



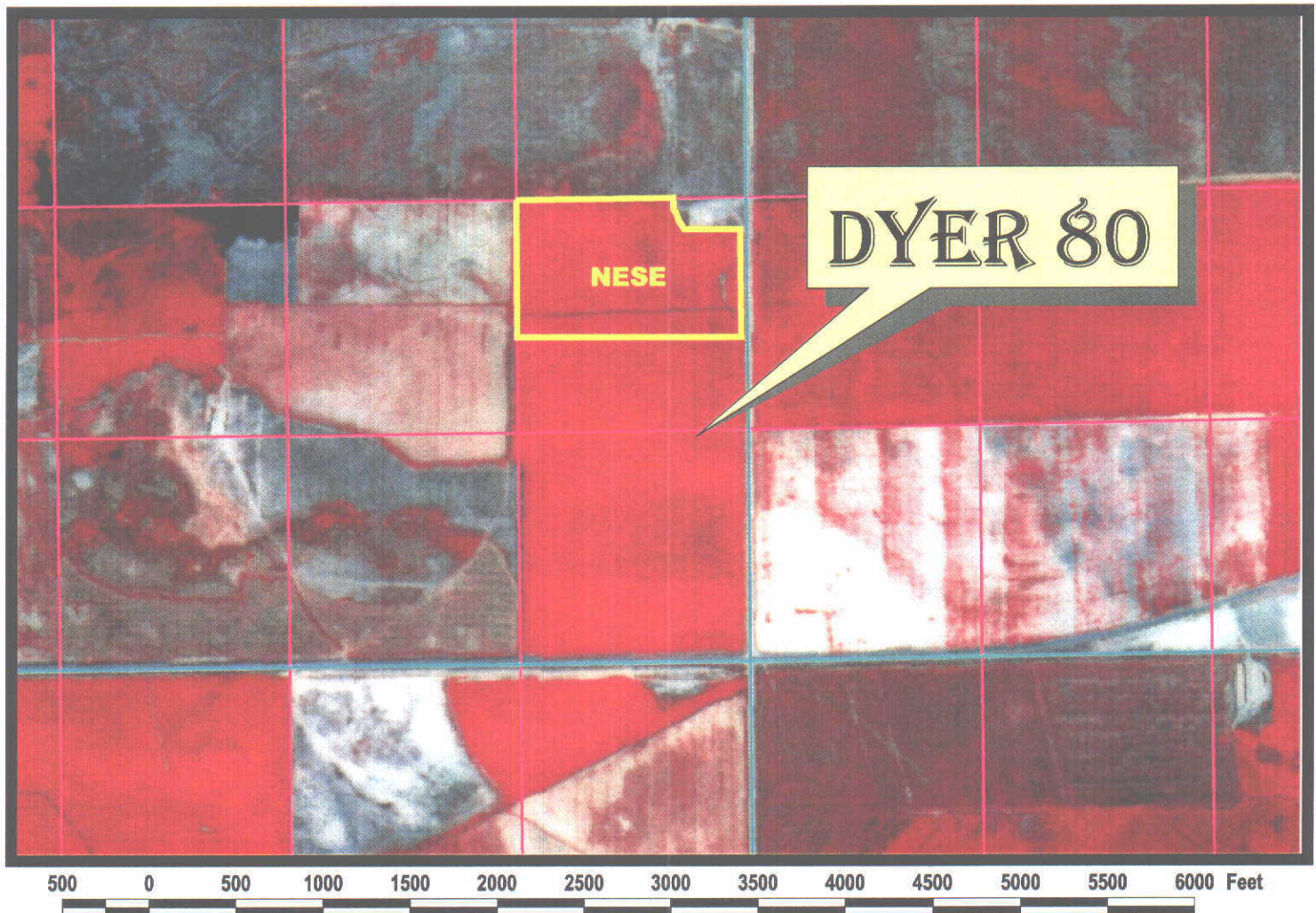
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Isham Farms

