

06/07/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-13159

NAME AND ADDRESS: JONATHAN W ISAAC
3315 ROCK CREEK ROAD
AMERICAN FALLS, ID 83211

SOURCE: GROUND WATER

QUANTITY: 0.52 CFS
136 AFY

PRIORITY DATE: 09/19/1973

POINT OF DIVERSION:	T08S R31E S32	SENWNW	Within POWER County
	T08S R31E S32	SESWNW	Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-15 11-01	0.52 CFS 136.00 AFY

PLACE OF USE:

<u>IRRIGATION Within POWER County</u>					
T08S R31E S29	NESW	12	T08S R31E S29	NWSW	3.2
T08S R31E S29	SESW	10	T08S R31E S32	NENW	8.8

34 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Idaho Department of Water Resources

Water Right 29-13159

Township 8S Range 31E



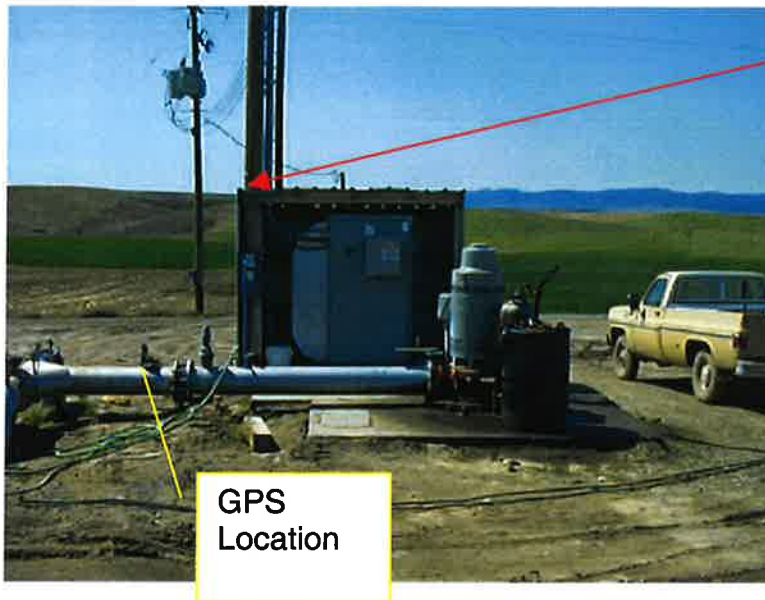
1320 0 1320 Feet

- Point of Diversion - This Right
- Point of Diversion - Other Rights
- Place of Use - This Right
- Place of Use - Other Rights
- ▬ Township
- ▬ Section
- ▬ Quarter-quarter Section



Prepared from 1987/1988 NAPP photography by B. Contor, 6/2001.

Photo #5



Site tag
A0010165

Placed by
GW District

GPS
Location

North well, looking south.

Photo #7



Site tag A0010172

Placed by
Ground Water
District

GPS
Location

South Well, looking West.

Photos for claims 29-13156, 29-13157, 29-13158, 29-13159 (All claims are from same two points of diversion).

Photos 5/1/2001 by Dean Byington and Bryce Contor.

Claims review 6/7/2001 by Bryce Contor.

Photo write-up 6/8/2001 by Bryce Contor.

Two photos, number 5 and number 7

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 29-13159

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JONATHAN W ISAAK 3315 ROCK CREEK ROAD AMERICAN FALLS, ID 83211 (208)226-7886
Original Owner	ROLAND MAYER & SONS 2948 LITTLE CREEK RD AMERICAN FALLS, ID 83211 (208)226-5291
Original Owner	LAMAR ISAAK 3298 S ISAAK LOOP AMERICAN FALLS, ID 83211 (208)226-2618
Original Owner	VIOLET ISAAK 3298 S ISAAK LP AMERICAN FALLS, ID 83211 (208)226-2618

Priority Date: 09/19/1973
Basis: License
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15	11/01	0.52 CFS	136 AFA	
Total Diversion			0.52 CFS	136 AFA	

Location of Point(s) of Diversion:

GROUND WATER	SENWNW	Sec. 32	Township 08S	Range 31E	POWER County
GROUND WATER	SESWNW	Sec. 32	Township 08S	Range 31E	POWER County

IRRIGATION Use:
Acre Limit: 34

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

<u>Townshi</u>	<u>Rang</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08S	31E	29		NESW	12		NWSW	3.2		SESW	10			
		32		NENW	8.8									

Total Acres: 34

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.

