

05/26/2006

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

RIGHT NUMBER: 1-115A

NAME AND ADDRESS: SUNNYDELL IRRIGATION DIST
C/O GARY HILL
9298 S 600 E
REXBURG ID 83440

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.713 CFS

PRIORITY DATE: 06/01/1886

POINT OF DIVERSION:

T04N R40E S25 SWSWNW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.713 CFS

PLACE OF USE:

3383.1 ACRES TOTAL

Place of use is within the boundary of Sunnydell Irrigation District pursuant to Section 43-323, Idaho Code.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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 - Decreed

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

This right is a combination of old Right Nos. 1-115F and 1-115K.

Water is delivered through Sunnydell Canal.

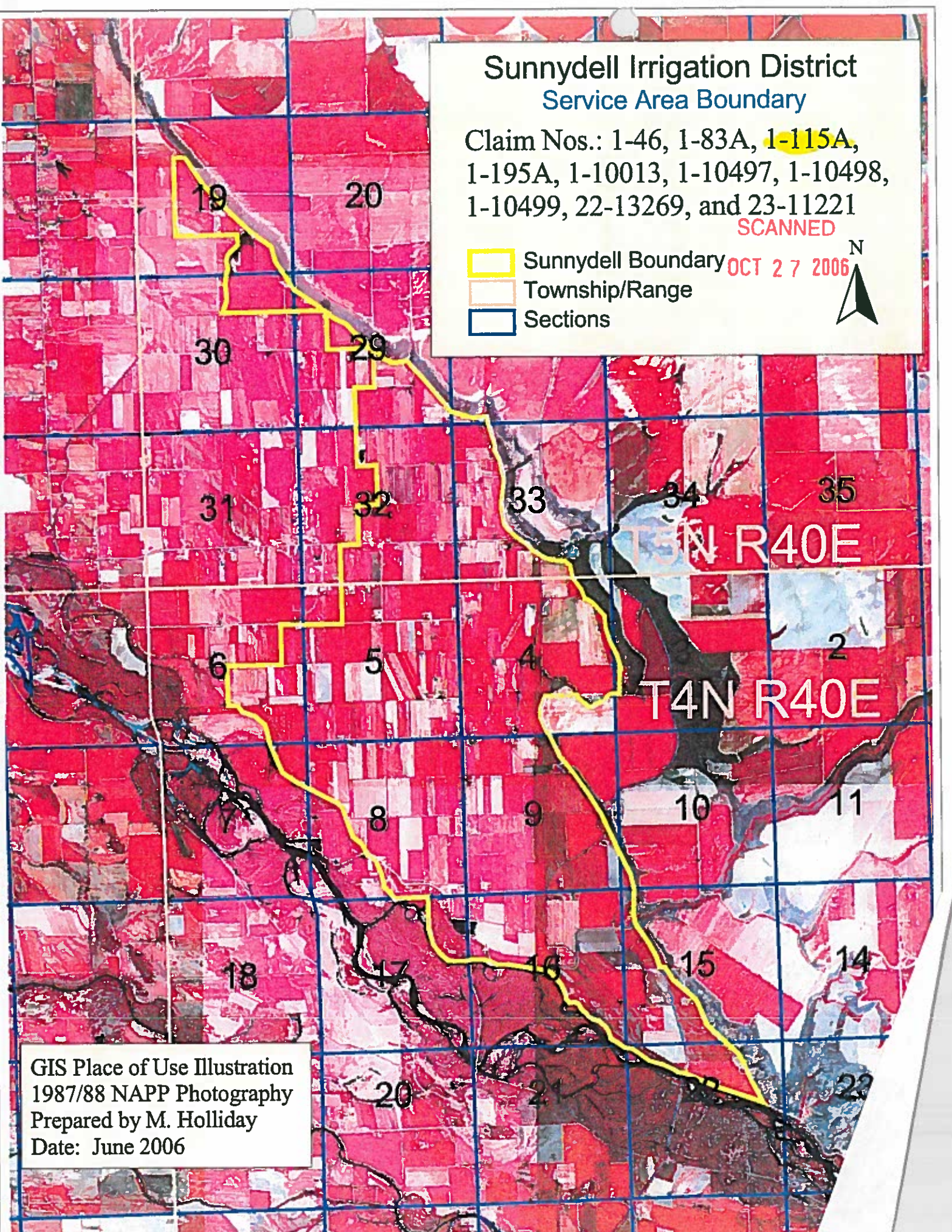
Sunnydell Irrigation District Service Area Boundary

