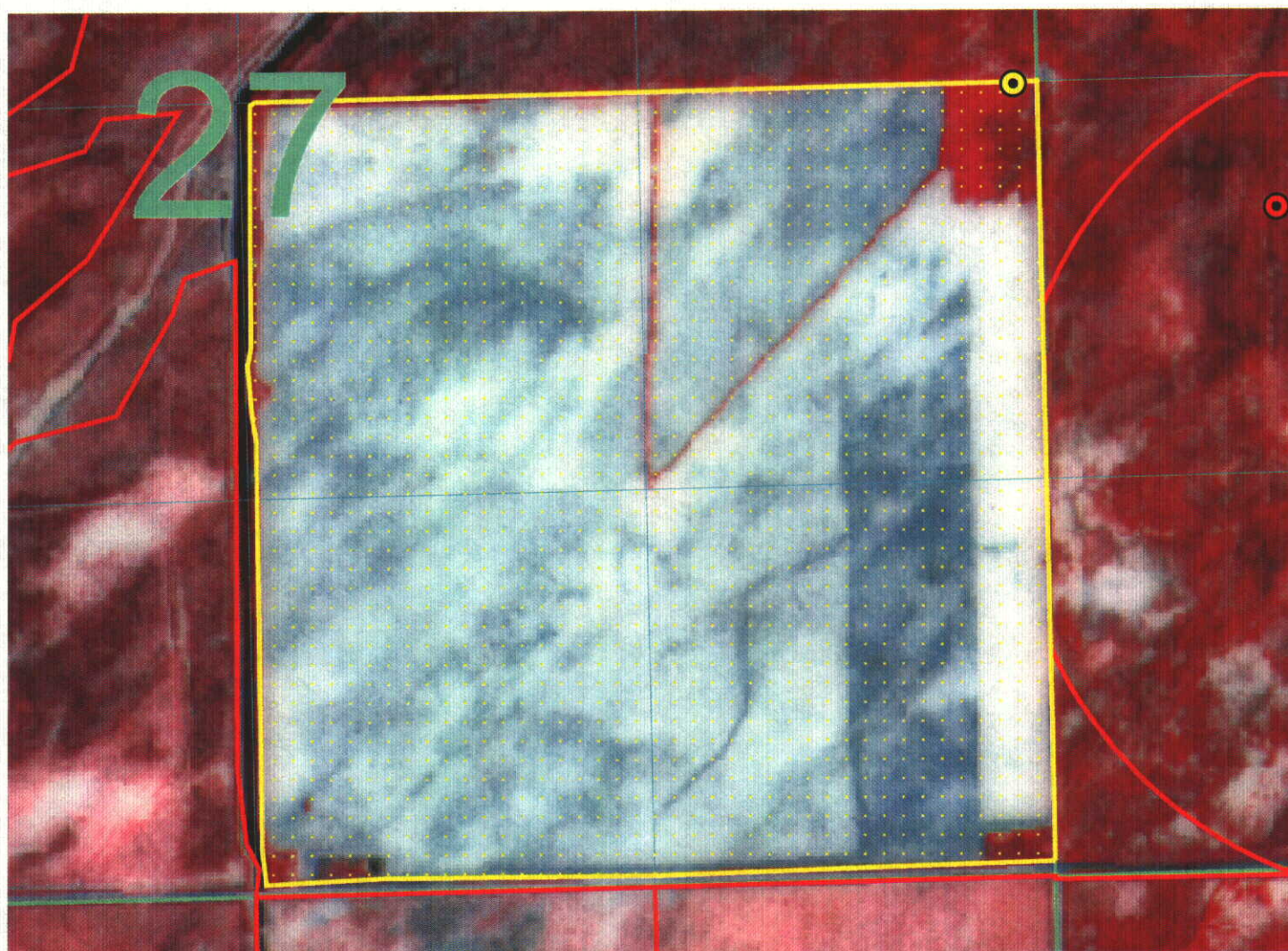


Idaho Department of Water Resources

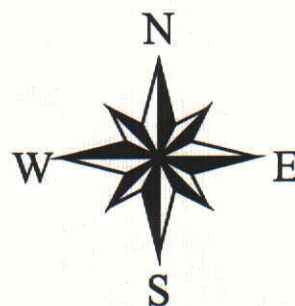
Water Right 31-7008

Township 7N Range 35E Section 27

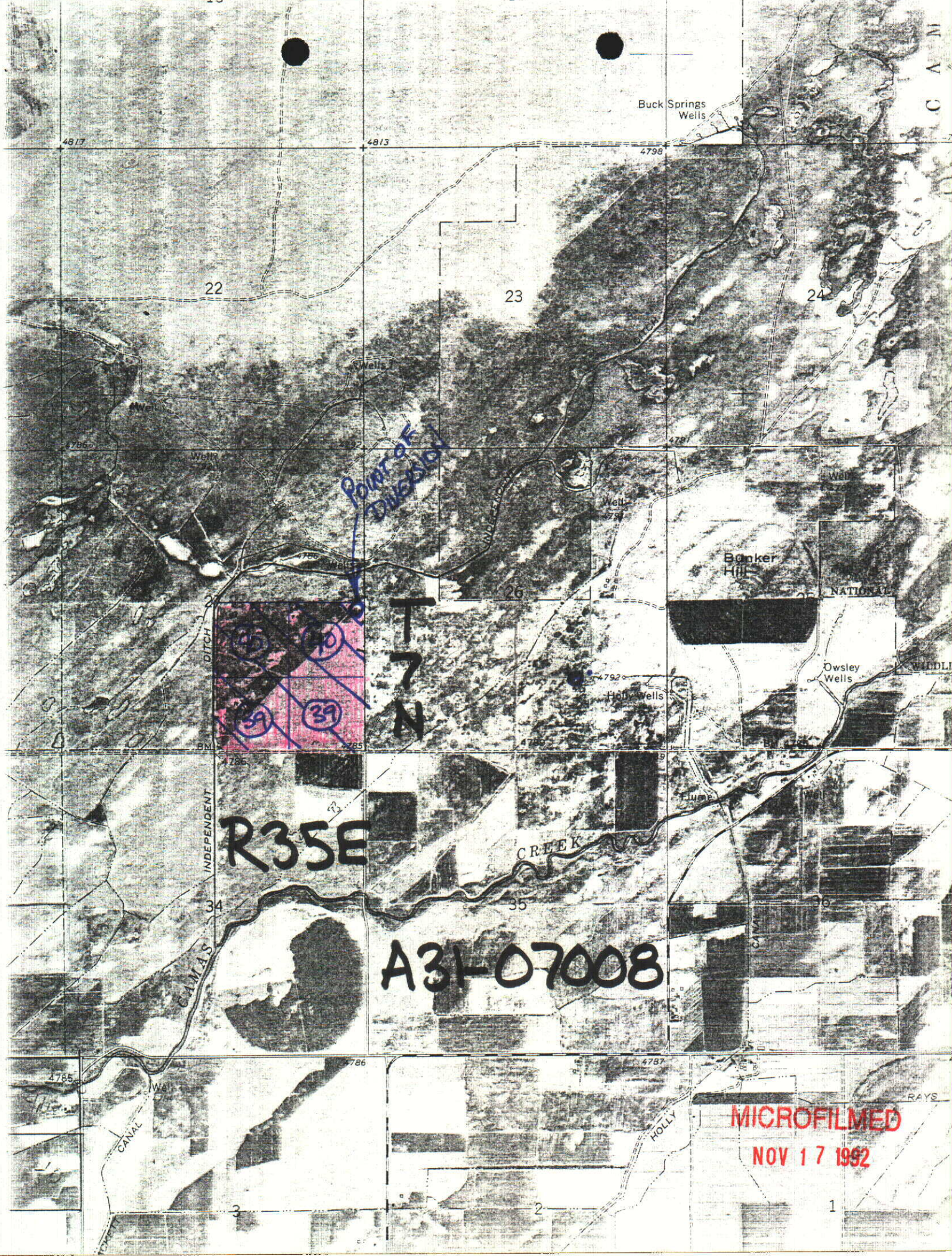


0 1320 Feet

-  Point of Diversion
-  Point of Diversion - Other Rights
-  Place of Use
-  Place of Use - Other Rights
-  Quarter-quarter Sections
-  Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 11/2000



Buck Springs Wells

22

23

24

26

34

35

Point of Division

Bunker Hill

NATIONAL

Owsley Wells

CREEK

R35E

A31-07008

MICROFILMED
NOV 17 1992

RAY'S

03/21/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 31-7008
NAME AND ADDRESS: PAUL GUNDERSON
1555 E 1500 N
HAMER, ID 83425

SOURCE: GROUND WATER

QUANTITY: 1.08 CFS
472.4 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHT NO. 31-95A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.99 CFS.

PRIORITY DATE: 03/10/1968

POINT OF DIVERSION: T07N R35E S27 NENESE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 11-01	1.08 CFS 458.40 AFY
STOCKWATER	01-01 12-31	0.23 CFS 14.00 AFY

PLACE OF USE:

IRRIGATION Within JEFFERSON

County	NESE	40	T07N R35E S27	NWSE	39
T07N R35E S27	SWSE	38	T07N R35E S27	SESE	39

STOCKWATER Use same as IRRIGATION

156 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 31-95A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 156 ACRES 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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

03/21/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-7008

Owner Type Name and Address
Current Owner PAUL GUNDERSON
 1555 E 1500 N
 HAMER, ID 83425
 (208)663-4412

Priority Date: 03/10/1968
Basis: License
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	11/01	1.08 CFS	458.4 AFA	
STOCKWATER	01/01	12/31	0.23 CFS	14 AFA	
Total Diversion			1.08 CFS	472.4 AFA	

Location of Point(s) of Diversion:

GROUND WATER NENESE Sec. 27 Township 07N Range 35E JEFFERSON County

IRRIGATION Use:
Acre Limit: 156

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	35E	27		NESE	40		NWSE	39		SWSE	38		SESE	39

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 156

