

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

RECEIVED

Ident. Number: A27-07330
Date Received: 9/08/1988
Receipt No: 6007095
Received By: ES

MAY 2 1989

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EMMETT NULPH
Address: 1032 N. 900 E.
SHELLEY, ID

83274

2. Date of Priority: NOV 04, 1982

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	37E	10	SW	SW			BINGHAM

5. Description of diverting works:
WELL, PUMP, SPRINKLER SYSTEM & CENTER PIVOT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		

7. Total Quantity Appropriated is:
3.200 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	37E	10	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0

Section Acres 160.0

A27-07330

Page 1

Date: 09/08/88

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NOV 12 1992

A2707330

10. Place of Use: Continued

Total Acres 160.0

11. Place of use in counties: BINGHAM

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: APPLICATION

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

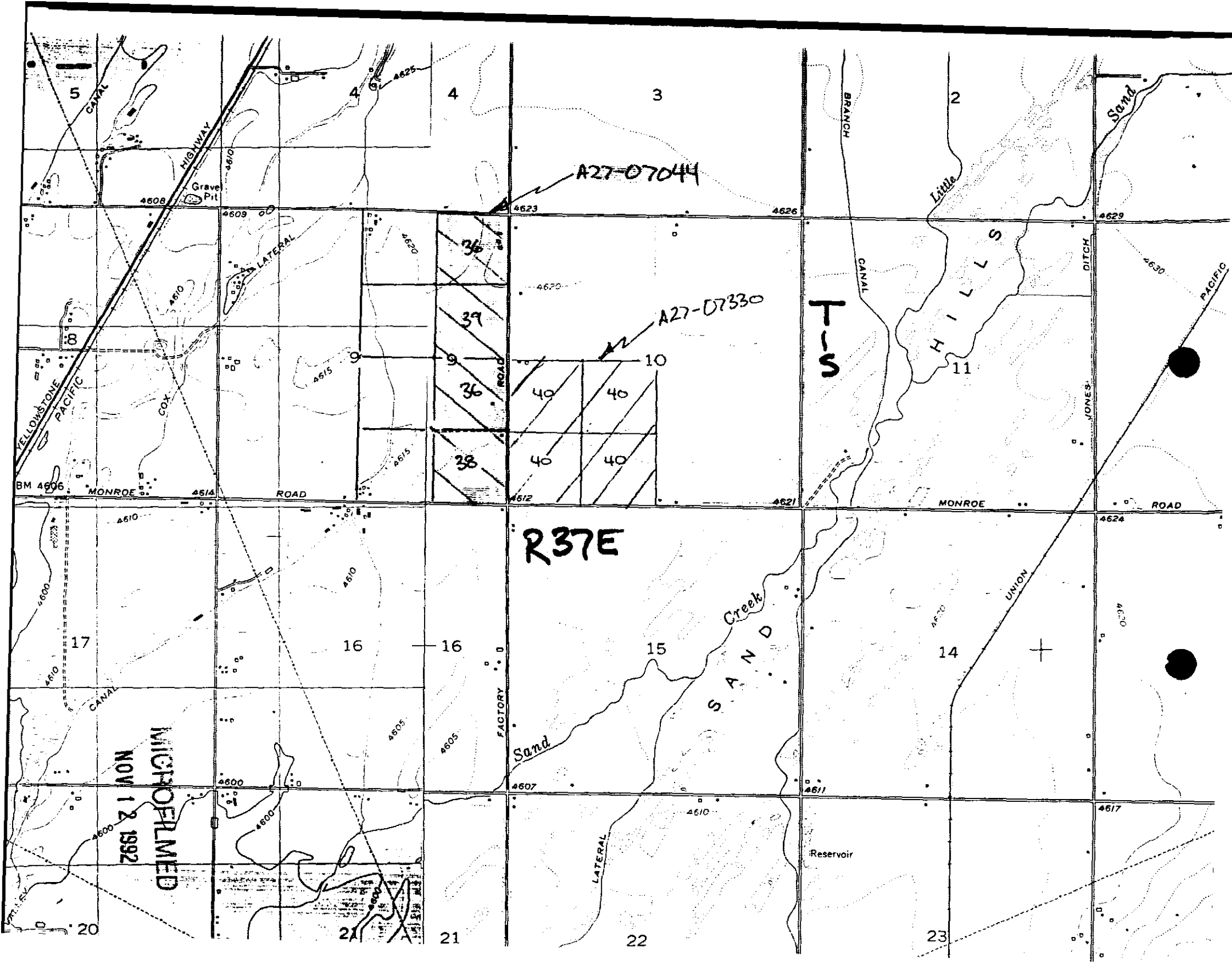
Signature of Claimant(s): [Signature] Date: 3/7/89
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28 day
of April 19 89 [Signature]
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 10-25-93