Claim Nos.: 1-46, 1-83A, 1-115A,
1-195A, 1-10013, 1-10497, 1-10498,
1-10499, 22-13269, and 23-11221

SCANNED

-  Sunnydell Boundary
-  Township/Range
-  Sections

OCT 27 2006



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: June 2006

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 506

1-115F

THIS IS TO CERTIFY, That R. B. HIGGINS is the owner of, and using, a certain water right bearing date of priority of June 1, 1887 for 51.37 miner's inches and of June 1, 1886 for 5.63 miner's inches of the waters of SNAKE RIVER, County of Jefferson, State of Idaho, decreed to LONG ISLAND IRRIGATION COMPANY by decree of Judge J. M. STEVENS of the Sixth Judicial District of the State of Idaho in and for the County of Fremont in the case of:

HEXBURG IRRIGATION COMPANY, et al. -vs- TETON IRRIGATION
COMPANY, et al.

said decree bearing date of December 16, 1910, for the purpose of irrigating the following described lands situate, lying and being in Water District No. 36 in the County of Jefferson, State of Idaho, to-wit:

Southeast quarter, Section 32, Township 5 North, Range 39 East, B.M.

and,

THAT, Said decree has been entered in the records of the Department of Reclamation of Idaho in Book 3 of Decrees at page 450; and,

THAT, Said R. B. HIGGINS is the person who has become the owner thereof as evidenced by shares of stock of the LONG ISLAND IRRIGATION COMPANY; and,

THAT, Upon the application of R. B. HIGGINS for a transfer of water right made before the Commissioner of Reclamation of Idaho and the said application having been granted, the right to the use of 57 miner's inches of the waters of SNAKE RIVER, upon the lands above described, is hereby abandoned, and the lands to be irrigated under such rights and to which the water right, hereby confirmed, shall by this certificate become appurtenant for irrigation and domestic purposes are described as follows:

The lands lying under and being irrigated from the canal system owned and operated by the SUNNYDELL IRRIGATION DISTRICT, said water to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

1.03

0.113

51.37 miner's inches dated June 1, 1887

5.63 miner's inches dated June 1, 1886

The water rights hereby transferred have heretofore been diverted from said SNAKE RIVER at a point in the:

John A. Sunnydell

SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 4 North, Range 39 East, Boise Meridian
through a ditch known as the LONG ISLAND CANAL; and will hereafter be di-
verted at a point in the:

26
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, Township 4 North, Range 40 East, Boise Meridian

through a ditch known as the SUNNYDELL IRRIGATION DISTRICT CANAL;

THAT, The last above described lands have the right to the use of water
for approximately 2500 acres of land with various dates of priority to
be diverted from SNAKE RIVER;

THAT, The right to the use of the water aforesaid, hereby confirmed, is
restricted to the lands or place of use last above described as provided
by the laws of the State of Idaho.

WITNESS, The seal and signature of the Commissioner of Reclamation of
Idaho affixed at Boise, this 24th day of November, 1931.



Commissioner of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right No. 560.

1-115K

THIS IS TO CERTIFY That J. L. HAYES is the owner of and using a certain water right, bearing date of priority of June 1, 1886 for 0.60 cubic feet per second of the waters of the Snake River, in the County of Jefferson, State of Idaho, decreed to the LONG ISLAND IRRIGATION COMPANY, by decree of Judge J. M. Stevens, of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of

THE REXBURG IRRIGATION COMPANY vs. THE TETON IRRIGATION COMPANY

said decree bearing date of December 16, 1910, for the purpose of irrigating the following described lands, situate, lying and being in Water District No. 36, in the County of Jefferson, State of Idaho, to-wit:

Lot 1, Block 15, Village of Menan, and beginning at the NE corner of Lot 1, Block 15, Village of Menan, thence South 23 rods, thence West 17 rods, thence North 23 rods, thence East 17 rods to the place of beginning.

