

RECEIVED
MAR 22 2012
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

Water Supply Bank No. _____
(For Department Use Only)

APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

Name of Renter Telford Lands LLC Phone (208) 431-5957

Mailing address 1450 W. Hwy 24 Paul, ID 83347 Email telfordsunvalleyseed@gmail.com

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. Maximum Flow Rate (cfs) Maximum Volume (ac-ft) Nature of Use Period of Use
8.34 cfs 1666 Irrigation 4/1 to 11/1

_____ to _____
_____ to _____

Total: 8.34 1666

2. Source of water Ground water tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
5N	26E	34		SE	NW	SW	BUTTE
4N	26E	3		NE	SE	NW	BUTTE
3N	26E	2		SW	SE	NW	BUTTE
3N	26E	2		SE	NE	SW	BUTTE

4. Lands to be irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	25E	14					39	36	40	40	40	40	40	40					315
		15	39	40	40	40	39	39	40	40	40	40	40	40	40	40	40	40	637
		16	39	39	40	40									40	40	39	39	316
		22					40	40	40	40	40			33	39	40	40	40	392
		23					40	40	40	40	40			40	39	40	40	40	399

If the use is for irrigation, show total number of acres proposed through rental. Total Acres 476 ac. w/in POU

B. OWNERSHIP

1. Do you own the land at the proposed point of diversion? Yes ☒ No ☐

If no, list owner, contact information, and provide documentation of the authority to use the proposed point of diversion. _____

2. Do you own the land at the proposed place of use? Yes ☒ No ☐

If no, list owner, contact information, and provide documentation of the authority to use the proposed place of use. _____

C. MAP

Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described by this application in section A. Include legal description labels.

D. GENERAL INFORMATION

1. Please provide a description of the proposed diversion system. Diversion of water from the Island Wells goes through the Island, Eastside, and Munsey Canals down to pump stations on the Munsey Canal that divert water to the authorized place of use.
2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above. 34-7037.
3. Will the proposed place of use receive water from any other source? Yes ☒ No ☐
If yes, describe. From Water Right Nos. 34-2460, 34-2461, 34-2462, 34-10925, 34-7037, and 34-7138.
4. If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of water required. Attach additional sheets if needed. N/A
5. Are there any other applications pending before the Department, such as an application for permit or transfer, for the same use(s) proposed by this rental? Yes ☐ No ☒
If yes, describe. _____
6. Was this rental application submitted in response to a Notice of Violation or a pending Notice of Violation? Yes ☐ No ☒
If yes, describe. _____

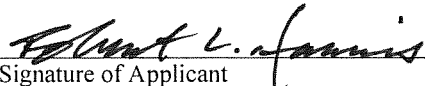
E. RENTAL TERM

1. Do you wish to rent water from the Board's bank for more than one (1) year? Yes ☒ No ☐
If yes, please specify the number of years desired through proposed rental. 2

I hereby assert that 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.

If this application is approved, the applicant agrees to the following:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Renter shall comply with all applicable state and federal laws while using water under this agreement.
3. Renter shall hold the Board, the Director, and the state of Idaho harmless from all liability on account of negligent acts of the renter.
4. 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.
5. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
6. Renter is not authorized to use water proposed by this application until the rental fees are paid in full and the renter receives an executed copy of the agreement signed by the Director.