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 31-95A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL

Water Right 31-7008

2. Quantity

OF 156 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 31-95A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.99 CFS.

Comments:

Author	Date	Subject	Comment
bcontor	11/21/00	Recommendation	Except for acres, recommended as claimed, claimed as licensed. No further review needed, eCVR not completed.
bcontor	11/21/00	Acres	Acres recommended per GIS, include all acres in quarter-section except road and canal. Not partial forfeiture, simply a matter of incorrect original licensing. Note that current system is center pivot w/o irrigation on corners; recommendation is adequag
bcontor	11/21/00	Diversion rate	See memo in file. Owner disputes licensed diversion rate, I find no problem with license exam. Recommended as licensed. Volume limited by licensed capacity.
bcontor	3/21/01	Adjustments	Stockwater added per amended claim. Combined use limitations added per recommendation of overlapping late claim 31-95A. No adjustment made to cfs even though NOE requested adjustment.

Dates:

Licensed Date: 04/12/1982
 Claim Received Date: 11/22/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
Quantity	11/21/00 3:11:27 PM	bcontor	11/21/00 3:11:23 PM	bcontor	In Process
Summary	11/21/00 3:11:23 PM				Complete

Other Information:

Receipt Number(s): E004274
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
POD	11/21/00 3:07:24 PM	bcontor	Edited point location
Quantity	11/21/00 3:11:26 PM	bcontor	1. (NO) The basis of claim is not beneficial use.
Summary	11/21/00 3:11:22 PM	bcontor	1. (YES) The basis of the claim is beneficial use.
			2. (NO) All the water being used for all the purposes is not being claimed and to the extent it was claimed.
			4. (YES) A portion of the claim is being recommended.
			5. (NO) General remark was not required.
			6. (NO) Explanatory remark was not required.
			7. (YES) Additional condition was required.
			8. (YES) Wanted to view the recommended right.
			9. (NO) This is not a split right.