THAT THE SAID Decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Book 3 of Decrees, at Page 450; and

THAT THE SAID Applicant has become the owner of said land and water right by ownership of stock in the Long Island Irrigation Company;

THAT NOW, UPON THE APPLICATION of the said J. L. HAYES for a Transfer of Water Right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 0.60 cubic feet per second of the waters of the Snake River, upon the lands above described, is HEREBY ABANDONED, and that the lands to be irrigated under such right and to which the water right, hereby confirmed, shall become appurtenant, by this Certificate, for irrigation and domestic purposes, are described as follows:

$W\frac{1}{2}$ NW $\frac{1}{4}$ of Section 15 and E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 16, Township 4 North, Range 40 East,

situate, lying and being in the County of Madison, State of Idaho, said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

0.60 cubic feet per second of the waters of the Snake River, with a date of priority as of June 1, 1886.

THAT THE WATER RIGHT Hereby transferred has heretofore been diverted from the said SNAKE RIVER at a point in the

SE $\frac{1}{4}$ of Section 10, Township 4 North, Range 39 East, Boise Meridian,

and conducted to the first above described lands through the Long Island Canal and will hereafter be diverted from the said stream at a point in the

NW $\frac{1}{4}$ of Section 26, Township 4 North,
Range 40 East, Boise Meridian,

and conducted to the new place of use through the Sunnydell Canal.

THAT THE LAST Above named lands have appurtenant to them a portion of the Sunnydell Irrigation District right, of late priority, and made appurtenant to a portion of the above mentioned lands.

THAT THE RIGHT To the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above mentioned as provided by the Laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be affixed, at Boise, Idaho, this 8th day of June, 1936.

R. W. FARIS,
Commissioner of Reclamation

Frederick E. Drager
Frederick E. Drager,
Director of Water Resources

Return to
Stephen E. Martin
P.O. Box 3129
Idaho Falls, ID 83403

Microfilm No.

278783

Day MAY 25 1999

At 11:08 O'clock 4 m

MARILYN R. RASMUSSEN

MADISON COUNTY RECORDER

Fee \$ 9.00 Deputy

Recorded At Request of

Stephen E. Martin

Deed + Legal Description

QUITCLAIM DEED
(WITH AFTER ACQUIRED PROVISION)

THIS INDENTURE is made this 21 day of May, 1999, between George H. Munns, not individually, but as Trustee of **THE GEORGE H. MUNNS AND LAVON C. MUNNS FAMILY TRUST** dated December 1, 1988, the Grantor, and George H. Munns, not individually, but as Trustee of **THE SPOUSAL TRUST** created by The George H. Munns and LaVon C. Munns Family Trust ("The Spousal Trust"), and George H. Munns, not individually, but as Trustee of **THE SHELTERED TRUST** created by The George H. Munns and LaVon C. Munns Family Trust ("The Sheltered Trust"), whose mailing address is 5688 Forest Drive, Lillburn, Georgia 30247, the Grantees,

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to the Grantor in hand paid by the Grantees, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the Grantees, and to the Grantees' heirs and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described real estate in the County of Madison, State of Idaho, to-wit:

An undivided one-half (½) interest to each of The Spousal Trust and The Sheltered Trust of the following real property:

1. Commencing at the Southeast corner of the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) of Section 32, Township 5 North, Range 40 East, Boise Meridian, in Madison County, State of Idaho, and running thence North 120 rods; thence West 42 rods; thence South 120 rods; thence East 42 rods to the point of beginning.
2. Commencing fifty-four (54) rods West of the Northeast corner of Lot Three (3), Section Five (5), Township Four (4) North, Range Forty (40) East of the Boise Meridian, and running thence South twenty (20) rods, thence East eighth (8) rods, thence South twenty (20) rods, thence West thirty-four (34) rods, thence North forty (40) rods, thence East twenty-six (26) rods to the place of beginning, together

with such water and ditch rights as are used and appurtenant to the lands, however evidenced.

3. Commencing at the Northwest corner of the South Half of the Northwest Quarter of Section 10, Township 4 North, Range 40 East, Boise Meridian, Madison County, Idaho, and running thence East 1640 feet, more or less, to the West line of the Belt Line Union Pacific Railroad right-of-way; thence Southwesterly 1780 feet, more or less, along said right-of-way line to the West line of said quarter section; thence North 640 feet, more or less, to the point of beginning. Containing 13 and a fraction acres.

13 acres on
East

4. The West Half of the Southeast Quarter ($W\frac{1}{2}SE\frac{1}{4}$) of Section Eight (8) in Township Four (4) North of Range Forty-one (41), East of the Boise Meridian.

5. The West Half of the Southwest Quarter of the Northeast Quarter of the Northwest Quarter ($W\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$) of Section 5, Township 4 North, Range 40 East, Boise Meridian, in Madison County, State of Idaho.

