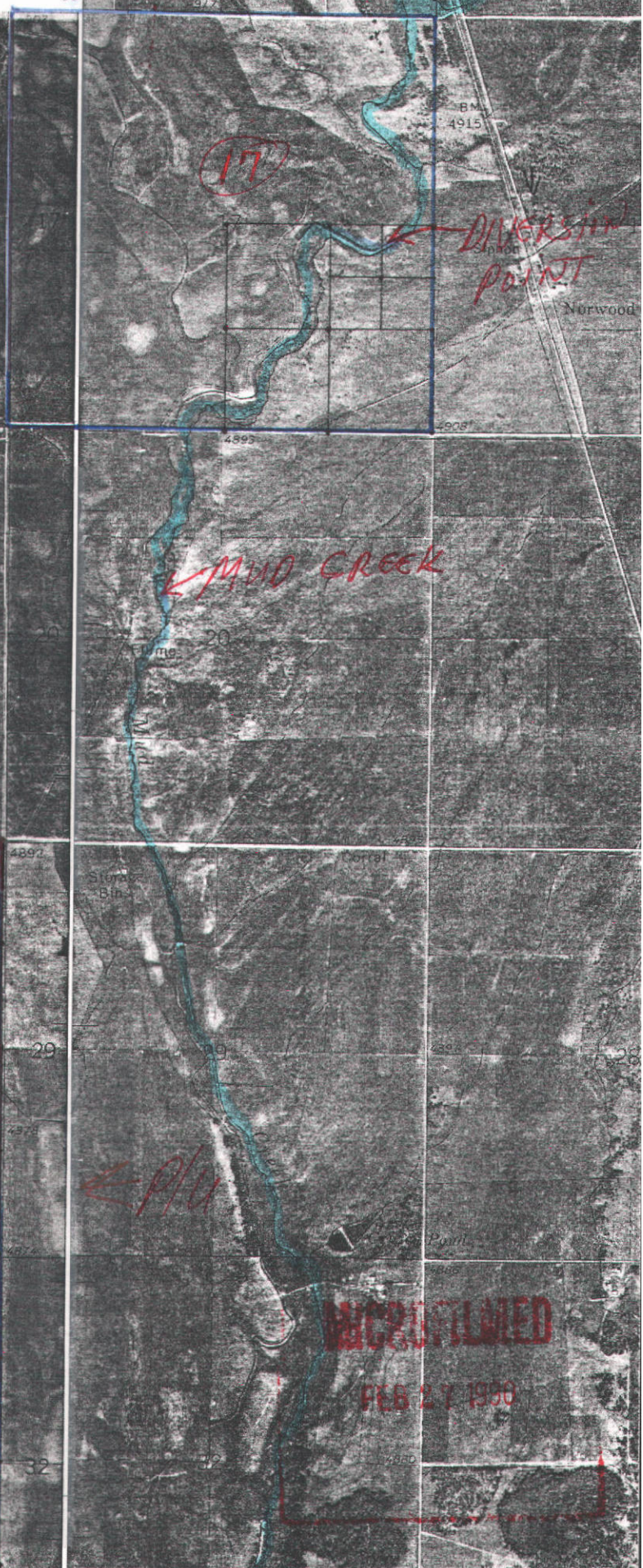
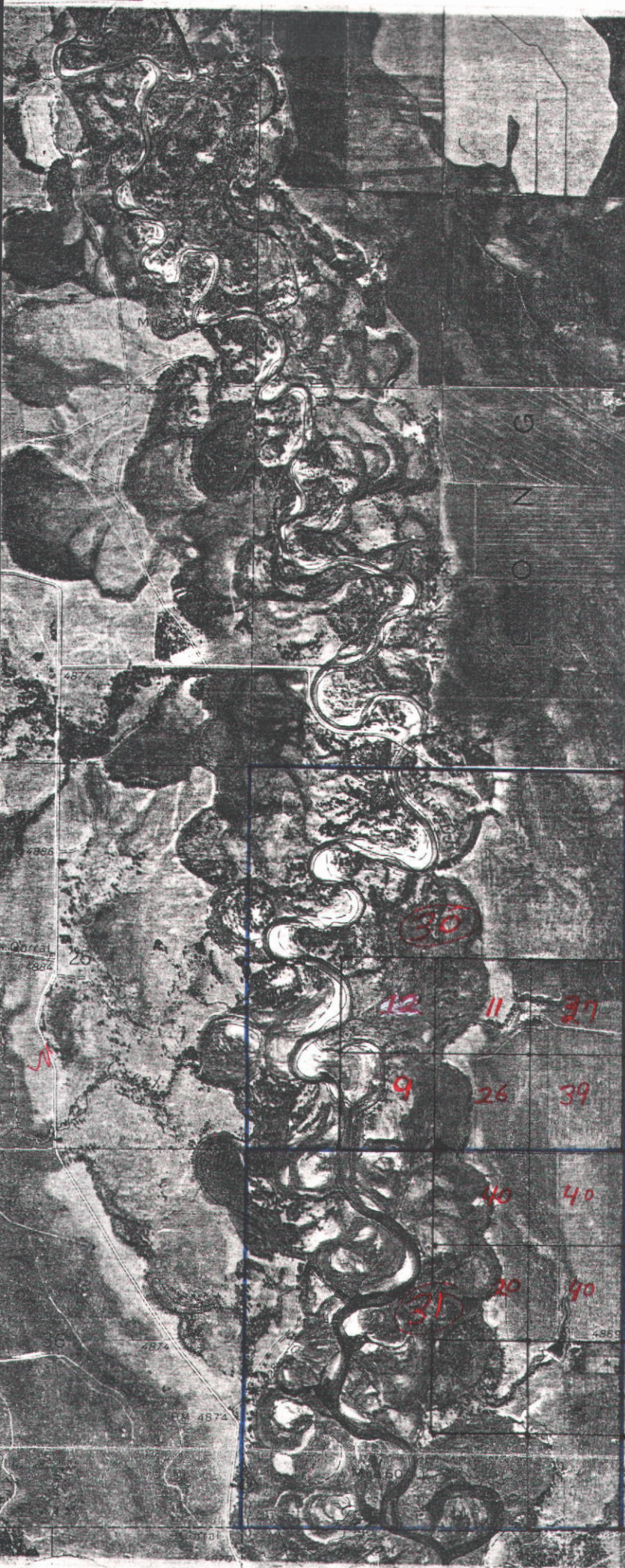


pg. 10 of 12
65-02198, 02487, 02488
T17N
R 3E
S. 17, 30, 31

4863



49°56'00" N

T16N

T17N

49°57'

49°58'

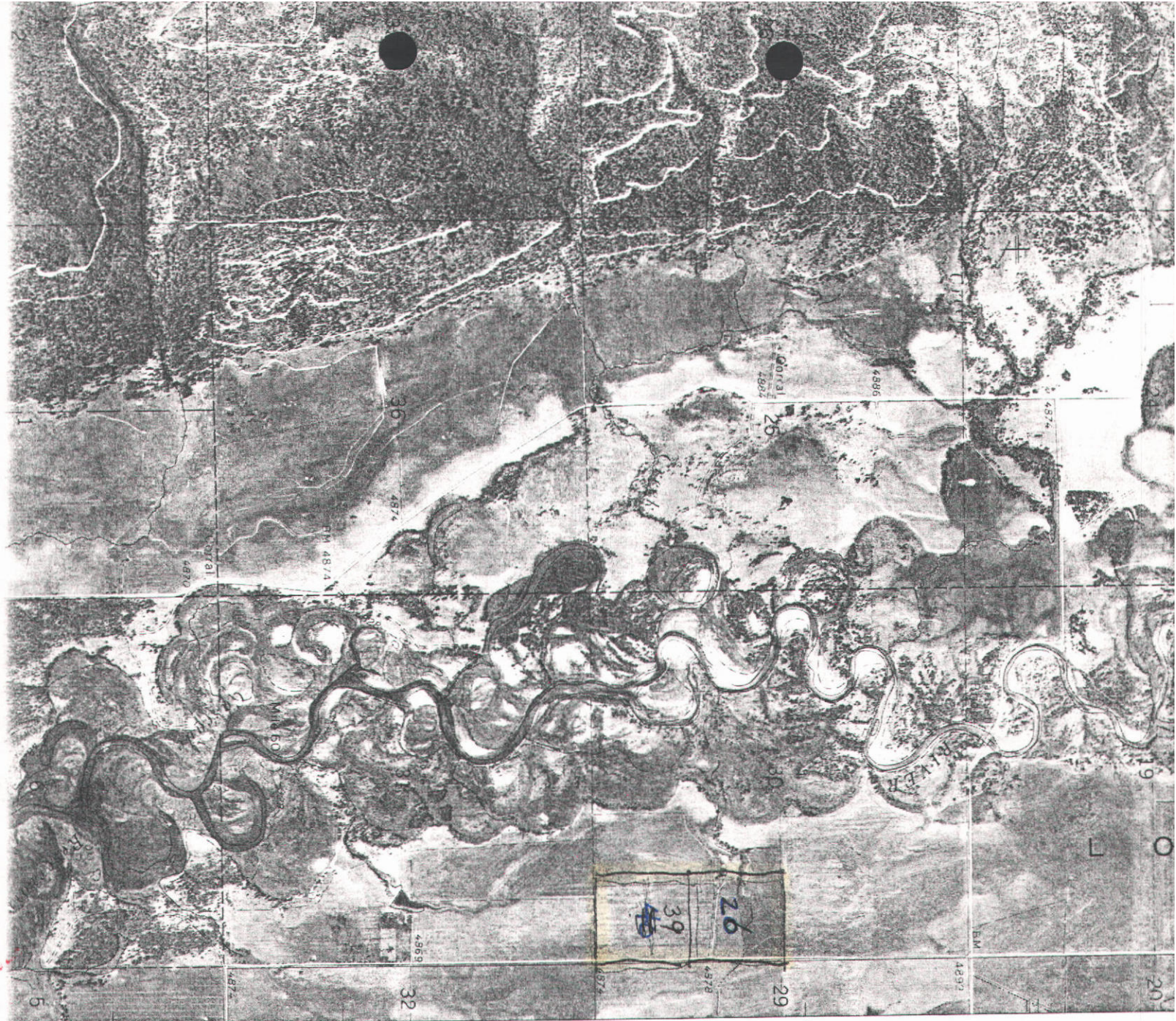
49°59'