Signature of Applicant

Robert L. Harris, Attorney
Printed Name and Title*

March 20, 2012
Date

Signature of Applicant

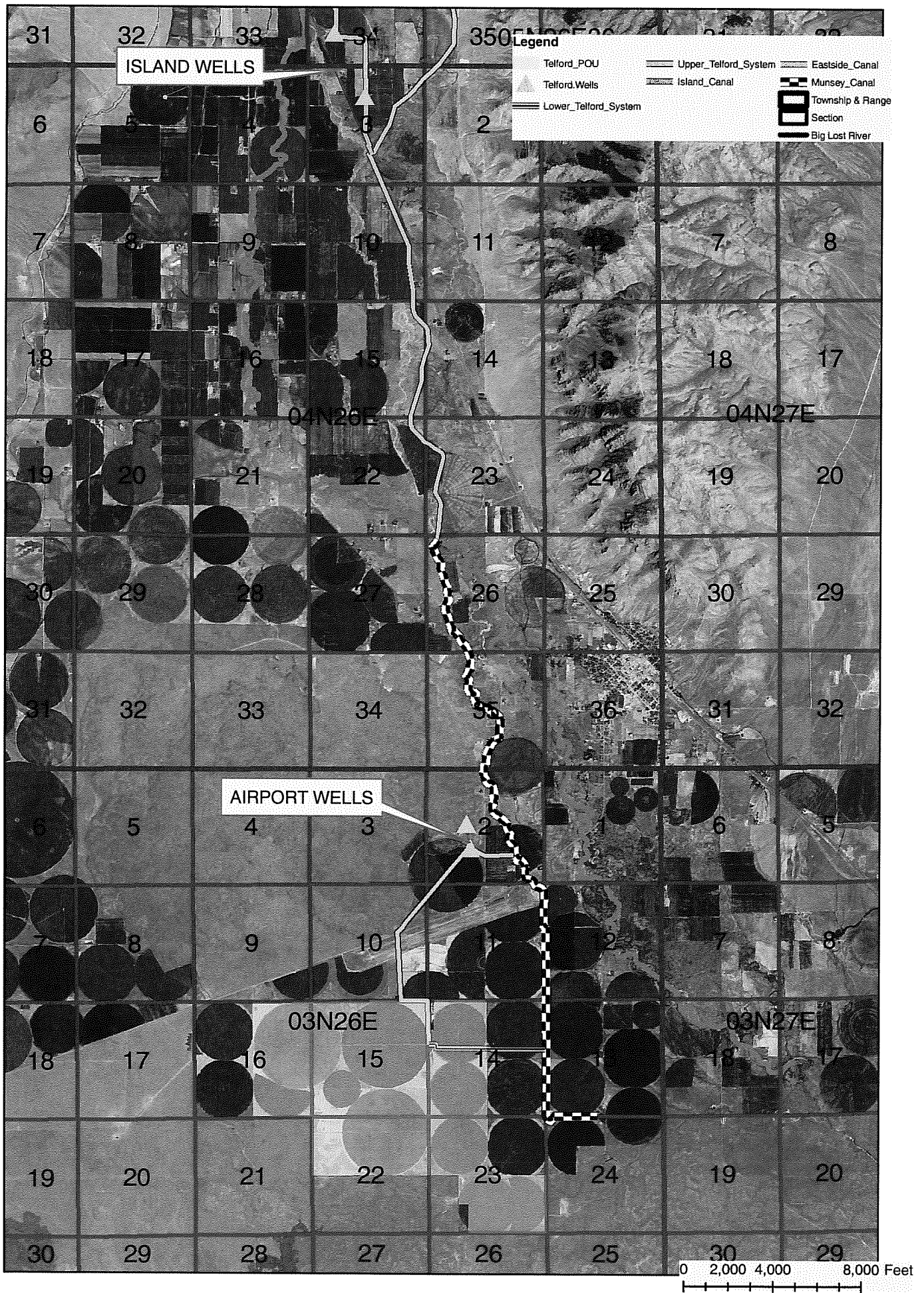
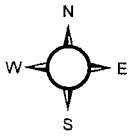
Printed Name and Title*

Date

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

Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

TELFORD LANDS, LLC



Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

3/15/2012

WATER RIGHT NO. 34-2459

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TELFORD LANDS LLC C/O MIKE TELFORD 1450 W HWY 24 PAUL, ID 83347
Directors Report Owner	CRATER FARMS INC PO BOX 91 ARCO, ID 83213 (208)527-8903
Original Owner	CHARLES B ISOM 3199 W 2200 N ARCO, ID 83213 (208)768-2204
Original Owner	WILLARD O BELL 756 15TH AVE E JEROME, ID 83338 (208)324-8984

Priority Date: 04/19/1965

Basis: License

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>Volume</u>
IRRIGATION	04/01	11/01	4.17 CFS	833 AFA
Total Diversion			4.17 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSNW	Sec. 02	Township 03N	Range 26E	BUTTE County
GROUND WATER	SENESE	Sec. 02	Township 03N	Range 26E	BUTTE County
GROUND WATER	NESENW	Sec. 03	Township 04N	Range 26E	BUTTE County
GROUND WATER Injection	NWNWNW	Sec. 26	Township 04N	Range 26E	BUTTE County
GROUND WATER Rediversion	NWNWNW	Sec. 26	Township 04N	Range 26E	BUTTE County
GROUND WATER	SENESE	Sec. 34	Township 05N	Range 26E	BUTTE County

