

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 78990

**MINIMUM REQUIREMENTS CHECKLIST**  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.**

Yes N/A \* Means the item is always required and must be included with the application.

- ☒ \* Completed Application for Transfer of Water Right form, Part 1.
- ☐ \* Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ \* Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ \* Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ \* Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

**Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.**

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☒ ☐ #2b 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). Additional fee(s) required for water right ownership changes; see fee schedule.
- ☒ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ \* #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: \_\_\_\_\_

Transfer fee = \$580.00 + \$75.00 (ownership change on 33-91E, = \$655.00  
33-7006B, and 33-7057E)

**78990**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 78990

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

Name of Applicant(s) Isham Farms c/o Jeff Isham Phone (208) 524-3443Mailing address 1480 Highway 22, Howe, ID 83244 Email \_\_\_\_\_

- ☐ 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 \_\_\_\_\_ Phone \_\_\_\_\_

Mailing address \_\_\_\_\_ Email \_\_\_\_\_

☐ 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.

Donald M Isham  
Signature of Applicant or Authorized Representative

Donald M Isham  
Print Name and Title if applicable

12-16-13  
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☒ Other Ownership change on water right 33-91E.

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.2**. This transfer will combine multiple water rights from the Little Lost River and ground water into a 959 acre place of use. Irrigated acres are all supplied through a common distribution system. Transfer will address a pending notice of violation letter sent by IDWR in January 2012.

78990

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<br>(cfs/ac-ft) | Nature of Use     | Period of Use        | Source & Tributary       |
|-------------------------------------------------|-----------------|-----------------------|-------------------|----------------------|--------------------------|
| <input checked="" type="checkbox"/> All or Part | <u>33-91E</u>   | <u>0.70 cfs</u>       | <u>Irrigation</u> | <u>4/1 to 11/1</u>   | <u>Little Lost River</u> |
| <input checked="" type="checkbox"/>             | <u>33-38</u>    | <u>0.80 cfs</u>       | <u>Irrigation</u> | <u>4/1 to 11/1</u>   | <u>Little Lost River</u> |
| <input checked="" type="checkbox"/>             | <u>33-10052</u> | <u>5.92 cfs</u>       | <u>Irrigation</u> | <u>4/1 to 11/1</u>   | <u>Little Lost River</u> |
| <input checked="" type="checkbox"/>             | <u>33-10983</u> | <u>2.91 cfs</u>       | <u>Irrigation</u> | <u>4/1 to 10/31</u>  | <u>Little Lost River</u> |
| <input checked="" type="checkbox"/>             | <u>33-14858</u> | <u>1.72 cfs</u>       | <u>Irrigation</u> | <u>4/1 to 11/1</u>   | <u>Little Lost River</u> |
| <input checked="" type="checkbox"/>             | <u>33-2116</u>  | <u>3.33 cfs</u>       | <u>Irrigation</u> | <u>4/1 to 11/1</u>   | <u>Ground Water</u>      |
| <input checked="" type="checkbox"/>             | <u>33-2139B</u> | <u>0.10 cfs</u>       | <u>Irrigation</u> | <u>4/1 to 10/31</u>  | <u>Ground Water</u>      |
| <input checked="" type="checkbox"/>             | <u>33-7006B</u> | <u>0.24 cfs</u>       | <u>Irrigation</u> | <u>4/15 to 10/15</u> | <u>Ground Water</u>      |
| <input checked="" type="checkbox"/>             | <u>33-2070B</u> | <u>0.14 cfs</u>       | <u>Irrigation</u> | <u>4/1 to 11/1</u>   | <u>Ground Water</u>      |
| <input checked="" type="checkbox"/>             | <u>33-7057E</u> | <u>0.38 cfs</u>       | <u>Irrigation</u> | <u>4/1 to 11/1</u>   | <u>Ground Water</u>      |

Total authorized under rights 12.63 cfs and/or        ac-ft

2. Total amount of water proposed to be transferred or changed 1.28 cubic feet per second and/or        acre-feet per annum.

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 # |
|-------|-----|---|---|---|-----|-----|-----|--------|--------|---------------------|
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |

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   |             |
| 05N | 29E | 2   |      |      |      |    | 38.0 | 38.5 | 40   | 40   | 40   | 40 | 31.5 | 33.5 | 40   | 40   | 33.0 | 33.0 | 447.5       |
|     |     |     |      |      |      |    | L3   | L4   |      |      |      |    |      |      |      |      |      |      |             |
|     |     | 3   | 39.5 | 45.0 | 38.0 | 40 | 45.0 | 39.5 | 30.0 | 30.5 | 34.5 |    |      | 30.5 | 11.5 | 34.5 | 31.5 |      | 450         |
|     |     |     | L1   | L2   |      |    | L3   | L4   |      |      |      |    |      |      |      |      |      |      |             |
| 06N | 29E | 34  |      |      |      |    |      |      |      |      |      |    | 30.0 | 31.5 |      |      |      |      | 61.5        |
|     |     |     |      |      |      |    |      |      |      |      |      |    |      |      |      |      |      |      |             |
|     |     |     |      |      |      |    |      |      |      |      |      |    |      |      |      |      |      |      |             |

Total Acres (for irrigation use) 959

78990

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 ditches and pipelines convey water from Little Lost River to place of use. Surface water is pressurized and mixed with water from existing ground water wells. All irrigated acres are now tied together in a single distribution system.

Diversion from the Little Lost River is regulated by the watermaster for WD33.