6. Commencing at the Northeast corner of Section 9, Township 4 North, Range 40 East of the Boise Meridian, and running thence West 2310 feet to the East line of the County Road; thence Southeasterly following the East line of said County Road a distance of 2745.5 feet, more or less, to a point approximately 400 feet North of the South line of the Southeast Quarter of the Northeast Quarter of said Section 9; thence East 590.5 feet to the Northerly boundary of the Union Pacific Railroad right of way; thence Northeasterly along said right of way line following the arc of a curve with a radius of 1034.4 feet a distance of 322 feet to the intersection of said right of way line with the East line of said Northeast Quarter of Section 9 aforesaid; thence North 1980 feet to the point of beginning.

77 acres on
North & West
of Rd to Ross
Byers

7. The North one-half ($\frac{1}{2}$) of Lot 4, Block 34 of the Sutton Cemetery of the County of Madison, State of Idaho, as platted and recorded in the office of the Clerk of the Sutton Cemetery District.

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantees, and to the Grantees' heirs and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

THE GEORGE H. MUNNS AND LAVON C. MUNNS FAMILY TRUST dated December 1, 1988

George H. Munns
George H. Munns, Trustee

STATE OF IDAHO)
) ss.
County of Bonneville)

On the 21 day of May, 1999, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared GEORGE H. MUNNS, known or identified to me to be the Trustee of **THE GEORGE H. MUNNS AND LAVON C. MUNNS FAMILY TRUST**, and the person who executed the foregoing instrument on behalf of said trust and acknowledged to me that said trust executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Stephen E. Martin
Notary Public for Idaho Falls, Idaho
Residing at Idaho
My commission expires: 12/6/2004

Secretary: H:\Clients\Sem clients\5802\Feb99QCDeed.wpd

Wilcox - Sutton - Property with

Sunnydell Irrigation District Water

Form No. 1056-4
All Policy Forms

No. M-26878

Tracts 1-4

SCHEDULE C

The land referred to in this policy is situated in the State of Idaho, County of Madison and is described as follows:

TRACT 1:

Commencing at the Southwest corner of the Southeast Quarter (SE1/4) of Section Nine (9), Township Four (4) North, Range Forty (40) East of the Boise Meridian, and running thence North 2640 feet; thence East 788.25 feet; thence South 1660 feet; thence South 56° West 242 feet; thence South 848 feet; thence West 584.5 feet to the point of beginning.

LESS AND EXCEPTING THEREFROM: Beginning at a point that is South 89°44'28" West 2056.07 feet along the South line of the said Section 9 from the Southeast corner of said Section 9; and running thence South 89°44'28" West 574.96 feet along said south line; thence North 00°24'05" West 486.33 feet along an existing fence line; thence East 224.53 feet; thence South 54°51'42" East 430.71 feet; thence South 00°23'33" East 235.83 feet to the point of beginning. LESS COUNTY ROAD RIGHT OF WAY ALONG SOUTH SIDE OF PROPERTY.

TRACT 2:

Commencing at a point 2055.5 feet West of the Southeast corner of Section 9, Township 4 North, Range 40 East, Boise Meridian, Madison County, Idaho, and running thence North 848 feet; thence North 56° East 242 feet; thence North 1660 feet; thence East 1095.75 feet; thence South 18°25' East 126.5 feet; thence South 20°32' West 236 feet; thence South 19°9' East 101 feet; thence South 50°29' East 100 feet; thence South 15°12' East 300 feet; thence South 0°45' West 81 feet; thence South 39°43' West 100 feet; thence South 49°41' West 300 feet; thence South 54°17' West 400 feet; thence South 64°42' West 600 feet; thence South 1009.4 feet to the South line of said Section 9, Township and Range aforesaid; thence West 283.5 feet to the point of beginning.

TRACT 3:

Commencing at a point 469 feet West of the Southeast corner of the Southeast Quarter of Section 9, Township 4 North, Range 40 East, Boise Meridian, Madison County, Idaho, and running thence North 1345 feet; thence East 436.5 feet; thence North 25°7' West 168.4 feet; thence North 83°30' West 727.8 feet; thence South 54°17' West 494 feet; thence South 64°42' West 623 feet; thence South 1009.4 feet; thence East 1303 feet to the place of beginning.

