

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 13 2016
WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. **APPLICANT(S)** Jerry L. and Kayla G. Isaac Phone 208-573-4550
2. **MAILING ADDRESS** 28283 Shoo-Fly Cut-Off Rd City Bruneau
State ID Zip 83604 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 51-13071, 51-13073

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.21 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
y			NW	SW	14	7S	4E	Owyhee	Ground Water	50057785

6. 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:

Well, pump, pressurized irrigation.

Measuring device and controlling works will be accommodated upon Department request.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☒ Yes ☐ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form. (See Attachment A)
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and 1/4 1/4 of section information. The Map Tool, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Jerry L. Isaac
Signature of applicant or authorized agent

Jerry L. Isaac
Print name and title if applicable

9-6-16
Date

Kayla G. Isaac
Signature of applicant or authorized agent

Kayla G. Isaac
Print name and title if applicable

9-6-16
Date

9. FEE - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 27 pages of attachments.

Received by CS

Date 9/13/16

Fee paid \$500.00 Date 9/13/16

Received by CS

Receipt # W044628

Preliminary review by CP

Date 2/3/17

Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☐

Name on W-9

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 - confidential information is held by fiscal only)



ATTACHMENT A
APPLICATION SUPPORTING DOCUMENTS

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

Current Water Right No.: 51-13071

Current Owner: JERRY L ISAAC
KAYLA G ISAAC

Priority Date: 9/3/1976

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.2 CFS	39 AF
	<u>Total Diversion</u>	0.2 CFS	39 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SE1/4SW1/4 Sec. 14, Twp 07S, Rgs 04E B.M.
OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T07S R04E S14 NWSW 8.00
Total Acres: 8

Conditions of Approval:

1. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. RIGHT NO. 51-13070, 51-13072 & 51-13073 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
3. 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.
4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 7.8 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 51-13073 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 8 ACRES IN A SINGLE IRRIGATION SEASON.

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

Current Water Right No.: 51-13073

Current Owner: JERRY L ISAAC
KAYLA G ISAAC

Priority Date: 1/25/1963

Origin: Water Right

Status: Water Supply Bank 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	0.01 CFS	1 AF
	<u>Total Diversion</u>	0.01 CFS	1 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SE1/4SW1/4 Sec. 14, Twp 07S, Rge 04E B.M.
OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T07S R04E S14 NWSW 8.00
Total Acres: 8

Conditions of Approval:

1. RIGHT NO. 51-13070, 51-13071 & 51-13072 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
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. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 0.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 51-13071 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 8 ACRES IN A SINGLE IRRIGATION SEASON.

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("Lease") is between the Idaho Water Resource Board ("Board"), and

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

RECEIVED

APR 26 2016

**DEPARTMENT OF
WATER RESOURCES**

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. On January 13, 2016, the Lessor filed an application to lease the water rights described below into the Water Supply Bank.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to the conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right	Priority Date	Source	Tributary	Leased Rate	Annual Leased Volume	Total Leased Acres
51-13071	9/3/1976	GROUND WATER	NA	0.2 cfs	39.0 af	7.8 ac
51-13073	1/25/1963	GROUND WATER	NA	0.01 cfs	1.0 af	0.2 ac
Total annual combined limits of these water rights				0.21 cfs	40.0 af	8.0 ac

SUPPORT DATA

Lease Totals

IN FILE # 51-13071

0.21 cfs 40.0 af 8.0 ac

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

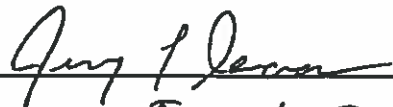
3. **TERM OF LEASE:** The term of this lease shall be January 1, 2016 to December 31, 2016. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

WATER SUPPLY BANK LEASE CONTRACT

5. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

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

By 
Printed Name Jerry L Isaac

Date 4-23-16
Title Owner

IDAHO WATER RESOURCE BOARD
322 EAST FRONT ST
PO BOX 83720
BOISE ID 83720-0098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 4/26/2016

Lease approved by IDWR 

Date 4-26-2016

ATTACHMENT A

WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

WATER RIGHT NOS. 51-13071 and 51-13073

The water right or portion thereof leased to the bank is described as follows:

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

Location of Point(s) of Diversion for Water Right 51-13071 and 51-13073

GROUND WATER SWSESW Sec. 14, Twp 07S, Rge 04E, OWYHEE County

<u>Water Right</u>	<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
51-13071	IRRIGATION	03/15 to	11/15	0.2 cfs	39.0 af
51-13073	IRRIGATION	04/01 to	10/31	0.01 cfs	1.0 af
Total:				0.21 cfs	40.0 af

Place of Use to be Idled Under This Lease: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	04E	14										8.0							8.0

Total Acres: 8.0

Conditions Applicable to All Leased Water Rights

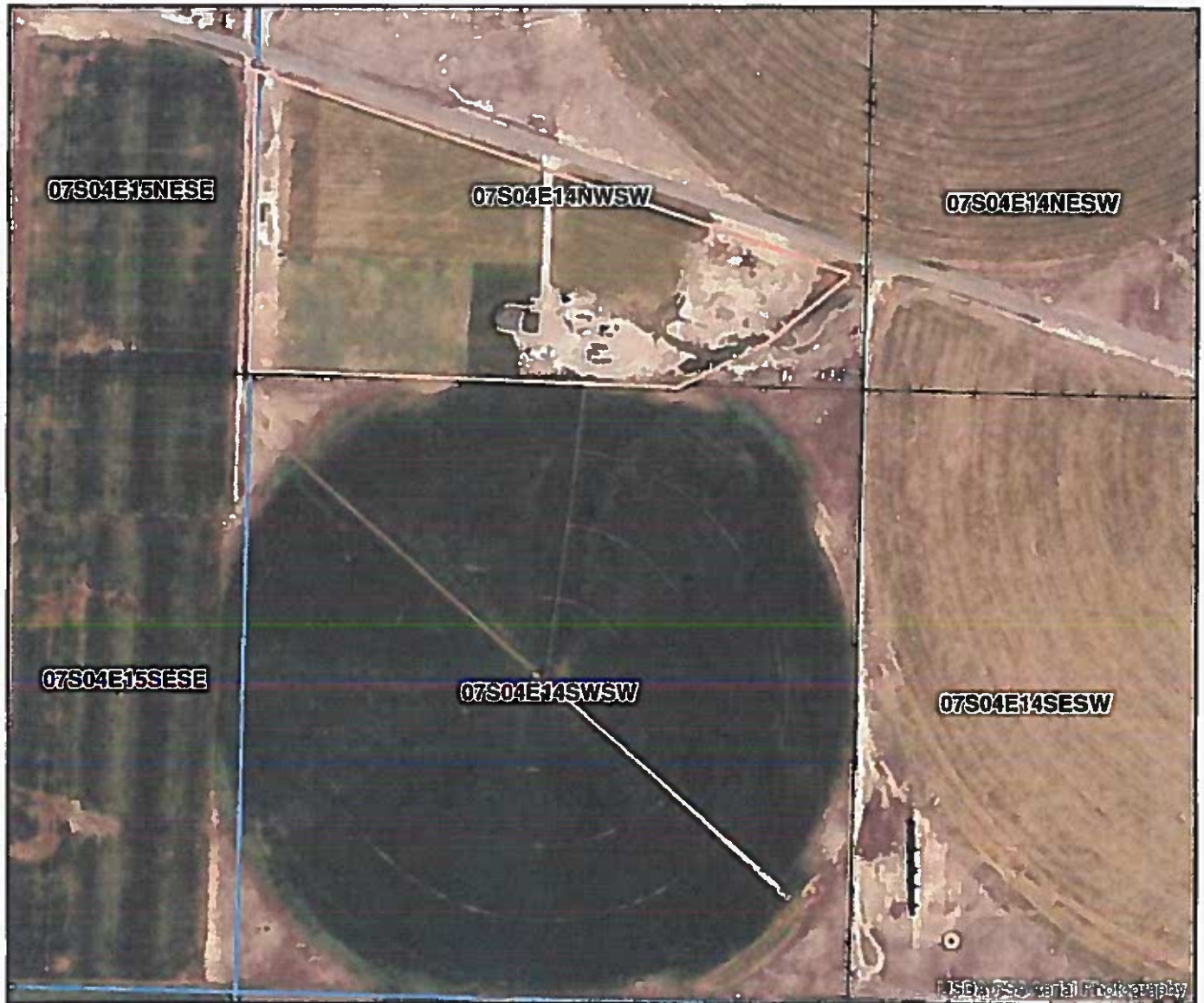
1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department, even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.