Water Right(s): 33-02139B, 33-02070B



LEGEND



Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use



Section Line

Quarter-section line

Place(s) of Use: T.5N., R.29E.
Sec. 2 (part of) NESE

Point(s) of Diversion: T.6N., R.29E.
Sec. 36 NWNWSW

**Note: Place of Use is after Transfer
#5002**



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: November 1999

Eastern AJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5002
WATER RIGHT NO(S). 33-02070B/33-02139B/33-07057D

This is to certify that: **ORVILLE NICHOLSON**
SUNNYBAR RANCH BOX 40
HOWE ID 83244

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 33-02070B :			
IRRIGATION	04/15 to 10/15	0.14 CFS	42.0 AF
Priority: 02/14/1953			
Right No. 33-02139B :			
IRRIGATION	04/15 to 10/15	0.10 CFS	36.3 AF
Priority: 12/01/1947			
	SUBTOTAL:	* 0.24 CFS	* 42.0 AF
Right No. 33-07057D :			
IRRIGATION	04/15 to 10/15	0.12 CFS	35.0 AF
Priority: 07/20/1977			
	TOTAL:	** 0.36 CFS	** 77.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: NWSW , Sec. 36, Township 06N, Range 29E
BUTTE 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>
05N	29E	2	NESE	22		22

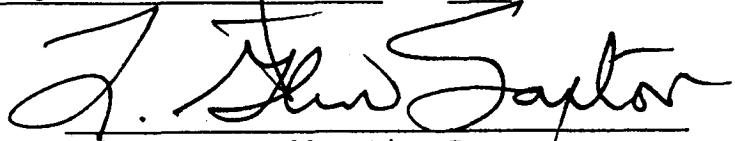
Total number of acres irrigated: *** 22

TRANSFER NO. 5002
WATER RIGHT NO(S). 33-02070B/33-02139B/33-07057D

CONDITIONS OF APPROVAL AND REMARKS

1. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- *** 8. Right 33-02070B is limited to the irrigation of 12.0 acres in the place of use described above in a single irrigation season.
- *** 9. Right 33-02139B is limited to the irrigation of 12.0 acres in the place of use described above in a single irrigation season.
- *** 10. Right 33-07057D is limited to the irrigation of 10.0 acres in the place of use described above in a single irrigation season.
- * 11. Rights 33-02070B and 33-02139B when combined shall not exceed a total annual diversion volume of 42.0 af at the field headgate and the irrigation of 12.0 acres.
- ** 12. Rights 33-02070B, 33-02139B and 33-07057D when combined shall not exceed a total annual diversion volume of 77.0 af at the field headgate and the irrigation of 22.0 acres.