Log for claim 27-07330

Spatial Dynamics BTD

11/13/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01s37e	10	NESW	40	40	
01s37e	10	NWSW	40	37	
01s37e	10	SWSW	40	39	
01s37e	10	SESW	40	39	
Totals:			160	155	

AJ5809NP
No. A27-07330

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/29/00
PAGE: 67

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EMMETT NULPH 1032 N 900 E SHELLEY ID 83274	11/04/1982	IRRIGATION	04-01 11-01	3.200 CFS	
TOTAL DIVERSION:					3.200 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: APPLICATION

Point(s) of Diversion: T01S R37E S10

SWSW

BINGHAM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE															
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:								
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM					

01S 37E 10 :								:					:	40 40 40 40 :								:					:	160.0			
																								TOTAL ACRES				160.0			

POU County: BINGHAM

Other Water Rights Listing Overlapping Place(s) of Use:

A01-00038 A01-00039 A01-00171 A01-00172 A01-00250 A01-00328 A01-10247

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 09/08/88 CARLSEN 01/17/95 JTHOMPSON 03/29/95 POST-STD

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. [REDACTED]

Priority: November 4, 1982

Maximum Diversion Rate: 2.56 CFS

Maximum Diversion Volume: 512.0 AF

This is to certify, that EMMETT NULPH

1032 N 900 E

SHELLEY ID 83274

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 4, 1982; and has submitted Proof of Beneficial Use on March 28, 1990. An examination indicates that the works have a diversion capacity of 2.730 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.56 CFS	512.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 10, Township 01S, Range 37E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	37E	10	NESW 32	NWSW 32	SWSW 32	128
			SESW 32			

Total number of acres irrigated: 128

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

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State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 27-07330

CONDITIONS OF APPROVAL AND REMARKS

7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
8. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for the use of existing rights used for supplemental purposes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 25th
day of March, 1997.


KARL J. DREHER, Director

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APR 08 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Emmett Nulph Phone 357-3168

Post office address Rt. #2, Box 357, Shelley, Idaho 83274

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10 Township 1S

Range 37E B.M. Bingham County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 3.20 cfs for irrigation purposes from 4/01 to 11/01 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 3.20 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump, sprinkler system,
center pivot

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 16 inches; proposed depth of well is 250 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

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[illegible]

c. Describe any other water rights used for the same purposes as described above. None