10. (NO) This is not a combined right.
11. (NO) Documents were not linked or attached to this file.
12. (YES) Set the verification date.

RECEIVED

FEB 26 2001

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

Department of Water Resources
THE STATE OF IDAHO,
Eastern Region

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 31-7008
Date Received: 11/22/88
Receipt No: E004274
Received By:

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PAUL GUNDERSON Phone: (208)663-4412

1555 E 1500 N
HAMER ID USA 83425

2. Date of Priority: 03/10/1968

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	35E	27	NE NE SE	JEFFERSON	

5. Description of diverting works:

Original well was 25 feet with static level at 8 feet. In about 1990 well was deepened to 100 feet.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	2.230	553
STOCKWATER	01/01	12/31	0.23	14

7. Total Quantity Appropriated is:
2.2 C.F.S. and/or 553 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 1000

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

07N	35E	27	NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	39
			SE	SE	IRRIGATION	39
					Section Acres	158
					Total Acres	158

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

CLAIM AMENDED 2/26/2001 TO SHOW STOCKWATER.

AMENDMENT ALSO SHOWS CORRECT RATE AND VOLUME. LICENSING EXAM WAS IN ERROR. ON THE DAY OF THE LICENSING EXAM, ONLY ONE OF THE TRI-MATIC SYSTEMS WAS IN OPERATION. THE TYPICAL OPERATION AT THAT TIME WAS TWO TRI-MATICS AND TWO HANDLINES. JUST PRIOR TO THAT TIME, THE SYSTEM OPERATED AS MANY AS SIX HANDLINES WITH 3/16 NOZZLES. THE NEXT YEAR AFTER THE LICENSING EXAM, THE SYSTEM WAS CONVERTED TO A CENTER PIVOT NOZZLED FOR LOW PRESSURE IMPACT. THE PACKAGE WAS SPECIFICALLY DESIGNED FOR 1000 GALLONS PER MINUTE AT 15 PSI BUT TYPICALLY OPERATED AT 20 -25, SO THE FLOW RATE WOULD HAVE BEEN SIGNIFICANTLY HIGHER.

CLAIMANT COMPLAINED TO THEN-DIRECTOR KEITH HIGGINSON ON SEVERAL OCCASIONS AT THE TIME OF LICENSING, BUT DIRECTOR HIGGINSON REPEATEDLY RESPONDED THAT "RATE WASN'T IMPORTANT, ONLY DIVERSION VOLUME." HOWEVER, VOLUME LICENSED WASN'T THE STANDARD, BUT WAS LIMITED BY THE ERRONEOUS FLOW RATE MEASUREMENT.

15. Basis of Claim: License

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): K Paul Sundman Date: 2/26/01

Date:

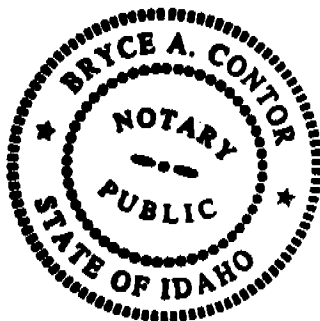
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 26th
of February 2001 Bryce A. Contor

Notary Public

Residing at Med Lake, ID

My commission Expires 10/14/05



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A31-07008
Date Received: 11/22/1988
Receipt No: E004274
Received By: ED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: K. PAUL GUNDERSON
Address: 1555 E. 1500 N.
HAMER, ID

208-663-4412

83425

2. Date of Priority: MAR 10, 1968

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	35E	27	NE	NE	SE		JEFFERSON

5. Description of diverting works:

35' WELL W/ 50HP PUMP TO CENTER PIVOT/HANDLINES FOR CORNERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.080		

7. Total Quantity Appropriated is:
1.080 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 395.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	35E	27	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	39.0

A31-07008

Page 1

Date: 11/22/88

MICROFILMED

NOV 17 1992

A3107008

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	35E	27	SE	SE		IRR	39.0
Section Acres							158.0
Total Acres							158.0

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Paul Sundeen Date: 11/22/88

Date: _____

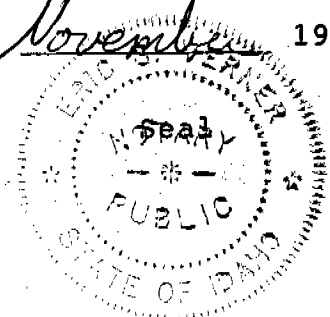
State of Idaho)
County of Bonneville) SS.