Comments:

Author	Date	Subject	Comment
bcontor	6/7/2001 1	recommendation	See field investigation notes in file 29-7157. Split by change of ownership. Owner purchased WR but not land, intent is to reduce volume diverted from this well, as new owner believes it interferes with nearby creek which is source of his right.
bcontor	6/7/2001 1	Transfer	Owner may wish to transfer water to new POD and POU, or may wish to drop water from mainline into creek and convey to new POU. Letter informs owner that formal xfer will be req. to make changes.

Dates:

Licensed Date:
 Claim Received Date: 05/10/2001
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
Summary	6/7/2001 2:09:42 PM		6/7/2001 2:09:42 PM	bcontor	Complete

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False
 Parent Right: 29-7157 ChangeOfOwnership

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
POD	6/7/2001 2:04:50 PM	bcontor	Edited point location
POD	6/7/2001 2:04:31 PM	bcontor	Edited point location
POU	6/7/2001 2:06:51 PM	bcontor	Edited shape boundary
Summary	6/7/2001 2:09:39 PM	bcontor	1. (NO) The basis of the claim is not beneficial use. 3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required.

7. (YES) Additional condition was required.
8. (YES) Wanted to view the recommended right.
9. (YES) This is a split right.
10. (NO) This is not a combined right.
11. (NO) Documents were not linked or attached to this file.
12. (YES) Set the verification date.

June 7, 2001

Jonathan Isaak
3315 Rock Creek Road
American Falls, Idaho 83211

Re: Splits of water right 29-7157

Dear Mr. Isaak:

Enclosed is a copy of the adjustment of the division of irrigated acres from the split of water right 29-7157. This moves Bill's 14 acre wheelline tract adjacent to his pivot on the north, and moves the narrow strip allocated to you north of Bill's portion. There is no change in the number of acres allocated to any of the owners.

When we visited with you last month, we talked about a transfer to allow you to drop your ground water into the creek from the mainline and carry it downstream to a new place of use. That is a reasonable concept and would likely be approved. However, Violet and LaMar did not file any transfer in your behalf. They took care of the "change of ownership," which puts part of the water right in your name. It does not authorize you to use it in a different location. You may wish to contact an "Allocations Agent" at this office regarding a transfer.

Please call me if there are questions. I'm getting harder and harder to catch but I will return your voice mail messages.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

enclosure

SCANNED
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**MAY 07 2001**Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	29-7157	Yes			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Lamar / Violet Tsak

4. New Owner/Claimant(s)

Jonathan W. Tsak

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

3315 Rock Creek Rd.

City, State and ZIP Code

Am. Falls, ID 83211

New Telephone Number

208 226-7886

5. Date you acquired the property



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

May 11, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Jonathan Isaak
3315 Rock Creek Road
American Falls, Idaho 83211

Re: Adjudication Claim 29-7157, 29-13159

Dear Mr. Isaak:

We have processed your Notice of Change of Ownership for a portion of right 29-7157, originally owned by LaMar and Violet Isaak. The enclosed map and printout show your portion of the claim, which has been numbered 29-13159. Please review this carefully, especially the locations of the lands assigned to you and the lands assigned to Mr. and Mrs. Isaak.

Later this summer I will be reviewing this claim to make recommendations to the court. At that time I may have further questions, and contact you again.

Please note that this change only addresses the *ownership* of the water right. The point of diversion, place of use, and nature of use of the right are unchanged. If you wish to use this water right at a different location, you will need to apply for a formal transfer. This can be done at this office.