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

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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

This transfer addresses a potential violation. Water rights were developed in pieces, but are now diverted and pumped into a large distribution system covering the whole farm. Water rights will be used to irrigated a 959 acre place of use.

- e. 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:

All of the water rights used on this property are included in this transfer.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- |                          |                                     |                                                                                               |
|--------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use,                              |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank,                                                    |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: \_\_\_\_\_

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 33-38

WATER RIGHT NUMBER: 33-38

Owner Type                      Name and Address  
 Current Owner                      ISHAM FARMS  
                                          C/O DONALD ISHAM  
                                          3836 N 1300 W  
                                          HOWE, ID 83244-8711  
                                          (208)767-3443

Priority Date: 03/14/1891

Basis: Decreed

Status: Active

Source                                              Tributary  
 LITTLE LOST RIVER                                      SINKS

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 11/01          | 0.800 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.800 CFS             |                      |

Location of Point(s) of Diversion

|                   |                 |                                 |
|-------------------|-----------------|---------------------------------|
| LITTLE LOST RIVER | SW1/4NW1/4NW1/4 | Sec. 32, Twp 06N, Rge 29E, B.M. |
| BUTTE County      |                 |                                 |
| LITTLE LOST RIVER | NW1/4NE1/4SE1/4 | Sec. 4, Twp 05N, Rge 29E, B.M.  |
| BUTTE County      |                 |                                 |

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   |        |
| 05N | 29E | 2   |      |      |      |    |      |      |      |      |      |    |      |      | 39.0 |      |      | 37.0 | 76.0   |
| 05N | 29E | 3   | 43.0 | 33.0 | 33.0 |    | 44.0 | 44.0 | 36.0 | 33.0 | 39.0 |    |      | 31.0 |      | 40.0 | 39.0 |      | 415.0  |
|     |     |     | L 1  |      |      |    | L 3  | L 4  |      |      |      |    |      |      |      |      |      |      |        |
| 06N | 29E | 34  |      |      |      |    |      |      |      |      |      |    | 40.0 | 40.0 |      |      |      |      | 80.0   |

Total Acres: 571

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 33-38

2. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. Right no. 33-10983 is an enlargement of right no 33-38 and right no. 33-10052 pursuant to Section 42-1426, Idaho code.
4. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 33.
7. X27 This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
8. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. X35 Rights 33-38, 33-10052 and 33-10948 when combined shall not exceed a total diversion rate of 6.72 cfs and the irrigation of 571 acres.

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-10052

WATER RIGHT NUMBER: 33-10052

|                   |                                                                                          |
|-------------------|------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                  |
| Current Owner     | ISHAM FARMS<br>C/O DONALD ISHAM<br>3836 N 1300 W<br>HOWE, ID 83244-8711<br>(208)767-3443 |

Priority Date: 09/01/1879

Basis: Decreed

Status: Active

|                   |                  |
|-------------------|------------------|
| <u>Source</u>     | <u>Tributary</u> |
| LITTLE LOST RIVER | SINKS            |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 04/01 to 11/01          | 5.920 CFS             |                      |
|                       | <u>Total Diversion:</u> | 5.920 CFS             |                      |

Location of Point(s) of Diversion

|                   |                 |                                 |
|-------------------|-----------------|---------------------------------|
| LITTLE LOST RIVER | NW1/4NE1/4SE1/4 | Sec. 4, Twp 05N, Rge 29E, B.M.  |
| BUTTE County      |                 |                                 |
| LITTLE LOST RIVER | SW1/4NW1/4NW1/4 | Sec. 32, Twp 06N, Rge 29E, B.M. |
| BUTTE County      |                 |                                 |

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   |        |
| 05N | 29E | 2   |      |      |      |    |      |      |      |      |      |    |      |      | 39.0 |      |      | 37.0 | 76.0   |
| 05N | 29E | 3   | 43.0 | 33.0 | 33.0 |    | 44.0 | 44.0 | 36.0 | 33.0 | 39.0 |    |      | 31.0 |      | 40.0 | 39.0 |      | 415.0  |
|     |     |     | L 1  |      |      |    | L 3  | L 4  |      |      |      |    |      |      |      |      |      |      |        |
| 06N | 29E | 34  |      |      |      |    |      |      |      |      |      |    | 40.0 | 40.0 |      |      |      |      | 80.0   |

Total Acres: 571

Conditions of Approval:

1. X27 This right is limited to the irrigation of 307 acres within the place of use described above in a single irrigation season.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 33-10052

2. Right no. 33-10983 is an enlargement of right no 33-38 and right no. 33-10052 pursuant to Section 42-1426, Idaho code.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 33.
4. X35 Rights 33-38, 33-10052 and 33-10948 when combined shall not exceed a total diversion rate of 6.72 cfs and the irrigation of 571 acres.
5. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. T08 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. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-10983

WATER RIGHT NUMBER: 33-10983

|                   |                                                                                          |
|-------------------|------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                  |
| Current Owner     | ISHAM FARMS<br>C/O DONALD ISHAM<br>3836 N 1300 W<br>HOWE, ID 83244-8711<br>(208)767-3443 |

Priority Date: 04/15/1961

Basis: Decreed

Status: Active

|                   |                  |
|-------------------|------------------|
| <u>Source</u>     | <u>Tributary</u> |
| LITTLE LOST RIVER | SINKS            |

|                       |                         |           |                       |                      |
|-----------------------|-------------------------|-----------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u>             | <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 04/01                   | to 10/31  | 2.910 CFS             |                      |
|                       | <u>Total Diversion:</u> |           | 2.910 CFS             |                      |

