

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Water Rights: 35-04275,
35-04275A, 35-04275B, 35-08657,
35-08657A, 35-08657B &
OVERLAPPING 35-04274

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☒ Substitution of Party ADEN GUNDERSON/NYLE RAYMOND

TO

ADEN GUNDERSON/NYLE RAYMOND & BRENT GUNDERSON

☒ I.C. § 42-222 transfer

☒ point of diversion ☒ place of use

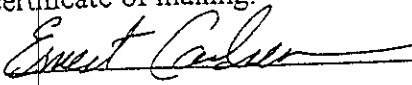
☐ period of use ☐ nature of use

☒ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

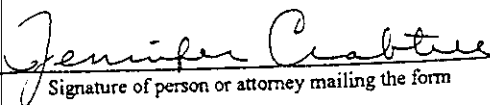
DATED 24 Mar 2000


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 3/28, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
ADEN GUNDERSON
C/O NYLE RAYMOND
3310 E 750 N
MENAN ID 83434
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
BRENT GUNDERSON
905 N 3600 E
MENAN ID 83434-0000
4. One copy to:
Each party in the subcase, or attorney of record
JOHN ROSHOLT
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAR-21-2000
PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-04275B

NAME & ADDRESS: BRENT GUNDERSON
905 N 3600 E
MENAN ID 834340000

SOURCE: GROUNDWATER

QUANTITY: 0.12 CFS
28.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 35-08657B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.16 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 36 AF.

PRIORITY DATE: 06/01/1938

POINT OF DIVERSION: T05N R38E S22 LOT 4 (NWNW) Within MADISON County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	0.12 CFS 28.0 AFY

PLACE OF USE: IRRIGATION Within MADISON County
T05N R38E S22 Lot 4 (NWNW) 9
9 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 35-08657B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 9 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 7 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
USE OF THIS RIGHT IS COMBINED WITH WATER FROM PALISADES WATER
USERS ASSN.

AJ5856NP

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

DATE: MAR-21-2000

PAGE: A-2

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-04275B (CONT)

EXPLANATORY MATERIAL: (CONT)

RIGHT NO. 35-08657B IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 22 1995

TRANSFER OF WATER RIGHT

Department of Water Resources
Eastern District Office

TRANSFER NO. 4567
WATER RIGHT NO(S). 35-04275B/35-08657B

This is to certify that: BRENT GUNDERSON
905 N 3600 E
MENAN ID 834340000

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-04275B : IRRIGATION	04/01 to 10/31	0.12 CFS	28.0 AF
Right No. 35-08657B : IRRIGATION	04/01 to 10/31	0.04 CFS	8.0 AF
TOTAL:		0.16 CFS	36.0 AF

DATE OF PRIORITY:

Right No. 35-04275B : 06/01/1938
Right No. 35-08657B : 09/28/1981

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: Lot 4 (NWNW), Sec. 22, Township 05N, Range 38E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	38E	22	Lot 4(NWNW)	9		9
Total number of acres irrigated:						* 9

CONDITIONS/REMARKS:

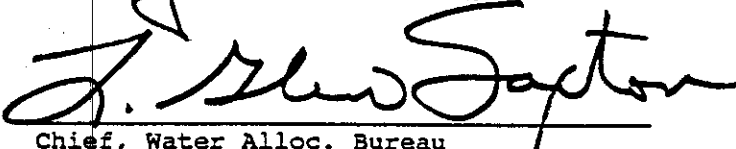
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

TRANSFER NO. 4567
WATER RIGHT NO(S). 35-04275B/35-08657B

CONDITIONS/REMARKS:

3. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this right.
8. Approval of Transfer No. 4567 in no way confirms Statutory Claim No. 35-04275.
- *9. Right No. 35-04275B is limited to the irrigation of 7 acres in the place of use described above in a single irrigation season.
- *10. Right No. 35-08657B is limited to the irrigation of 2 acres in the place of use described above in a single irrigation season.

Dated this 18th day of May, 1995.