b. Who owns the land to be irrigated or place of use Applicant

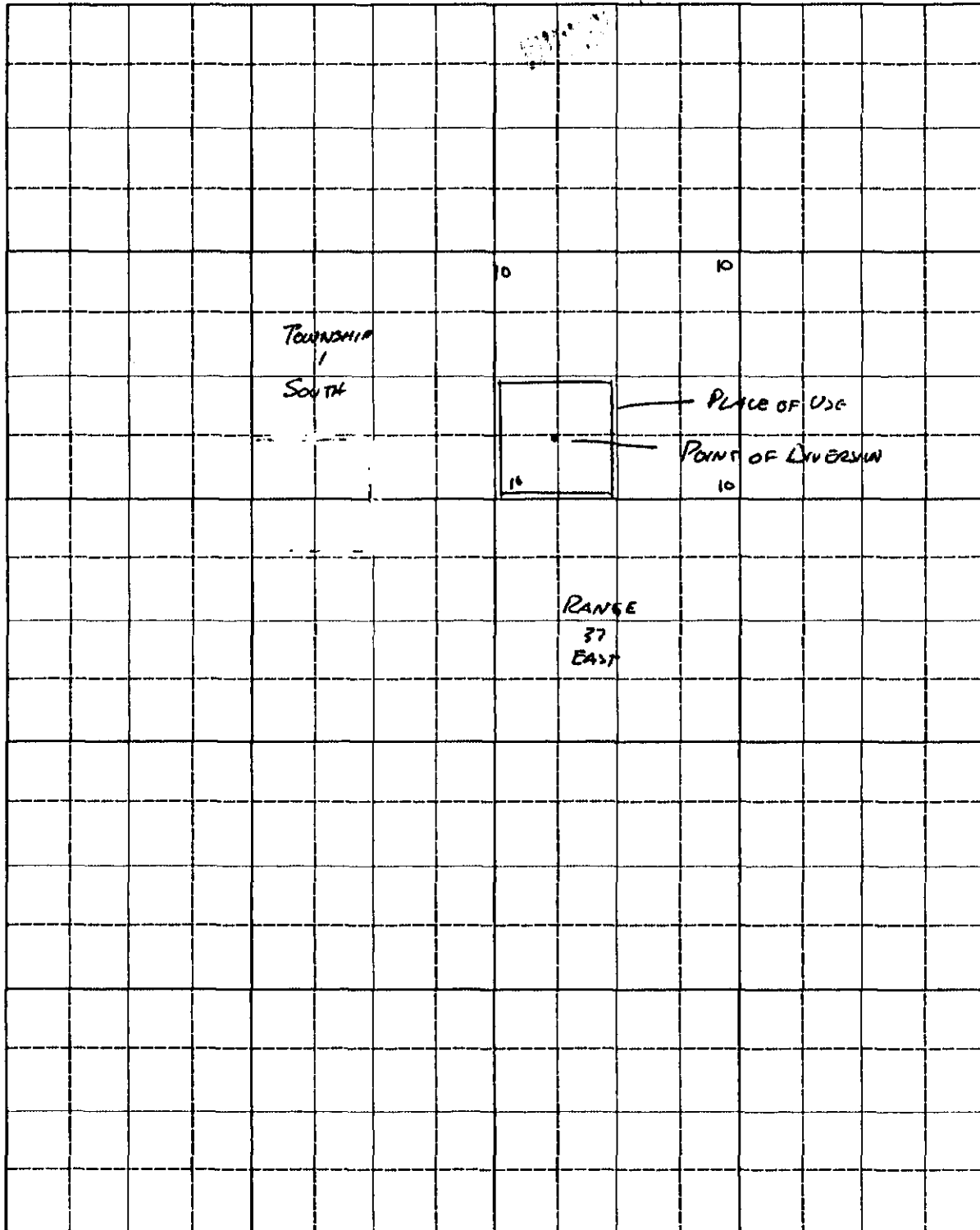
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks

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11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

AUG 16 1989

Ernest H. Hight
(Applicant)

Proposed Priority 11/4/82

Received by SM Date 11/4/82 Time 9:17A

Preliminary check by KW Fee \$ 105.00

Received by KW Date 11-24-82 # 22565

Publication prepared by BP Date 11/10/82

Published in Blackfoot News

Publication dates 11/18 - 11/25/82

Publication approved BP Date 12/7/82

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by HWS

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 27-7330, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 90.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 15th day of June, 1989.

J. Glen Saylor

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AUG 16 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 27-7330

1. Owner: Emmett Nulph Phone No. 357-3168

Current Address: 1032N 900E Shelley, ID 83274

2. Accompanied by: Mark Nulph EXAM DATE: 22 JUL 1996

Address: 937 E 1000 N Shelley, ID 83274 Phone No. 357-5596

Relationship to Permit Holder: _____

3. Source: GROUND WATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: Snake River Valley Irr. Co. (Lusk H₂O)

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	SW	10	15	37E	Bingham	ON site

2. Place(s) of Use:

Indicate Method of Determination onsite

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	37E	10									32	32	32	32					128