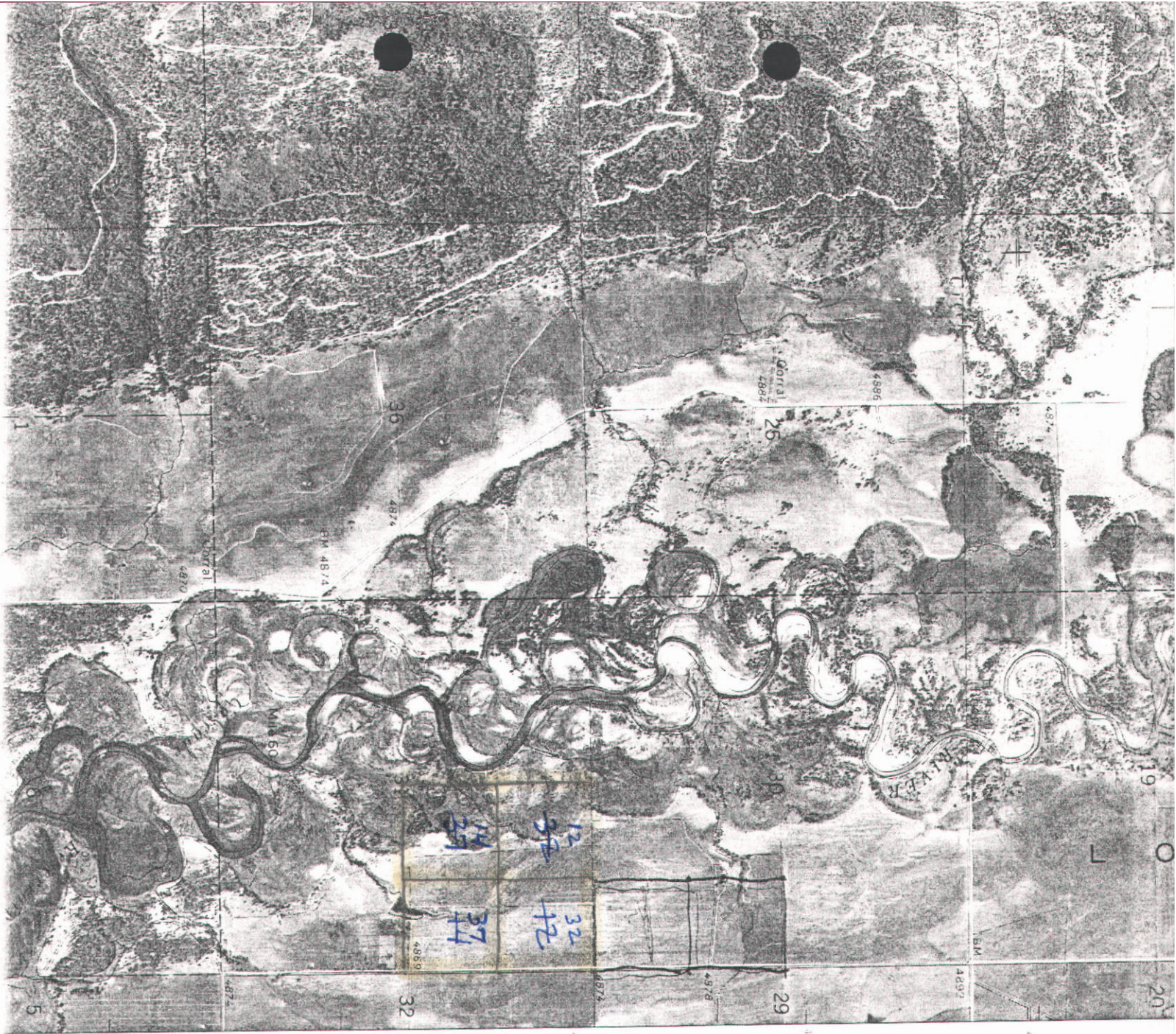
47° 30"

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FEB 27 1990

Transfer 65-02198
Page 5 of





4850 ft N

T16N

T17N

MICROFILMED

FEB 27 1990

Transfer 65-02487

Page 6 of 7

Publisher's Affidavit of Publication

STATE OF IDAHO }

.SS

County of Valley

I, Maggie Aganew, being duly sworn and say, I am the receptionist of The Central Idaho Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the NOTICE OF CHANGE OF WATER RIGHT, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began November 16, 1989, and ended November 23, 1989.

M. Aganew

Subscribed and sworn before me this the 27th day of November, 1989.

STATE OF IDAHO }

COUNTY OF VALLEY }

On this 27th day of November, in the year of 1989, before me, a Notary Public, personally appeared Maggie Aganew, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tom Grote

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires: 1993

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 65-02198, ✓
65-02487 & 65-02489

Notice is hereby given that the Nisula Bros. of Emmett, Idaho have applied to the Department of Water Resources for a change of place of use and of point of diversion the water of Mud Creek. The rights sought to be changed are evidenced by decree and are recorded as follows:

Amount: 65-02198-1.20 cfs Priority: 5/22/1919

Amount: 65-02487-2.80 cfs Priority: 12/3/1947

Amount: 65-02489-2.00 cfs Priority: 11/3/1947

Point(s) of Diversion: T17N, R3E, S 17, NESE.

The water is used for irrigation purposes in T17N, R3E, S 17, E 1/2 and S 30 SE 1/4/ TO BE CHANGED AS FOLLOWS

Amount: 6.00 cfs (total) 65-02198, 65-02487, 65-02489

Point(s) of Diversion: T17N, R3E, S17, NENESE

The water will be used for irrigation purposes in T17N, R3E, S 30, E 1/2 SW 1/4, SE 1/4 and S 31, NE 1/4.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before DECEMBER 4, 1989.

R. KEITH HIGGINSON, Director
2/11/23

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FEB 27 1990

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

Page 1 of 12STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3636

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED

Name of applicant Nisula Bros. (Frank & Elmer) Phone _____
Post Office address Box 444 Emmett, ID. 83617

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 _____
2. Describe the reason for the proposed changes to correct the Payette River Basin decree and fully utilize earliest priority rights.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|---------------------|--------------------|-------------------|-----------------------------|
| <u>65-02198</u> | <u>MAY 22, 1919</u> | <u>1.20 cfs</u> | <u>IRRIGATION</u> | <u>4/15</u> to <u>10/15</u> |
| <u>65-02487</u> | <u>Dec. 3, 1947</u> | <u>2.80 cfs</u> | <u>IRRIGATION</u> | <u>4/15</u> to <u>10/15</u> |
| <u>65-02489</u> | <u>Nov. 3, 1947</u> | <u>2.00 cfs</u> | <u>IRRIGATION</u> | <u>4/15</u> to <u>10/15</u> |
| | | | | to _____ |
2. Total amount of water being transferred 6.00 cfs cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Mud Creek tributary to Payette River, North Fork
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp.	Rge.	County	Local name for diversion
	NE	NE	SE	17	17N	3E	Valley	

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5. Lands irrigated or place of use.

FEB 27 1990

Twp.	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
17N	3E	31	32	12	14	37													95
17N	3E	30													27			39	66
17N	3E	30																	
		31	8	28	6	3													45

Total acres 274

PART 1**6. General Information:**

a. Description of diversion system metal headgate in creek to open ditches.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

change is correction of decreed rights from section 17. It's
desired to place earliest priority water on E $\frac{1}{2}$ SE $\frac{1}{4}$ S. 30.

d. Remarks

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 65-2198/2487/2489

And said application is hereby APPROVED, subject to the following limitations and conditions.

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works. 2. These rights when combined with all other rights shall provide no more than 3.0 afa per acre for the lands above. 3. Use of water under these rights is subject to control by the watermaster of State Water District No. 65K, Lake Fork Creek.

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FEB 27 1990

Witness my hand this

29th

day of

December

, 19

89A. Glen Saylor
Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 65-02198 Decreed to ANNA NISULA
 in case of State of Idaho vs. A & C Corp, et al
 dated 1-21-1986 in Third Jud. Dist. county of Gem
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other see Attachment A

3. Source of water Mud Creek tributary to Payette River, North Fork

4. Date or priority May 22, 1919

5. Water is used for the following purpose:

amount 1.20 cfs for IRrigation purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 1.20 cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	17	17N	3E	Valley	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
17N	3E	17													27			39	66

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FEB 27 1990

Total acres 66

9. Describe any other water rights used for the same purpose as described above Lake Irrig. District
and 65-03216 for SESE (Lake Fork Creek is source for 03216).