Chief, Water Alloc. Bureau

Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4562APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Brent Gunderson Phone (208) 754-4265
Post Office address 905 N 3600 E Meridian, ID 83434

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 I am obtaining a portion of land and water rights from my father's farm. A new point of diversion is needed for my portion of land and water 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>35-04275B</u>	<u>June 1, 1938</u>	<u>0.27/17.5</u>	<u>Irrigation</u>	<u>Apr. 1 to Nov. 1</u>
<u>35-08657B</u>	<u>Sept. 28, 1981</u>	<u>0.04/5.0</u>	<u>Irrigation</u>	<u>Apr. 1 to Jan. 1</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.31 cubic feet per second and/or 22.5 acre-feet per annum.

3. Source of water Ground water tributary to N/A

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
4	NW	NW	NW	22	5N	38E	Madison	

5. 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	
5N	38E	22					9												9

Total acres 9

PART 1

6. General Information:

a. Description of diversion system 10 HP pump on 40' deep 12" cased well,
6" underground main line.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X 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:

N/A

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 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4567

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. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 35-04275 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 Groundwater tributary to _____

4. Date or priority 6-01-1938

5. Water is used for the following purpose:

amount 500 cfs for Irrigation purposes from 4-1 to 12-01
(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 5.00 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
		NW	NW	22	5N	38E	Madison	

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	
5N	38E	15										7	20						27
		16									4				37	35		5	81
		21	15																15
		22						7											7

Total acres 130

9. Describe any other water rights used for the same purpose as described above _____

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 0.27 cfs for Irrigation purposes from 4-1 to 12-01
 (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
		NW	NW	22	SN	38E	Madison	

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	
SN	38E	22						7											7

Total acres 7**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 4.73 cfs for Irrigation purposes from 4-1 to 12-01
 (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
		NW	NW	22	SN	38E	Madison	

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	
SN	38E	15										7	20						
		16									4				37	35		5	
		21	21																

Total acres 123

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4562

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. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-08657 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 Groundwater tributary to _____4. Date or priority 9-28-1981

5. Water is used for the following purpose:

amount 0.17 cfs for Irrigation purposes from 4-01 to 1-01 * incorrect data entry

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right 0.17 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
		SW	SW	15	5N	38E	Madison	
		NE	NW	22				

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	
5N	38E	15										3.5	3.5						7
		22						2											2

Total acres 9

9. Describe any other water rights used for the same purpose as described above _____

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.)

* incorrect data entry

1. amount 0.04 cfs for Irrigation purposes from 4-1 to 1-1 *
 (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
		NE	NW	22	SN	38E	Madison	
		SW	SW	15				

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	
SN	38E	22						2											

Total acres _____

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

1. amount 0.13 cfs for Irrigation purposes from 4-1 to 1-1
 (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
		SW	SW	15	SN	38E	Madison	
		NE	NW	22				