SCHEDULE C CONTINUED

TRACT 4:

Commencing at the Southeast corner of the Southeast Quarter of Section 9, Township 4 North, Range 40 East, Boise Meridian, Madison County, Idaho, and running thence West 469 feet; thence North 1345 feet; thence East 436.5 feet to the county road; thence Southeasterly to the intersection of said county road with the East section line; thence South to the place of beginning.

TRACT 5:

TOGETHER WITH a 32 foot wide right-of-way along the South boundary of the following described property, for ingress and egress to pump and field not to be obstructed by either parties to be used as a dual access road:

Commencing at a point 1055 feet South and 115 1/2 feet, more or less West of the Northeast corner of the Southeast quarter of Section 9, Township 4 North, Range 40 East, Boise Meridian, Madison County, Idaho, which said point is on the West side of the Madison County road as the same is now located in the Northeast quarter of the said Southeast quarter of Section 9, Township and Range aforesaid, and running thence North 83°30' West 561 feet to the Sunnydell Canal; thence South 49°41' West 206 feet, more or less, along the bank of said canal; thence South 83°30' East 727.8 feet to the West line of the said County road; thence North 25°7' West along the said County road distance of 138.5 feet to the place of beginning.

TRACT 6:

Township 4 North, Range 40 East, Boise Meridian, Madison County, Idaho.

Section 10: S1/2NW1/4; N1/2SW1/4, LESS Commencing at the NW corner of the S1/2NW1/4, of Section 10; and running thence East 1640 feet, more or less, to the West line of the Belt Line Union Pacific Railroad right of way; thence Southwesterly 1780 feet, more or less, along said right of way, to the West line of said quarter section; thence North 640 feet, more or less, to the point of beginning.

ALSO LESS: Commencing at a point 116.5 feet South of the NW corner of the SW1/4, of Section 10; and running thence South 300 feet; thence East 85 feet; thence North 300 feet; thence West 85 feet to the point of beginning.

ALSO LESS: A piece commencing at a point 16.5 feet North of the Southwest corner of the NW1/4 of Section 10, and running thence North 200 feet; thence East 80 feet; thence South 200 feet; thence West 80 feet to the point of beginning.

ALSO LESS: A piece commencing 16.5 feet North and 80 feet East of the Southwest corner of the NW1/4 of Section 10, and running thence East 100 feet; thence North 600 feet to the railroad right of way; thence following same Southwesterly to a point 216.5 feet North of the Southwest corner of NW1/4; thence East 80 feet; thence South 200 feet to the place of beginning.

TRACT 7:

Commencing 16.5 feet North and 80 feet East of the Southwest corner of the NW1/4 of Section 10, Township 4 North, Range 40 East, Boise Meridian, Madison County, Idaho, and running East 100 feet; thence North 600 feet to railroad right-of-way; thence following same Southwesterly to a point 216.5 feet North of the Southwest corner of NW1/4 of Section 10; thence East 80 feet; thence South 200 feet to the place of beginning.

TRACT 8:

The West Half of the Southeast Quarter and that part of the South half of the Southwest Quarter, East of the railroad right of way, in Section 10, Township 4 North, Range 40 East, Boise Meridian, Madison County, Idaho.

TRACT 9:

That part of the North half of the Northwest Quarter, East of the railroad right of way and North of Lyman Creek, in Section 15, Township 4 North, Range 40 East, Boise Meridian, Madison County, Idaho.

SCANNED

AUG 2001

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: A01-00115A
Date Received: 8/17/1988
Receipt No: 6001368
Received By: SEA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SUNNEYDELL IRRIGATION DISTRICT 208-356-3562
Address: C/O STANLEY SUTTON, SEC.
578 E. 7000 S.
REXBURG, ID 83440

2. Date of Priority: JUN 01, 1886

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	40E	25	NW	NW	SW		JEFFERSON

5. Description of diverting works:
HEADWORKS OF SUNNEYDELL CANAL. CONCRETE DIVERSION STRUCTURE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.713		

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

8. Total consumptive use is 9650.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	40E	7	NE	NE	1	IRR	7.0
Section Acres							7.0

A01-00115A

Page 1

Date: 08/17/88

MICROFILMED

OCT 19 1992

A0100115A



10. Place of Use: Continued

Total Acres 7.0

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

22-0579B(A01-10013), 01-0195H&F, 0116, 0094, 0286, 0083, 0046, 0180

14. Remarks:

THIS CLIAM COMBINES RIGHTS 01-0115F & K. POU SHARE HOLDERS OF
SUNNEYDELL IRR. DISTRICT. DISTRICT BILLS 3900 ACRES/SEASON.