Dated this 4th day of February, 1998


Chief, Water Allocation Bureau

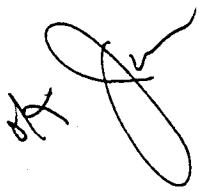
MEMORANDUM

TO: FILES 33-02070, 33-02139 & 33-07057A

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER 5002

DATE: February 2, 1998



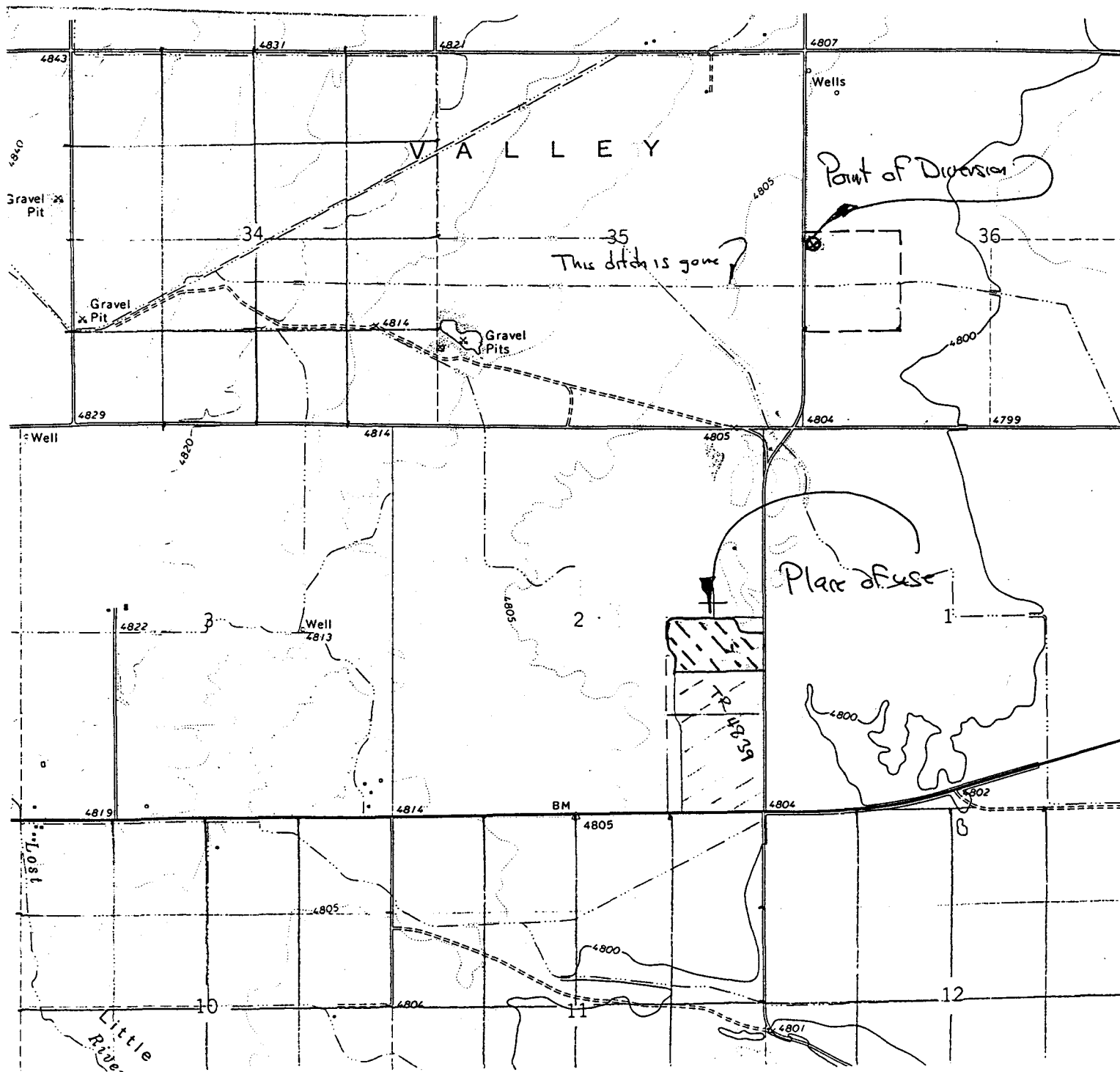
=====

Transfer 5002 changes the point of diversion under a portion of Right 33-07057A, and the place of use under a portion of Rights 33-02070 (A & B), 33-02139 (A & B) and 33-07057A (C & D), splitting each right. ✓

The applicant is transferring a total of 22 acres adjacent to irrigated land under earlier Transfer 4839. Overlap review identifies these groundwater rights as supplemental to surface rights at both the historic and proposed place of use. ✓

Season of use and diversion volume were adjusted to current standards. Recommended conditions include future measuring devices & annual reporting, supplemental groundwater, irrigation overlap, permissible place of use, combined right limits and standard transfer conditions. ✓

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

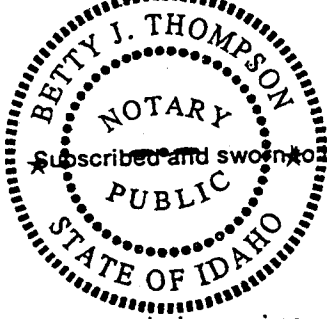
1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.



Orville Nicholson
(Signature of Applicant)

Subscribed and sworn to before me this 8th day of January, 19 97.

