

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

RECEIVED

FEB 26 2020

Department of Water Resources
Eastern Region

Name of Applicant(s) Lamar Isaak Phone 208-223-2618
Mailing address 3298 So Loop American Falls, Idaho 83211 Email lamarisaak@hotmail.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 Greg Sullivan Phone 208-736-8543
Mailing address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301 Email greg.sullivan@brockwayeng.com

- ☐ 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.

Violet Isaak
Signature of Applicant or Authorized Representative

Violet Isaak
Print Name and Title if applicable

2-24-20
Date

Lamar Isaak
Signature of Applicant or Authorized Representative

LAMAR ISAAK
Print Name and Title if applicable

2-24-20
Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.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.3**.
This transfer proposes to update the 386.7 acre POU for water rights 29-7481 and 29-10583.

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 <input checked="" type="checkbox"/> <input type="checkbox"/>	29-7481	2.35/689.5	Irrigation	4/01 to 10/31	Ground Water
<input checked="" type="checkbox"/> <input type="checkbox"/>	29-2331	1.14/	Irrigation	4/01 to 10/31	Ground Water
<input checked="" type="checkbox"/> <input type="checkbox"/>	29-10583	1.315/	Irrigation	4/01 to 10/31	Ground Water
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	

Total authorized under rights 4.81 cfs and/or 1146.8 acre-feet.

2. Total amount of water proposed to be transferred or changed 4.81 cubic feet per second and/or 1146.8 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 #
	1		NE	NE	5	08S	31E	Power	Ground Water	
			SW	NW	5	08S	31E	Power	Ground Water	

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	
07S	31E	32												0.2				1.0	1.2
08S	31E	5	35.1	38	36.4	21.3	29.9	14	31.7	32.9	0.1	2.7							242.1
08S	31E	4					2.0	16.2	8.8	16.4									43.4
Total Acres (for irrigation use)																			286.7

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:

Existing wells, existing mainlines and pivots. New mainlines and new pivots will be installed.

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

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? 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: N/A

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:

There will continue to be 286.7 acres irrigated.

- 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:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-10583

Current Owner: MARTIN E BRUCKER
Priority Date: 4/1/1961
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.315 CFS	
	Total Diversion	1.315 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 5,	Twp 08S,	Rge 31E B.M.
POWER County				
GROUND WATER	L1(NE1/4NE1/4)	Sec. 5,	Twp 08S,	Rge 31E B.M.
POWER County				

Place of Use

IRRIGATION Within POWER County

T07S R31E S32		SESE	16.00	T08S R31E S4		SWNW	9.30
T08S R31E S5	Lot 1	NENE	40.00	T08S R31E S5	Lot 2	NWNE	40.00
T08S R31E S5		SWNE	30.00	T08S R31E S5		SENE	24.00
T08S R31E S5	Lot 3	NENW	38.00	T08S R31E S5	Lot 4	NWNW	18.00
T08S R31E S5		SWNW	36.00	T08S R31E S5		SENE	33.00
T08S R31E S5		NWSW	2.40				

Total Acres: 286.7

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Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 145 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
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.
3. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-2331, 29-7481
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. E60 USE OF THIS RIGHT WITH RIGHT NOS. 29-2331 AND 29-7481 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.81 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1146.8 AF.

Decreed Date: 3/22/2004

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-2331

Current Owner: MARTIN E BRUCKER
SILVIA BRUCKER

Priority Date: 3/14/1953

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION 04/01 to 10/31
Total Diversion

1.14 CFS
1.14 CFS

Location of Point(s) of Diversion

GROUND WATER

L1(NE1/4NE1/4)

Sec. 5, Twp 08S, Rge 31E B.M.

POWER County

GROUND WATER

SW1/4NW1/4

Sec. 5, Twp 08S, Rge 31E B.M.

POWER County

Place of Use

IRRIGATION Within POWER County

T07S R31E S32		SESE	16.00	T08S R31E S4		SWNW	9.30
T08S R31E S5	Lot 1	NENE	40.00	T08S R31E S5	Lot 2	NWNE	40.00
T08S R31E S5		SWNE	30.00	T08S R31E S5		SENE	24.00
T08S R31E S5	Lot 3	NENW	38.00	T08S R31E S5	Lot 4	NWNW	18.00
T08S R31E S5		SWNW	36.00	T08S R31E S5		SENW	33.00
T08S R31E S5		NWSW	2.40				

Total Acres: 286.7

Page _____ of _____

Conditions of Approval:

1. 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.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 145 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-7481, 29-10583
5. E60 USE OF THIS RIGHT WITH RIGHT NOS. 29-7481 AND 29-10583 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.81 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1146.8 AF.