8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, nor does it improve the status of the right or accomplish the resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment after the following rental season.
11. The water rights leased to the bank are subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Idaho Water Resource Board
Water Supply Bank Lease

51-13071 and 51-13073
Effective until December 31, 2016

This map depicts the place of use to be idled pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



○ Approved Lease Point of Diversion

Approved Lease Place of Use

Townships

PLS Sections

Quarter Quarters



0 500 1,000 Feet

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

APR 26 2016

DEPARTMENT OF
WATER RESOURCES

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right	Priority Date	Source	Tributary	Rented Rate	Annual Rented Volume	Acre Limit	Total Rented Acres
51-13071	9/3/1976	GROUND WATER	NA	0.2 cfs	39.0 af	NA	7.8 ac
51-13073	1/25/1963	GROUND WATER	NA	0.01 cfs	1.0 af	NA	0.2 ac
Total Annual Cmbined Limit				0.21 cfs	40.0 af	NA	8.0 ac

Annual Combined Rental Totals

0.21 cfs 40.0 af NA 8.0 ac

Term of Rental: This rental is in effect from the day the Idaho Water Resource Board signs the rental agreement and shall be in effect until December 31, 2016.

Rental Fee: \$68.00

The fee for rental of the above-described water is \$680.00 per year. Because you own the above referenced water rights you are obligated to pay ten percent (\$68.00) to the Department for administrative costs only.

No administrative fees will be refunded once the fee is collected.

Detailed water right conditions are attached.

SUPPORT DATA

NY FILE # 51-13071

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

 Jerry L Isaac 4-23-16
Signature of Renter Printed Name and Title* Date

Signature of Renter Printed Name and Title* Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By  Date 4/26/2016
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental Approved by IDWR  Date 4-26-2016

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT
WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NW¼SW¼ Sec. 14 Twp 07N Rge 04E OWYHEE County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

03/15 TO 11/15 FOR WATER RIGHT 51-13071

04/01 TO 10/31 FOR WATER RIGHT 51-13073

RENTER'S PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	04E	14										8.0							8.0

Total Acres: 8.0

CONDITIONS APPLICABLE TO ALL RENTED WATER RIGHTS

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
10. This rental agreement does not authorize the construction of a well.
11. 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 lands above.
12. The use of water for irrigation right 51-13071 may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15

under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

13. The use of water for irrigation right 51-13073 may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.



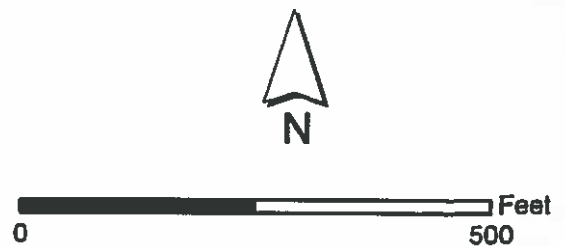
Idaho Water Resource Board
Water Supply Bank Rental Agreement

Effective until December 31, 2016

This map depicts the rental place of use pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



- Authorized Rental Point of Diversion
- Authorized Rental Place of Use
- Townships
- PLS Sections
- Quarter Quarters



MEMORANDUM

To: File(s) 51-13071 and 51-13073
From: Sandra Thiel
Date: April 18, 2016
Re: Review of Application to Rent a Water Right from the State Water Supply Bank

PURPOSE/NARRATIVE:

On January 13, 2016 the Department received applications to lease and rent water from Jerry Isaac. In 2011 Mr Isaac applied for a transfer for rights 51-13071 and 51-13073. Western regional office denied the transfer because the two wells were considered separate sources.