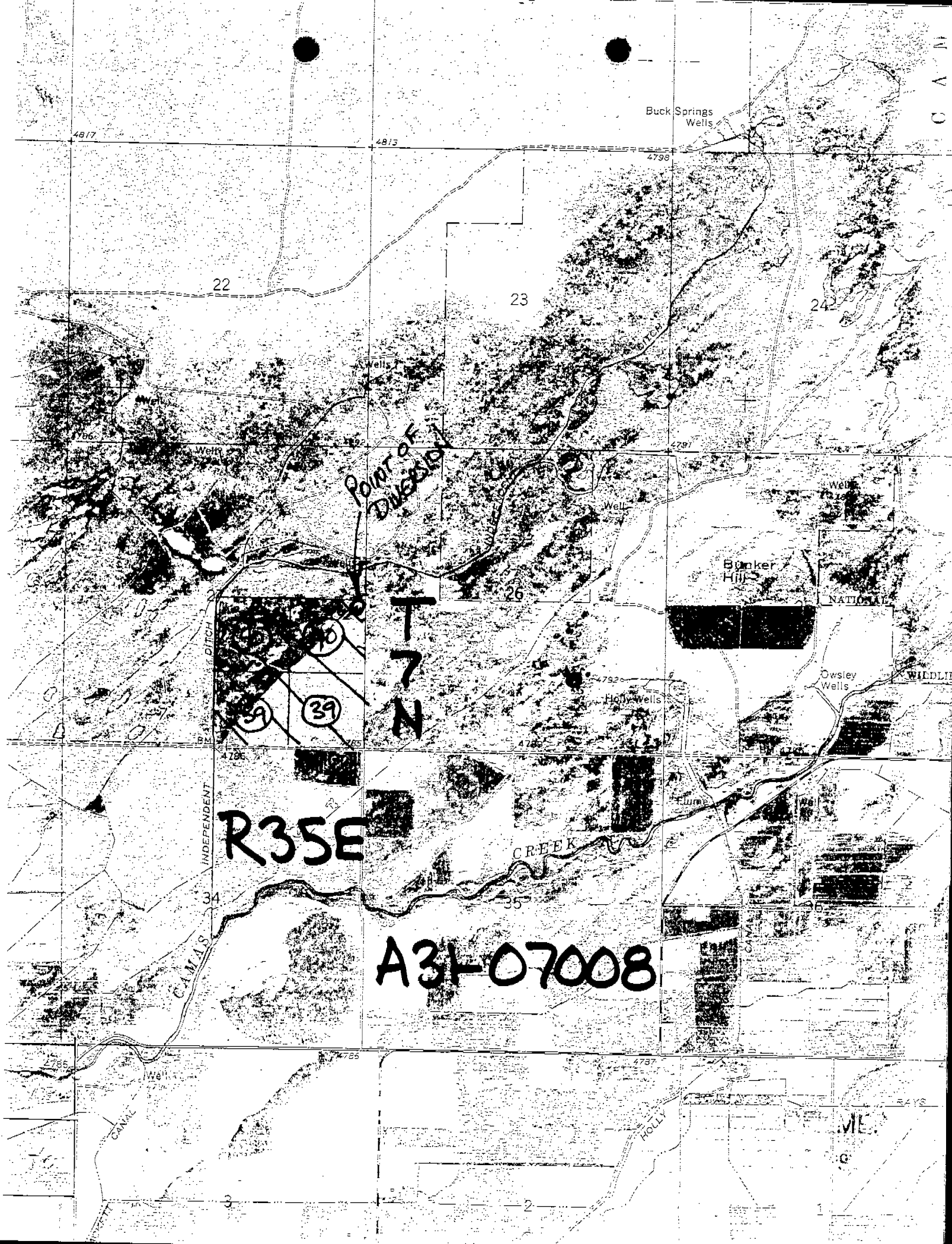
Subscribed and sworn (or affirmed) before me this 22 day
of November 19 88

[Signature]
Notary Public

Residing at Idaho Falls, ID

My Commission Expires 22 Aug 1994





Idaho Department of Water Resources

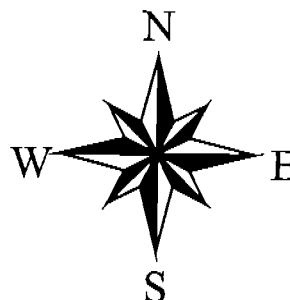
Water Right 31-7008

Township 7N Range 35E Section 27



0 1320 Feet

- ⊙ Point of Diversion
- Point of Diversion - Other Rights
- Place of Use
- Place of Use - Other Rights
- Quarter-quarter Sections
- Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 11/2000



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 22, 2001

Paul Gunderson
1555 E 1500 N
Hamer, ID 83425

Re: Notice of Error, Water Rights 31-95A, 31-7008, 31-11603, 31-11604, 31-11688, 31-11689.

Dear Mr. Gunderson:

Enclosed are revised recommendations for several of your water rights, based upon additional information you have provided as part of the Notice of Error process.

Right 31-95A is recommended with the original source and priority date, with an accomplished change of point of diversion and place of use. These changes are representative of your claim and the probate document. While the original right was for 10 cfs, it was for more lands than currently irrigated. I have based the diversion rate on the rate of 0.032 cfs/acre (about 1 1/2 times the standard rate) calculated by a department engineer for the adjoining Marty lands. This comes to 4.99 cfs.

Recommendation 31-7008 is adjusted to include stockwater. I was unable to adjust diversion rate or volume, as these came from a formal license. As we have discussed, only the Allocations Bureau of IDWR can adjust rate or volume of a license. The burden of proof is very high; to have a license amended, you must prove that the original licensing examination was obviously in error, and document the concurrent existence of the capacity you propose instead. At a minimum, this requires a written report from a Professional Engineer and solid documentation (receipts, design specifications, and/or concurrent measurements) of original capacity. Another option is to apply for a new permit for the additional rate, based on pre-moratorium development of capacity. This requires solid documentation that the claimed capacity was in place and used prior to November, 1987. I am not encouraging you to pursue either of these options, but simply outlining what the options are.

Recommendation 31-11603 has been split into recommendation 31-11688 and 31-11689, to allow recommendation of both the early priority date documented by the Bessie Hutchinson permit and the higher diversion rate documented by the Marcus Barnes affidavit.

Recommendation 31-11688 is for the 2.09 cfs measured by watermaster Henninger in 1940, as documented in the Lyndon Laird "Proof of Beneficial Use" for Laird's portion of permit 16969. While the permit was for priority date 1928, that permit was not for the point of diversion Laird actually developed. Through approximately five years of correspondence with Mr. Laird, the department consistently held that the permit could not be amended to allow the earlier priority date with the later point of diversion. Consequently, the priority date I have recommended is based upon the earliest documented beneficial use, which occurred in 1939. I have attached your amended, increased stockwater use, to this earlier recommendation.

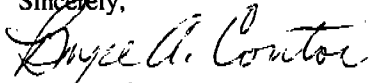
Recommendation 31-11689 is for the original 2.31 cfs I recommended for 31-11603. This is based upon the Marcus Barnes affidavit, 0.03 cfs/acre on the lands Barnes affirms were irrigated, and current capacity of the diversion works.