Decreed Date: 3/22/2004

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-7481

Current Owner: MARTIN E BRUCKER
SILVIA BRUCKER

Priority Date: 1/18/1979

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	2.35 CFS	689.5 AF
	<u>Total Diversion</u>	2.35 CFS	689.5 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 5,	Twp 08S,	Rge 31E B.M.
POWER County				
GROUND WATER	L1(NE1/4NE1/4)	Sec. 5,	Twp 08S,	Rge 31E B.M.
POWER County				

Place of Use

IRRIGATION Within POWER County

T07S R31E S32		SESE	16.00	T08S R31E S4		SWNW	9.30
T08S R31E S5	Lot 1	NENE	40.00	T08S R31E S5	Lot 2	NWNE	40.00
T08S R31E S5		SWNE	30.00	T08S R31E S5		SENE	24.00
T08S R31E S5	Lot 3	NENW	38.00	T08S R31E S5	Lot 4	NWNW	18.00
T08S R31E S5		SWNW	36.00	T08S R31E S5		SENE	33.00
T08S R31E S5		NWSW	2.40				

Total Acres: 286.7

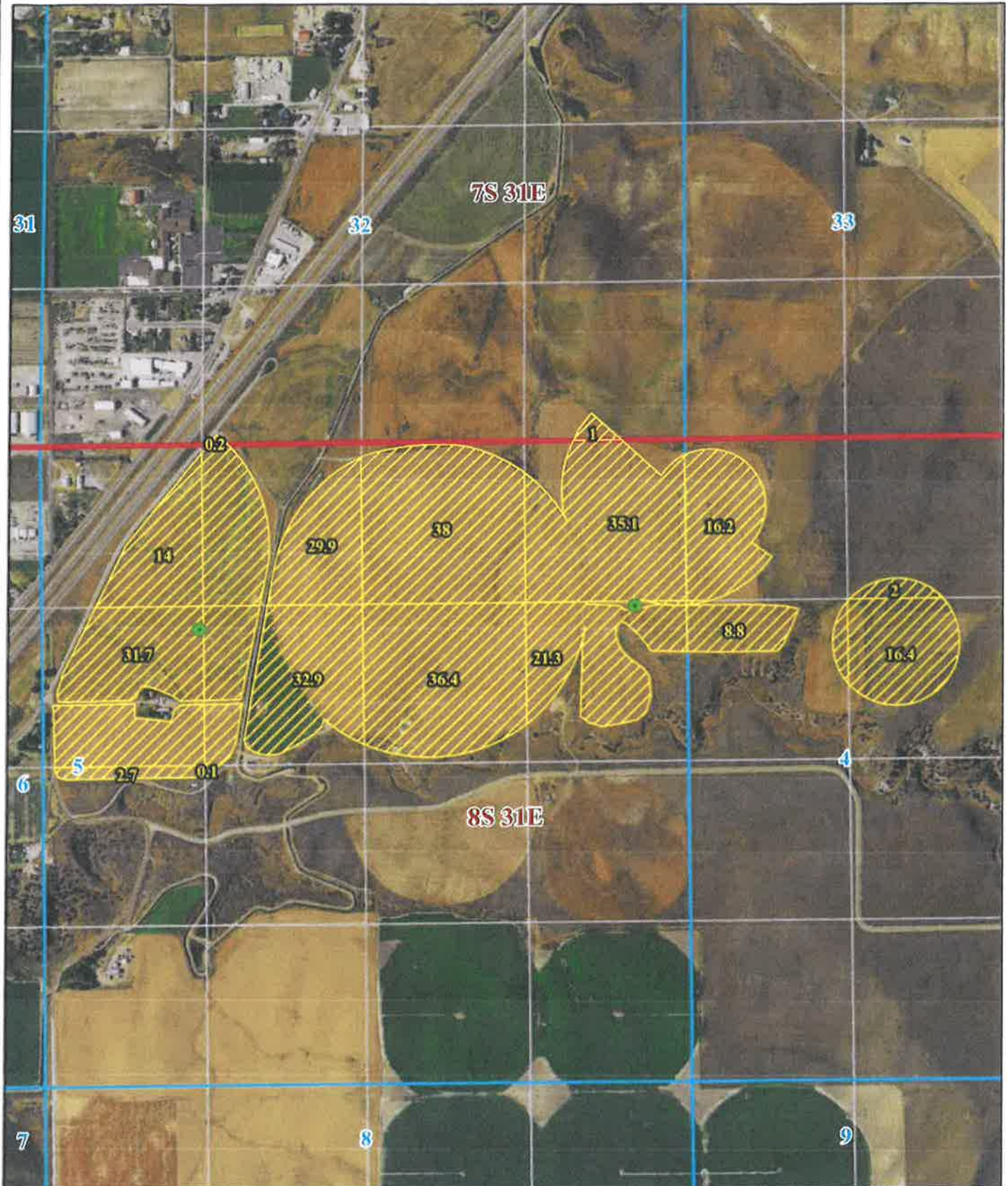
Page _____ of _____

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2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. E60 USE OF THIS RIGHT WITH RIGHT NOS. 29-2331 AND 29-10583 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.81 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1146.8 AF.
4. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-2331, 29-10583
5. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 197 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Decreed Date: 3/22/2004