IRRIGATION Use:

Acre Limit: 238

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	26E	14		NENW	39		NWNW	36		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESE	40
		15		NENE	39		NWNE	40		SWNE	40		SENE	40
				NENW	39		NWNW	39		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		16		NENE	39		NWNE	39		SWNE	40		SENE	40
				NESE	40		NWSE	40		SWSE	39		SESE	39
		22		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	40		SWNW	40		SENE	40
		23		NENW	40		NWNW	40		SWNW	40		SENE	40
				NESW	40		SESE	33						
				NESE	39		NWSE	40		SWSE	40		SESE	40

Total Acres: 1980

Conditions of Approval:

1.	K06	This right is limited to the irrigation of 238 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 714 acres in a single irrigation season. Combined Right Nos.: 34-2459, 34-2460, 34-2461 and 34-2462. The rights listed below are limited to the irrigation of a combined total of 1740 acres in a single irrigation season. Combined Right Nos.: 34-2459, 34-2460, 34-2461, 34-2462 and 34-10925. The rights listed below
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		are limited to the irrigation of a combined total of 1664 acres in a single irrigation season. Combined Right Nos.: 34-2459, 34-2460, 34-2461, 34-2462, 34-7037 and 34-7138. The rights listed below are limited to the irrigation of a combined total of 1980 acres in a single irrigation season. Combined Right Nos.: 34-2459, 34-2460, 34-2461, 34-2462, 34-7037, 34-7138 and 34-10925.
2.	E56	
3.	E52	The rights listed below are limited to a total combined diversion rate of 12.5 cfs. Combined Right Nos.: 34-2459, 34-2460, 34-2461, 34-2462 and 34-10925. The rights listed below are limited to a total combined diversion rate of 24.5 cfs. Combined Right Nos.: 34-2459, 34-2460, 34-2461, 34-2462, 34-10925 and 34-7037.
4.	E54	The rights listed below are limited to a total combined annual diversion volume of 8441.5 af. Combined Right Nos.: 34-2459, 34-2460, 34-2461, 34-2462, 34-7037, 34-7138 and 34-10925.
5.		Pursuant to a call, in times of scarcity, the diversion of water under this right from the two wells in T05N R26E S34 SENWSW and T04N R26E S3 NESENEW has a priority date of May 18, 1982.
6.	G05	Groundwater diverted from the points of diversion in T05N R26E S34 SENWSW and T04N R26E S3 NESENEW is comingled with the Island Canal then injected into the Big Lost River at the point of injection and rediverted into the Munsey Canal at the point of rediversion.
7.	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.
8.	K01	Right No.34-10925 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
9.	C03	Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
10.	C05	Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
11.	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. 34, Big Lost River.
12.	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(s).

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

3/15/2012

WATER RIGHT NO. 34-2460

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TELFORD LANDS LLC C/O MIKE TELFORD 1450 W HWY 24 PAUL, ID 83347
Directors Report Owner	CRATER FARMS INC PO BOX 91 ARCO, ID 83213 (208)527-8903
Original Owner	CHARLES B ISOM 3199 W 2200 N ARCO, ID 83213 (208)768-2204
Original Owner	WILLARD O BELL 756 15TH AVE E JEROME, ID 83338 (208)324-8984

Priority Date: 04/19/1965

Basis: License

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>Volume</u>
IRRIGATION	04/01	11/01	4.17 CFS	833 AFA
Total Diversion			4.17 CFS	

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GROUND WATER	SENWSW	Sec. 34	Township 05N	Range 26E	BUTTE County

IRRIGATION Use:

Acre Limit: 238

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
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				NESW	40		NWSW	40		SWSW	40		SESW	40
			15	NENE	39		NWNE	40		SWNE	40		SENE	40
				NENW	39		NWNW	39		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		16		NENE	39		NWNE	39		SWNE	40		SENE	40
				NESE	40		NWSE	40		SWSE	39		SESE	39
			22	NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	40		SWNW	40		SENE	40
		23		NENW	40		NWNW	40		SWNW	40		SENE	40
				NESW	40		SESW	33						
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Total Acres: 1980

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7.	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.
8.	K01	Right No.34-10925 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
9.	C03	Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
10.	C05	Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