Combined use limitations limit the total irrigation under 31-11688 and 31-11689 to 2.31 cfs of irrigation on 100 acres. This limitation allows me to recommend both rights for their full amount, which protects you in case one or the other should run aground of an objection. The other alternative would be to recommend as much as possible to the earlier right, and only the additional capacity to the later right.

Enlargement recommendation 31-11604 is modified to reflect the fact that more acres are recommended under 31-11688 than were recommended under 31-11603. Effectively, this takes acres away from the 1976 enlargement and adds them to the 1939 beneficial use right. The combined use limitations are also modified to reflect the split of 31-11603.

I have enclosed copies of the preliminary recommendations on these rights (except 31-11603, which is superseded). Please review these carefully and contact me if you have questions.

Sincerely,



Bryce A. Contor
Senior Water Resource Agent

enclosures

01/24/2001

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 9, 2001

Water right number: 31-7008

PAUL GUNDERSON
1555 E 1500 N
HAMER ID 83425

Telephone Number: (208)663-4412

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

I disagree with volume and rate. Stock water rights should be added. There is a question about priority date, a ~~add~~ dead line lake claim will be filed

2. Describe the changes you wish to make in the proposed recommendation:

see narrative on amended claim

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 2/24/01

SIGNATURE: Paul Gunderson

Please print your name: PAUL GUNDERSON

IDWR Regional Office, 900 N Skyline, Idaho Falls, ID 83402, 2085257161

Response:

Claim will have to be recommended per license, unless claimant can persuade Allocations Bureau to amend license. Stockwater will be recommended per amended claim.

B. Conner 2/26/01

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-7008

Owner Type Name and Address
Current Owner K PAUL GUNDERSON
 1555 E 1500 N
 HAMER, ID 83425
 (208)663-4412

Priority Date: 03/10/1968
Basis: License
Status: Valid

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	11/01	1.08 CFS	458.4 AFA	
Total Diversion			1.08 CFS	458.4 AFA	

Point(s) of Diversion:
 Township Range Section 1/4 of 1/4 of 1/4 Lot County
 07N 35E 27 NE NE SE 0 JEFFERSON

IRRIGATION Use:
Acre Limit: 156

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	35E	27		NESE	40		NWSE	39		SWSE	38		SESE	39

Total Acres: 156

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
bcontor	11/21/00	Recommendation	Except for acres, recommended as claimed, claimed as licensed. No further review needed, eCVR not completed.
bcontor	11/21/00	Acres	Acres recommended per GIS, include all acres in quarter-section except road and canal. Not partial forfeiture, simply a matter of incorrect original licensing. Note that current system is center pivot w/o irrigation on corners; recommendation is adequag
bcontor	11/21/00	Diversion rate	See memo in file. Owner disputes licensed diversion rate, I find no problem with license exam. Recommended as licensed. Volume limited by licensed capacity.

Dates:

Licensed Date: 04/12/1982
 Claim Received Date: 11/22/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
Quantity	11/21/00 3:11:27 PM	bcontor			In Process
Summary	11/21/00 3:11:23 PM		11/21/00 3:11:23 PM	bcontor	Complete

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector:
 Overall Max Diversion Rate: 1.08
 Overall Max Diversion Volume: 458.4
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
POD	11/21/00 3:07:24 PM	bcontor	Edited point location
Quantity	11/21/00 3:11:26 PM	bcontor	1. (NO) The basis of claim is not beneficial use.
Summary	11/21/00 3:11:22 PM	bcontor	1. (YES) The basis of the claim is beneficial use.
			2. (NO) All the water being used for all the purposes is not being claimed and to the extent it was claimed.
			4. (YES) A portion of the claim is being recommended.
			5. (NO) General remark was not required.
			6. (NO) Explanatory remark was not required.
			7. (YES) Additional condition was required.
			8. (YES) Wanted to view the recommended right.
			9. (NO) This is not a split right.
			10. (NO) This is not a combined right.
			11. (NO) Documents were not linked or attached to this file.
			12. (YES) Set the verification date.

From: Contor, Bryce
Sent: Tuesday, November 28, 2000 11:58 AM
To: Hansen, Richard
Subject: RE: 31-07008

Thank you, that's what I supposed. I appreciate you looking for me.

-----Original Message-----

From: Hansen, Richard
Sent: Tuesday, November 28, 2000 11:57 AM
To: Contor, Bryce
Subject: RE: 31-07008

I don't see anything that directly objects to licensed diversion rate. There is a letter from June 8, 1968 from Mr. Gunderson stated that he did not know how much water the 160 acres would required because of the soil conditions. He also stated that he believed that it would take more than one inch per acre to irrigate the acres sufficiently.

Richard Hansen

-----Original Message-----

From: Contor, Bryce
Sent: Tuesday, November 21, 2000 9:43 AM
To: Hansen, Richard
Subject: 31-07008

Could you please look in the license file and see if there is any reference to the applicant disputing the licensed diversion rate? Nothing on the microfiche, but the applicant tells me he did object at the time.

Thanks, Bryce



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

November 21, 2000

Paul Gunderson
1555 E 1500 N
Terreton, Idaho 83425

Re: Licensed diversion rate, 31-07008

Dear Mr. Gunderson:

As you requested, I have reviewed the water measurement district exam and the original licensing exam on this system. Here's what I found:

Water Measurement District

Measured 7/10/2000 with sonic flowmeter.

Technician reported good confidence in measurement.

Distribution system is center pivot.

978 gpm (2.18 cfs) at 45 psi.

Motor using 48.1 KW of electricity.

Motor: GE DDJ424454, 50 horsepower.

Pump: Tag missing.