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

MICROFILMED

FEB 27 1990

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 65-02487 Decreed to Frank S. Nisula
in case of State of Idaho vs. A & C Corp, et al
dated 1-21-1986 in Third Jud. District county of Gem
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other see attachment A

3. Source of water Mud Creek tributary to Payette River, North Fork

4. Date or priority Dec. 3, 1947

5. Water is used for the following purpose:

amount 2.80 cfs for Irrigation purposes from 4/15 to 10/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.80 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	17	17N	3E	Valley	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
17N	3E	17	12	32	37	14													95

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FEB 27 1990

Total acres 95

9. Describe any other water rights used for the same purpose as described above Lake Irrigation Dist.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

MICROFILMED

FEB 27 1990

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 65-02489 Decreed to ANNA NISULA
in case of State of Idaho vs A&C Corp, et al
dated 1-21-1986 in Third Jud. District county of Ben
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Mud Creek tributary to Payette River, North Fork

4. Date or priority Nov. 3, 1947

5. Water is used for the following purpose:

amount 2.00 cfs for IRRIGATION purposes from 4/15 to 10/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.00 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	17	17N	3E	Valley	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
17N	3E	30													37	11	26	39	113

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FEB 27 1990

Total acres 113

9. Describe any other water rights used for the same purpose as described above Lake Irrigation District
and 65-03204 (Lake Fork Creek is source for 03204).

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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FEB 27 1990

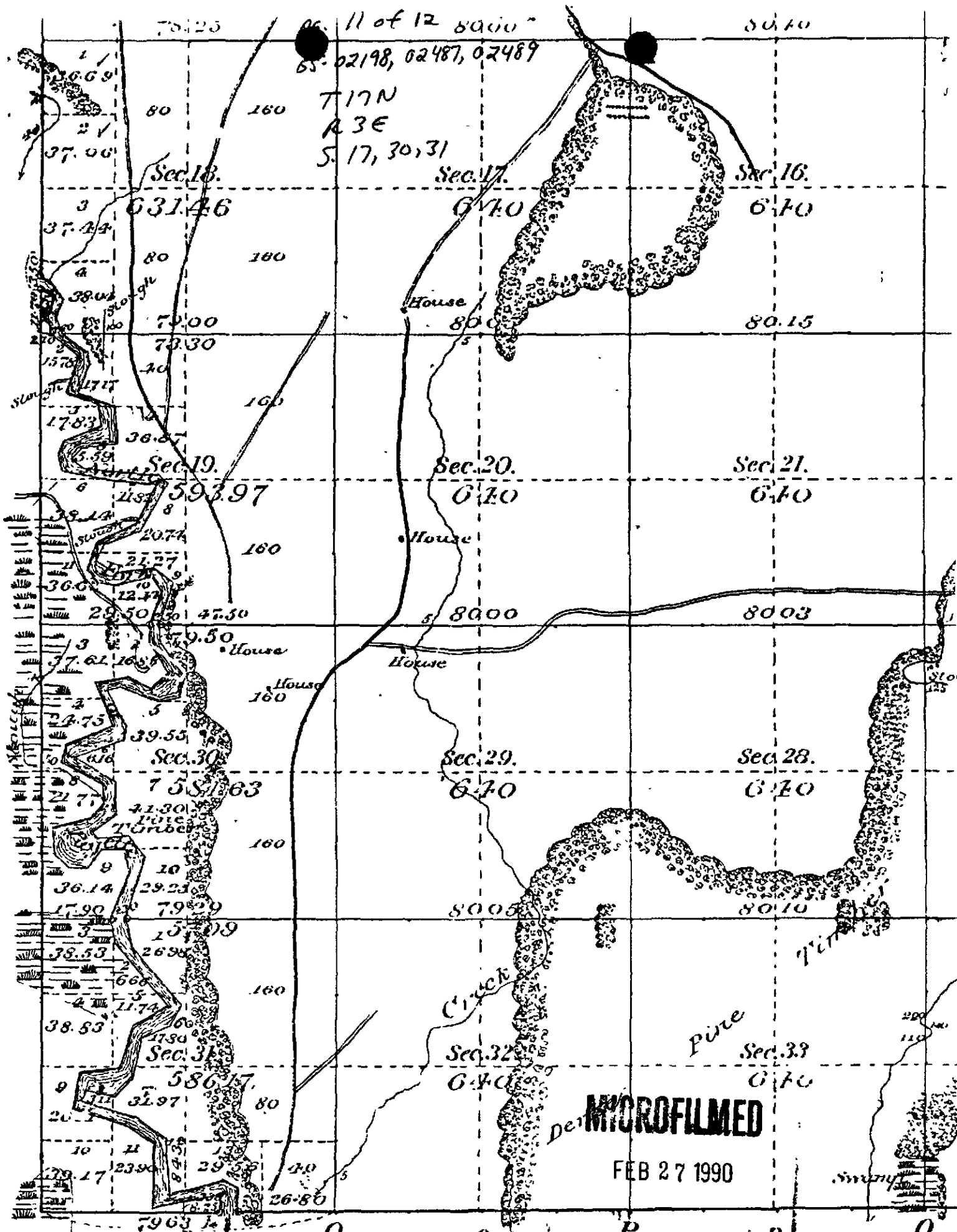
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65-02198, 02487, 02488

T 17N
R 3E
S. 17, 30, 31

486



11 of 12 8000
 65-02198, 02487, 02489
 T17N
 R3E
 S. 17, 30, 31



de MICROFILMED

FEB 27 1990

GOVERNMENT LOTS Total number of Acres 22.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

See attached maps, pg. 10-11

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FEB 27 1990

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2 Quantity and quality of return flows and location of discharge:

3 Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

Elmer Wisula (Partner)
(Signature of Applicant)

Subscribed and sworn to before me this 5 day of December, 19 88

Eldon J. Poush
(Notary Public)

My commission expires 09/08/1999

FOR DEPARTMENT USE ONLY

Transfer contains 12 pages and 3 attachments

Received by SL for OS & NL Date 11-17-88, 11-22-88 Protest filed by _____

Prelim. check by SL Fee \$50

Receipted by SL for OS #C003432 Date 11/17/88

Published in Star News Copies of protest forwarded by _____

Pub. dates 11/15 & 11/22/89 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by DET. Ginn Gary

Copy of transfer sent to lien holder _____

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FEB 27 1990

Total acres 16

PART 1

6 General Information:

- a. Description of diversion system Metal headgate in creek to
open ditches.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Change is correction to agree with licenses
that were issued.
- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
 And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____

MICROFILMED

FEB 27 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 65-02487 Decreed to Frank S. Nisula
 in case of State of Idaho vs. A+C Corp, et al
 dated 1-21-1986 in Third Jud. District county of Gem
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Mud Creek tributary to Poyette River, North Fork

4. Date or priority Dec 3, 1947

5. Water is used for the following purpose

amount 2.80 for Irrigation purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 2.80 cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp.	Rge.	County	Local name for diversion
		NE	SE	17	17N	3E	Valley	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
17N	3E	17	12	32	37	14													95

MICROFILMED

FEB 27 1990

Total acres 95

9. Describe any other water rights used for the same purpose as described above None Lake Irrigation
District

10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- 1 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 65-02198 Decreed to Anna Visula
 in case of State of Idaho vs. A#C Corp et al
 dated 1-21-1986 in Third Jud. Dist. county of Gem
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Mud Creek tributary to Payette River, North Fork

4. Date or priority May 22, 1919

5. Water is used for the following purpose:

amount 1.20 cfs for Irrigation purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 1.20 cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion.

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	17	17N	3E	Valley	

8. Lands irrigated or place of use

Twp.	Rge	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
17N	3E	17													27			39	66

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Total acres 66

9. Describe any other water rights used for the same purpose as described above Lake Irr. Dist.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