Betty J. Thompson
(Notary Public)

BETTY J. THOMPSON, NOTARY PUBLIC

RESIDING AT IDAHO FALLS, IDAHO

My commission expires

MY COMMISSION EXPIRES: 7-05-2000

FOR DEPARTMENT USE ONLYTransfer contains 10 pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee 100⁰⁰ F022904Receipted by _____ Date 1-23-1997Published in Arco Advertiser Copies of protest forwarded by _____Pub. dates February 20 & 27, 1997 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

November 23, 1999

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 10, 1999

Water right number: 33-02139B

ISHAM FARMS
C/O DONALD ISHAM
HC 65 BOX 1036
HOWE ID 83244

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

✓ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12-7-99

SIGNATURE:

Please print your name:

Karen R Isham
Isham Farms
Donald M Isham
Karen R. Isham

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

RECEIVED
FEB 12 1998

Department of Water Resources
Eastern Region

TRANSFER NO. 5002
WATER RIGHT NO(S). 33-02070B/33-02139B/33-07057D

ISMAN *ISMAN* *NICHOLSON*
6/29/36 *6/29/36* *8/128/29*
30

This is to certify that: **ORVILLE NICHOLSON**
SUNNYBAR RANCH BOX 40
HOWE ID 83244

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

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Right No. 33-02139B : IRRIGATION Priority: 12/01/1947	04/15 to 10/15	0.10 CFS	36.3 AF
SUBTOTAL:		* 0.24 CFS	* 42.0 AF
Right No. 33-07057D : IRRIGATION Priority: 07/20/1977	04/15 to 10/15	0.12 CFS	35.0 AF

12 ac

3.0

TOTAL: ** 0.36 CFS ** 77.0 AF

CONTAINED w/ 33-07057B
SEE No. 33-07057E.

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 36, Township 06N, Range 29E
BUTTE County

PLACE OF USE: IRRIGATION

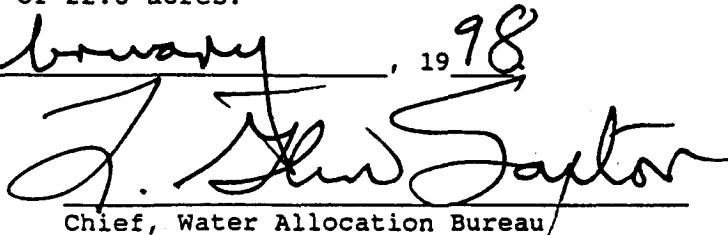
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	29E	2	NESE	22		22
Total number of acres irrigated:						*** 22

TRANSFER NO. 5002
WATER RIGHT NO(S). 33-02070B/33-02139B/33-07057D

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Dated this 4th day of February, 1998


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILES 33-02070, 33-02139 & 33-07057A

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER 5002

DATE: February 2, 1998



=====

Transfer 5002 changes the point of diversion under a portion of Right 33-07057A, and the place of use under a portion of Rights 33-02070 (A & B), 33-02139 (A & B) and 33-07057A (C & D), splitting each right. ✓

The applicant is transferring a total of 22 acres adjacent to irrigated land under earlier Transfer 4839. Overlap review identifies these groundwater rights as supplemental to surface rights at both the historic and proposed place of use. ✓