Location of Point(s) of Diversion

|                   |                 |                                 |
|-------------------|-----------------|---------------------------------|
| LITTLE LOST RIVER | SW1/4NW1/4NW1/4 | Sec. 32, Twp 06N, Rge 29E, B.M. |
| BUTTE County      |                 |                                 |
| LITTLE LOST RIVER | NW1/4NE1/4SE1/4 | Sec. 4, Twp 05N, Rge 29E, B.M.  |
| BUTTE County      |                 |                                 |

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   |        |
| 05N | 29E | 2   |      |      |      |    |      |      |      |      |      |    |      |      | 39.0 |      |      | 37.0 | 76.0   |
| 05N | 29E | 3   | 43.0 | 33.0 | 33.0 |    | 44.0 | 44.0 | 36.0 | 33.0 | 39.0 |    |      | 31.0 |      | 40.0 | 39.0 |      | 415.0  |
|     |     |     | L 1  |      |      |    | L 3  | L 4  |      |      |      |    |      |      |      |      |      |      |        |
| 06N | 29E | 34  |      |      |      |    |      |      |      |      |      |    | 40.0 | 40.0 |      |      |      |      | 80.0   |

Total Acres: 571

Conditions of Approval:

1. X35 Rights 33-38, 33-10052 and 33-10948 when combined shall not exceed a total diversion rate of 6.72 cfs and the irrigation of 571 acres.

78990

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 33-10983

2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 33.
4. X27 This right is limited to the irrigation of 222 acres within the place of use described above in a single irrigation season.
5. Right no. 33-10983 is an enlargement of right no 33-38 and right no. 33-10052 pursuant to Section 42-1426, Idaho code.
6. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
8. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
9. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
10. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-2116

WATER RIGHT NUMBER: 33-2116

| <u>Owner Type</u> | <u>Name and Address</u>                                                                  |
|-------------------|------------------------------------------------------------------------------------------|
| Current Owner     | ISHAM FARMS<br>C/O DONALD ISHAM<br>3836 N 1300 W<br>HOWE, ID 83244-8711<br>(208)767-3443 |

Priority Date: 05/31/1963

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 4/01 to 11/01           | 3.330 CFS             | 756.00 AF            |
|                       | <u>Total Diversion:</u> | 3.330 CFS             | 756.00 AF            |

Location of Point(s) of Diversion

|              |                 |         |          |               |
|--------------|-----------------|---------|----------|---------------|
| GROUND WATER | NW1/4NE1/4SE1/4 | Sec. 3, | Twp 05N, | Rge 29E, B.M. |
| BUTTE County |                 |         |          |               |

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 |        |
| 05N | 29E | 2   |    |    |    |    |    |    |    | 40.0 | 40.0 | 16.0 |    | 40.0 |    | 40.0 | 40.0 |    | 216.0  |

Total Acres: 216

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.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 33-2139B

WATER RIGHT NUMBER: 33-2139B

|                   |                                                                                          |
|-------------------|------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                  |
| Current Owner     | ISHAM FARMS<br>C/O DONALD ISHAM<br>3836 N 1300 W<br>HOWE, ID 83244-8711<br>(208)767-3443 |

Priority Date: 12/01/1947

Basis: Decreed

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| GROUND WATER  |                  |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 4/01 to 10/31           | 0.100 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.100 CFS             |                      |

Location of Point(s) of Diversion

|              |                 |                                 |
|--------------|-----------------|---------------------------------|
| GROUND WATER | NW1/4NW1/4SW1/4 | Sec. 36, Twp 06N, Rge 29E, B.M. |
| BUTTE County |                 |                                 |

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   |        |
| 05N | 29E | 2   |    |    |    |    |    |    |    |    |    |    |    |    | 34.0 |    |    | 37.0 | 71.0   |

Total Acres: 71

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. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.86 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 248.5 AF. COMBINED RIGHT NOS.: 33-02070B, 33-07057E, 33-07006B.
3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 71 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-07006B, 33-02070B, 33-07057E.  
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 12 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 33-02139A, 33-02070A AND B, 33-07006B, 33-07057E.

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-7006B

WATER RIGHT NUMBER: 33-7006B

| <u>Owner Type</u> | <u>Name and Address</u>                                             |
|-------------------|---------------------------------------------------------------------|
| Current Owner     | REA E NICHOLSON<br>PO BOX 40<br>HOWE, ID 83244<br>(208)767-3463     |
| Current Owner     | ORVILLE W NICHOLSON<br>PO BOX 40<br>HOWE, ID 83244<br>(208)767-3463 |

Priority Date: 08/18/1966

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 4/15 to 10/15           | 0.240 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.240 CFS             |                      |

Location of Point(s) of Diversion

|              |                 |                                 |
|--------------|-----------------|---------------------------------|
| GROUND WATER | NW1/4NW1/4SW1/4 | Sec. 36, Twp 06N, Rge 29E, B.M. |
| BUTTE County |                 |                                 |

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   |        |
| 05N | 29E | 2   |    |    |    |    |    |    |    |    |    |    |    |    | 34.0 |    |    | 37.0 | 71.0   |

Total Acres: 71

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. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-7006B

3. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 33-07057E, 33-02070A AND B, 33-02139A AND B.
4. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 71 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 33-02070B, 33-02139B, AND 33-07057E.  
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 28 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.86 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 248.5 AF. COMBINED RIGHT NOS.: 33-02070B, 33-02139B, AND 33-07057E.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 33-2070B

WATER RIGHT NUMBER: 33-2070B

|                   |                                                                                          |
|-------------------|------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                  |
| Current Owner     | ISHAM FARMS<br>C/O DONALD ISHAM<br>3836 N 1300 W<br>HOWE, ID 83244-8711<br>(208)767-3443 |

Priority Date: 02/14/1953

Basis: Decreed

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| GROUND WATER  |                  |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 4/01 to 11/01           | 0.140 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.140 CFS             |                      |

Location of Point(s) of Diversion

|              |                 |                                 |
|--------------|-----------------|---------------------------------|
| GROUND WATER | NW1/4NW1/4SW1/4 | Sec. 36, Twp 06N, Rge 29E, B.M. |
| BUTTE County |                 |                                 |

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   |        |
| 05N | 29E | 2   |    |    |    |    |    |    |    |    |    |    |    |    | 34.0 |    |    | 37.0 | 71.0   |

Total Acres: 71

Conditions of Approval:

- THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 33-02139A AND B, 33-07006B, 33-07057E, AND 33-02070A.
- 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.
- USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 71 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-02139B, 33-07006B, 33-07057E.  
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 12 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
- USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.86 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 248.5 AF. COMBINED RIGHT NOS.: 33-02139B, 33-07057E, 33-07006B.

78990

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-7057E

WATER RIGHT NUMBER: 33-7057E

| <u>Owner Type</u> | <u>Name and Address</u>                                             |
|-------------------|---------------------------------------------------------------------|
| Current Owner     | REA E NICHOLSON<br>PO BOX 40<br>HOWE, ID 83244<br>(208)767-3463     |
| Current Owner     | ORVILLE W NICHOLSON<br>PO BOX 40<br>HOWE, ID 83244<br>(208)767-3463 |

Priority Date: 07/20/1977

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
|---------------|------------------|

GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> _____ <u>To</u> _____ | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-----------------------------------|-----------------------|----------------------|
| IRRIGATION            | 4/01 to 11/01                     | 0.380 CFS             |                      |
|                       | <u>Total Diversion:</u>           | 0.380 CFS             |                      |

Location of Point(s) of Diversion

|              |                 |                                 |
|--------------|-----------------|---------------------------------|
| GROUND WATER | NW1/4NW1/4SW1/4 | Sec. 36, Twp 06N, Rge 29E, B.M. |
| BUTTE County |                 |                                 |

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   |        |
| 05N | 29E | 2   |    |    |    |    |    |    |    |    |    |    |    |    | 34.0 |    |    | 37.0 | 71.0   |

Total Acres: 71

Conditions of Approval:

- THIS RIGHT IS A COMBINATION OF RIGHT NOS. 33-07057B AND 33-07057D.  
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 33-02070B, 33-02139B, 33-07006B, 33-02070A AND 33-02139A.
- USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.86 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 248.5 AF. COMBINED RIGHT NOS.: 33-02070B, 33-02139B, AND 33-07006B.
- THIS RIGHT IS LIMITED TO THE IRRIGATION OF 31 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 71 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-02070B, 33-02139B, AND 33-07006B.
- 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.

78990

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-14858

WATER RIGHT NUMBER: 33-14858

| <u>Owner Type</u> | <u>Name and Address</u>                                                                  |
|-------------------|------------------------------------------------------------------------------------------|
| Original Owner    | LEO D AMY<br>1398 HWY 22<br>HOWE, ID 83244<br>(208)767-3418                              |
| Current Owner     | ISHAM FARMS<br>C/O DONALD ISHAM<br>3836 N 1300 W<br>HOWE, ID 83244-8711<br>(208)767-3443 |

Priority Date: 09/01/1879

Basis: Decreed

Status: Active

| <u>Source</u>     | <u>Tributary</u> |
|-------------------|------------------|
| LITTLE LOST RIVER | SINKS            |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 11/01          | 1.720 CFS             |                      |
|                       | <u>Total Diversion:</u> | 1.720 CFS             |                      |

Location of Point(s) of Diversion

|                   |                 |         |          |               |
|-------------------|-----------------|---------|----------|---------------|
| LITTLE LOST RIVER | NW1/4NE1/4SE1/4 | Sec. 4, | Twp 05N, | Rge 29E, B.M. |
| BUTTE County      |                 |         |          |               |

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 |        |
| 05N | 29E | 2   |    |    |    |      | 40.0 | 40.0 |    |    |    |    | 27.0 |    |    |    |      |    | 107.0  |
|     |     |     |    |    |    |      | L 4  |      |    |    |    |    |      |    |    |    |      |    |        |
| 05N | 29E | 3   |    |    |    | 39.0 |      |      |    |    |    |    |      |    |    |    | 22.0 |    | 61.0   |

Total Acres: 168

Conditions of Approval:

1. X35 Rights 33-91E and 33-14858 when combined shall not exceed the irrigation of 168 acres.
2. Right No. 33-91E is 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.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 33-91E

WATER RIGHT NUMBER: 33-91E

| <u>Owner Type</u> | <u>Name and Address</u>                                      |
|-------------------|--------------------------------------------------------------|
| Current Owner     | LEO D AMY<br>1398 HWY 22<br>HOWE, ID 83244<br>(208)767-3418  |
| Current Owner     | CLEO I AMY<br>1398 HWY 22<br>HOWE, ID 83244<br>(208)767-3418 |