Please contact me if you have concerns or questions.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

May 11, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LaMar and Violet Isaak
3298 S Isaak Loop
American Falls, Idaho 83211

Re: Splits of Adjudication Claim 29-7157

Dear Mr. and Mrs. Isaak:

Enclosed are copies of the water rights that have been split from your original license 29-7157, with a map showing the lands associated with each split. Please review carefully the division of lands between yourselves and Jonathan Isaak, and let me know if it needs to be adjusted.

Split 29-13156 is the portion that will remain in your name. Allan Andersen will receive split 29-13157. Until the transfer is complete, your name appears as "current owner," and his as "transfer applicant." Bill Isaak will receive split 29-13158 and Jonathan Isaak will receive 29-13159.

To aid in claims review, it would help me if you could go to the Farm Service Agency office and get me a photo that shows what was irrigated in 1987. It is important that the FSA staff write on the photo that it represents 1987 crop usage, stamp it with an FSA stamp, and sign it. To protect your privacy, FSA has decided not to give us access to these photos any more, so the monkey is on your back.

I may also need to do a field inspection, if so I'll contact you so you may come with me if you wish.

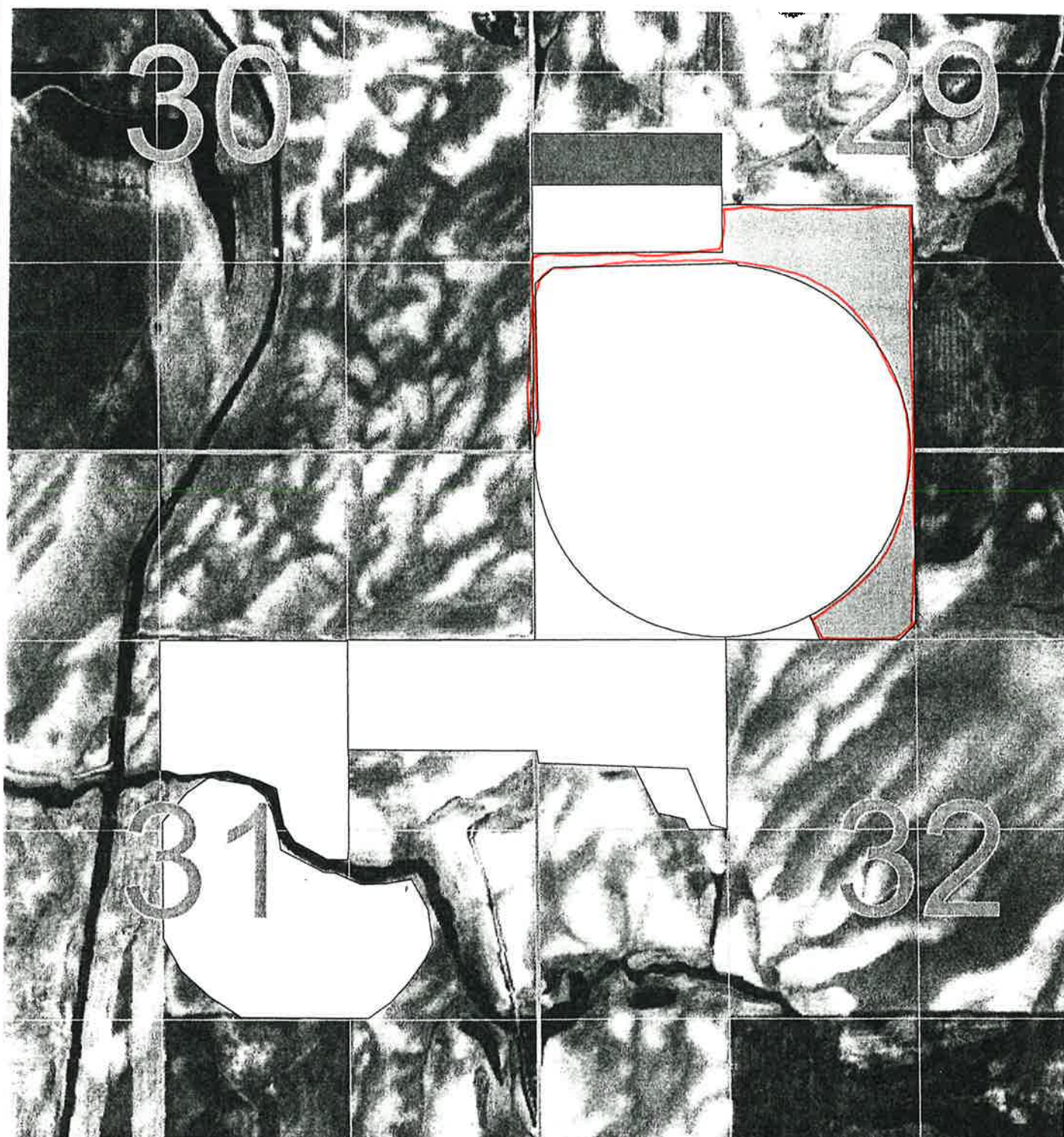
Please call me at 525-7161 if you have concerns or questions. Later in the week is usually better than earlier.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