Conversation with Jerry Isaac on February 1, 2016:

Jerry has consulted an engineer about the difference in wells. He wants to move his point of diversion from the Tilby well to the well on his property. We have not allowed him to do that because the Tilby well is geothermal and Jerry's well is cold water. Jerry said that he has been working with an engineer who found that the Tilby well is cased only to 200 feet. Jerry's well is also cased to about 220 feet. The engineer believes they are pulling from the same aquifer. I asked Jerry to have the engineer to submit something to use that might substantiate his claim that they are the same source.

On February 12, 2016, I sent a letter to Mr. Isaac requesting information supporting the assertion that the two wells are the same source. On March 14, 2016, the Department received a letter from Scott King of SPF Engineering. In the attached letter Scott provides an argument for allowing the lease and rental of this water. I requested that Mike McVay evaluate Scott's assertion. Mike responded that they can argue that both wells are from the same source.(see attachment) Based on these evaluations, we are assuming that the rental source is the same as the lease source.

Mr. Isaac's purpose in renting the water is to irrigate 8 acres. He still plans to file a transfer for the change in wells. This lease and rental 0.21 cfs and 40 af for one year.

AUTHORITY TO FILE: Jerry L & Kayla G Isaac, own the property at both the lease and the rental place of use.

WATER RIGHT VALIDITY: The Isaacs rented right 51-7027 from 2011 through 2015 to irrigate the place of use. There is evidence of irrigation on the 2010 Landsat imagery (see image below). The right appears to be valid.

INJURY TO OTHER WATER RIGHTS: None apparent.

ENLARGEMENT OF USE: The season of use and headgate requirement are the same for both the lease and rental points of diversion.

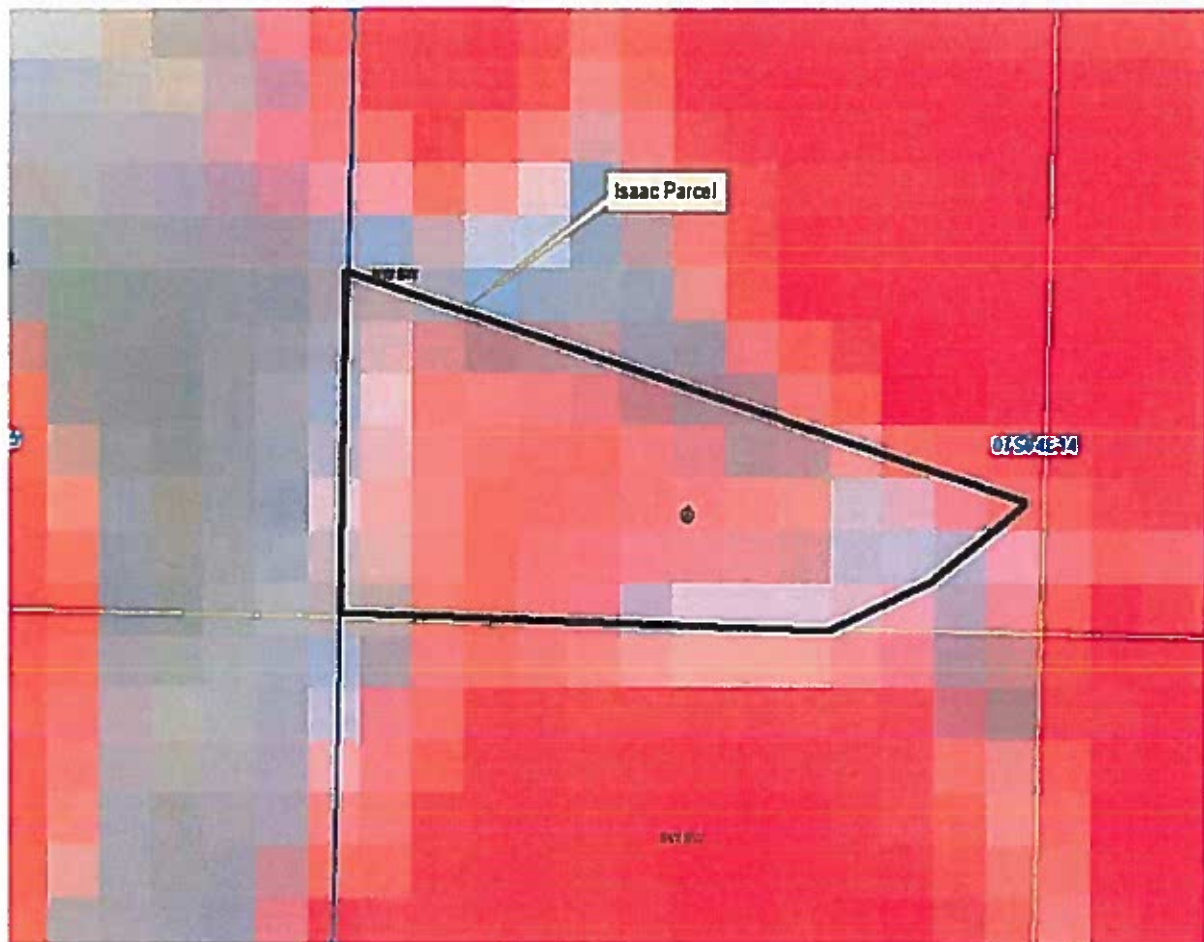
LOCAL PUBLIC INTEREST: Both points of diversion are within the Trust Water Area and the Bruneau-Grandview Ground Water Management area.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