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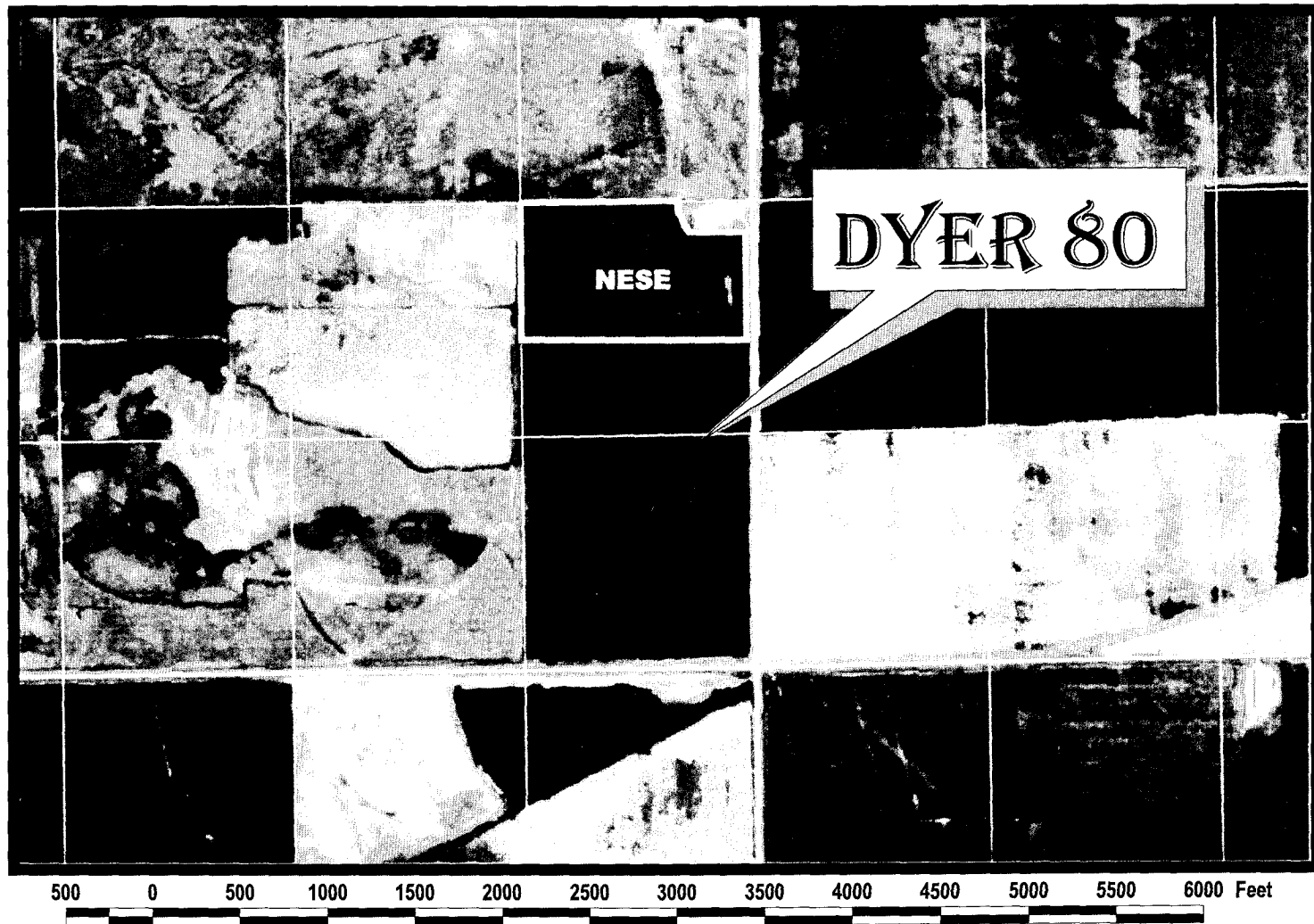
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Isham Farms

Water Right(s): 33-02139B, 33-02070B



LEGEND



Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use

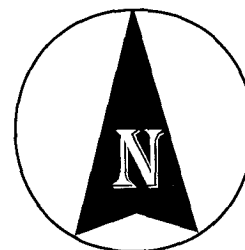
Section Line

Quarter-section line

Place(s) of Use: T.5N., R.29E.
Sec. 2 (part of) NESE

Point(s) of Diversion: T.6N., R.29E.
Sec. 36 NWNWSW

Note: Place of Use is after Transfer
#5002



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: November 1999

Water Right Number - R33-021398

Prefix Translation: RESEARCH

Old (D) Number - 19749

+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
ISHAM FARMS1 - C/O DONALD ISHAM
2 - HC 65 BOX 1036
3 -
City- HOWE
Phone - 208-767-3443

State- ID Zip- 83244

*** O - ORIGINAL OWNER ***
STAUFFER

HENRY

1 -
2 -
3 -

State- ID Zip- 0

City- X
Phone - 208-000-0000

STACIE K

1 -
2 -
3 -

State- ID Zip- 83244

City- HOWE
Phone - 208-000-0000

EDWIN L

1 -
2 -
3 -

State- ID Zip- 83244

City- HOWE
Phone - 208-000-0000+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - +
12/01/1947 15 EASTERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name

