

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 81194**

This is to certify that: **JERRY L ISAAC AND  
KAYLA G ISAAC  
28283 SHOO-FLY CUT-OFF RD  
BRUNEAU, ID 83604**

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Changes**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 51-13071           | WR/DECREED          | 9/3/1976             | 0.200 cfs             | 39.0 af                 | 7.8               | 8.0                | GROUND WATER  |
| 51-13073           | WR/DECREED          | 1/25/1963            | 0.010 cfs             | 1.0 af                  | 0.2               | 8.0                | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 51-13071              | NO           | YES        | NO         | NO             | NO                   | NO                   |
| 51-13073              | NO           | YES        | NO         | NO             | NO                   | NO                   |

**Summary Of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 51-13071               | 51-13071                         | 0.200 cfs            | 39.0 af                | 7.8               | 8.0                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 51-13073               | 51-13073                         | 0.010 cfs            | 1.0 af                 | 0.2               | 8.0                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>0.210 cfs</b>     | <b>40.0 af</b>         | <b>8.0</b>        | <b>8.0</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 2nd day of June, 2017

  
Chief, Water Allocation Bureau

**SUPPORT DATA**

**IN FILE #** 51-13071

Transfer No. 81194

# **WATER RIGHT NO. 51-13071**

## **As Modified by Transfer No. 81194**

In accordance with the approval of Transfer No. 81194, Water Right No. 51-13071 is now described as follows:

**Right Holder:** JERRY L ISAAC AND  
KAYLA G ISAAC  
28283 SHOO-FLY CUT-OFF RD  
BRUNEAU, ID 83604

**Priority Date:** 9/3/1976

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 03/15       | to 11/15  | 0.200 cfs             | 39.0 af                 |
|                       |             |           | 0.200 cfs             | 39.0 af                 |

### **LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER NWSW Sec 14 Twp 07S Rge 04E OWYHEE County

### **PLACE OF USE: IRRIGATION**

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |     |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|-----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW  | SE | NE | NW | SW | SE |        |
| 07S | 04E | 14  |    |    |    |    |    |    |    |    |    |    | 8.0 |    |    |    |    |    | 8.0    |

Right Acre Limit: 7.8  
POU Total Acres: 8.0

### **CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 7.8 acres within the authorized place of use in a single irrigation season.
2. Rights 51-13071 and 51-13073 when combined shall not exceed a total of 8 acres of irrigation.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 03/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 03/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 12/01/2000.
5. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.

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**WATER RIGHT NO. 51-13071**  
**As Modified by Transfer No. 81194**

**CONDITIONS OF APPROVAL**

6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



# **WATER RIGHT NO. 51-13073**

## **As Modified by Transfer No. 81194**

In accordance with the approval of Transfer No. 81194, Water Right No. 51-13073 is now described as follows:

**Right Holder:** JERRY L ISAAC AND  
KAYLA G ISAAC  
28283 SHOO-FLY CUT-OFF RD  
BRUNEAU, ID 83604

**Priority Date:** 1/25/1963

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 04/01       | to 10/31  | 0.010 cfs             | 1.0 af                  |
|                       |             |           | 0.010 cfs             | 1.0 af                  |

### **LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER NWSW Sec 14 Twp 07S Rge 04E OWYHEE County

### **PLACE OF USE: IRRIGATION**

|     |     |     | NE |    |    |    | NW |    |    |    | SW |     |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|-----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW  | SW | SE | NE | NW | SW | SE |        |
| 07S | 04E | 14  |    |    |    |    |    |    |    |    |    | 8.0 |    |    |    |    |    |    | 8.0    |

Right Acre Limit: 0.2  
POU Total Acres: 8.0

### **CONDITIONS OF APPROVAL**

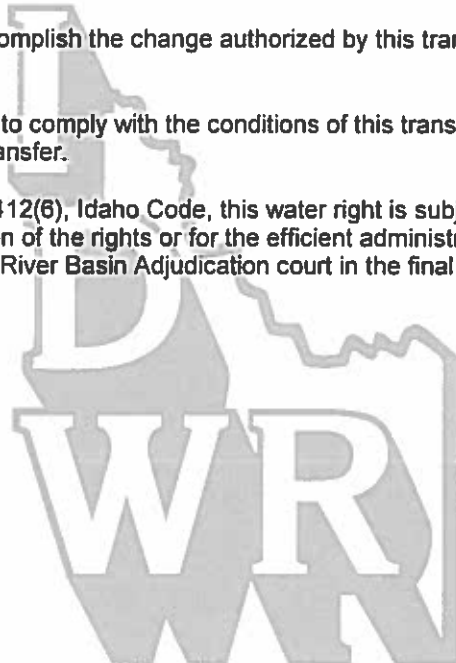
1. This right is limited to the irrigation of 0.2 acres within the authorized place of use in a single irrigation season.
2. Rights 51-13071 and 51-13073 when combined shall not exceed a total of 8 acres of irrigation.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/01 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 12/01/2000.

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**WATER RIGHT NO. 51-13073**  
**As Modified by Transfer No. 81194**

**CONDITIONS OF APPROVAL**

5. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



State of Idaho  
Department of Water Resources  
**Attachment to Transfer No. 81194**  
Water Right(s): 51-13071, 51-13073

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Transfer point of diversion
-  Transfer place of use
-  Township/Range
-  Sections
-  QQ

0 0.05 0.1 0.2 Miles





State of Idaho

## DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

June 2, 2017

JERRY L ISAAC  
KAYLA G ISAAC  
28283 SHOO-FLY CUT-OFF RD  
BRUNEAU ID 83604

Re: Transfer No: 81194  
Water Right No(s): 51-13071, 51-13073

### Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,

A handwritten signature in black ink that reads "Rachel Neely for". The signature is written in a cursive, flowing style.

Nick Miller

Western Regional Manager

Enclosure

CC:

SPF WATER ENGINEERING LLC  
C/O SCOTT N KING  
300 E MALLARD DR STE 350  
BOISE ID 83706

## **CERTIFICATE OF SERVICE**

I hereby certify that on June 2, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

**Re: Transfer No.: 81194**  
**Water Right No(s): 51-13071, 51-13073**

**JERRY L ISAAC**  
**KAYLA G ISAAC**  
**28283 SHOO-FLY CUT-OFF RD**  
**BRUNEAU ID 83604**

**SPF WATER ENGINEERING LLC**  
**C/O SCOTT N KING**  
**300 E MALLARD DR STE 350**  
**BOISE ID 83706**



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**Rachel Neely**  
**Administrative Assistant**

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.