***** SEE COMPLETE LAND LIST UNDER A01-10013 *****

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRRIGATION CANAL

Decree Plaintiff

vs

TETON IRRIGATION CANAL

Decree Defendant

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: 2

For Organizations:

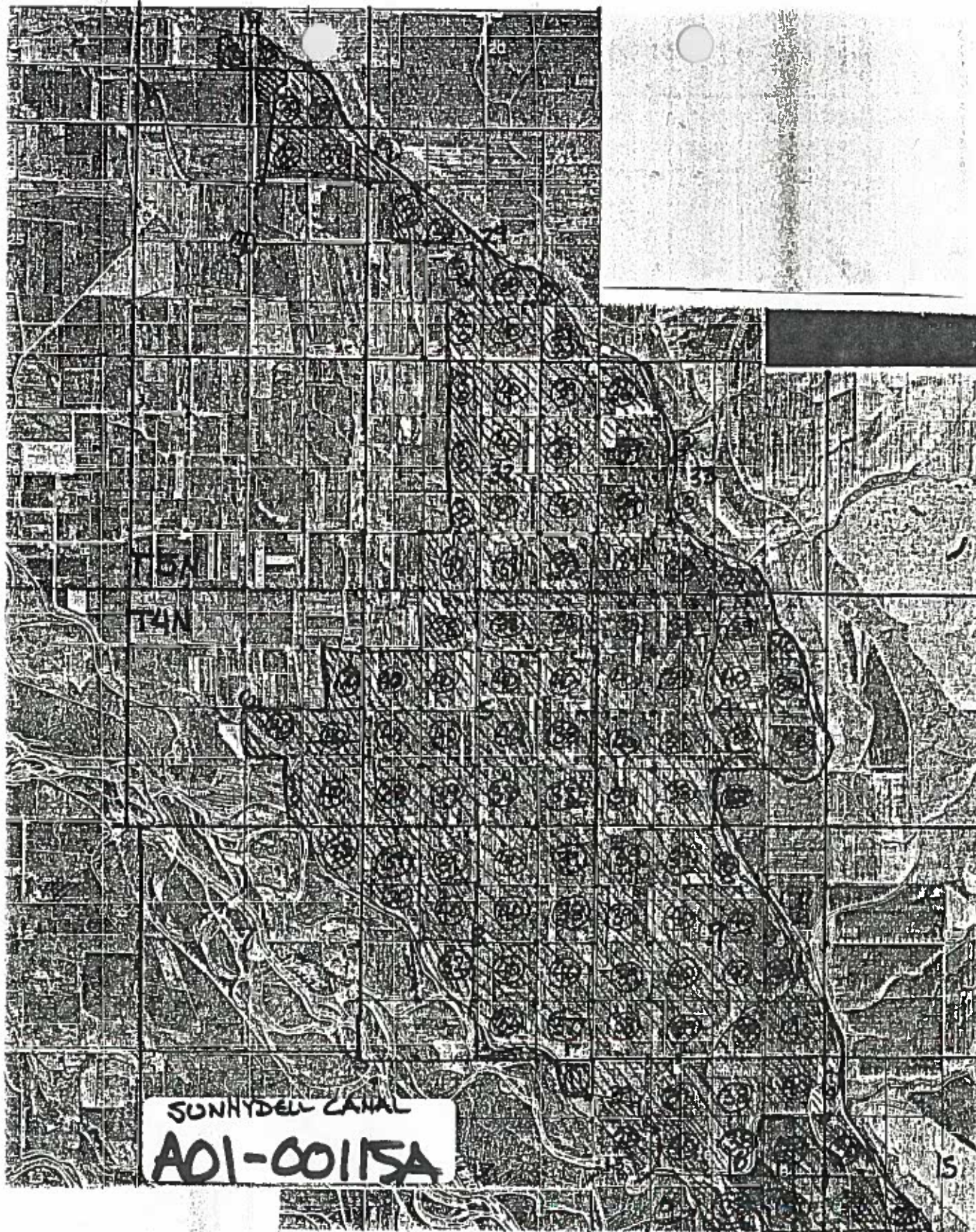
I do solemnly swear or affirm that I am Sec of
Sunnyside Irr. Dist. Title
Organization that I have signed the foregoing
document in the space below as Sec of
Sunnyside Irr. Dist. Title
Organization and that the statements contained in the
foregoing document are true and correct.
Stanley Sutton Signature of Authorized Agent
Sec. Sunnyside Irr. Dist. Title and Organization
8-17-88 Date

State of Idaho)
County of Bonniwell) SS.