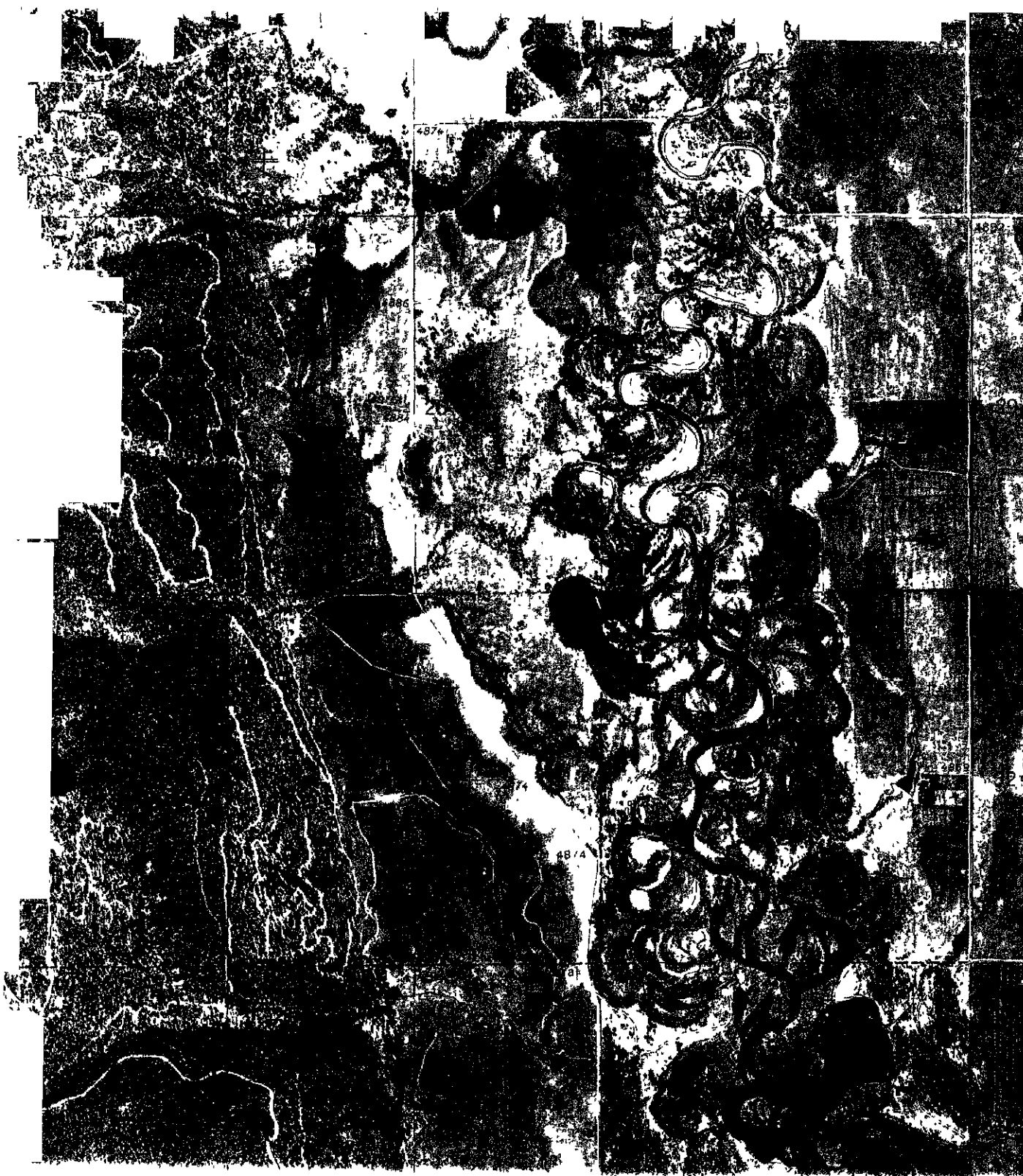
3. Lands irrigated or place of use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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Total acres _____



47' 30"

4859

4858

4857

4856 Axis N

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T17N

T16N

Transfer 65-02198
Page 5 of



4956100 N

T16N

4957

T17N

4958

4959

4960 47° 30"

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Transfer 65-02487

Page 6 of 7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

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PART 3**B. CHANGES IN NATURE OF USE**

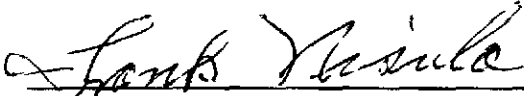
1.	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

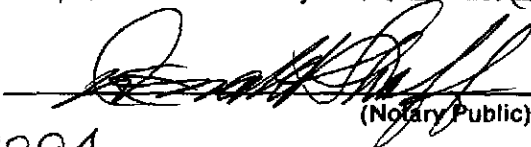
3. Describe effects on other water uses resulting from the proposed change

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.



(Signature of Applicant)

Subscribed and sworn to before me this 17 day of November, 19 88.

(Notary Public)

My commission expires June 10, 1994**FOR DEPARTMENT USE ONLY**

Transfer contains 7 pages and - attachments

Received by DF ml Date 11-17-88 ¹¹⁻²²⁻⁸⁸ Protest filed by _____

Prelim. check by _____ Fee _____

Receipted by DF #1003432 Date 11-17-88

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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Publisher's Affidavit of Publication

STATE OF IDAHO

.SS

County of Valley

I, Maggie Aganew, being duly sworn and say, I am the receptionist of The Central Idaho Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the NOTICE OF CHANGE OF WATER RIGHT, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began November 16, 1989, and ended November 23, 1989.

Maggie Aganew
Subscribed and sworn before me this the 27th day of November, 1989.

STATE OF IDAHO

COUNTY OF VALLEY

On this 27th day of November, in the year of 1989, before me, a Notary Public, personally appeared Maggie Aganew, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tom Grote
Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 1993

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
No. 65-02198
65-02487, 65-02489

Notice is hereby given that the Nisula Bros. of Emmett, Idaho have applied to the Department of Water Resources for a change of place of use and of point of diversion the water of Lost Creek. The rights sought to be changed are evidenced by decree and are recorded as follows:

Amount: 65-02198-1.25 cfs. Priority: 5/23/1919

Amount: 65-02487-2.80 cfs. Priority: 12/31/1947

Amount: 65-02489-2.00 cfs. Priority: 11/3/1947

Point(s) of Diversion: T17N, R3E, S 17, NESE.

The water is used for irrigation purposes in T17N, R3E, S 17, E 1/2 and S 30 SE 1/4.

TO BE CHANGED AS FOLLOWS

Amount: 6.00 cfs. Total: 65-02198, 65-02487, 65-02489

Point(s) of Diversion: T17N, R3E, S17, NESE

Amount: 65-02198-1.25 cfs. Priority: 5/23/1919

Amount: 65-02487-2.80 cfs. Priority: 12/31/1947

Amount: 65-02489-2.00 cfs. Priority: 11/3/1947

Point(s) of Diversion: T17N, R3E, S 17, NESE

Amount: 65-02198-1.25 cfs. Priority: 5/23/1919

Amount: 65-02487-2.80 cfs. Priority: 12/31/1947

Amount: 65-02489-2.00 cfs. Priority: 11/3/1947

Point(s) of Diversion: T17N, R3E, S 17, NESE

Amount: 65-02198-1.25 cfs. Priority: 5/23/1919

Amount: 65-02487-2.80 cfs. Priority: 12/31/1947

Amount: 65-02489-2.00 cfs. Priority: 11/3/1947

Point(s) of Diversion: T17N, R3E, S 17, NESE

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MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 223

INDICATES TOTAL

SOURCE: MUD CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-2098	CRUZFN, EDWARD A. DONNELLY, IDAHO 83615	8/10/1909	IRRIGATION	4/15 10/15	--- AFA 2.26 CFS	NESE S17 T17N R 3E	NENE(38) NWNE(16) SWNE(21) SENE(39) S30 T17N R 3E *114*	LICENSE
65-2237	JACKSON, ORVILLE & JACKSON, FLOY L. BOX 38, EAGLE, IDAHO 83616	11/14/1918	IRRIGATION	4/15 10/15	--- AFA 2.40 CFS	NENW S29 T17N R 3E	NWNE(40) SWNE(40) NENW(40) NWNW(31) SENE(40) NESE(9) S 8 T16N R 3E *200*	LICENSE
65-8624	BOYDSTON, NEAL BOX 742, MC CALL, IDAHO 83638	3/ 5/1919	IRRIGATION	4/15 10/15	--- AFA 2.36 CFS	NENW S29 T17N R 3E	NESW(40) NWSW(39) SWSW(39) S32 T17N R 3E *118*	BENEFICIAL USE
65-2198	NTSULA, ANNA P. O. BOX 604, DONNELLY, IDAHO 83615 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS FROM THE LAKE IRRIGATION DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	5/22/1919	IRRIGATION	4/15 10/15	--- AFA 1.20 CFS	NESE S17 T17N R 3E	NESE(27) SESE(39) S17 T17N R 3E *66*	LICENSE
65-2268	JACKSON, ORVILLE & JACKSON, FLOY L. BOX 38, EAGLE, IDAHO 83616	11/17/1919	IRRIGATION	4/15 10/15	--- AFA 2.92 CFS	NENW S29 T17N R 3E	SENE(40) NESW(39) SESW(27) SWSE(40) S 5 T16N R 3E *146*	LICENSE
65-2367	PARKS, C. W. ROUTE 2, EMPETT, IDAHO 83617	11/30/1921	IRRIGATION	4/15 10/15	--- AFA 1.90 CFS	NENW S29 T17N R 3E	NENW(39) NWNW(39) SWNW(22) S 5 T16N R 3E *100*	LICENSE
65-2398	EDWARDS, FRANKLIN B. BOX 22, DONNELLY, IDAHO 83615	10/ 8/1928	IRRIGATION	4/15 10/15	--- AFA .88 CFS	NWSE S32 T17N R 3E	NESE(30) SESE(5) S 7 T16N R 3E SWNW(3) S 8 T16N R 3E *38*	LICENSE
65-2398	ALLANTYNE, BARTON P. C/O MCKEE & HARWOOD, 1076 NORTH CULE ROAD, BOISE, IDAHO 83704 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-2707 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	8/ 3/1936	IRRIGATION	4/15 10/15	--- AFA 2.30 CFS	SWSE S32 T17N R 3E	NESW(40) SESW(39) NWSE(38) S 8 T16N R 3E *117*	LICENSE

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FEB 27 1980



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 5, 1990

RE: Transfer of Water Right Nos. 65-2198/2487/2489

Nisula Bros.
Box 444
Emmett, ID 83617

Gentlemen:

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Transfer No. 3636). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

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FEB 27 1990

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: December 28, 1989

RE: TRANSFER APPLICATION NO. 3636

=====

Transfer proposes change in place of use only and involves three separate decreed rights.