Priority Date: 06/01/1891

Basis: Decreed

Status: Active

| <u>Source</u>     | <u>Tributary</u> |
|-------------------|------------------|
| LITTLE LOST RIVER | SINKS            |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 11/01          | 0.700 CFS             | 298.00 AF            |
|                       | <u>Total Diversion:</u> | 0.700 CFS             | 298.00 AF            |

Location of Point(s) of Diversion

|                   |                 |                                |
|-------------------|-----------------|--------------------------------|
| LITTLE LOST RIVER | NW1/4NE1/4SE1/4 | Sec. 4, Twp 05N, Rge 29E, B.M. |
| BUTTE County      |                 |                                |

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 |        |
| 05N | 29E | 2   |    |    |    |    |      |      |    |    |    |    | .3 |      |    |    |      |    | .3     |
| 05N | 29E | 3   |    |    |    |    |      |      |    |    |    |    |    | 14.9 |    |    | 28.9 |    | 43.8   |
| 05N | 29E | 11  |    |    |    |    | 39.6 | 37.7 |    |    |    |    |    |      |    |    |      |    | 77.3   |

Total Acres: 121.4

Conditions of Approval:

1. X36 Right 33-14859 is also diverted through the point of diversion described above.
2. X35 Rights 33-91E and 33-14859 when combined shall not exceed a total annual maximum diversion volume of 429.9 af at the field headgate, and the irrigation of 121.4 acres.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 33-91E

3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 33.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

**A. PLAT MAP** (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

### B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins or other markings visible.

**FOR DEPARTMENT USE ONLY**

**Transfer contains**                      **pages and**                      **attachments.**

|             |      |                  |      |
|-------------|------|------------------|------|
| Received by | Date | Prelim. Check by | Date |
|-------------|------|------------------|------|

Fee Paid \$655 Date 12/17/2013 Received by WLF Receipt # E039388

| Add'l Fee Paid | Date | Received by | Receipt # |
|----------------|------|-------------|-----------|
|----------------|------|-------------|-----------|

## Analysis of Isham Farms Overlap Acres

**Group 1:** 33-38, 33-10052, 33-10983 (Little Lost River rights)

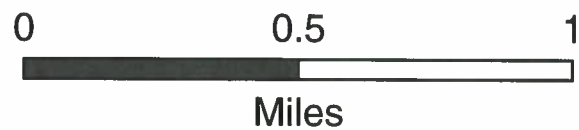
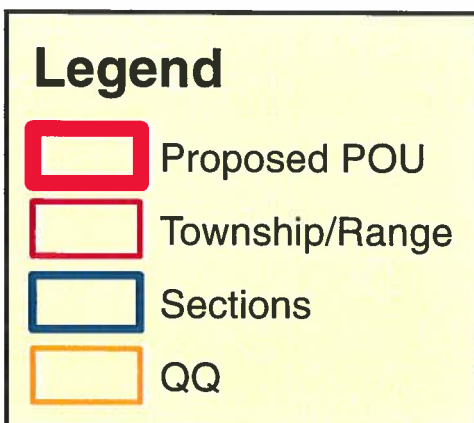
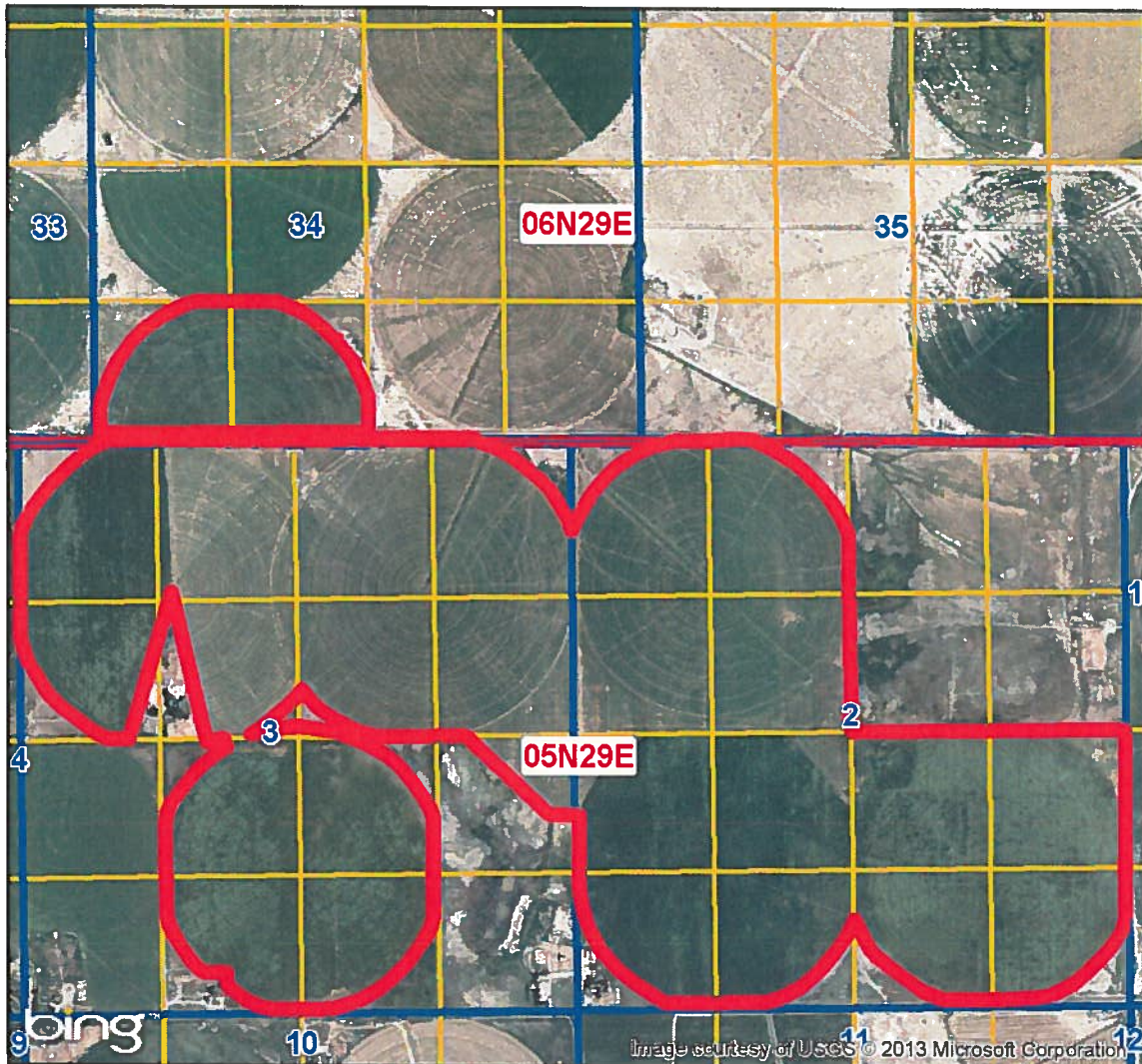
**Group 2:** 33-2139B, 33-7006B, 33-2070B, 33-7057E (Ground Water rights - from Nicholson)