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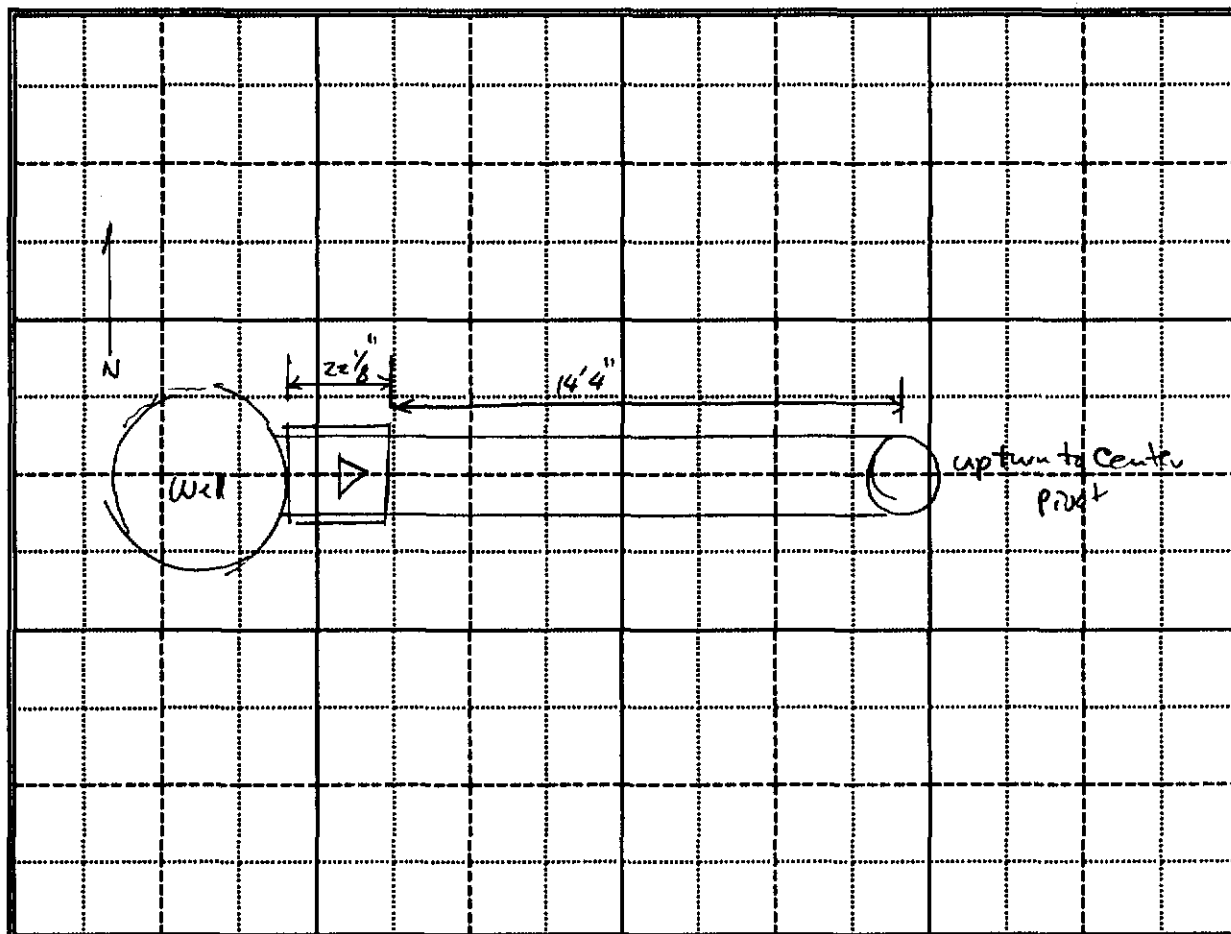
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Department of Water Resources

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____

_____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

_____ Aerial Photo Attached (required for irrigation of 10+ acres)

_____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	US Electric	75	R-6327-04-349 R1001223M	Aurora Verti-M	8" discharge

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Polysonic						

2. Measurements: Polysonic - 5 readings @ 2 minute intervals. High
average - 2.47 CFS.

E. NARRATIVE/REMARKS/COMMENTS

well pump mainline to 8 tower center pivot w/ low pressure heads and an end gun.

Broke pipe wrench trying to get well access port open

No corner irrigated

Accompanied by Mark Mullen. He stated that they have never irrigated the corners, but may in the future if it becomes cost effective.

* Proof of Beneficial Use indicates a request of 3.2 CFS on 160 acres.