Conditions of Approval:

<<R04>> Use of water under this license is subject to control by the watermaster of State Water District No. 65K, Lake Fork Creek.

<<R01>> A measuring device of a type approved by this Department shall be maintained as a part of the diverting works

These rights when combined with all other rights shall provide no more than 3.0 afa per acre for the lands above.

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MEMORANDUM

TO: FILE

FROM: JIM JOHNSON

RE: NISULA TRANSFER APPLICATION

DATE: December 29, 1989

=====

During the review of this transfer application when I reviewed the overlap report and found no remaining rights listed for irrigation of lands in section 17, I became concerned about the consent given by Harry Bettis to allow the removal of the rights identified in the transfer application from his land. I called Steve Lester, who is very familiar with the transfer application and knows Harry Bettis quite well. Steve informed me that the water rights listing the place of use in section 17 resulted in a mistake made somewhere in the Payette River Adjudication process. The original licenses issued show the place use on lands owned by Nisula, therefore, the purpose of the transfer application was to make the necessary changes in the water rights descriptions.

Steve reported that Mr. Bettis was quite familiar with water rights because he was a large landowner in the Payette River Basin and probably knew that this transfer would remove the all the rights from his land in section 17. He was not, however, absolutely certain of this.

Rather than to pursue this any further I elected to assume that Mr. Bettis knew what he was doing.

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FEB 27 1990

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: December 28, 1989

RE: TRANSFER APPLICATION NO. 3636

=====

Transfer proposes change in place of use only and involves three separate decreed rights.

Conditions of Approval:

<<R04>> Use of water under this license is subject to control by the watermaster of State Water District No. 65.

<<R24>>(edited) These rights when combined with all other rights shall provide no more than 3.0 afa per acre for the lands above.

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WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	SUM
6502198	NISULA	D	MUD CREEK	17N	03E	17	12	32	37	14	:	:	:	:	27	:	39	39	66
6502487	NISULA	D	MUD CREEK	17N	03E	17	12	32	37	14	:	:	:	:	:	:	39	39	95
6503216	BETWIS	D	LAKE FORK CREEK	17N	03E	17	34	37	41	38	:	37	39	41	37	39	39	40	613
	1986 MAPPING DATA ---	-	COUNTY 85 QUAD S	60	17N	03E	17	34	37	41	38	:	37	39	41	37	39	39	40
6502098	CRUTEN	D	MUD CREEK	17N	03E	30	36	16	21	39	:	:	:	:	:	:	:	:	114
6502444	PANCHERI	D	HARTSEL CREEK	17N	03E	30	:	:	:	:	:	:	:	:	:	:	:	:	:
6502445	PANCHERI	D	UNNAMED STREAM	17N	03E	30	:	:	:	:	:	:	:	:	:	:	:	:	:
6502489	NISULA	D	MUD CREEK	17N	03E	30	:	:	:	:	:	:	:	:	:	:	:	:	113
6503204	NISULA	D	LAKE FORK CREEK	17N	03E	30	:	:	:	:	:	:	:	:	:	:	:	:	113
6503704	NISULA	D	WASTE WATER	17N	03E	30	:	:	:	:	:	:	:	:	:	:	:	:	15
	1986 MAPPING DATA ---	-	COUNTY 85 QUAD S	59	17N	03E	30	42	39	41	39	:	:	:	:	:	:	:	314
		D	MUD CK	17N	03E	30	:	:	:	:	:	:	:	:	27	:	39	42	314
6503212	NISULA	D	LAKE FORK CREEK	17N	03E	31	39	12	8	35	:	:	:	:	:	:	:	:	94
6503702	NISULA	D	MUD CREEK	17N	03E	31	:	:	:	:	:	:	:	:	:	:	:	:	69
	1986 MAPPING DATA ---	-	COUNTY 85 QUAD S	59	17N	03E	31	37	40	25	33	:	:	:	:	:	:	:	216
6502487		D	MUD CK	17N	03E	172	12	14	37	:	:	:	:	:	:	:	:	:	25
6502489		D	MUD CK	17N	03E	8	28	6	3	:	:	:	:	:	:	:	:	:	216

AFKE TRANSFER

Jim,
This is what the overlap looks like after the transfer.
It appears all of the digits will overlap

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PAGE: 1

PLACE OF USE LOTS T-R-S REPORT

12/28/89

WR-NUMBER	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	LOT	+	SUM
17N 03E 17																			

17N 03E 30
85 MAPPING: 1L2 5L13 7L27 10L17

59

17N 03E 31
85 MAPPING: 1L9 4L8 7L5 13L4

26

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FEB 27 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: SL

1. Right number 65-02198 65-02487
AND 65-02489 Applicant Nisula Bros. (Frank's son)
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____

4. Check:

- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

- a. ☒ All of right.
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred.
- h. ☒ Check for expansion in use of right. Comments NOT AN EXPANSION

- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
MUD CREEK RT. S. 30: NESE 27 AC. FOR 02198 AND 10 AC. FOR 02489 ARE DIFFERENT ACRES.
Right number(s) S. 31: NE 1/4 AC SHOWN ARE DIFFERENT OWNS FOR EACH 1/4 UNDER
02487 AND 02489. OTHER SOURCES ① LAKE FORK CK. 65-03204 FOR SE 1/4 S. 30.
65-03212 FOR NE 1/4 S. 31
- j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No ② WASTEWATER 65-03704 FOR E 1/2 SW 1/4 S. 30.
- If yes, what district? Water District 65

FINAL PROCESSING REVIEW BY: DR

1. Watermaster recommendation requested on No Watermaster yet Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____

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4. By Der Date 12/4/1989

Department of Water Resources

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 65-02198, 65-02487 & 65-02489

Notice is hereby given that the Nisula Bros. of Emmett, Idaho have applied to the Department of Water Resources for a change of place of use and of point of diversion the water of Mud Creek. The rights sought to be changed are evidenced by decree and are recorded as follows:

Amount: 65-02198 - 1.20 cfs	Priority: 5/22/1919
65-02487 - 2.80 cfs	Priority: 12/3/1947
65-02489 - 2.00 cfs	Priority: 11/3/1947

Point(s) of Diversion: T17N, R3E, S 17, NESE.

The water is used for irrigation purposes in T17N, R3E, S 17, E 1/2 and S 30 SE 1/4

TO BE CHANGED AS FOLLOWS

Amount: 6.00 cfs (total)	65-02198
	65-02487
	65-02489

Point(s) of Diversion: T17N, R3E, S17, NENESE

The water will be used for irrigation purposes in T17N, R3E, S 30, E 1/2 SW1/4, SE 1/4 and S 31, NE 1/4.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before December 4, 1989.

R. Keith Higginson, Director

Published in the Star News on 11/15 and 11/22/1989.

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FEB 27 1990

TO: TRANSFER FILE
FROM: STEVE LESTER
DATE: JUNE 20, 1989
RE: OWNERSHIP OF PROPERTY

Mr. Harry Bettis of Payette visited the Western Regional office today regarding the Nisula Brothers transfer of 65-02198, 65-02487, and 65-02489, three rights using Mud Creek water for irrigation. Mr. Bettis owns the land in T17N, R3E, S.17 involved in the transfer, a fact confirmed by my telephone conversation with the Valley County Assessor's office on 12/5/88. He has no objection to the transfer.

The following statement was prepared for his signature.

I, the undersigned, own the land in T17N, R3E, S.17 that is delineated in the Nisula transfer of rights 65-02198, 65-02487, and 65-02489. As the owner of record, I have no objections to the transfer application.

Signed this 20-th day of June, 1989 at Boise, Idaho:

Harry Bettis

CC: H. Bettis
Nisula Brothers

*State of Idaho
County of Ada*

*Signed before me this 20th day of June
1989*

*Keri Harris - Notary Public
Boise Idaho*

Commission expires 12-8-94

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FEB 27 1990

Attachment B

VALLEY COUNTY ASSESSOR
P.O. Box 758
Cascade, Idaho 83611

MAIL TO OWNER OF RECORD

NISULA BROS.
BOX 1145
MCCALL, ID 83638

LEGAL DESCRIPTION

SE/4 S30 T17N R3E

MEDIUM CLASS TIMBER

1987

TAXPAYER'S VALUATION ASSESSMENT NOTICE
(Property Located in Valley County)

THIS IS NOT A TAX BILL: ID 1800 SENSITIVE AREA

DATE 6/01/87 TAX CODE 5-00 PARCELS NO RP17N03E307205A

CATEGORY	DESCRIPTION	QUANTITY	ACRES/LOTS	MARKET VALUE
1	IRRGTD AG	112.500	AC	29,475
5	DRY GRAZING	40.000	AC	2,400
6	FORESTLAND PROD	6.000	AC	384
19	WASTE	1.500	AC	1,850
32	RURAL IMP ON AG			
TOTALS				34,109

NOT RECORDED
FEB 27 1990

VALLEY COUNTY ASSESSOR
P.O. Box 758
Cascade, Idaho 83611

MAIL TO OWNER OF RECORD

NISULA, ELMER, FRANK & ART,
ETAL
BOX 1145
MCCALL, ID 83638

LEGAL DESCRIPTION

N/2 NE, E/2 SWNE, SENE
S31 T17N R3E

1987

TAXPAYER'S VALUATION ASSESSMENT NOTICE
(Property Located in Valley County)

