnake Creek will not change. Point of diversion is regulated by the watermaster for Water District 290 (Bannock Creek).

- b. Who owns the property at the point(s) of diversion? Jeffrey Dean and Sherri Lynn Stewart

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
No change to point of diversion. I will continue to use the existing point of diversion.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: Water right is not being moved off of property. Place of use is being rearranged and consolidated for more efficient irrigation.

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:

Rearranging place of use under existing water rights. Only the acres described above will be irrigated. All other acres will be dry farmed.

- 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

- 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?

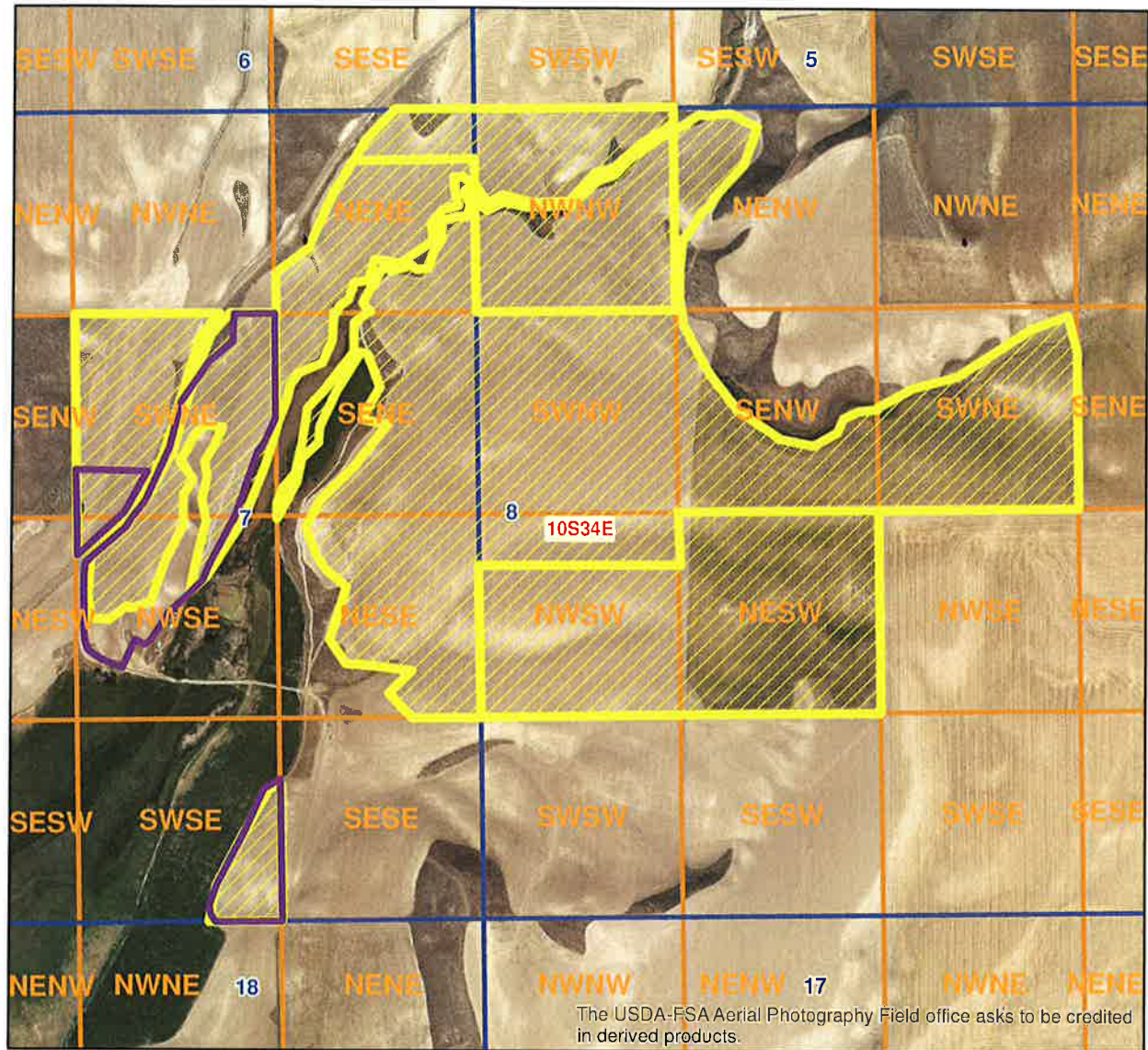
If yes, describe:

Land was enrolled in CRP for over 15 years, came out in 2011. Rattlesnake water right is very junior and is not available in drought years. The drought years of 2012, 2013 and 2016 would not count toward forfeiture because water was not available. Rattlesnake Creek right will continue to be used when available.

