

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

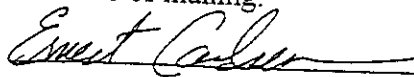
☐ period of use ☐ nature of use

☒ 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

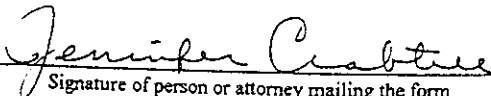


Signature of IDWR Representative

## 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 RSHOLT  
RSHOLT 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-9

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-08657B

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

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS  
8.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 35-04275B 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: 09/28/1981

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

Within MADISON County

PURPOSE AND  
PERIOD OF USE:PURPOSE OF USE  
IRRIGATIONPERIOD OF USE  
04-01 10-31QUANTITY  
0.04 CFS  
8.0 AFYPLACE OF USE: IRRIGATION Within MADISON County  
T05N R38E S22 Lot 4 (NWNW) 9  
9 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 35-04275B 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 2 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 - LICENSE

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-10

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-08657B (CONT)

EXPLANATORY MATERIAL: (CONT)

RIGHT NO. 35-04275B IS ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 22 1995

TRANSFER OF WATER RIGHT

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

Department of Water Resources  
Eastern District Office

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 :<br>IRRIGATION | 04/01 to 10/31       | 0.12 CFS              | 28.0 AF              |
| Right No. 35-08657B :<br>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>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|
| 05N                              | 38E        | 22         | Lot 4(NWNW)  | 9            |              |
| Total number of acres irrigated: |            |            |              |              | 9            |
|                                  |            |            |              |              | * 9          |

CONDITIONS/REMARKS:

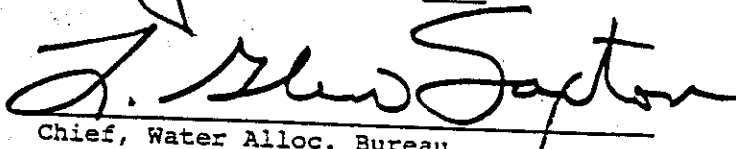
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

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 18<sup>th</sup> day of May, 1995.

  
Chief, Water Alloc. Bureau



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