Polysonic reading 2.47 CFS. They say they have sufficient water for grain crops.

Actual acreage - 128.0 acres.

* No measuring device, no flow measurement port.

Have conditions of permit approval been met? ☒ yes ☐ no

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F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

Polysonic → 2.47 cfs High Average

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 128 \text{ A} (4.0) = 512 \text{ AF/A}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1048 \text{ AF}$$

$$V = \text{Smaller of } V_{LR} \text{ and } V_{D.R.} = 512 \text{ AF/A}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRRIGATION</u>	<u>4-1</u>	<u>10-31</u>	<u>2.47</u>	<u>512 AF</u>
Totals:			<u>2.47</u>	<u>512</u>

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Steven Garrison Date 22 JUL 96

Reviewer [Signature] Date 12/3/96

SEAL

UNRECORDED

APR 08 1937



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

October 1, 1996

KARL J. DREHER
DIRECTOR

EMMETT NULPH
3351 CREEK SIDE DR
IDAHO FALLS ID 83404-8205

Re: Snake River Basin Adjudication (SRBA)
Notice of Claim No. A27-07330
Change of Address

Dear Claimant,

IDWR has been notified the address presently in our claim records is incorrect. Although we have reached you at the address above, we need you to confirm this is your correct mailing address. Future notices related to your SRBA claim can be sent only to the address on your claim or as otherwise changed by you. The staff of this agency must avoid relying upon the word of others about your mailing address.

If the address above is correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help. We hope to assure that you receive future notices about SRBA matters.

If the ownership of the property to which the water right referenced above apply has changed, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

The address is correct as shown above or as otherwise changed.

Claimant Signature

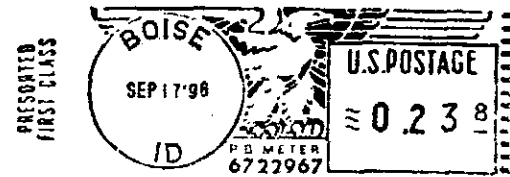
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NOV 13 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

A27-07330 ✓

✓ A27-07044
EMMETT NULPH
1032 N 900 E
SHELLEY

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NOV 13 1996



RECEIVED

SEP 20 1996

Department of Water Resources

ID 83274

NULP032 832743003 1895 09/18/96
FORWARD TIME EXP RTN TO SEND
NULPH
3351 CREEK SIDE DR
IDAHO FALLS ID 83404-8205

RETURN TO SENDER

83274



PETERSEN, MOSS, OLSEN, MEACHAM & CARR

GEORGE C. PETERSEN, JR.
REED L. MOSS
GREGORY P. MEACHAM
WM. CHARLES CARR
EARL BLOWER
SCOTT P. ESKELSON
STEPHEN D. HALL
KARL R. DECKER

ATTORNEYS AT LAW
485 "E" STREET
IDAHO FALLS, IDAHO 83402
(208) 523-4650

DENNIS M. OLSEN
(1930-1985)

May 1, 1989

Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83402

ATTENTION: Eric Verner

Dear Eric:

Enclosed please find some additional Water Rights Claims under the name of Triple N Farms, Inc. and Emmett Nulph. These are as follows:

1. Claim for No. A27-07044.
2. Claim for No. A27-07330.
3. A domestic well claim on property which Mr. Nulph identifies as the "Mullen" property.
4. A domestic claim on property for which Mr. Nulph identifies as the "Kohler" property.
5. A domestic well claim for Mr. Nulph's individual home.

Also enclosed will be our check in the amount of \$484.00 payable to the Department of Water Resources to cover the necessary filing fees.

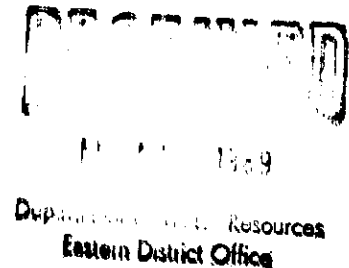
I would appreciate it if you would process these and return the completed copies to my attention. As always, thanks for your help.

Very truly yours,

PETERSEN, MOSS, OLSEN,
MEACHAM & CARR


Scott P. Eskelson

SPE:jww
Enclosures
cc: Emmett Nulph
9869L



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NOV 12 1992