29-7157

Illustration of Split of Claim



- Alan Anderson
- Bill Isaak
- Jonathan Isaak
- LaMar Isaak

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 29-13159
Date Received: 5/10/2001
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

JONATHAN W ISAAC Phone: (208)226-7886

3315 ROCK CREEK ROAD
AMERICAN FALLS ID USA 83211

2. Date of Priority: 09/19/1973

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	31E	32	SE SW NW	POWER	
08S	31E	32	SE NW NW	POWER	

5. Description of diverting works:

2 WELLS 400', 20" CASING 125 HP EL., 420' 20" CASING 175 HP MOTOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	11/01	0.52	136

7. Total Quantity Appropriated is:

0.52 C.F.S. and/or 136 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
08S	31E	29	NE SW	IRRIGATION	12

			NW	SW	IRRIGATION	3.2
			SE	SW	IRRIGATION	10
					Section Acres	25.2
08S	31E	32	NE	NW	IRRIGATION	8.8
					Section Acres	8.8
					Total Acres	34

11. Place of use in counties: POWER

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

13. Other Water Rights Used:

14. Remarks:

This is split off of 29-7157 by change of ownership.

Note that purchaser Jonathan Isaak has purchased only the water right and not the underlying land. Land has been purchased by A. William Isaak and others. See file 29-7157 and Notice of Change of Ownership file for documentation.

No change of place of use or point of diversion is contemplated at this time. Claimant will file a transfer if a change occurs in the future.

POU adjusted 6/7/2001 to reflect intent of COE per interview with buyer and seller, see documentation in 29-7157. BAC.

MAY 14 2001

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 29-13159
Date Received: 5/10/01
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

JONATHAN W ISAAC Phone: (208)226-7886
3315 ROCK CREEK ROAD
AMERICAN FALLS ID USA 83211

2. Date of Priority: 09/19/1973

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
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5. Description of diverting works:

2 WELLS 400', 20" CASING 125 HP EL., 420' 20" CASING 175 HP MOTOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	11/01	0.52	136

7. Total Quantity Appropriated is:
0.52 C.F.S. and/or 136 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
08S	31E	29	NE SW	IRRIGATION	12

			NW	SW	IRRIGATION	2
			SE	SW	IRRIGATION	9.6
			SW	SW	IRRIGATION	1.6
					Section Acres	25.2
08S	31E	32	NE	NW	IRRIGATION	8.8
					Section Acres	8.8
					Total Acres	34

11. Place of use in counties: POWER

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

13. Other Water Rights Used;

14. Remarks:

This is split off of 29-7157 by change of ownership.

Note that purchaser Jonathan Isaak has purchased only the water right and not the underlying land. Land has been purchased by A. William Isaak and others. See file 29-7157 and Notice of Change of Ownership file for documentation.

No change of place of use or point of diversion is contemplated at this time. Claimant will file a transfer if a change occurs in the future.

15. Basis of Claim: License