Review of Water Measurement District Exam

Theoretical capacity:

Water Horsepower = Input KW x 1.34 x pumping plant
efficiency

= 48.1 x 1.34 x 60% (assumed)

= 38.7 horsepower

Total Dynamic Head = Lift + Friction + PSI x 2.31

Total Dynamic Head = 35 ft + 10 ft (assumed) + (45 x 2.31)

= 149 ft

$$\text{GPM} = \frac{\text{Water Horsepower} \times 3960}{\text{Total Dynamic Head}}$$

$$\text{GPM} = \frac{38.7 \times 3960}{149 \text{ ft}} = 975 \text{ GPM}$$

Conclusion: Water Measurement results are consistent with known and assumed system data.

Licensing Exam

Measured November 6, 1979 using pitot-tube readings of nozzle pressure, nozzle counts, and nozzle-size rating chart.

Distribution system was one Tri-matic (100 nozzles x 5/32") and one handline (30 nozzles x 9/64").

484.3 gpm (1.08 cfs).

Licensed annual volume depends on diversion rate, as measured rate is not adequate to deliver standard annual volume.

47 psi at first handline nozzle, 23 psi at last Tri-matic nozzle.

Motor KW not recorded.

Motor: GE DDJ424454, 50 horsepower.

Pump: Western 16479.

Examiner's comments:

"Conferred with Mr. Gunderson by phone. No domestic or stockwater development. This system is in general disrepair and as a consequence large amts of water leak from the system at various points along the mainline."

Review of Licensing Exam

Late date of measurement indicates system was set up and operated specifically for licensing exam. This implies opportunity existed to have full system operational at time of exam.

Examiner's sketch shows 1/4 mile Tri-matic on west side of mainline, covering 1/2 mile run with 100 5/32" nozzles. This is reasonable.

Sketch shows single handline on east side of mainline, covering 1/2 mile run with 30 9/64" nozzles. This is not reasonable; adequate irrigation would require three 1/4-mile handlines for a 1/2 mile run, with this size nozzle.

Examiner's calculations appear to be correct, using his recorded data.

Motor serial number matches original.

Theoretical capacity:

Mainline friction

1/4 mile 10" AL @ 500 gpm, chart value = 2.6 ft
 1/4 mile 8" AL @ 500 gpm, chart value = 7.9 ft
 (assumes lines were about half-way down system,
 per examiner's sketch)

Discharge head at pump

$$2.31 \times 47 \text{ psi} + 2.6 \text{ ft} + 7.9 \text{ ft} = 119 \text{ ft}$$

$$\text{TDH} = 25 \text{ ft lift} + 9 \text{ ft friction} + 119 \text{ ft discharge head} \\ = 153 \text{ feet}$$

$$\text{Water Horsepower} = \text{Motor horsepower} \times \text{pump efficiency} \\ = 50 \times 70\% = 35 \text{ horsepower}$$

$$\text{GPM} = \frac{\text{Water Horsepower} \times 3960}{\text{Total Dynamic Head}} = \frac{35 \times 3960}{153} = 906 \text{ GPM}$$

Flow attributed to leaks:

$$906 \text{ gpm} - 484 \text{ gpm} = 422 \text{ gpm}$$

$$3/4 \text{ mile mainline @ 60 feet} = 66 \text{ joints of mainline}$$

$$422/66 = 6.4 \text{ gpm/joint}$$

This leakage rate is within the realm of possibility. The late date of the exam could imply that the system had sat unused for a period of time before the exam. It is possible that leakage was higher than usual on the date of the exam, and that with a few days' operation many of the leaks would have sealed up.

Alternate Calculation 1:

Without a pump curve, it is difficult to predict the discharge pressure that would have been obtained with most of the leaks sealed. Assuming 70 psi at the nozzles gives a capacity of:

Tri-matic	100 nozzles	$\times 6.10$	$= 610 \text{ gpm}$
Handline	30 nozzles	$\times 4.96$	$= \underline{149 \text{ gpm}}$
Total capacity			759 gpm
			(1.69 cfs)

Mainline friction would have been:

1/4 mile 10" AL @ 760 gpm, chart value = 5.4 ft
 1/4 mile 8" AL @ 760 gpm, chart value = 17.4 ft

Total Dynamic head would have been:

25 feet lift + 9 feet column friction + 22.8 feet
 mainline friction + 70 psi x 2.31 = 218.5 feet.

Developed water horsepower would have been:

$$\text{Water horsepower} = \frac{\text{GPM} \times \text{TDH}}{3960} = \frac{759 \times 218.5}{3960} = 42 \text{ hp}$$

Required motor horsepower would have been:

$$\frac{\text{Water horsepower}}{\text{efficiency}} = \frac{42}{70\%} = 60 \text{ horsepower}$$

The installed 50 hp motor likely could run a 15% overload without immediate damage. 50 hp x 115% = 58 horsepower, or approximately 60 horsepower. Note that the NWMD test indicated the motor was producing about 58 horsepower, so this is reasonable.

Alternate Calculation 2:

Another assumption would be that since the current pivot operates successfully with the same motor, the original system could have run with the expected single Tri-Matic and three handlines, at the measured flow rates per line. This assumes sealing of some gaskets could supply the water for the additional lines.

Tri-matic	100 nozzles x 3.64 =	364 gpm
Handlines	90 nozzles x 4.01 =	361 gpm
Total capacity		725 gpm
		(1.62 cfs)

Conclusions:

- System in place on date of measurement does not appear to be the full system typically required for this beneficial use.
- Late date of exam indicates that system may have been set up specifically for licensing exam, implying operator had opportunity to make full system operational.
- Exam appears to have been properly performed.
- Current capacity is 2.18 cfs, with the original motor installed, but a different distribution system.
- Various assumptions can indicate possible original capacity of 1.62 to 1.69 cfs.

This is not an issue that can be addressed by the adjudication, because the development took place after 1963. Your only option is to seek an amended license, or to seek a new permit for capacity developed prior to the moratorium. This would be done by the Allocations Bureau of IDWR. To succeed, you will have to overcome the presumption that you had an opportunity to operate the system at full capacity for the licensing exam, and that you had an opportunity to challenge the license at the time it was issued.