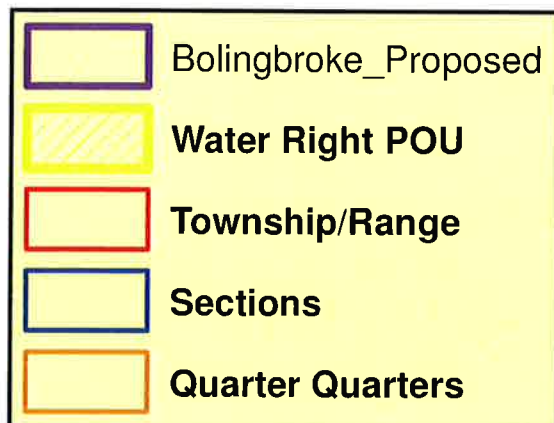
This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

8 2 2 9 3

Bolingbroke Application for Transfer Proposed Place of Use



2013 Aerial Photo



0 1,000 2,000 Feet





March 30, 2018

James Cefalo
Idaho Department of Water Resources
Eastern Region Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

RECEIVED
APR 02 2018
Department of Water Resources
Eastern Region

**Re: Water Right Allocation Agreement
Bolingbroke / Andersen / Campbell / Bodlak**

Dear James:

Enclosed herewith is a Water Right Allocation Agreement signed by all of the successors in interest to the Dale A. Bolingbroke water rights in Arbon Valley. As you are aware, Mr. Bolingbroke had several water rights from different sources that were all associated with the same place of use. His property has since been parceled out and sold to different owners, necessitating delineation of the number of acres associated with each right. This Agreement is intended to accomplish that.

My understanding is that IDWR can adjust the elements of each of the affected water rights as reflected in the Water Right Allocation Agreement based on the terms of the Agreement without need for other filings. Please adjust the water rights accordingly and provide updated water right reports to each of the parties.

Should you have any questions, please give me a call.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T.J. Budge', is written over the printed name.

T.J BUDGE

c: Jacob Andersen
William Bolingbroke
Robert and Rhonda Bodlak
Jeffrey and Katie Campbell

WATER RIGHT ALLOCATION AGREEMENT

William H. Bolingbroke, individually ("William") and as Personal Representative of the Estate of Dale A. Bolingbroke (the "Estate"), Robert Bodlak and Rhonda Bodlak, husband and wife (the "Bodlaks"), Jeffrey L. Campbell and Katie Campbell, husband and wife (the "Campbells"), and Jacob Andersen Farm, LLC ("Andersen") enter into this Water Right Allocation Agreement ("Agreement") for the purpose of defining their respective interests in water right nos. 29-477, 29-13234, 29-10857 and 29-2565 (the "Bolingbroke Rights") as decreed in the Snake River Basin Adjudication ("SRBA") by the District Court of the Fifth Judicial District of the State of Idaho in and for the County of Twin Falls in the Final Decree entered August 26, 2014, *In re SRBA case no. 39576*. William, the Estate, the Bodlaks, the Campbells, and Andersen are referred to herein individually as a "Party" and collectively as the "Parties".

The Bolingbroke Rights were decreed in the SRBA to the same 409 acre place of use. The Bolingbroke Rights have subsequently been conveyed to William, the Bodlaks, and Andersen, resulting in several splits of the Bolingbroke Rights. However, many of the split rights continue to share the same place of use. The purpose of this Agreement is to properly allocate the Bolingbroke Rights among the current owners thereof.

The records of the Idaho Department of Water Resources presently identify the owners of the Bolingbroke Rights and progeny thereof as follows: (a) water right nos. 29-477, 29-13234 and 29-10857 in the name of Dale A. Bolingbroke, deceased; (b) water right nos. 29-14247 and 29-14249 in the name of William; (c) water right nos. 29-14164, 29-14165, 29-14166, 29-14167 in the name of the Bodlaks; and (d) water right no. 29-2565 in the name of Andersen.

The Campbells own land to which the Bolingbroke Rights are appurtenant. The Campbells have conveyed their interest in water right no. 29-2565 to Andersen. The Campbells hereby quitclaim any interest they may have in the remaining Bolingbroke Rights and progeny thereof to the other Parties in such quantities as are needed to accomplish the allocation set forth below.

The Estate is the successor in interest to all water rights owned by Dale A. Bolingbroke. The Estate hereby acknowledges that all interests in the Bolingbroke Rights have been conveyed to William, the Bodlaks, or Andersen. The Estate hereby quitclaims any interest it may have in the Bolingbroke Rights and progeny thereof to the other Parties in such quantities as are needed to accomplish the allocation set forth below.