The leases appear to be consistent with conservation of water resources in Idaho. The applicant/owner has been operating under an approved permit and a right licensed with the State of Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

Nick Van Dyke from Western had no concerns.





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MAR 16 2016

DEPARTMENT OF
WATER RESOURCES

March 14, 2016

Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

Attn: Sandra Thiel

Subject: *Jerry Isaac Water Supply Rental Application*

Dear Sandra,

On behalf of Jerry Isaac, this letter provides support for his proposed water bank rental applications. The proposed well for diverting under the rental application is identified by Well Tag No. D0057785. This well is constructed with 6 5/8" diameter casing from +1.5 ft to 200 ft below ground surface (bgs). The casing is sealed to 39 feet BGS. Below the casing, the well is open-hole from 200 to 300 ft BGS. The Driller's report identifies water bearing zones in the open-hole portion from 221 to 264 feet BGS. Water was first encountered at 212 feet. Static water level is 100 ft BGS, indicating confined aquifer conditions. Reported temperature is 64°F.

The well proposed for leasing from the water supply bank is identified as the "Tilby Well." This well is located approximately 1/4 mile SSE from Isaac's well. Isaac's application describes the well head ground elevations being approximately the same; USGS quadrangle maps indicate the Tilby well head may be somewhat lower elevation than Isaac's well, but likely less than 25 feet lower. The Tilby well is constructed to 950 ft BGS with 16-inch diameter casing from surface to 200 ft BGS with open-hole construction to 950 ft. Static water level is reported at 57 ft BGS. Water was first encountered at 35 to 40 ft with a temperature of 60°F. Warmer water is reported at greater depths. Lithologic logs for the two wells are similar.

The Tilby well was constructed to draw water from aquifer zones ranging from 200 to 950 feet. It is highly likely that the Tilby well draws water from the same water-bearing zone supplying Isaac's well and therefore both wells draw, at least partly, from the same aquifer zone.

March 14, 2016

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott N. King". The signature is fluid and cursive, with the first name "Scott" and last name "King" clearly distinguishable.

Scott N. King, P.E.
Supervising Engineer

cc: Jerry Isaak

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

859091

1. WELL TAG NO. D 0057785

Drilling Permit No. _____
Water right or injection well # _____

2. OWNER

Name Liberty Homes
Address 559 Bar Log Lane
City Bliss State ID Zip 83314

3. WELL LOCATION:

Twp. 7 North ☐ or South ☒ Rge. 4 East ☒ or West ☐
Sec. 14 1/4 NW 1/4 SW 1/4

Gov't Lot _____ County Owyhee

Lat. 42° 48.7167 (Deg. and Decimal minutes)

Long. 115° 57.1167 (Deg. and Decimal minutes)

Address of Well Site Morman Blvd. & Shoefly Road ~ .05 mile S of

City Bruneau

Lot _____ Blk. _____ Sub. Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation ☐ Thermal ☐ Injection
☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Replacement well ☐ Modify existing well
☐ Abandonment ☐ Other _____

