

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: **A63-07002**
Date Received: 1/ 9/1990
Receipt No: M005479
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: MARTHA CUNNINGHAM 208-863-6561
Address: 5900 PEARL RD
EAGLE ID 83616
AND
Name: GARY CUNNINGHAM 208-863-6561
Address: 5900 PEARL RD
EAGLE ID 83616

2. Date of Priority: JUN 5, 1967

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	01W	24		SW	SE		GEM
		25		NW	NW		GEM
		26		SE	SE		GEM

5. Description of diverting works:
DRILLED WELL, APP. 295' DEPTH, 12" CASING, PUMP & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	1.560		571.50
STOCKWATER	01/01	12/31	0.090		5.40

7. Total Quantity Appropriated is:
1.560 C.F.S. (and/or) 576.90 A.F.A.

8. Total consumptive use is 445.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR UP TO 400 HEAD/RANGE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	01W	24	SE	SW		IRR	8.0
			SW	SE		IRR	18.0
			Section Acres				26.0
		25	NW	NE		IRR	16.0
			NE	NW		IRR	25.0
			NW	NW		IRR	3.0
			SW	NW		IRR	10.0
			NW	SW		IRR	5.0
			SE	SW		IRR	9.0
			Section Acres				68.0
		26	SE	NE		IRR	4.0
			NE	SE		IRR	21.0
			NW	SE		IRR	3.0
			SW	SE		IRR	5.0
			Section Acres				33.0
			Total Acres				127.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
A63-03180

14. Remarks:
OWNERSHIP CHANGE 10/15/1998 SB
CLAIM AMENDED PER APPROVED TRANSFER 5408. 4/28/99 LH

15. Basis of Claim: LICENSE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

— Western AJ

TRANSFER OF WATER RIGHT

TRANSFER NO. 5408
WATER RIGHT NO. 63-07002

RECEIVED

MAY 06 1999

WATER RESOURCES
WESTERN REGION

This is to certify that: DONALD B JENSEN
8661 W BEACON LIGHT RD
STAR ID 83669

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>
IRRIGATION	03/15 to 11/15	1.56 CFS	571.5 AF
STOCKWATER	01/01 to 12/31	0.09 CFS	5.4 AF
Totals		* 1.56 CFS	* 576.9 AF

SOURCE

GROUNDWATER

Priority: 06/05/1967

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 24, Township 06N, Range 01W
NWNW , Sec. 25, Township 06N, Range 01W
SESE , Sec. 26, Township 06N, Range 01W
GEM 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>	
06N	01W	24	SES	8	SWSE	18	26
		25	NWNE	16	NENW	25	
			SWNW	10	NWSW	5	
		26	SENE	4	NESE	21	
			SWSE	5			
							33
Total number of acres irrigated:							127

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS OF APPROVAL AND 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 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

TRANSFER NO. 5408
WATER RIGHT NO. 63-07002

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer 5408 shall not exceed 1.56 cfs, nor a total combined annual volume of 576.9 af.
8. After specific notification by the department, the right holder shall measure the diversion 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.
9. A single new well is authorized for use under Transfer 5408 that will be located within either the SWSE, S24 or SESE, S26, T06N, R01W and used with the existing well located within NWNW, S25, T06N, R01W.