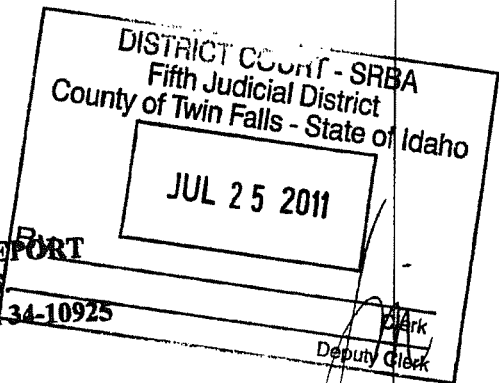
Cary Act Number:

Mitigation Plan: False

Close

2/8

**SUPPLEMENTAL DIRECTOR'S REPORT
REGARDING SUBCASE NOS.
34-2459, 34-2460, 34-2461, 34-2462, and 34-10925**



In Re SRBA
Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Gary Spackman, Interim Director
Carter Fritschle, Manager, Adjudication Section

July 25, 2011

In response to the verbal order of remand for injury analysis made pursuant to the provisions of Idaho Code § 42-1425(2)(a), entered on the record by Special Master Bilyeu on April 13, 2011, and the *Order Vacating and Resetting Trial Date, Setting Deadlines, and Informal Settlement Conference* in Subcases 34-2459, 34-2460, 34-2461, 34-2462, and 34-10925, entered on June 3, 2011, the Idaho Department of Water Resources (IDWR) hereby submits its Supplemental Director's Report. This report addresses the question of whether the addition of two points of diversion recommended for these rights pursuant to the provisions of the accomplished transfer statute, Idaho Code § 42-1425, in the Amended Director's Reports filed in these subcases on December 7, 2009, "injured a water right existing on the date of the change . . ." Idaho Code § 42-1425(2)(a).

Analysis

At the outset it is important to recognize, as Special Master Bilyeu did in her *Order Denying Motion for Summary Judgment* in these subcases, entered March 28, 2011, at 6, that in its Amended Director's Reports IDWR has already addressed the question of injury by including in the priority date element of each of these rights a remark that advances the priority date to the date of the accomplished transfer whenever water pursuant to the right is diverted out of the two points of diversion in question.

SRBA Presiding Judge Wildman has recognized the authority of IDWR under Idaho Code § 42-1425 to recommend accomplished transfers with restrictions such as this to avoid injury to existing users. See *Memorandum Decision and Order on Challenge* in Subcase Nos. 01-23B, 01-297, 35-2543 and 35-4246, entered April 4, 2011, (Aberdeen-Springfield Decision) at 30.

In reviewing the material submitted to it on remand IDWR has been unable to ascertain what injury the objectors are asserting that cannot be mitigated by advancing the priority dates of

**SUPPLEMENTAL DIRECTOR'S REPORT
REGARDING SUBCASE NOS. 34-2459, 34-2460, 34-2461, 34-2462, and 34-10925**

these rights when the claimant pumps water from the two wells in question. Special Master Bilyeu in her *Special Master Report and Recommendation, Findings of Fact and Conclusions of Law, for Water Rights 34-02315, 34-02358A, 34-02417A, 34-02419A, 34-02429B, 34-02472A and 34-12419*, entered February 12, 1999 (the Era Flat Decision), at 9, stated that the use of water by a junior appropriator does not injure a senior appropriator until “it results in a deprivation of [the senior appropriator’s] allotted amount.” Accordingly, in that decision, which involved a situation very similar to the present situation, the Special Master determined that the objectors’ assertion of injury was insufficient to prevent the Court from recognizing an accomplished transfer of the place of use recommended by IDWR pursuant to Idaho Code § 42-1425 because IDWR had advanced the priority dates to make the rights in question junior to those of the objectors. *Id.* The Special Master concluded that this was sufficient to mitigate the alleged injury because it enabled the objectors to “enforce the prior appropriation doctrine” by virtue of their senior priorities. *Id.*

In the Era Flat Decision, Special Master Bilyeu relied in part on *Fremont-Madison Irrigation Dist. v. Idaho Ground Water Appropriators*, 129 Idaho 454 (1996), a decision wherein the constitutionality of the amnesty statutes was affirmed in large part because the Idaho Supreme Court viewed the statutory provisions for the advancement of priority dates to prevent injury as sufficient protection to junior appropriators.