84044



0 1,000 2,000 Feet

LAMAR ISAAK

WATER RIGHTS
2019 NAIP AERIAL

Legend

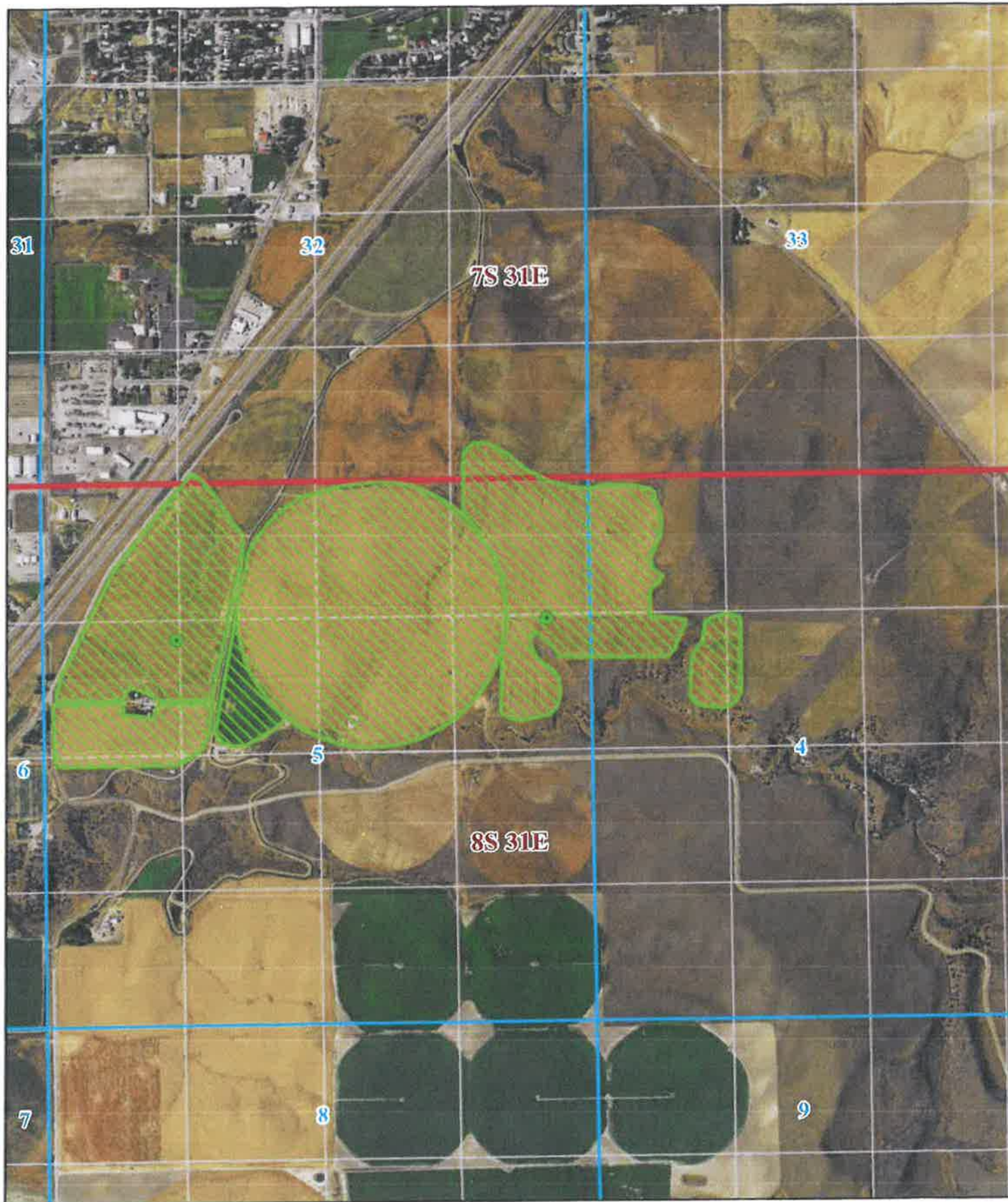


Isaak_POD



286.7_Acres QQ





0 1,250 2,500 Feet

LAMAR ISAAK

WATER RIGHTS
2019 NAIP AERIAL

84044

Legend

- Isaak POD
- 2019 Irrigation