

10/17/2006

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

RIGHT NUMBER: 63-32487

NAME AND ADDRESS: C RICHARD GUNNING
4766 TRACK RD
MELBA ID 83641

MARILYN GUNNING
4766 TRACK RD
MELBA ID 83641

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.450 CFS
276.30 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 02/18/1977

POINT OF DIVERSION:
T01N R02W S11 NENENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.450 CFS 276.30 AFY
The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE: IRRIGATION Within CANYON County

T01N R02W S02	NESE	17.00	T01N R02W S02	SESE	3.10
T01N R02W S11	NWNE	32.00	T01N R02W S11	SWNE	3.10
T01N R02W S11	NENW	6.20			

62.1 ACRES TOTAL

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

This right is a split from former right 63-32475 .

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

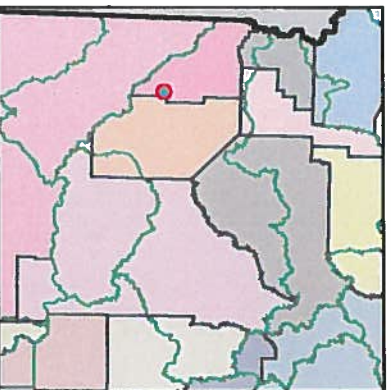
Idaho Department of Water Resources



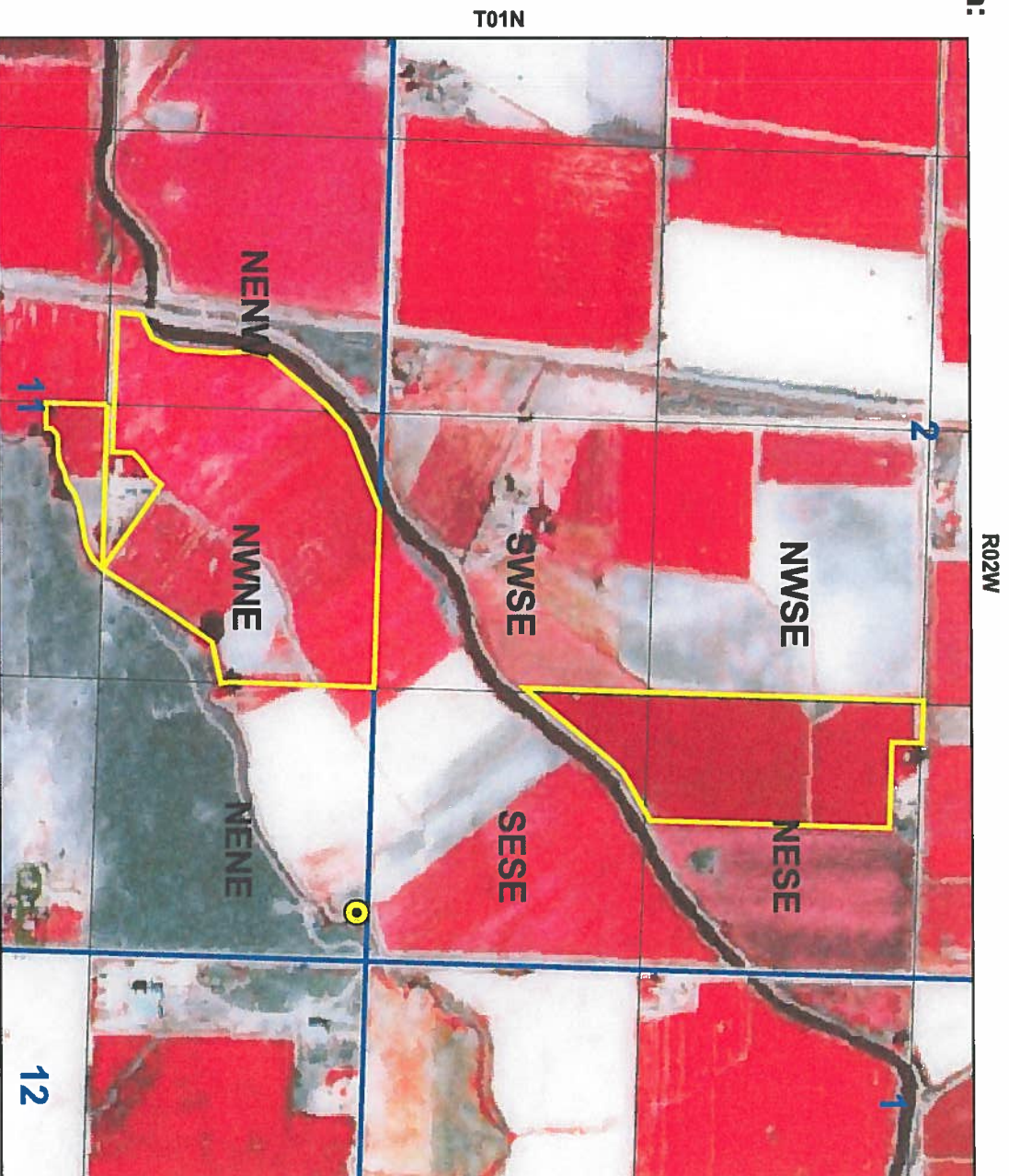
SRBA Recommendation:
63-32487
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63