6. DRILL METHOD:

☒ Air Rotary ☐ Mud Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES

Seal material	From (ft)	To (ft)	Quantity (lbs or ft³)	Placement method/procedure
Bentonite #5	0	6'	250lbs	Overbore/Pour
Neat Cement	6'	39'	1863lbs	Overbore/Pump

8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/Schedule	Material	Casing	Liner	Threaded	Welded
6 5/8"	+1.5'	220'	.250	Steel	☒	☐	☐	☒

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 220 feet

9. PERFORATIONS/SCREENS:

Perforations ☐ Y ☒ N Method _____

Manufactured screen ☐ Y ☒ N Type _____

Method of installation _____

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule

Length of Headpipe _____ Length of Tailpipe _____

Packer ☐ Y ☒ N Type _____

10. FILTER PACK:

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft³)	Placement method

11. FLOWING ARTESIAN:

Flowing Artesian? ☐ Y ☒ N Artesian Pressure (PSIG) _____

Describe control device _____

12. STATIC WATER LEVEL and WELL TESTS:

Depth first water encountered (ft) 212 feet Static water level (ft) 100 feet

Water temp. (°F) 64 Bottom hole temp. (°F) _____

Describe access port Through well seal

Well test:	Test method:
Drawdown (feet)	Discharge or yield (gpm)
<u>0</u>	<u>100gpm</u>
Test duration (minutes)	Pump
<u>120</u>	☐
	☐
	☒
	☐
	☐

Water Quality test or comments:

13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water Y	N
10"	0	2'	Top Soil		X
10"	2'	31'	Sand and Gravel		X
10"	31'	39'	Brown Clay		X
8"	39'	54'	Brown Clay		X
6"	54'	68'	Gray Clay		X
6"	68'	212'	Blue and Gray Clay		X
6"	212'	214'	Gray Basalt	X	
6"	214'	221'	Brown Basalt		X
6"	221'	231'	Fractured Brown Basalt	X	
6"	231'	264'	Gray Basalt Fractured with sand & talc	X	
6"	264'	300'	Gray Basalt Hard		X

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JUN 07 2010

WATER RESOURCES
WESTERN REGION

Completed Depth (Measurable) 300 Feet

Date Started 5-25-2010 Completed 5-28-2010

14. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time this rig was removed.

Company Name Hiddestop Drilling Co. No. 35

*Principal Driller [Signature] Date 6-2-10

*Driller [Signature] Date 6-3-10

*Operator II _____ Date _____

Operator I _____ Date _____

* Signature of Principal Driller and rig operator are required.

099094

RECEIVED
NOV 8 1963WELL LOG AND REPORT OF THE
STATE RECLAMATION ENGINEER OF IDAHO Department of ReclamationPermit No. 8-28462 Well No. 1 County CHITAKEOwner Byron TillyAddress Bruneau, IdahoDriller Byron TillyAddress Bruneau, IdahoWell location SW 1/4 Sec 14, T. 2 S, R. 4 E, S. 1/4Size of drilled hole 16 in. 200 ft, 15 in. 455 ft, 12 in. 295 ft.Total depth of well 950Give depth to standing water from the ground 57 ft Water temp. 90 °Fahr.On "Pumping Test" delivery was 2970 g.p.m. or c.f.s. Drawdown was 138 feet.Size of pump and motor used to make test 14 in. 400 h.p.Length of time of test 3 hours minutes.If flowing well, give flow c.f.s. or g.p.m. and of shut off pressure If flowing well, described control works

(TYPE AND SIZE OF VALVE, ETC.)

Water will be used for IrrigationWeight of casing per lineal foot 4 lb.Thickness of casing 1/4 Casing material Steel

(STEEL, CONCRETE, WOOD, ETC.)