06N 29E 36 NW NW SW (23) BUTTE

+ - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

04/15 10/15 0.100

+ - - Total Div. Rate - - + + - Total Div. Volume - - + + - Total Div. Capacity - - + + - Total Consumptive Use - - + + - KW Usage - - +
0.100 0.0+ - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County05N 29E 2 NE SE 34.0 01 IRRIGATION (23) BUTTE
05N 29E 2 SE SE 37.0 01 IRRIGATION (23) BUTTE

Total Acres: 71.0

+ - - Diversion Means - WELL & PUMP

Per Box # 102
Per Box # 127

Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - 33-020708, 33-07057E, 33-07006B

[illegible]

POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 71 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-070068, 33-020708, 33-07057E.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 33-02139A, 33-02070A AND B, 33-07006B, 33-07057E.

| | + - + - + - + - + - + - + - + - | - - - - - - - - - - - - - - - - | - - - - - - - - - - - - - - - - |
|--|---------------------------------|---------------------------------|----------------------------------|
| | | | Conditions of Approval found. |
| | | | No Conditions of Approval found. |

| + - - - - | Decree Plaintiff | - - - + | + - - - - | Decree Defendant | - - - + | + - Decree Date |
|-----------|------------------|---------|-----------|------------------|---------|-----------------|
| | | | | | | 00/00/0000 |

+ - - Audit Fields - 03/17/99 ARIBERRY 03/18/99 ARIBERRY

+ - - - - - Comments- - - - - +
Date: 04/22/1996 User Id: ARUBERRY Subject: COPIED FROM REMARKS
THE TOTAL COMBINED RATE OF DIVERSION UNDER RIGHT NOS. 33-02070 AND 33-02139 SHALL NOT EXCEED 3.09 CFS, NOR A TOTAL COMBINED ANNUAL VOLUME OF 549.5 AFA, PER TRANSFER NO. 4109.
*** CLAIM AMENDED PURSUANT TO TRANSFER NO. 4109, ESV 9/10/93 **
CLAIM AMENDMENT CORRECTED, SEE MEMO IN FILE. ***19APR96 ABR
Date: 03/17/1999 User Id: ARUBERRY Subject: RECEIPT NO.
PAID UNDER RECEIPT NO. M005434.

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - | Old Judicial District | - |
| Claim Received Date | - 12/20/1989 | Last Amended Date | - 04/19/1996 | Temporary Right | - P |
| Proof Due Date | - 00/00/0000 | Proof Made Date | - | Water District | - |
| Licensed Date | - 00/00/0000 | Receipt Number | - X777777 | Federal/State Indicator | - S |
| | | POU Ownership Flag | - Y | Presumption Flag | - |
| | | Name Connector | - | Notice of Error Flag | - |

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

Ident. Number: A33-02139B
Date Received: 12/20/1989
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: ISHAM FARMS
Address: C/O DONALD ISHAM
HC 65 BOX 1036
HOWE ID

208-767-3443

83244

2. Date of Priority: DEC 1, 1947

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 06N | 29E | 36 | NW | NW | SW | | BUTTE |

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 0.100 | | |

7. Total Quantity Appropriated is:
0.100 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 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 05N | 29E | 2 | NE | SE | | IRR | 22.0 |

A3302139B



10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| | | | | | Section Acres | 22.0 |
| | | | | | Total Acres | 22.0 |

11. Place of use in counties: BUTTE

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

13. Other Water Rights Used:
33-02070B

14. Remarks:

THE TOTAL COMBINED RATE OF DIVERSION UNDER RIGHT NOS. 33-02070
AND 33-02139 SHALL NOT EXCEED 3.09 CFS, NOR A TOTAL COMBINED
ANNUAL VOLUME OF 549.5 AFA.

*** CLAIM AMENDED PURSUANT TO TRANSFER NO. 4109, ESV 9/10/93 **

CLAIM AMENDMENT CORRECTED, SEE MEMO IN FILE. ***19APR96 ABR

CLAIM WAS SPLIT BY TRANSFER NO. 5002 AS:

A33-02139A, 1.17, 145 AC, D. ISHAM

A33-02139B, 0.10, 12 AC, D. ISHAM

CLAIMED IN-FULL, PAID UNDER RECEIPT NO. M005434.

15. Basis of Claim: LICENSE

Water Right Number: 19749