I hope this helps, but I'm not encouraged that it will. Please call me if you have further questions.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 31-7008 Priority March 10, 1968 Amount 1.08 cfs

THIS IS TO CERTIFY, that K. PAUL GUNDERSON
of Hamer, Idaho, has complied with the terms and conditions of Permit
No. 31-7008 issued pursuant to Application for Permit dated March 10, 1968,
and has submitted proof to the Department of Water Resources on June 7, 1973,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.08 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	<u>from April 1 to November 1</u>	<u>at 1.08 cfs and</u>	<u>458.4 acre feet</u>
	<u>from _____ to _____</u>	<u>at _____ cfs and</u>	
	<u>from _____ to _____</u>	<u>at _____ cfs and</u>	

(both dates inclusive)

Subject, however, to the condition that no more than 1.08 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
458.4 acre feet per year, said waters to be diverted within the NE 1/4 Sec. 27, Twp. 7N,
Rge. 35E, B.M. in the County of Jefferson

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 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
7N	35E	27													40	40	39	39

Total number of acres irrigated 158

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27 day of
February, 19 81.

Director

21/22
28/27

K. Paul Gundersen
31-7008

22/2
27/2

A132

A223

u.s.

Point of
Divergence

10" main

H0a

H0a

8" mainline

A133

A224

100 jet formatic
w/ fuel line

30 jet
handline

34a

34a

County Road

27/26
34/35

ARK.
Nov 6, 1979

July 30, 1975

RE: Permit No. 31-7008

Mr. K. Paul Gunderson
RFD
Hamer, Idaho 83425

Dear Mr. Gunderson:

Recently, personnel from this office visited the well under your Permit No. 31-7008. This examination was to finalize the water permit and collect data required for the licensing of the well.

The examination indicated that the system was being operated as you stated in your proof of beneficial use except for the fact that a measuring device approved by this Department has not been installed at the point of diversion. Because of this non-compliance where the measuring device is concerned, the priority date that you have established for this ground-water source may be in jeopardy.

This office will hold the field report until August 10, 1975. At that time we will be obliged to submit our findings to the State Office. Hopefully, before that time you will contact this office and indicate that the measuring device has been purchased and/or installed. We would then be willing to do a re-exam to submit to the State Office.

Compliance with the conditions of your permit is the only way a license can be issued pursuant to the Idaho Code for your water right development and the land included under the above referenced permit.

If you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours,

BILL RHOADS
Sr. Water Resource Agent

BR:CW

DATE OF EXAM 12th day of June, 1979

ACREAGE
Found 158 a
Recommended 158 a

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = 1.08 c.f.s. V = 458.4 AF/Ann. from April 1 to Nov 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: not applicable
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____ Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no X

Name source exchanged with: not applicable
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____ Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: not applicable
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____ Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: not applicable
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____ Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 1.08 cfs Method of measurement Pitot tube
Total Q recommended 1.08 cfs Meter No. HR-111 Type Hurshel Condition standard
Total V recommended 458.4 AF/yr Pitot tube

Recommended Amendments:

P.D.

Place of Use

Other season of use should be April 1 to Nov 1

None

MEASUREMENT CALCULATION:

See reverse side for pitot tube measurement = 1.08 cfs

Volume 158 a X 3.0 AF/a = 474 AF/yr
1.9835 AF/dy/cfs X 1.08 cfs X 217 dy = 458.4 AF/yr

SYSTEM DESCRIPTION:

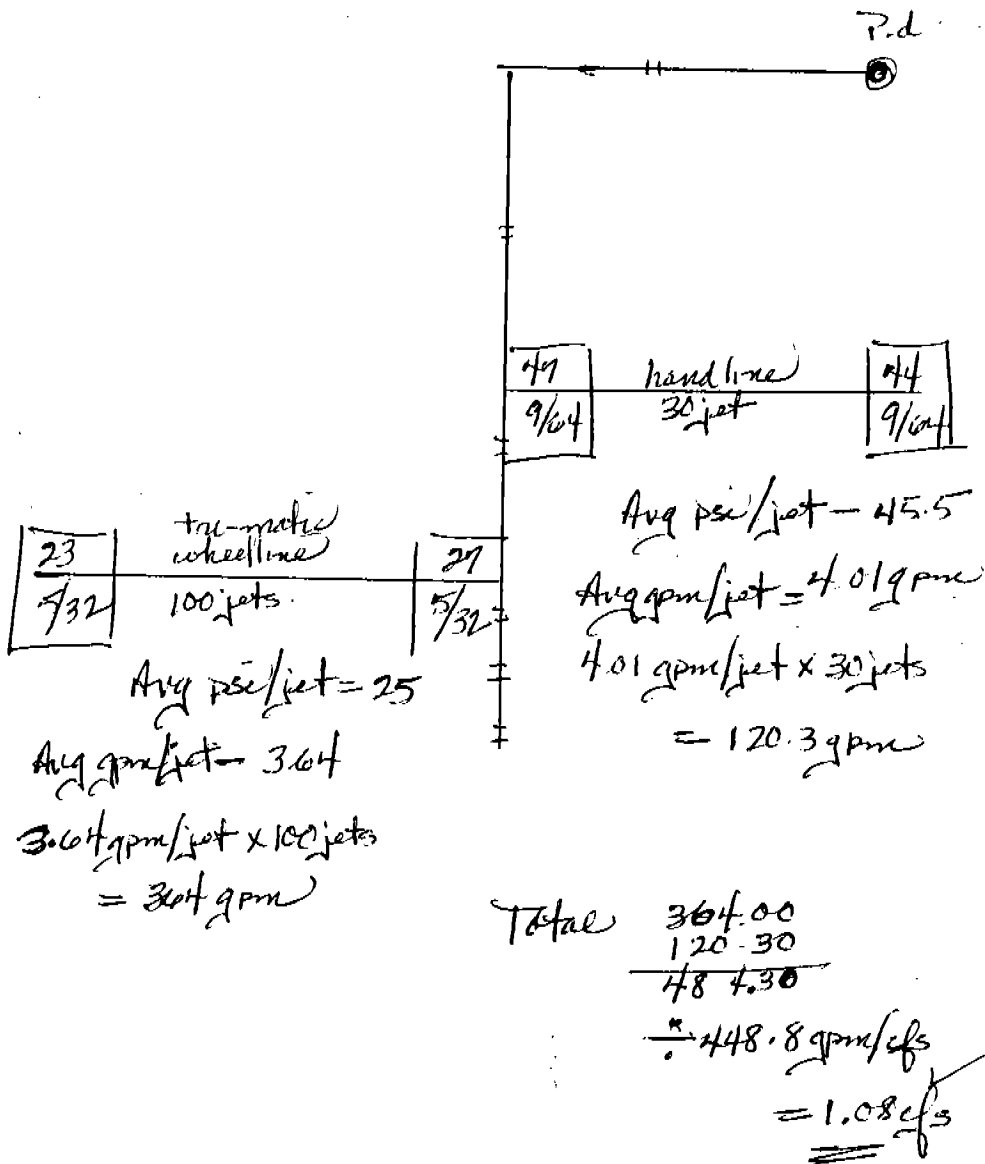
50 HP & E. Motor # DDJ 424454 w/ 1 1/2" teen pump (16479) Average is
irrigated by 1-11 metric wheel line having 100 5/32" diam jets and
by 1-30 jet lateral hand-line sprinkler