Prepared by M. Ciscell
On Tuesday, October 17, 2006
1987/88 Aerial Photography

09/27/2006

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PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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4766 TRACK RD
MELBA ID 83641

MARILYN GUNNING
4766 TRACK RD
MELBA ID 83641

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.450 CFS
276.300 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 02/18/1977

POINT OF DIVERSION:

T01N R02W S11 NENENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.450 CFS 276.30 AFY

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PLACE OF USE: IRRIGATION Within CANYON County

T01N R02W S02	NESE	17.00	T01N R02W S02	SESE	3.10
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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

This right is a split from former right 63-32475.

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

This right is a split from former right 63-8477.

RECEIVED

Form 42-248/42-1409(6) July, 2000
SEP 27 2006

Department of Water Resources
Adjudication Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	63-8447				

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

C. RICHARD & MARILYN GUNNING
4766 TRACK RD., MELBA, ID 83641

4. New Owner/Claimant(s)

Russell and Vicki ELSEBERRY

Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

City, State and ZIP Code

New Telephone Number

()

5. Date you acquired the property

NOV 13, 2003

SCANNED

SEP 27 2006

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.31</u>	<u>41 ac</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>.31 CFS</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Russell Elshumy

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

SCANNED

SEP 27 2006

① Pa 77155-E

INSTRUMENT NO. 200370753

WARRANTY DEED

FOR VALUE RECEIVED C. RICHARD GUNNING and MARILYN J. GUNNING,
husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto RUSSELL M. ELSBERRY and VICKI
E. ELSBERRY, husband and wife

the Grantees, whose address is 203 Mountain View Caldwell Id 83605

the following described premises, to-wit:

Those portions of the Southeast Quarter of the Southeast Quarter,
Southwest Quarter of the Southeast Quarter, and the Northeast
Quarter of the Southeast Quarter of Section 2, Township 1 North,
Range 2 West of the Boise Meridian, Canyon County, Idaho, lying
South and East of the Mora Canal, as the same is now located and
constructed.

This conveyance does not include any rights to the irrigation well
of Grantors' which is located on Grantors' adjacent property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns
forever. And the said Grantors do hereby covenant to and with the said Grantees, that they the owners in fee simple of said
premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2003 and
subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same
from all lawful claims whatsoever.

DATED: November 13, 2003

C. Richard Gunning
C. RICHARD GUNNING

Marilyn J. Gunning
MARILYN J. GUNNING

READ AND APPROVED BY:

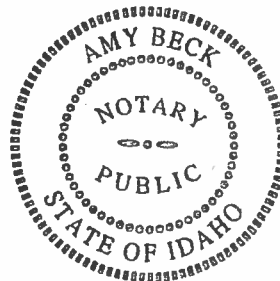
Russell M. Elsberry
RUSSELL M. ELSBERRY

Vicki E. Elsberry
VICKI E. ELSBERRY

STATE OF IDAHO
COUNTY OF CANYON

On this 13 day of NOVEMBER, 2003, before me, a notary public,
personally appeared C. RICHARD GUNNING AND MARILYN J.
GUNNING, known or identified to me to be the person(s) who(se)
name(s) is/are subscribed to the within instrument and acknowledged
to me that he/she/they executed the same.

Amy Beck
Notary Public
Residing at NAMPA
My commission expires: 4/21/06



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

SCANNED

423 SOUTH KIMBALL
CALDWELL, ID 83605

SEP 27 2006