THIS IS NOT A TAX BILL: ID 1800 SENSITIVE AREA

DATE 6/01/87 TAX CODE 5-00 PARCELS NO RP17N03E310005A

CATEGORY	DESCRIPTION	QUANTITY	ACRES/LOTS	MARKET VALUE
1	IRRGTD AG	102.500	AC	26,855
5	DRY GRAZING	36.000	AC	1,440
19	WASTE	1.500	AC	

NAME OF APPLICANT

Nisa Bros. Irrigation Pts

Form No. 0

WATER RIGHT	SOURCE	PRIORITY	ACRES	INCHES PER ACRE	TOTAL INCHES
65-02198	MUD CREEK	5/1919	66	.91	60
65-02489	MUD CREEK	11/3/1947	113	.88	100
65-03702	MUD CREEK	11/17/1947	69	1.00	69
65-02487	MUD CREEK	12/3/1947	95	1.47	140
65-03204	LAKE FORK CREEK	11/29/1918	113	.88	100
65-03212	LAKE FORK CREEK	11/29/1918	94	1.06	100
65-03704	WASTE WATER	4/1/1930	15	1.00	15

40 ACRES

32 12 37 14 19 27 39

02487 12/3/1947 .029 cfs/ac (.47" per acre)

02198 5/23/1919 .018 cfs/ac (.91" per acre)

ALSO Bettis: Lake Fork Ck 39 ac. in SESE 65-03216

T17N

03704 4/1/1930 .02 cfs/ac (.1" per acre)

03204 11/29/1918 .018 cfs/ac (.88" per acre)

02489 11/3/1947 .018 cfs/ac (.88" per acre)

03212 .024 cfs/ac (1.06" per acre)

03702 11/17/1947 .02 cfs/ac (.1" per acre)

Mud Creek

Total acres shown in S. 30-31 = 389 (figures from each well included)

" " " with Mud Ck. Rights* (S. 17, 30, 31) is 343 acres

Apparent actual Irrigation in S. 30-31 = 291 acres

S 17, 30, 31

MICROFILMED FEB 27 1990

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 0/2
 FROM LANDS
 TRANSFERRED FROM

DATE: 08/13/88
 PAGE 7420

IDAHO DEPARTMENT OF WATER RESOURCES
 WATER RIGHTS MICROFICHE BY PLACE OF USE

WR4001NP
 (OD-21)

TWP	RNG	SECT	TRACT	LOT	ACRES	WATER USE CODE	WATER RIGHT NO.	LAST NAME	Q	STG	PRIORITY DATE	WATER SOURCE
17N	03E	16	SE 5E 1 4 1 4	39.0	03		65-02952	CRUZEN BROWN BROWN	C	D	06/02/1962	LAKE FORK CREEK
17N	03E	17	NE NE	12.0	01		65-02487	NISULA	C	D	12/03/1947	MUD CREEK
17N	03E	17	NH NE	32.0	01		65-02487	NISULA	C	D	12/03/1947	MUD CREEK
17N	03E	17	SH NE	37.0	01		65-02487	NISULA	C	D	12/03/1947	MUD CREEK
17N	03E	17	SE NE	14.0	01		65-02487	NISULA	C	D	12/03/1947	MUD CREEK
17N	03E	17	NE SE	27.0	01		65-02198	NISULA	C	D	05/22/1919	MUD CREEK
17N	03E	17	SE SE	39.0	01		65-02198	NISULA	C	D	05/22/1919	MUD CREEK
17N	03E	17	SE SE	39.0	01		65-03216	BETTIS	C	D	10/03/1918	LAKE FORK CREEK
17N	03E	18		1	43.04		65-03806	NISSULA	C	D	06/01/1900	GROUNDWATER
17N	03E	18	NH NW		43.04		65-03805	NISSULA	C	D	06/01/1940	GROUNDWATER
17N	03E	18	NE SH		04		65-03807	NISSULA	C	D	06/01/1900	SPRING
17N	03E	19			01.04		65-02444	PANCHER! PANCHER!	C	D	08/16/1943	HARTSEL CREEK
17N	03E	19	NE NE		43		65-03426	FAIRBROTHER	C	D	06/01/1905	GROUNDWATER
17N	03E	19	SE NW		04		65-09741	BISHOP RANCHES, IN	C	D	01/01/1943	SPRINGS
17N	03E	19	NE SH		04		65-09741	BISHOP RANCHES, IN	C	D	01/01/1943	SPRINGS
17N	03E	19	SE SH		04		65-09741	BISHOP RANCHES, IN	C	D	01/01/1943	SPRINGS
17N	03E	19	SH SE		43		65-09739	BISHOP RANCHES, IN	C	D	01/01/1940	GROUNDWATER
17N	03E	19	SH SE		43		65-09740	BISHOP RANCHES, IN	C	D	01/01/1943	UNNAMED STREAM
17N	03E	20	NE NE	36.0	03		65-02932	CRUZEN BROWN BROWN	C	D	06/23/1944	LAKE FORK CREEK
17N	03E	20	NE NE	36.0	03		65-02952	CRUZEN BROWN BROWN	C	D	06/02/1962	LAKE FORK CREEK
17N	03E	20	NE NE	36.0	01		65-03189	CRUZEN	C	D	09/20/1918	LAKE FORK CREEK

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WATER TRANSDUCERS
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17N 03E 30	SM	NE	21.0	01	65-02098	CRUZEN	C	D	08-10-1909	MUD CREEK
17N 03E 30	SE	NE	39.0	01	65-02098	CRUZEN	C	D	08-10-1909	MUD CREEK
17N 03E 30	NE	SM	6.0	01	65-03704	NISULA	C	D	04-01-1930	WASTE WATER
17N 03E 30	SE	SM	9.0	01	65-03704	NISULA	C	D	04-01-1930	WASTE WATER
17N 03E 30	NE	SE	37.0	01	65-02489	NISULA	C	D	11-03-1947	MUD CREEK
17N 03E 30	NE	SE	37.0	01	65-03204	NISULA	C	D	11-29-1918	LAKE FORK CREEK
17N 03E 30	NE	SE	37.0	01	65-03706	NISULA BROTHERS	C	D	04-01-1906	GROUNDWATER
17N 03E 30	NE	SE	43	01	65-03706	NISULA BROTHERS	C	D	04-01-1906	GROUNDWATER
17N 03E 30	NE	SE	11.0	01	65-02489	NISULA	C	D	11-03-1947	MUD CREEK
17N 03E 30	NE	SE	11.0	01	65-03204	NISULA	C	D	11-29-1918	LAKE FORK CREEK
17N 03E 30	SM	SE	26.0	01	65-02489	NISULA	C	D	11-03-1947	MUD CREEK
17N 03E 30	SM	SE	26.0	01	65-03204	NISULA	C	D	11-29-1918	LAKE FORK CREEK
17N 03E 30	SE	SE	39.0	01	65-02489	NISULA	C	D	11-03-1947	MUD CREEK
17N 03E 30	SE	SE	39.0	01	65-03204	NISULA	C	D	11-29-1918	LAKE FORK CREEK

FEB 27 1990
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(DD-211)

IDAHC DEPARTMENT OF WATER RESOURCES
WATER RIGHTS MICROFILME BY PLACE OF USE

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17N 03E 31	NE	NE	39.0	01	65-03212	NISULA	C	D	11-29-1918	LAKE FORK CREEK
17N 03E 31	NE	NE	12.0	01	65-03212	NISULA	C	D	11-29-1918	LAKE FORK CREEK
17N 03E 31	NE	NE	43	01	65-03704	NISULA	C	D	04-01-1906	SPRING
17N 03E 31	SM	NE	8.0	01	65-03212	NISULA	C	D	11-29-1918	LAKE FORK CREEK
17N 03E 31	SE	NE	35.0	01	65-03212	SULA	C	D	11-29-1918	LAKE FORK CREEK
17N 03E 31	SE	NE	04	01	65-03705	NISULA	C	D	04-01-1958	WASTE WATER
17N 03E 31	NE	SE	37.0	01	65-03702	NISULA	C	D	11-17-1947	MUD CREEK
17N 03E 31	NE	SE	43.04	01	65-03703	NISULA	C	D	04-01-1917	GROUNDWATER
17N 03E 31	NE	SE	5.0	01	65-03702	NISULA	C	D	11-17-1947	MUD CREEK

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WMO01NP
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IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS MICROFICHE BY PLACE OF USE

DATE: 08-13-88
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WMO01NP
100-211