**Group 3:** 33-91E, 33-14858 (split portion of 31-31P)

|                                           |         | Total Acres |         | Proposed |         |              |           |
|-------------------------------------------|---------|-------------|---------|----------|---------|--------------|-----------|
| Sec                                       | Lot     | QQ Acres    | Group 1 | Group 2  | Group 3 | 33-2116 (GW) | Available |
| T06N, R29E                                | 34 SWSW | 40          | 40      |          |         |              | 40        |
|                                           | SESW    | 40          | 40      |          |         |              | 40        |
| T05N, R29E                                | 2 NENW  | 44          |         |          |         |              | 0         |
|                                           | NWNW    | 44          |         | 40       |         |              | 40        |
|                                           | SWNW    | 40          |         | 40       |         |              | 40        |
|                                           | SENW    | 40          |         |          |         | 40           | 40        |
|                                           | NESW    | 40          |         |          |         | 40           | 40        |
|                                           | NWSW    | 40          |         |          |         | 16           | 16        |
|                                           | SWSW    | 40          |         | 27       |         |              | 27        |
|                                           | SESW    | 40          |         |          |         | 40           | 40        |
|                                           | NESE    | 40          | 39      | 34       |         |              | 40        |
|                                           | NWSE    | 40          |         |          |         | 40           | 40        |
| 3                                         | NWNE    | 45          | 43      |          |         |              | 43        |
|                                           | SWNE    | 40          | 33      |          |         |              | 33        |
|                                           | SENE    | 40          | 33      |          | 39      |              | 33        |
|                                           | NENW    | 45          | 44      |          |         |              | 39        |
|                                           | NWNW    | 45          | 44      |          |         |              | 44        |
|                                           | SWNW    | 40          | 36      |          |         |              | 44        |
|                                           | SENW    | 40          | 33      |          |         |              | 36        |
|                                           | NESW    | 40          | 39      |          |         |              | 33        |
|                                           | SESW    | 40          | 31      |          |         |              | 39        |
|                                           | NESE    | 40          |         |          |         |              | 31        |
|                                           | NWSE    | 40          | 40      |          |         |              | 0         |
|                                           | SWSE    | 40          | 39      |          |         |              | 40        |
|                                           | SESE    | 40          |         |          | 22      |              | 39        |
|                                           |         |             |         |          |         |              | 22        |
|                                           |         |             |         |          |         |              |           |
| Total acres available under water rights: |         |             |         |          |         |              | 959       |

78990

# Isham Farms Transfer



2009 Aerial Photography

# WATER RIGHT PURCHASE AND SALE AGREEMENT

This Purchase and Sale agreement in which Kelly Amy and Cheryl Amy "sellers" and Isham Farms, inc. are buyers executed this 17<sup>th</sup> day Of Dec, 2013. The parties have agreed to the following: The seller Will sell the water right listed below to the buyers. 35 miners inches, water Right #3300091e priority date 06/01/1891. Together with all appurtenances and Hereditaments thereunto belonging.

Isham Farms, inc. agrees to pay the sellers \$5000 for all the above Right.

Kelly Amy Kelly Amy Seller

Cheryl Amy Cheryl Amy Seller

Isham Farms, inc. Isham Farms Buyer  
Mike Isham

On this 17<sup>th</sup> day of Dec, in the year of 2013 before me the

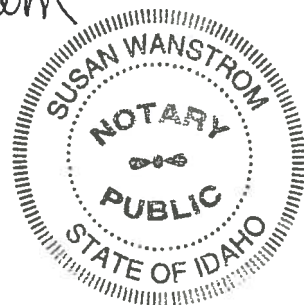
Undersigned, a notary public in and for the state of Idaho personally

Appeared before me, known to me to be the people.