Diameter, length and location of casing 16" First 200'(CASING 12" IN DIAMETER OR LESS, GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER, GIVE OUTSIDE DIAMETER)

CASING RECORD

Diam. Casing	From Feet	To Feet	Length	Remarks—casing, grouting, etc.
16	0	200	200'	Gravel filled around pipe 200'

Number and size of perforations None located feet to feet from groundDate of commencement of well June 2, 1962 Date of completion of well October 17, 1963

SESW S. 1/4 75 4E

contd

WELL LOG

From Feet	To Feet	Type of Material	Water-bearing Formations Date To or To	Casing Perforated Date To or To
0	5	Soil and gravel		
5	10	" " "		
10	15	" " "		
15	20	tan clay		
20	25	" "		
25	30	" "		
30	35	" "		
35	40	Slate gray - 60° water		
40	45	" "		
45	50	" "		
50	55	" "		
55	60	" "		
60	65	" "		
65	70	" "		
70	75	" "		
75	80	" "		
80	85	" "		
85	90	" "		

If more space is required use Sheet No. 2

WELL DRILLER'S STATEMENT

This well was drilled under my supervision and the above information is true and correct to the best of my knowledge and belief.

Signed Byron Tilly
By _____

Dated March 7, 1963

License No. 238

099095

SHEET NO. 2

Well Owner Byron TilbyWell Driller Byron TilbyWell Location Branson

WELL LOG

From Feet	To Feet	Type of Material	Water-bearing Formation Ass. Yes or No	Casing Perforated Ass. Yes or No
90	95	Slate gray		
95	100	" "		
100	105	" "		
105	110	" "		
110	115	" "		
115	120	" "		
120	125	" "		
125	130	" "		
130	135	" "		
135	140	" "		
140	145	" "		
145	150	" "		
150	155	" "		
155	160	" "		
160	165	Black sand		
165	170	" "		
170	175	" "		
175	180	Yellow rusty clay		
180	185	Black sand		
185	190	" "		
190	195	" "		
195	200	" "		
200	205	Rusty shale		
205	210	Black rock		
210	215	Blue shale		
215	220	" "		
220	225	" "		

SHEET NO. 2

Well Owner Byron TilbyWell Driller Byron TilbyWell Location Bruneau

WELL LOG

From Feet	To Feet	Type of Material	Water-bearing Formation Abv. to or No	Using Perforated Abv. to or No
225	230	rusty rock		
230	235	Gravel		
235	240	"		
240	245	" - light brown	0.1	
245	250	Clay and sand		
250	255	Clay - yellow	0.1	
255	260	" "		
260	265	" "		
265	270	" "		
270	275	" "		
275	280	" "		
280	285	" "		
285	290	Black sand	1	
290	295	" "		
295	300	Sand and clay		
300	305	" " "		
305	310	" " "		
310	315	" " "		
315	320	" " "		
320	325	" " "		
325	330	Gravel		
330	335	"		
335	340	Sand		
340	345	"		
345	350	Sand and gravel		
350	355	Sand and clay		
355	360	Gravel and clay		

S65 W 5.14 78 4E

5/

099096

SHEET NO. 3

WELL OWNER Byron TilbyWELL DRILLER Byron TilbyWELL LOCATION Branson

WELL LOG		
From Feet	To Feet	Type of Material
360	365	Sand and clay
365	370	" "
370	375	" "
375	380	" "
380	385	" "
385	390	" "
390	395	Gravel and clay
395	400	" "
400	405	" "
405	410	" "
410	415	" "
415	420	" "
420	425	" "
425	430	" "
430	435	" "
435	440	" "
440	445	" "
445	450	" "
450	455	Black sand and clay
455	460	" "
460	465	Black rock
465	470	" "
470	475	Black rock and black sand
475	480	" " " " "
480	485	" " " " " -- Water 86°
485	490	" " " " "
490	495	Gray rock and black sand
495	500	" " " " "
500	505	Black rock

SHEET No. 3

WELL DRILLER Byron Tilby
 WELL OWNER Byron Tilby
 WELL LOCATION Bureau

wall log

FROM FEET	TO FEET	TYPE OF MATERIAL
505	510	Black rock
510	515	" "
515	520	" "
520	525	Red Clay
525	530	" "
530	535	Rusty brown rock
535	540	" " "
540	545	" " "
545	550	" " "
550	555	" " "
555	560	Gray rock
560	565	" "
565	570	" "
570	575	" "
575	580	" "
580	585	" "
585	590	" "
590	595	" "
595	600	" "
600	605	" "
605	610	Red clay and gravel
610	615	" " "
615	620	" " "
620	625	" " "
625	630	" " "
630	635	" " "
635	640	" " "
640	645	" " "
645	650	" " "
650	655	" " "
655	660	" " "
660	665	Rusty brown clay
665	670	" " "