IDWR has reviewed both the materials submitted on remand in support of and in opposition to a determination of injury. These submissions for the most part consist of competing technical analyses, and related documents, regarding of the nature, magnitude, and timing of the effect of pumping from the two wells in question on the surrounding water table, and hence their effect on the pumping levels of the wells used by the objectors.

**SUPPLEMENTAL DIRECTOR’S REPORT
REGARDING SUBCASE NOS. 34-2459, 34-2460, 34-2461, 34-2462, and 34-10925**

The determination of what depth of water table is legally protectable does not constitute either a statutory element of a water right, or a matter necessary for definition, clarification, or administration of a water right, to be determined by the SRBA Court pursuant to Idaho Code § 42-1412(6). Indeed, the determination of what constitutes a reasonable ground water pumping level is committed *exclusively* to determination by the director of IDWR by the provisions of Idaho Code §§ 42-226 and 42-237a(g). See also *Baker v. Ore-Ida Foods, Inc.*, 95 Idaho 575, 584 (1973). IDWR views a technical dispute over the effect of pumping on ground water levels, coupled with a legal dispute over whether (and if so to what degree) the objectors are entitled to protection of pumping levels, are matters to be raised in an administrative proceeding before IDWR.

By advancing the priority date of these rights when the two wells in question are being used, IDWR has put the objectors in the position of holding rights senior to the claimant's rights. Thereby the objectors are in a position to enforce their senior priorities under the prior appropriation doctrine, giving them access to all appropriate administrative remedies and rights of judicial review encompassed therein, including the right to assert the need for protection of pumping levels. See IDAPA 37.03.11 (Conjunctive Management Rules).

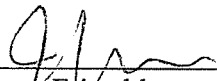
In the Era Flats case, Special Master Bilyeu determined that the advancement of priority dates was sufficient protection against injury. In the Fremont-Madison case the Idaho Supreme Court determined the advancement of priority dates was sufficient protection against injury. IDWR views it as sufficient protection against injury in these subcases as well.

**SUPPLEMENTAL DIRECTOR'S REPORT
REGARDING SUBCASE NOS. 34-2459, 34-2460, 34-2461, 34-2462, and 34-10925**

Conclusion

Accordingly, on remand IDWR concludes that the rights as presently recommended provide the objectors sufficient protection against injury. It sees no need to amend its recommendations of these rights.

Submitted this 25th of July, 2011.

for 
Carter Fritschle
Manager, Adjudication Section

CERTIFICATE OF SERVICE

I certify that on July 25, 2011, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

U.S. Dept. of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resource Division
Office of the Attorney General
PO Box 4449
Boise, ID 83711-4449

Darrelle E. McDonald
Norman K. Sowards
Represented by:
James P. Speck
SPECK & AANESTAD
120 East Avenue
PO Box 987
Ketchum, ID 83340

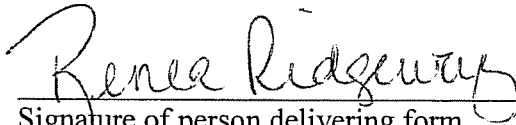
**SUPPLEMENTAL DIRECTOR'S REPORT
REGARDING SUBCASE NOS. 34-2459, 34-2460, 34-2461, 34-2462, and 34-10925**

Charles B. & Fern A. Isom
Charles B. Isom
Charles Isom
Don Isom
Fern A. Isom
Isom Acres Limited Partnership
Mitchell Sorenson
Represented by:
Robert L. Harris
1000 Riverwalk Dr., Ste 200
PO Box 50130
Idaho Falls, ID 83405

Doug Schureman
Jim Huelsman
Tyler Felton
Represented by:
Paul Arrington
Travis L. Thomspen
113 Main Ave W, Ste 303
PO Box 485
Tin Falls, ID 83303-0485

Big Lost River Irr Dist
Represented by:
W Kent Fletcher
1200 Overland Ave.
PO Box 248
Burley, ID 83318

Director of IDWR
PO Box 83720
Boise, ID 83720-0098


Signature of person delivering form

**SUPPLEMENTAL DIRECTOR'S REPORT
REGARDING SUBCASE NOS. 34-2459, 34-2460, 34-2461, 34-2462, and 34-10925**

AMENDED DIRECTOR'S REPORT

Subcase No. 34-2459

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Gary Spackman, Interim Director
Donald V. Shaff, Adjudication Bureau Chief

December 8, 2009

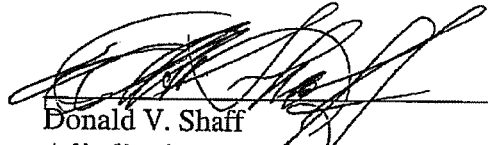
DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to an Order on Motion to Set Aside Partial Decree issued by Special Master Bilyeu on September 4, 2009 an Amended Director's Report for the aforementioned subcase is attached.