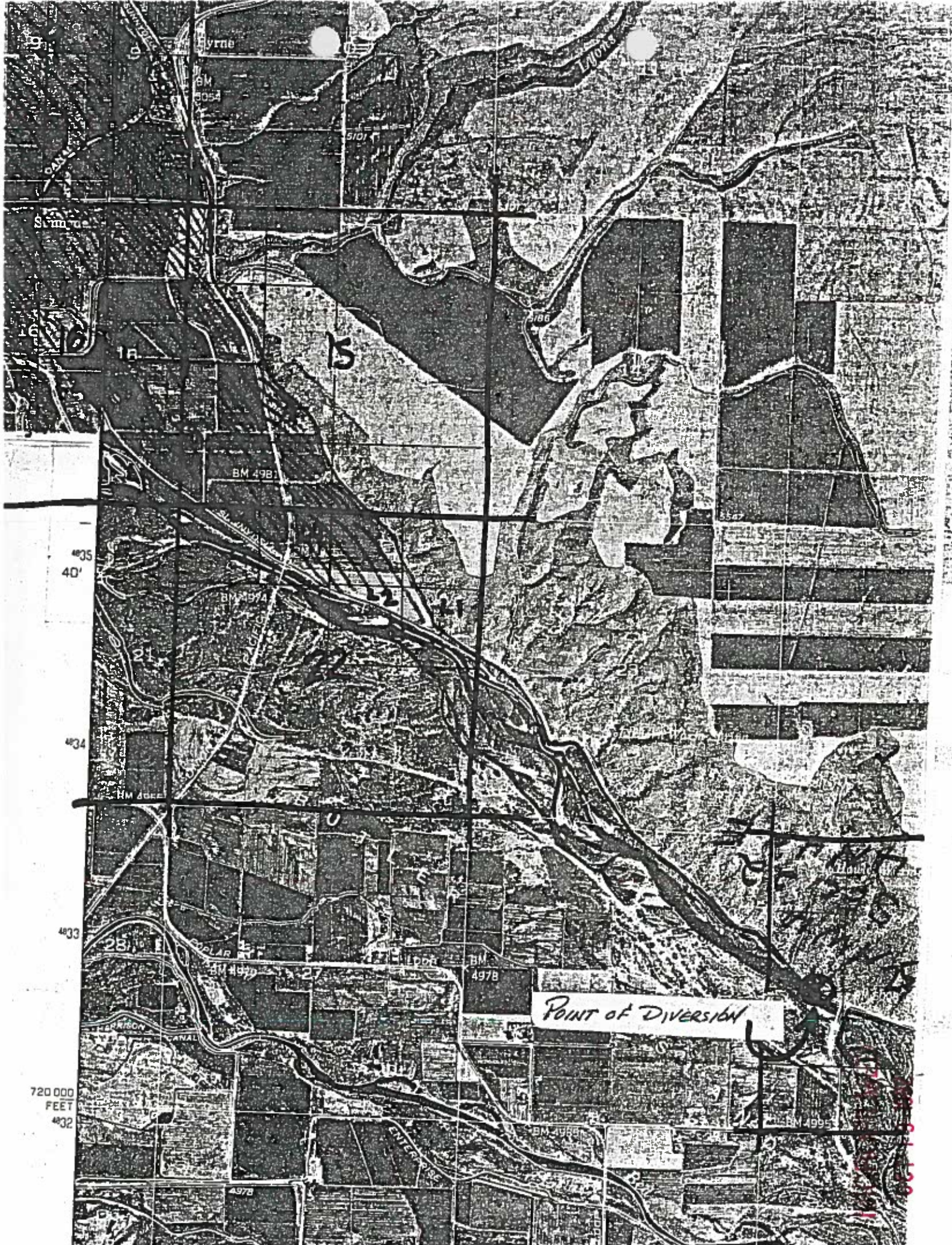
Subscribed and sworn (or affirmed) before me this 17th day
of Aug 19 88 Colleen Wray
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 5/29/1991



MICROFILMED
OCT 19 1992



POINT OF DIVERSION

720 000
FEET
432