DATE	WATER SOURCE	TWP	RNG	SECT	TRACT	LOT	ACRES	WATER USE CODE	WATER RIGHT NO.	LAST NAME	Q	STG	PRIORITY DATE	WATER SOURCE	TWP	RNG	SEC
18/1919	LITTLE PAYETTE LAKE	17N	03E	29	SE	SE	14.0	03	65-02932	CRUZEN BROWN	C	D	06/23/1944	LAKE FORK CREEK	17N	18E	35
28/1928	PIKE CREEK	17N	03E	29	3E	SE	14.0	03	65-02942	CRUZEN BROWN	C	D	06/02/1962	LAKE FORK CREEK	17N	18E	35
12/1962	LAKE FORK CREEK	17N	03E	30			01.04		65-02444	PANCHER1 PANCHER1	C	D	08/16/1943	WATSEL CREEK			
28/1918	LAKE FORK CREEK	17N	03E	30			01.04		65-02445	PANCHER1 PANCHER1	C	D	08/06/1943	UNNAMED STREAM	17N	18E	35
18/1919	LITTLE PAYETTE LAKE	17N	03E	30			43		65-00524	SHULIE SHULIE	C	D	08/04/1961	GROUNDWATER			
25/1944	LAKE FORK CREEK	17N	03E	30	NE	NE	38.0	01	65-02090	CRUZEN	C	D	08/10/1909	MUD CREEK	17N	18E	35
12/1962	LAKE FORK CREEK	17N	03E	30	NE	NE	16.0	01	65-02090	CRUZEN	C	D	08/10/1909	MUD CREEK			
12/1962	LAKE FORK CREEK	17N	03E	30	NE	NE	43		65-02425	CRUZEN	C	D	05/15/1968	GROUNDWATER			
12/1962	LAKE FORK CREEK	17N	03E	30	SE	NE	21.0	01	65-02090	CRUZEN	C	D	08/10/1909	MUD CREEK	17N	18E	35
12/1962	LAKE FORK CREEK	17N	03E	30	SE	NE	39.0	01	65-02090	CRUZEN	C	D	08/10/1909	MUD CREEK			
12/1962	LAKE FORK CREEK	17N	03E	30	NE	SH	6.0	01	65-03704	NISULA	C	D	04/01/1930	WASTE WATER			
12/1962	LAKE FORK CREEK	17N	03E	30	SE	SH	9.0	01	65-03704	NISULA	C	D	04/01/1930	WASTE WATER	17N	18E	35
12/1962	LAKE FORK CREEK	17N	03E	30	NE	SE	37.0	01	65-02689	NISULA	C	D	11/03/1947	MUD CREEK			
12/1962	LAKE FORK CREEK	17N	03E	30	NE	SE	27.0	01	65-03204	NISULA	C	D	11/29/1918	LAKE FORK CREEK			
12/1962	LAKE FORK CREEK	17N	03E	30	NE	SE	43		65-03706	NISULA BROTHERS	C	D	04/01/1906	GROUNDWATER	17N	19E	14
12/1962	LAKE FORK CREEK	17N	03E	30	NE	SE	17.0	01	65-02689	NISULA	C	D	11/03/1947	MUD CO "X"	17N	19E	18
12/1962	LAKE FORK CREEK	17N	03E	30	NE	SE	11.0	01	65-03204	NISULA	C	D	11/29/1918	LAKE FORK CREEK	17N	19E	18
12/1962	LAKE FORK CREEK	17N	03E	30	SE	SE	26.0	01	65-02489	NISULA	C	D	11/03/1947	MUD CREEK	17N	19E	18
12/1962	LAKE FORK CREEK	17N	03E	30	SE	SE	26.0	01	65-03204	NISULA	C	D	11/29/1918	LAKE FORK CREEK	17N	19E	18
12/1962	LAKE FORK CREEK	17N	03E	30	SE	SE	39.0	01	65-02489	NISULA	C	D	11/03/1947	MUD CREEK	17N	19E	18
12/1962	LAKE FORK CREEK	17N	03E	30	SE	SE	39.0	01	65-03204	NISULA	C	D	11/29/1918	LAKE FORK CREEK	17N	19E	18

03704 NW
02489 MUDCK
03204 L.FK
03212 "
03702 MUDCK

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WMO01NP
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IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS MICROFICHE BY PLACE OF USE

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WMO01NP
100-211

DATE	WATER SOURCE	TWP	RNG	SECT	TRACT	LOT	ACRES	WATER USE CODE	WATER RIGHT NO.	LAST NAME	Q	STG	PRIORITY DATE	WATER SOURCE	TWP	RNG	SEC
03/1918	LAKE FORK CREEK	17N	03E	31	NE	NE	39.0	01	65-03212	NISULA	C	D	11/29/1918	LAKE FORK CREEK	17N	19E	18
18/1919	LITTLE PAYETTE LAKE	17N	03E	31	NE	NE	12.0	01	65-03212	NISULA	C	D	11/29/1918	LAKE FORK CREEK	17N	19E	18
23/1944	LAKE FORK CREEK	17N	03E	31	NE	NE	43		65-03704	NISULA	C	D	04/01/1930	SPRING	17N	19E	18
12/1962	LAKE FORK CREEK	17N	03E	31	SE	NE	8.0	01	65-03212	NISULA	C	D	11/29/1918	LAKE FORK CREEK	17N	19E	18
12/1962	LAKE FORK CREEK	17N	03E	31	SE	NE	39.0	01	65-03212	NISULA	C	D	11/29/1918	LAKE FORK CREEK	17N	19E	18
12/1962	LAKE FORK CREEK	17N	03E	31	SE	NE	104		65-03705	NISULA	C	D	04/01/1930	WASTE WATER	17N	19E	18
03/1918	LAKE FORK CREEK	17N	03E	31	NE	SE	37.0	01	65-03704	NISULA	C	D	11/29/1918	MUD CREEK	17N	19E	18
18/1919	LITTLE PAYETTE LAKE	17N	03E	31	NE	SE	43.04		65-03703	NISULA	C	D	04/01/1917	GROUNDWATER	17N	19E	18
23/1944	LAKE FORK CREEK	17N	03E	31	NE	SE	5.0	01	65-03702	NISULA	C	D	11/12/1947	MUD CREEK	17N	19E	18
12/1962	LAKE FORK CREEK	17N	03E	31	SE	SE	27.0	01	65-03702	NISULA	C	D	11/12/1947	MUD CREEK	17N	19E	18
12/1962	LAKE FORK CREEK	17N	03E	32	NE	SE	7.0	01	65-02319	FLEMING	C	D	03/23/1925	UNNAMED STREAM	17N	19E	18
12/1962	LAKE FORK CREEK	17N	03E	32	NE	NE	15.0	01	65-02573	FLEMING	C	D	12/16/1952	MUD CREEK	17N	19E	18
20/1918	LAKE FORK CREEK	17N	03E	32	NE	NE	14.0	01	65-02700	FLEMING	C	D	08/18/1941	LAKE FORK CREEK	17N	19E	18
18/1919	LITTLE PAYETTE LAKE	17N	03E	32	NE	NE	19.0	01	65-03214	FLEMING	C	D	09/30/1918	LAKE FORK CREEK	17N	19E	19
23/1944	LAKE FORK CREEK	17N	03E	32	NE	NE	43.04		65-00781	FLEMING	C	D	04/01/1930	GROUNDWATER	17N	19E	19
12/1962	LAKE FORK CREEK	17N	03E	32	NE	NE	24.0	01	65-02573	FLEMING	C	D	12/16/1952	MUD CREEK	17N	19E	19
12/1962	LAKE FORK CREEK	17N	03E	32	NE	NE	2.0	01	65-02700	FLEMING	C	D	08/18/1941	LAKE FORK CREEK	17N	19E	20
12/1962	LAKE FORK CREEK	17N	03E	32	SE	NE	5.0	01	65-02319	FLEMING	C	D	03/23/1925	UNNAMED STREAM			
20/1918	LAKE FORK CREEK	17N	03E	32	SE	NE	12.0	01	65-02573	FLEMING	C	D	12/16/1952	MUD CREEK			
18/1919	LITTLE PAYETTE LAKE	17N	03E	32	SE	NE	5.0	01	65-02700	FLEMING	C	D	08/18/1941	LAKE FORK CREEK	17N	19E	20
23/1944	LAKE FORK CREEK	17N	03E	32	SE	NE	39.0	01	65-02319	FLEMING	C	D	03/23/1925	UNNAMED STREAM			
12/1962	LAKE FORK CREEK	17N	03E	32	SE	NE	39.0	01	65-02573	FLEMING	C	D	12/16/1952	MUD CREEK			
12/1962	LAKE FORK CREEK	17N	03E	32	SE	NE	21.0	01	65-02700	FLEMING	C	D	08/18/1941	LAKE FORK CREEK			
12/1962	LAKE FORK CREEK	17N	03E	32	SE	NE	18.0	01	65-03214	FLEMING	C	D	09/30/1918	LAKE FORK CREEK			

NOT RECORDED

FEB 27 1990

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WMO01NP
100-211

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS MICROFICHE BY PLACE OF USE

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WMO01NP
100-211

DATE	WATER SOURCE	TWP	RNG	SECT	TRACT	LOT	ACRES	WATER USE CODE	WATER RIGHT NO.	LAST NAME	Q	STG	PRIORITY DATE	WATER SOURCE	TWP	RNG	SEC
20/1918	LAKE FORK CREEK	17N	03E	32	NE	NE	40.0	01	65-02542	NISULA	C	D	11/09/1950	MUD CREEK	17N	19E	20
18/1919	LITTLE PAYETTE LAKE	17N	03E	32	NE	NE	39.0	01	65-02542	NISULA	C	D	11/09/1950	MUD CREEK			
23/1944	LAKE FORK CREEK	17N	03E	32	NE	NE	39.0	01	65-02542	NISULA	C	D	11/09/1950	MUD CREEK			



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 26, 1989

Frank and Elmer Nisula
Box 444
Emmett, ID. 83617

Re: Application for Transfer 65-02198, 65-02487, 65-02489

Dear Sirs:

My last letter to you on 6/6/89 discussed two items. The necessary information was supplied by Mr. Harry Bettis. A copy of his permission as land owner of the property in Section 17 is enclosed for your records.