Respectfully submitted this 7th day of December, 2009.


Donald V. Shaff
Adjudication Bureau Chief

CERTIFICATE OF SERVICE

I certify that on December 8, 2009, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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2. Copies to:

MITCHELL SORENSEN
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ROBERT L HARRIS
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PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

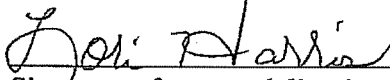
CRATER FARMS INC
PO BOX 91
ARCO, ID 83213
Phone: 208-527-8903

CHARLES B & FERN A ISOM
3199 W 2200 N
ARCO, ID 83213

Butte County Courthouse
PO BOX 171
ARCO, ID 83213

U.S. Dept. of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resource Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449



Signature of person delivering form

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 34-2459

NAME AND ADDRESS:

CHARLES B ISOM
3199 W 2200 N
ARCO ID 83213

FERN A ISOM
3199 W 2200 N
ARCO ID 83213

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

4.170 CFS

833.000 AFY

~~0.000 AFY~~

The rights listed below are limited to a total combined diversion rate of 12.5 cfs.
Combined Right Nos.: 34-2459, 34-2460, 34-2461, 34-2462 and 34-10925.

The rights listed below are limited to a total combined diversion rate of 24.5 cfs.
Combined Right Nos.: 34-2459, 34-2460, 34-2461, 34-2462, 34-10925 and 34-7037.

The rights listed below are limited to a total combined annual diversion volume of
8441.5 af. Combined Right Nos.: 34-2459, 34-2460, 34-2461, 34-2462, 34-7037,
34-7138 and 34-10925.

~~USE OF THIS RIGHT WITH RIGHT NOS. 34-02460, 34-02461, 34-02462 AND
34-10925 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 12.50 CFS.~~

~~USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 8441.5 AF.~~

~~COMBINED RIGHT NOS.: 34-07138, 34-02460, 34-02461, 34-02462, 34-07037 AND
34-10925.~~

PRIORITY DATE: 04/19/1965

Pursuant to a call, in times of scarcity, the diversion of water under this right from the
two wells in T05N R26E S34 SENWSW and T04N R26E S3 NESENW has a priority
date of May 18, 1982.

POINT OF DIVERSION:

T03N R26E S2 SWSNW
Within BUTTE County

T03N R26E S2 SENESW
Within BUTTE County

T04N R26E S3 NESENW
Within BUTTE County

T04N R26E S26 NWNWNW Injection
Within BUTTE County

T04N R26E S26 NWNWNW Rediversion
Within BUTTE County

T05N R26E S34 SENWSW
Within BUTTE County

Groundwater diverted from the points of diversion in T05N R26E S34 SENWSW and
T04N R26E S3 NESENW is comingled with the Island Canal then injected into the Big
Lost River at the point of injection and rediverted into the Munsey Canal at the point of
rediversion.

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	04/01 11/01	4.170 CFS <u>833.00 AFY</u>