SES W S. 14 7S 4E

wash

SHEET NO. 099097

WELL OWNER Byron Tilby
WELL DRILLER Byron Tilby
WELL LOCATION Braneau

WELL LOG		
FROM FEET	TO FEET	TYPE OF MATERIAL
670	675	Light gray clay
675	680	" " "
680	685	Purple cinders
685	690	" "
690	695	" "
695	700	" "
700	705	" "
705	710	" "
710	715	" "
715	720	Light gray clay
720	725	" " "
725	730	Gray rock
730	735	" "
735	740	" ?
740	745	" "
745	750	" "
750	755	" "
755	760	" "
760	765	" ?
765	770	" "
770	775	" "
775	780	Gray and brown rock
780	785	" " " "
785	790	" " " "
790	795	" " " "
795	800	Brown rock
800	805	" "
805	810	" "
810	815	" "
815	820	" "
820	825	" "
825	830	" "
830	835	" "
835	840	" "

51

SESW S. 14 75 KE

1000

SHEET NO. 6

WELL OWNER Byron Tilby
 WELL DRILLER Byron Tilby
 WELL LOCATION Bramson

Well log		
FROM FEET	TO FEET	TYPE OF MATERIAL
840	845	Brown rock
845	850	Gray rock
850	855	" "
855	860	" "
860	865	Brown rock
865	870	" "
870	875	" "
875	880	Brown and gray rock
880	885	" " " "
885	890	" " " "
890	895	" " " "
895	900	" " " "
900	905	" " " "
905	910	" " " "
910	915	" " " "
915	920	" " " "
920	925	Black and brown rock
925	930	" " " "
930	935	Lost cuttings
935	940	Black and brown rock
940	945	" " " "
945	950	" " " " -- Water 90°

over



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 13, 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

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the OWYHEE AVALANCHE on 4/19/2017 and 4/26/2017. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Rachel Neely
Administrative Assistant

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

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, April 13, 2017 9:00 AM
To: 'Jennifer Stutheit'
Subject: Owyhee Legal Ad
Attachments: Owyhee Cover Letter.docx; Owyhee Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 4/19/2017 & 4/26/2017.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

April 13, 2017

LEGAL NOTICE DEPARTMENT
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Transfer No. 81194

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 5/8/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following application has been filed to appropriate the public waters of the State of Idaho:

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81194**

JERRY L ISAAC and KAYLA G ISAAC, 28283 SHOO-FLY CUT-OFF RD , BRUNEAU, ID 83604; has filed Application No. 81194 for changes to the following water rights within OWYHEE County(s): Right No(s). 51-13071, 51-13073. The purpose of the transfer is to change the point of diversion to an existing well located on the applicant's property. Water will be used at the current place of use generally located west of Mormon Boulevard and south of Shoofly Cutoff Road, 9 miles southwest of Bruneau, Idaho. The proposed point of diversion is located approximately 0.3 miles northwest of the currently authorized point of diversion.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed transfer(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 5/8/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 4/19/2017 and 4/26/2017



SPF WATER
ENGINEERING

September 9, 2016

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SEP 13 2016

WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Subject: Jerry Isaac Application for Transfer

On behalf of Jerry Isaac, enclosed is an application for transfer to change point of diversion for his water rights 51-13071 and 51-13073. Mr. Isaac is currently using the well proposed in the transfer per approved water bank transactions. SPF examined the information available from both well driller's reports and has concluded it is highly likely that both wells divert from the cold water aquifer proposed for use as the new well in the transfer. In addition to the transfer application, also enclosed are supporting documents submitted for the water bank application, Sandra Thiel's review memorandum and check no. 6554 for \$500 transfer application fees.

Please let me know if you have any questions.

Sincerely,

Scott N. King, P.E.
Supervising Engineer

cc: Jerry Isaac

1265.0010