The Parties agree that the Bolingbroke Rights are presently owned as set forth in the following table:

Owner	WR#	Source	CFS	AF	Acres
William H. Bolingbroke	29-14249	Rattlesnake Creek	0.42	n/a	40
	29-14247	Rattlesnake Creek	0	0	0
Rhonda Bodlak & Robert Bodlak	29-14164	Rattlesnake Creek	0.28	n/a	119
	29-14165	Ground Water	0.23	111.2	
	29-14166	Spring	0.08	n/a	
	29-14167	Rattlesnake Creek	n/a	198.5	
Jacob Andersen Farm, LLC	29-2565	Ground Water	0.81	411.7	250
Jeffer L. Campbell & Katie Campbell	none				
Estate of Dale A. Bolingbroke	29-477	Rattlesnake Creek	0	0	0
	29-13234	Rattlesnake Creek	0	0	0
	29-10857	Spring	0	0	0

To the extent the foregoing water right allocation requires a conveyance of any interest in the Bolingbroke Rights from one Party to another Party, this Agreement shall constitute a quitclaim conveyance of such interest.

The Parties acknowledge and agree that water right nos. 29-477, 29-13234 and 29-10857 have been fully conveyed to William and the Bodlaks as set forth in the above table, and that water right no. 29-14247 has been fully conveyed to the Bodlaks as set forth in the above table, that no water remains associated with these water right numbers, and that these water right numbers are of no further force or effect and may be extinguished or rendered inactive by IDWR.

[End of Agreement; Signatures Below]

COUNTERPART SIGNATURE PAGE

DATED this 24th day of March, 2018.

William H. Bolingbroke

William H. Bolingbroke, individually and as
Personal Representative of the Estate of Dale A.
Bolingbroke

STATE OF Maryland)
County of Frederick) : ss.

This record was acknowledged before me on this 24th day of March, 2018, by William H. Bolingbroke, individually and as Personal Representative of the Estate of Dale A. Bolingbroke.

[Signature]

NOTARY PUBLIC FOR State of Maryland
My Commission Expires: 6/9/2018

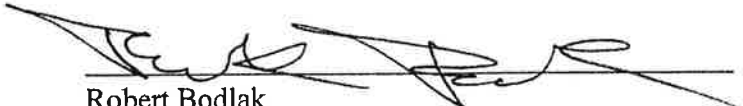
(SEAL)



COUNTERPART SIGNATURE PAGE

DATED this 28TH day of March, 2018.


Rhonda Bodlak


Robert Bodlak

STATE OF CALIFORNIA)
County of SAN MATEO : ss.

This record was acknowledged before me on this 28TH day of March, 2018, by Rhonda Bodlak and Robert Bodlak.


NOTARY PUBLIC FOR CALIFORNIA, SAN MATEO COUNTY
My Commission Expires: 05/24/2019

(SEAL)

** SEE INSTRUMENT* 

California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Mateo

S.S.

On March 28, 2018 before me, John Reginald Roxas, Notary Public

(Name of Notary Public)

personally appeared Rhonda Bodlak

(Name of Signer(s))

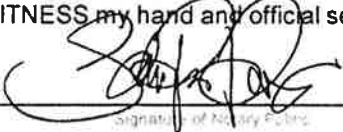
Robert Bodlak

(Name of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


(Signature of Notary Public)



OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Water Right Allocation Agreement - Counterpart Signature Page

containing 6 pages, and dated 03/28/2018

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
☐ Attorney-in-fact
☐ Corporate Officer(s)

(Title)

- ☐ Guardian/Conservator
☐ Partner - Limited/General
☐ Trustee(s)
☐ Other: _____

representing: _____

(Name of Person or Entity Being Represented)

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

- ☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other

- ☐ Additional Signer ☐ Signer(s) Thumbprints(s)

☐ _____

COUNTERPART SIGNATURE PAGE

DATED this 13th day of March, 2018.

JACOB ANDERSEN FARM, LLC

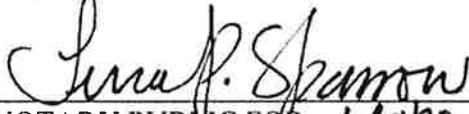
By: 
Jacob Andersen, Manager

STATE OF IDAHO)
County of Bannock) : ss.

This record was acknowledged before me on this 13th day of March, 2018, by Jacob Andersen, as Manager of Jacob Andersen Farm, LLC.

(SEAL)




NOTARY PUBLIC FOR Idaho
My Commission Expires: 10/05/2021

COUNTERPART SIGNATURE PAGE

DATED this 19th day of March, 2018.

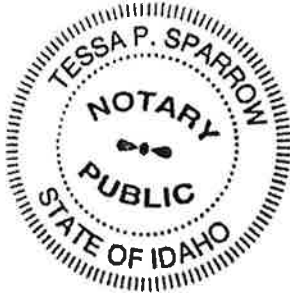
Jeffrey L. Campbell
Jeffrey L. Campbell

Katie Campbell
Katie Campbell

STATE OF IDAHO)
County of Bannock) : ss.

This record was acknowledged before me on this 19th day of March, 2018, by Jeffrey L. Campbell and Katie Campbell.

(SEAL)



Tessa P. Sparrow
NOTARY PUBLIC FOR Idaho
My Commission Expires: 10/05/2021