PLACE OF USE:	IRRIGATION within BUTTE County
---------------	---

T03N R26E S14 NENW 39.0
T03N R26E S14 NWNW 36.0
T03N R26E S14 SWNW 40.0
T03N R26E S14 SENW 40.0
T03N R26E S14 NESW 40.0
T03N R26E S14 NWSW 40.0
T03N R26E S14 SWSW 40.0
T03N R26E S14 SESW 40.0
T03N R26E S15 NENE 39.0
T03N R26E S15 NWNE 40.0
T03N R26E S15 SWNE 40.0
T03N R26E S15 SENE 40.0
T03N R26E S15 NENW 39.0
T03N R26E S15 NWNW 39.0
T03N R26E S15 SWNW 40.0
T03N R26E S15 SENW 40.0
T03N R26E S15 NESW 40.0
T03N R26E S15 NWSW 40.0
T03N R26E S15 SWSW 40.0
T03N R26E S15 SESW 40.0
T03N R26E S15 NESE 40.0
T03N R26E S15 NWSE 40.0
T03N R26E S15 SWSE 40.0
T03N R26E S15 SESE 40.0
T03N R26E S16 NENE 39.0
T03N R26E S16 NWNE 39.0
T03N R26E S16 SWNE 40.0
T03N R26E S16 SENE 40.0
T03N R26E S16 NESE 40.0
T03N R26E S16 NWSE 40.0
T03N R26E S16 SWSE 39.0
T03N R26E S16 SESE 39.0
T03N R26E S22 NENE 40.0
T03N R26E S22 NWNE 40.0
T03N R26E S22 SWNE 40.0
T03N R26E S22 SENE 40.0
T03N R26E S22 NENW 40.0
T03N R26E S22 NWNW 40.0
T03N R26E S22 SWNW 40.0
T03N R26E S22 SENW 40.0

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

T03N R26E S23 NENW 40.0
T03N R26E S23 NWNW 40.0
T03N R26E S23 SWNW 40.0
T03N R26E S23 SENW 40.0
T03N R26E S23 NESW 40.0
T03N R26E S23 SESW 33.0
T03N R26E S23 NESE 39.0
T03N R26E S23 NWSE 40.0
T03N R26E S23 SWSE 40.0
T03N R26E S23 SESE 40.0

1980 ACRES TOTAL

This right is limited to the irrigation of 238 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 714 acres in a single irrigation season. Combined Right Nos.: 34-2459, 34-2460, 34-2461 and 34-2462.

The rights listed below are limited to the irrigation of a combined total of 1740 acres in a single irrigation season. Combined Right Nos.: 34-2459, 34-2460, 34-2461, 34-2462 and 34-10925.

The rights listed below are limited to the irrigation of a combined total of 1664 acres in a single irrigation season. Combined Right Nos.: 34-2459, 34-2460, 34-2461, 34-2462, 34-7037 and 34-7138.

The rights listed below are limited to the irrigation of a combined total of 1980 acres in a single irrigation season. Combined Right Nos.: 34-2459, 34-2460, 34-2461, 34-2462, 34-7037, 34-7138 and 34-10925.

~~USE OF THIS RIGHT WITH RIGHT NOS.: 34-02460, 34-02461, 34-02462 AND 34-07037 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1664 ACRES IN A SINGLE IRRIGATION SEASON.~~

~~USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1980 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-07138, 34-02460, 34-02461, 34-02462, 34-07037 AND 34-10925.~~

~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 238 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.~~

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

~~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 RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM - License BASIS OF CLAIM - Deereed

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. 34, Big Lost River. 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(s).

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right No. 34-10925 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

~~RIGHT NOS. 34-02460, 34-02461, 34-02462 AND 34-10925 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.~~

~~RIGHT NO. 34-10925 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.~~

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

AMENDED DIRECTOR'S REPORT

Subcase No. 34-2460

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Gary Spackman, Interim Director
Donald V. Shaff, Adjudication Bureau Chief

December 8, 2009

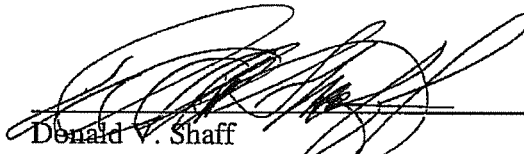
DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to an Order on Motion to Set Aside Partial Decree issued by Special Master Bilyeu on September 4, 2009 an Amended Director's Report for the aforementioned subcase is attached.

Respectfully submitted this 7th day of December, 2009.


Donald V. Shaff
Adjudication Bureau Chief

CERTIFICATE OF SERVICE

I certify that on December 9, 2009, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
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Represented by:
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PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

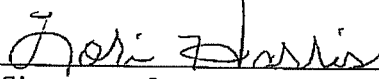
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550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resource Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449



Signature of person delivering form

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 34-2460

NAME AND ADDRESS:

CHARLES B ISOM
3199 W 2200 N
ARCO ID 83213

FERN A ISOM
3199 W 2200 N
ARCO ID 83213

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

4.170 CFS

833.000 AFY

~~0.000 AFY~~

The rights listed below are limited to a total combined annual diversion volume of 8441.5 af. Combined Right Nos.: 34-2459, 34-2460, 34-2461, 34-2462, 34-7037, 34-7138 and 34-10925.