Also, he told me that Elmer instead of Ernest is the correct name. He said that Anna Nisula was your mother (to clarify the water right records). Unless I hear otherwise from you, I will assume that he was correct.

Sincerely,

Steve Lester
Sr. Water Resource Agent

SL: sl
Enclosure

MICROFILMED

FEB 27 1990

CONVERSATION MEMORANDUM

DATE 6/20/89FILE 65-02198NAME OF PARTY Harry Betts

- 02487

EMPLOYEE Steve Lester

- 02489

RE: Mr. Betts was at office today to respond to
my letter of 6/6/89 on behalf of Nisich Brothers.

He told me that ~~name~~ Ernest is incorrect; that
brother's name is ELMER.

Also, Anna N. is ~~the~~ applicant's mother,
now deceased.

He signed the 6/20/89 memo stating that he
has no objection to the transfer.

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FEB 27 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 6, 1989

Frank and Ernest Nisula
Box 444
Emmett, Id. 83617

Re: Application for Transfer 65-02198, 65-02487, 65-02489

Dear Sirs:

The above transfer application has not been approved yet. As you may recall, I sent letters to Mr. Harry Bettis to solicit his approval of the transfer because the property in Section 17 is owned by him. Unfortunately, he has not replied. At this point, you should contact him and resolve this.

Also, my last letter to you asked for an explanation of your relation to Anna Nisula to clarify the water right record. This office will hold the transfer but cannot approve it without resolution of these two items.

Please respond within 30 days to avoid additional complications with the water rights. Additional help is available at this office.

Sincerely,

Steve Lester
Sr. Water Resource Agent

SL: sl

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FEB 27 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 5, 1989

Frank and Ernest Nisula
Box 444
Emmett, ID. 83617

Re: Application for Transfer

Dear Sirs:

I am writing to remind you of my letter of 12/7/88 (copy attached) concerning your transfer application. Please review the attached copy and respond as soon as possible concerning the relation to Anna Nisula to help clarify the records.

Mr. Bettis has not responded to my letter of 12/6/88. I sent a reminder letter to him today and provided a copy for your records. I hope we can clarify the water rights by this irrigation season. Thank you for your help.

Sincerely,

Steve Lester
Sr. Water Resource Agent

SL: sl
Enclosure

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FEB 27 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 5, 1989

Mr. Harry Bettis
10775 Sucker Creek Road
Payette, ID. 83661

Re: Nisula Bros. Transfer

Dear Mr. Bettis:

I am writing to remind you of my letter of 12/6/88 (copy attached) concerning the Nisula Bros. transfer application. Please review the attached copy and respond as soon as possible. It would be helpful to clarify the transfer by the upcoming irrigation season.

Thank you for your help.

Sincerely,

Steve Lester
Sr. Water Resource Agent

SL: sl
Enclosure
CC: F. and E. Nisula

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FEB 27 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

December 7, 1988

Frank and Ernest Nisula
Box 444
Emmett, ID. 83617

Re: Application for Transfer

Dear Frank and Ernest:

Enclosed is a copy of a letter to Harry Bettis, the land owner of the property in S.17. I thought that you may want a copy for your records. Also, I overlooked one small item when you visited the office on 12/5/88. Of the three rights that you are transferring, two are in the name of Anna Nisula. Please explain your relation to Anna to help clarify the records. You may want to send a brief statement concerning this.

We will advertise the transfer after receiving Mr. Bettis' written response. Thank you for your patience and help in this matter.

Sincerely,

Steve Lester
Sr. Water Resource Agent

SL:s
Encl.

MICROFILMED

FEB 27 1990



CECIL D. ANDRUS
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

R. KEITH HIGGINSON
Director

Dec. 6, 1988

Mr. Harry Bettis
10775 Sucker Creek Road
Payette, ID. 83661

Re: Nisula Bros. Transfer

Dear Mr. Bettis:

Frank and Ernest Nisula recently initiated a transfer of decreed rights 65-02198, 65-02487, and 65-02489 that use Mud Creek water for irrigation. The existing point of diversion, which will remain unchanged, is T17N, R3E, S.17, NE1/4-SE1/4. For 65-02198 and 65-02487 the existing place of use falls within T17N, R3E, S.17, E1/2-SE1/4 and the NE1/4, respectively. The attached copies outline the current disposition of the two rights.

The Nisulas stated that Mud Creek has never been used to irrigate the property in S.17. Instead, their rights have historically been used in Sections 30 and 31 to the south of S.17. The transfer proposes to correct the water right record to match the actual water use. They indicated that you own the above property in S.17, a statement confirmed by the Valley County Assessor's Office.

The water right records and the Nisulas' explanation indicate that a transfer will clarify the location of use of the water in question. Prior to the Payette River Adjudication, the rights were licensed for S.30 and 31. During the 1970's the licenses were recorded showing use in your section.

Because the decreed rights are appurtenant to the land in S.17 and you own the land, the proposed transfer requires your agreement. Normally, the Department requests a tax notice or other proof of ownership document for the land from which the water rights are to be removed. However, in this case such proof is not required because of the county confirmation of your ownership and the fact that the transfer application is not in your name. Please provide a written response outlining your approval or disapproval of the transfer. Additional information and help are available at your request.

Sincerely,

Steve Lester
Sr. Water Resource Agent

SL: s
CC: F. and E. Nisula

MICROFILMED

FEB 27 1990

CONVERSATION MEMORANDUM

DATE 12/5/88FILE 65-02198NAME OF PARTY Frank & Ernest Nisula

-02487

EMPLOYEE Sten Laster

-02489

RE: Nisula Bros. visited office today in response to
my letter of 11/30/88. They indicated that additional acres
in S. 30 & 31 are actually irrigated. The additional acres
became candidates to receive the pond creek water in
the proposed transfer.

They also stated that the land owner in S. 17
is Harry Bettis. The Nisulas stated that pond Creek water
has not been used in S. 17 and would require a pumping
facility to irrigate in that section. To the best of their
knowledge, based on living in the area for many years,
no pump has ever been installed to deliver M.C. water
into S. 17.

From Valley Co. Assessor's office:

owner of 17N 3E S. 17 NE 1/4 & E 1/2 SE 1/4

is Harry Bettis (owns all of S. 17)

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CECIL D. ANDRUS
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

R. KEITH HIGGINSON
Director

November 30, 1988

Nisula Bros.
P.O. Box 444
Emmett, ID. 83617

Re: Application for Transfer for 65-02198 & 65-02487

Dear Sir:

Your transfer application was recently received and is under review. The above decreed water rights are currently appurtenant to land in T17N, R3E, S.17, NE1/4 and E1/2-SE1/4. I understand from Don Shaff in the Department's Adjudication section that you indicated that irrigation from Mud Creek never occurred in S.17. It appears that you want to clarify the use of that water through the transfer application.

Some problems exist in this situation. First, the above rights are part of the real property in S.17 and thus are owned by the property-owner. Your tax notices for land in S.30 and 31 are helpful, but we need tax notices for the area in S.17 or, if you do not own that land, a notarized statement from the current owner allowing the transfer. This is especially important due to the Bettis right 65-03216 in the 39 acres of SE1/4-SE1/4, S.17.

The second and more major hurdle relates to other Mud Creek rights. The Department cannot approve transfers of surface water from a source onto land already having water rights from that source. The attached page outlines the Nisula irrigation rights as now recorded for S.17, 30, and 31. Note that four Mud Creek rights are found. The total acres added from each Mud Creek right is 343. The total acres added from each right currently in S.30 and 31 is 389. The apparent actual irrigation occurring in S.30 and 31 is 291 acres. The problem revolves around placing 343 acres of Mud Creek rights onto 291 acres of actual irrigated land without any acre receiving water from more than one Mud Creek right.

The proposed transfer of 95 acres in 65-02487 to the NE1/4 of S.31 will work because Mud Creek rights do not exist on that land. The 66 acres of 65-02198 could be moved to the E1/2-SE1/4 of S.30 only if 66 acres of the existing 65-02489 water is transferred elsewhere. This would provide the earliest Mud Creek water, that of 65-02198 with a 1919 priority, for those 66 acres in S.30. Part of the water of 65-02489 with its 1947 priority could be moved to 22 acres currently without existing or proposed Mud Creek water: 15 acres in the E1/2-SW1/4, S.30 and 7 acres in the NE1/4-NE1/4, S.30 (the 15 acres minus 32 ac. transferred in 65-02487 leaves 7 ac. that are eligible for Mud Creek water). At this point in the proposal, 44 acres of 65-02489 need to be transferred.

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Under the above admittedly confusing scenario, 44 acres of 65-02489 need to be transferred elsewhere. Perhaps some neighboring land requires water and a sale of water or other agreement might be reached. You may have additional irrigated land that I am not aware of that could receive the water. In any case, the transfer process is necessary to move the water to new lands.

I prepared a new transfer application for your review and approval. Please look it over and let me know how you want to proceed. The transfer fee was already paid in your initial application. Be sure to indicate the decision about the 44 acres of 65-02489 and show its new place of use on page 1, item 5 of the new transfer form that I enclosed. A notarized signature is again required. For additional help, please call 334-2190.

Sincerely,

Steve Lester
Sr. Water Resource Agent

SL:s
Encl.

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