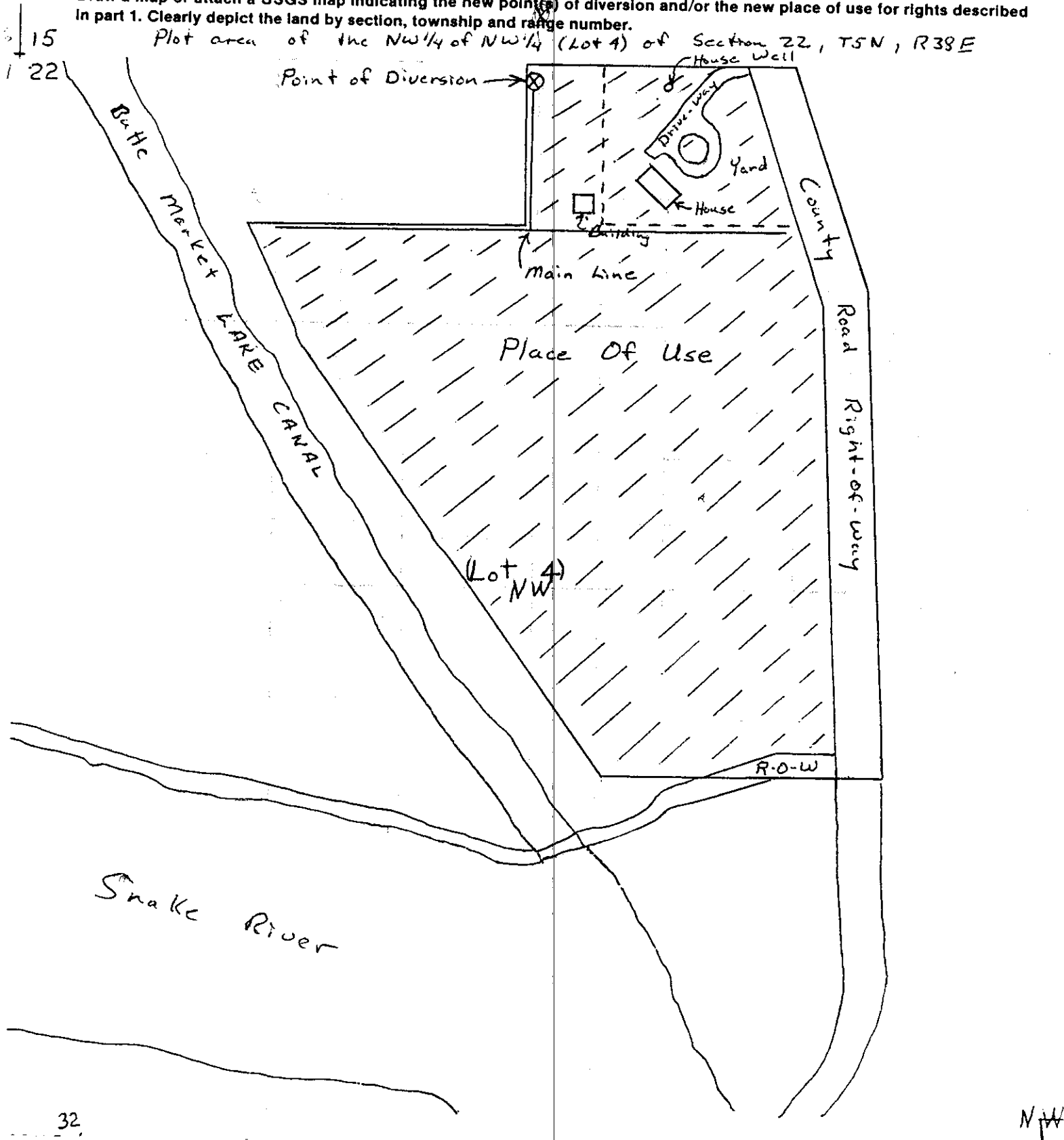
3. Lands irrigated or place of use:

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	
SN	38E	15									3.5	3.5							7

Total acres 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.



PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>N/A</u>			_____ to _____ _____ to _____
2.	Quantity and quality of return flows and location of discharge: <u>N/A</u>			
3.	Describe effects on other water uses resulting from the proposed change: <u>N/A</u>			

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.

Brent G. Henderson

(Signature of Applicant)

Subscribed and sworn to before me this 10th day of March, 19 95.

Betty J. Thompson

(Notary Public)

LETICIA THOMPSON, NOTARY PUBLIC
11001 JACARANDA DRIVE, DALLAS
TX 75243-1000

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by HLS Fee 100.00

Receipted by Jo-E 20763 Date 3-10-95

Published in Reynolds Standard Journal Copies of protest forwarded by _____

Pub. dates March 24 & 31-95 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 21, 2000

BRENT GUNDERSON
905 N 3600 E
MENAN ID 83434-0000

RE: Transfer #4567 (water right 35-04275 & 35-08657) and Notice
of Completed Administrative Proceeding (NCAP)

Dear Mr. Gunderson:

On May 18, 1995, the Idaho Department of Water Resources (IDWR) approved Transfer #4567, modifying a portion of the above referenced water right(s). Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jennifer Crabtree
Technical Records Specialist