The rights listed below are limited to a total combined diversion rate of 12.5 cfs. Combined Right Nos.: 34-2459, 34-2460, 34-2461, 34-2462 and 34-10925.

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PRIORITY DATE: 04/19/1965

Pursuant to a call, in times of scarcity, the diversion of water under this right from the two wells in T05N R26E S34 SENWSW and T04N R26E S3 NESENW has a priority date of May 18, 1982.

POINT OF DIVERSION:

T03N R26E S2 SWSNW
Within BUTTE County

T03N R26E S2 SENESW
Within BUTTE County

T04N R26E S3 NESENW
Within BUTTE County

T04N R26E S26 NWNWNW Injection
Within BUTTE County

T04N R26E S26 NWNWNW Rediversion
Within BUTTE County

T05N R26E S34 SENWSW
Within BUTTE County

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IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	04/01 11/01	4.170 CFS <u>833.00 AFY</u>
 PLACE OF USE:	 IRRIGATION within BUTTE County		
	T03N R26E S14 NENW	39.0	
	T03N R26E S14 NWNW	36.0	
	T03N R26E S14 SWNW	40.0	
	T03N R26E S14 SENW	40.0	
	T03N R26E S14 NESW	40.0	
	T03N R26E S14 NWSW	40.0	
	T03N R26E S14 SWSW	40.0	
	T03N R26E S14 SESW	40.0	
	T03N R26E S15 NENE	39.0	
	T03N R26E S15 NWNE	40.0	
	T03N R26E S15 SWNE	40.0	
	T03N R26E S15 SENE	40.0	
	T03N R26E S15 NENW	39.0	
	T03N R26E S15 NWNW	39.0	
	T03N R26E S15 SWNW	40.0	
	T03N R26E S15 SENW	40.0	
	T03N R26E S15 NESW	40.0	
	T03N R26E S15 NWSW	40.0	
	T03N R26E S15 SWSW	40.0	
	T03N R26E S15 SESW	40.0	
	T03N R26E S15 NESE	40.0	
	T03N R26E S15 NWSE	40.0	
	T03N R26E S15 SWSE	40.0	
	T03N R26E S15 SESE	40.0	
	T03N R26E S16 NENE	39.0	
	T03N R26E S16 NWNE	39.0	
	T03N R26E S16 SWNE	40.0	
	T03N R26E S16 SENE	40.0	
	T03N R26E S16 NESE	40.0	
	T03N R26E S16 NWSE	40.0	
	T03N R26E S16 SWSE	39.0	
	T03N R26E S16 SESE	39.0	
	T03N R26E S22 NENE	40.0	
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	T03N R26E S22 NWNW	40.0	
	T03N R26E S22 SWNW	40.0	
	T03N R26E S22 SENW	40.0	

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

T03N R26E S23 NENW 40.0
T03N R26E S23 NWNW 40.0
T03N R26E S23 SWNW 40.0
T03N R26E S23 SENW 40.0
T03N R26E S23 NESW 40.0
T03N R26E S23 SESW 33.0
T03N R26E S23 NESE 39.0
T03N R26E S23 NWSE 40.0
T03N R26E S23 SWSE 40.0
T03N R26E S23 SESE 40.0

1980 ACRES TOTAL

This right is limited to the irrigation of 238 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 714 acres in a single irrigation season. Combined Right Nos.: 34-2459, 34-2460, 34-2461 and 34-2462.

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~~USE OF THIS RIGHT WITH RIGHT NOS.: 34-02459, 34-02461, 34-02462 AND 34-07037 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1664 ACRES IN A SINGLE IRRIGATION SEASON.~~

~~USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1980 ACRES IN A SINGLE IRRIGATION SEASON.~~

~~COMBINED RIGHT NOS.: 34-07138, 34-02459, 34-02461, 34-02462, 34-07037 AND 34-10925.~~

~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 238 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.~~

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

~~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 RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM - License ~~BASIS OF CLAIM - Deceit~~

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. 34, Big Lost River. 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(s).

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right No. 34-10925 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

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

~~RIGHT NOS. 34-02459, 34-02461, 34-02462 AND 34-10925 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.~~

~~RIGHT NO. 34-10925 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.~~