Kelly + Cheryl Amy + Mike Isham

Notary Susan Wanstrom

9-22-14





# WARRANTY DEED

 NO. 0039277  
 RECORDED

 For Value Received **Leo D. Amy and Cleo I. Amy, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

**Isham Farms, Inc.**

APR 15 2003

 AM 12:50 PM  
 BUTTE COUNTY RECORDER  
*Dayla Mone*

 whose address is: 1480 Hwy 22, Howe, Id 83244

 Hereinafter called the Grantee, the following described premises situated in **Butte** County, Idaho, to-wit:

\*INCLUDING 35 miners inches, Water Right #3300091e, Priority Date 06/01/1891

**Part of Sections 2 and 3, Township 5 North, Range 29 E.B.M., Butte County, Idaho, described as: Beginning at a point on the N. right-of-way of State Highway 33, F.A. Project No. F-6462(7), said point being S. 89°39'16" W. 1321.73 feet along the section line and N. 00°17'40" E. 43.41 feet from the SE corner of said Section 2, and running thence S. 89°37'19" W. 2960.61 feet along said right-of-way to a point that intersects said right-of-way and a non-tangent curve of a 40 foot pivot over spray; thence northwesterly along a curve to the right with the following curve data: Delta=64°21'55", Radius=1355 feet, and Chord Bearing of N. 44°19'59" W. 1443.30 feet; thence N. 00°12'20" W. 765.61 feet along the W. line of said Section 2; thence in Section 3 the following seven (7) courses: (1) S. 89°39'07" W. 208.49 feet; thence (2) N. 46°42'29" W. 1117.11 feet; thence (3) S. 89°37'45" W. 202.10 feet; thence (4) S. 00°11'20" E. 50.00 feet; thence (5) S. 89°37'45" W. 100.00 feet to the E1/16 line of said Section 3; (6) thence N. 00°11'20" W. 1447.58 feet to the NW corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ ; (7) thence N. 89°42'38" E. 1320.53 feet to the NE corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 3; thence continuing in Section 2, N. 89°50'15" E. 2666.68 feet along the N1/16 line to the N-S center section line; thence S. 00°07'35" W. 1334.84 feet along said center section line to the center of said Section 2; thence N. 89°46'37" E. 1329.54 feet along the E-W center section line to the E1/16 line; thence S. 00°17'40" W. 2623.50 feet along said 1/16 line to said N. right-of-way and the point of beginning.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: April 11, 2003

Leo D. Amy  
 Leo D. Amy

Cleo I. Amy  
 Cleo I. Amy

78990

 NO. 0050359  
 RE-RECORDED

JAN 16 2013

 AM 1:37 PM

## WARRANTY DEED

For Value Received **Kelly J. Amy and Cheryl Amy, husband and wife**NO. **0039279**  
RECORDED

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

APR 15 2003

**Isham Farms, Inc.**AM 12:58 PM  
BUTTE COUNTY RECORDERwhose address is: 1480 Hwy 22, Howe, Id 83244, Dayla Mm

Hereinafter called the Grantee, the following described premises situated in Butte County, to-wit:

Township 5 North, Range 29 E.B.M., Butte County, Idaho

Section 2: Lots 3 and 4 described as: Beginning at the NW corner of said Section 2, and running thence S. 89°35'44" E. 2675.24 feet along the section line to the N<sup>1</sup>/<sub>4</sub> corner; thence S. 00°07'35" W. 1449.64 feet along the N-S centerline to the SE corner of said Lot 3; thence S. 89°50'15" W. 2666.68 feet along the S. line of said Lots 3 and 4 to the W. line of said Section 2; thence N. 00°12'21" W. 1476.09 feet along said W. line to the point of beginning.

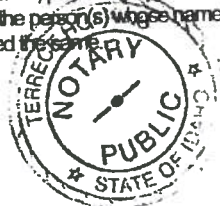
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: April 11, 2003

Kelly J. Amy  
Kelly J. AmyCheryl Amy  
Cheryl AmySTATE OF Idaho )  
:ss.  
COUNTY OF BINGHAM )

On this 11th day of April, 2003, before me Terence Hopkins, personally appeared Kelly J. Amy and Cheryl Amy, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Terence Hopkins  
Notary Public of Idaho  
Residing at: Blackfoot, Idaho  
Commission Expires: 11/23/04

NO Mineral Rights

# REAL ESTATE PURCHASE AND SALE AGREEMENT

This Purchase and Sale Agreement in which Leo Amy and Cleo Amy, "Sellers" and Isham Farms, Inc. are "Buyers" executed this 5th day of February, 2003. The parties have agreed to the following: The seller will sell the parcels of land listed below to the buyers:

T5 N R 29E OF THE BOISE MERIDIAN BUTTE CO. IDAHO  
SEC 2, LOT 3, NE4NW4, SE4NW4, W2SW4, E2SW4, W2SW4  
With the exception of 7 acres located in the SW4, SW4 of section 2.

Sec 3, SE4 NE4  
Also with 8 acres located in the NE corner of NE4SE4

Also included in this sale agreement is ground water right # 33-2116 which is licensed for 3.33 C.F.S. and 86 decreed miner inches water right #33-31M priority date 9-01-79. Together with all appurtenances and hereditaments thereunto belonging.

Including in this sale presently located on above property are (3) 1/4 mile wheel lines, (1) 1/4 mile hand line. 125 H.P. lift pump, motor column, bowels, with electric panel. 100 H.P. booster pump with electrical panel. 3/4 mile of 12" to 8" mainline and all existing fences.