REMARKS:

Conferred with Mr. Henderson by phone.
* No domestic or stockwater development.
This system is in general disrepair and as a consequence
large amounts of water leak from the system at
various points along the main line.

Examiner's Signature Anthony R. Kozlowski Date Nov 6, 1979
Checked by John D. Carson Date Dec 10/79
Approved by R. Carson Date 2/5/81

Pitot tube measurement



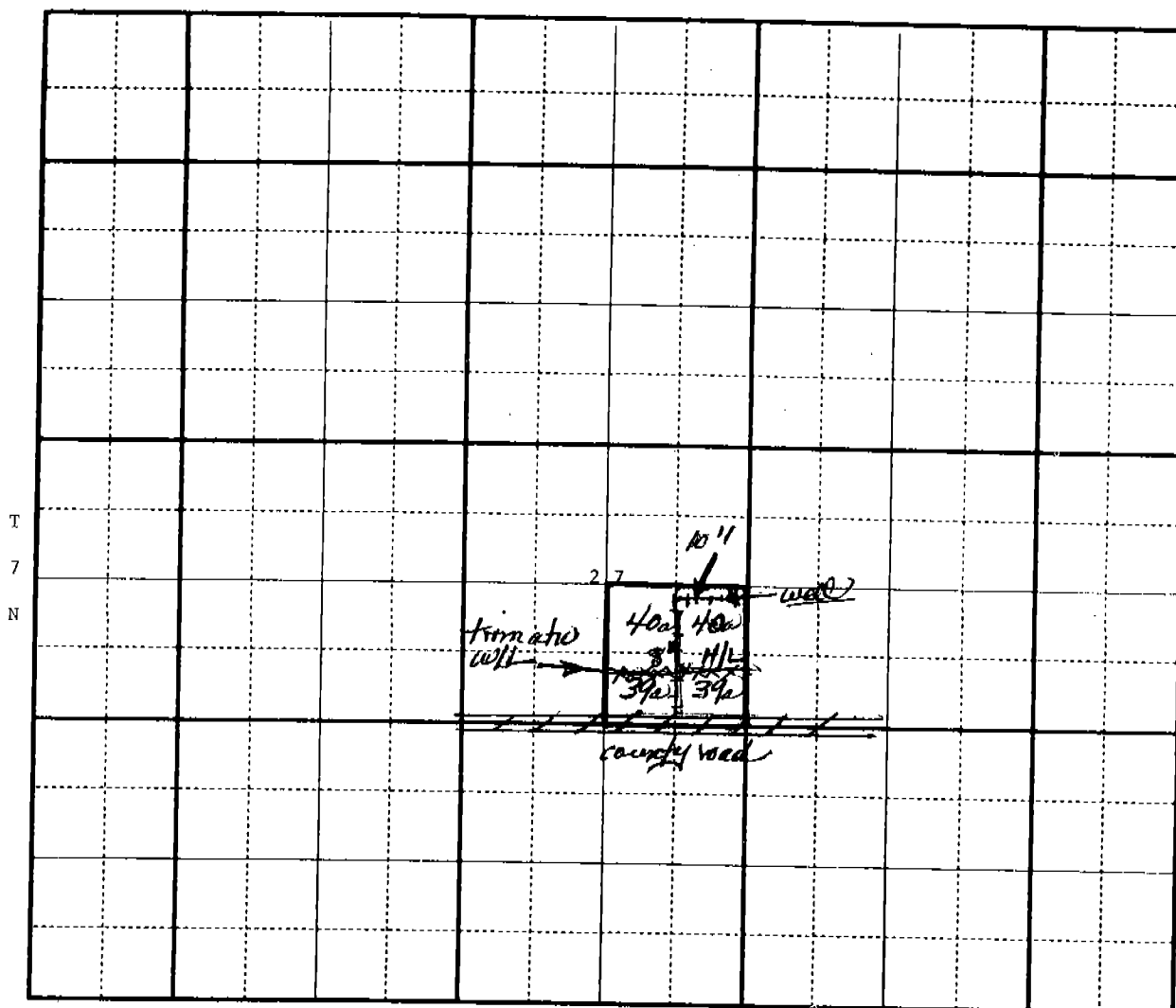


Diagram of System