Sellers will also pay taxes up to time of closing, sellers will also furnish buyers with report of clear title and all outstanding encumbrances.

All other closing costs will be equally divided between seller and buyer.

Isham Farms, inc. agree to pay the sellers \$327,000 for all the above rights and properties. Terms to be worked out at a later time.

LEO AMY Leo Amy SELLER

CLEO AMY Cleo Amy SELLER

ISHAM FARMS, INC. Jeff Isham BUYER

Sec/TREA

Isham Farms, inc.

## Clarification of 2003 Real Estate Purchase and Sale Agreement and Warranty Deed

Isham Farms Inc. and Kelly Amy recognize that the Real Estate Purchase and Sale Agreement and Warranty Deed executed between Isham Farms Inc. and Leo and Cleo Amy in 2003 were vague as to how water right 33-31M (33-31P) should be split. Water rights 33-31P and 33-91E were decreed with a combined 244-acre place of use. 33-91E was recently conveyed by Kelly Amy to Isham Farms Inc. in a separate deed.

Isham Farms Inc. and Kelly Amy intend to clarify the 2003 warranty deed and agree that the water rights should be split as follows:

Isham Farms Inc.

|         |          |                       |           |
|---------|----------|-----------------------|-----------|
| 33-91E  | 6/1/1891 | 0.70 cfs (35 inches)  | 168 acres |
| 33-31P  | 9/1/1879 | 1.72 cfs (86 inches)  | 168 acres |
| Totals: |          | 2.42 cfs (121 inches) | 168 acres |

Kelly Amy

|        |          |                      |          |
|--------|----------|----------------------|----------|
| 33-31P | 9/1/1879 | 0.88 cfs (44 inches) | 76 acres |
|--------|----------|----------------------|----------|

Don Isham 2.12.2013 Don Isham, for Isham Farms Inc.

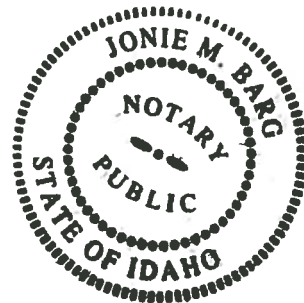
Kelly Amy 2.12.2013 Kelly Amy

On this 12<sup>th</sup> day of February, 2013, Don Isham for Isham Farms Inc. and Kelly Amy appeared before me and executed this Clarification of 2003 Real Estate Purchase and Sale Agreement and Warranty Deed.

Jonie M. BARG  
Notary Public of Idaho

Residing at Idaho Falls, Idaho

Commission Expires: July 24, 2013



B17616

## WARRANTY DEED

For Value Received Leo D. Army and Cleo I. Army, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Isham Farms, Inc.

whose address is: 1480 Hwy 22, Howe, Id 83244

Hereinafter called the Grantee, the following described premises situated in Butte County, Idaho, to-wit:

Part of Sections 2 and 3, Township 5 North, Range 29 E.B.M., Butte County, Idaho, described as: Beginning at a point on the N. right-of-way of State Highway 33, F.A. Project No. F-6462(7), said point being S. 89°39'16" W. 1321.73 feet along the section line and N. 00°17'40" E. 43.41 feet from the SE corner of said Section 2, and running thence S. 89°37'19" W. 2960.61 feet along said right-of-way to a point that intersects said right-of-way and a non-tangent curve of a 40 foot pivot over spray; thence northwesterly along a curve to the right with the following curve data: Delta=64°21'55", Radius=1355 feet, and Chord Bearing of N. 44°19'59" W. 1443.30 feet; thence N. 00°12'20" W. 765.61 feet along the W. line of said Section 2; thence in Section 3 the following seven (7) courses: (1) S. 89°39'07" W. 208.49 feet; thence (2) N. 46°42'29" W. 1117.11 feet; thence (3) S. 89°37'45" W. 202.10 feet; thence (4) S. 00°11'20" E. 50.00 feet; thence (5) S. 89°37'45" W. 100.00 feet to the E1/16 line of said Section 3; (6) thence N. 00°11'20" W. 1447.58 feet to the NW corner of the SE 1/4 NE 1/4; (7) thence N. 89°42'38" E. 1320.53 feet to the NE corner of said SE 1/4 NE 1/4 of Section 3; thence continuing in Section 2, N. 89°50'15" E. 2666.68 feet along the N1/16 line to the N-S center section line; thence S. 00°07'35" W. 1334.84 feet along said center section line to the center of said Section 2; thence N. 89°46'37" E. 1329.54 feet along the E-W center section line to the E1/16 line; thence S. 00°17'40" W. 2623.50 feet along said 1/16 line to said N. right-of-way and the point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: April 11, 2003

Leo D. Army  
Leo D. Army

Cleo I. Army  
Cleo I. Army

NO. 0039277

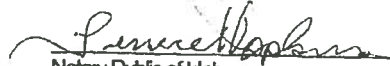
RECORDED

APR 15 2003

AM 12:50 PM  
BUTTE COUNTY RECORDER  
Dayle Mene

STATE OF Idaho                    )  
                                          )ss.  
COUNTY OF BUTTE                )

On this 11th day of April, 2003, before me Terrece Hopkins, personally appeared Leo D. Amy and Cleo I. Amy, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public of Idaho  
Residing at: Blackfoot, Idaho  
Commission Expires: 11/23/04