Dated this

28th

day of

April

1999

J. Glen Saxton
Chief, Water Allocation Bureau

MEMORANDUM

TO: File 63-07002

FROM: Pam Skaggs^{CS}/State Office

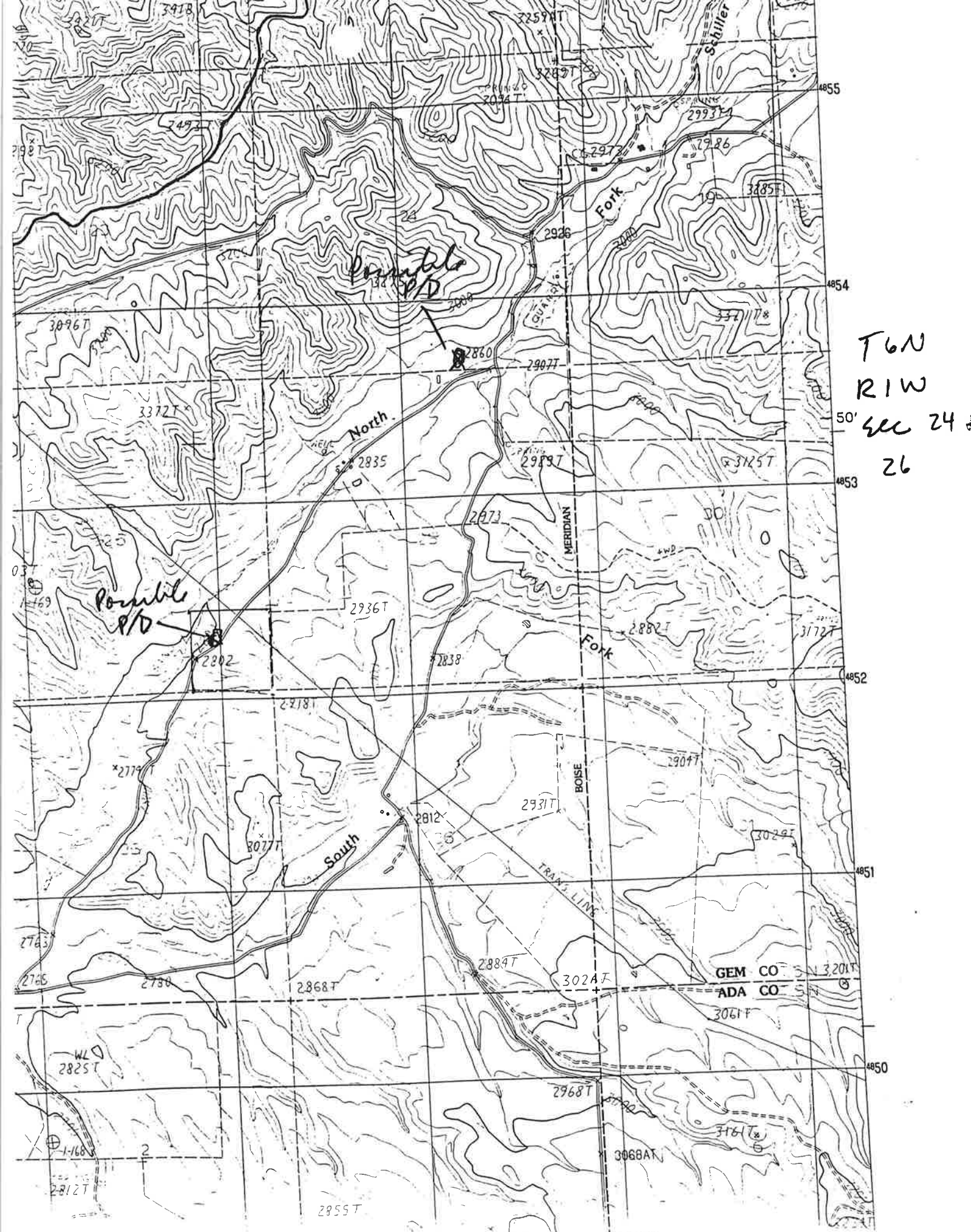
SUBJECT: Transfer 5408

DATE: April 27, 1999

Transfer 5408 adds a second point of diversion under Right 63-07002. The applicant proposes adding a second well in one of two quarter-quarters identified that will be used in conjunction with the original well to provide the full licensed amount of water.

The applicant filed both a transfer application and an application for a drilling permit as part of the sale agreement, prior to the completion of the sale of the property. The new owner, Gary Cunningham, is aware of the transfer and waiting for authorization to drill the new well. He has requested that a copy of the approval be sent directly to him (address in file). The associated SRBA claim has reflects the change in ownership from Jensen to Cunningham.

Season of use was adjusted to current standards. Recommended conditions include drilling permit requirements, multiple wells/measuring devices, future annual reporting, irrigation overlap and standard transfer conditions.



T6N
R1W
sec 24
26

ATTACHMENT B

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 26 2000

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
OCT 14 1998
WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

Department of Water Resources

1. Water Right No(s).: A63-03180 A63-07002
Adjudication Claim No(s).: AJ5809NP AJ5809NP
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant: Donald B. Jensen / Charlotte Jensen,
3661 W. Beacon Light Rd. Star ID
4. New Owner/Claimant(s): Stacy Gary & Martha Cunningham
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
New Mailing Address: 5900 Pearl Rd
City, State and ZIP Code: Exale
Idaho, ID
New Telephone Number: (208) 863-6561
5. Date you acquired the property: Sep 26, 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate: 160 Number and type of stock: 400 head range
3-100 horses
Diversion rate in CFS: 4.0
5.8 Number of homes: 1 Other uses: _____
7. Signature of New Owner or Claimant(s): Stacy Gary
Martha Cunningham
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

Copies from SRBA Claimant FILED
Revid. 5-24-2000
JUN 22 2000

Inst # 202239

WE HEREBY CERTIFY THAT THIS IS A TRUE & FAITHFUL COPY OF THE ORIGINAL INSTRUMENT TITLE & ESTATE

WARRANTY DEED

Lucinda M. Jensen
Recorded 9-24-98
at 3:51 PM

For Value Received Donald B. Jensen and Charlotte R. Jensen, husband and wife, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Gary N. Cunningham and Martha C. Cunningham, whose address is: P. O. Box 26, Lakefork, Idaho 83635 hereinafter called the Grantee, the following described premises situated in Gem County, Idaho, to-wit:

See Attached Exhibit A

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances Except: current year taxes, conditions, covenants, restrictions, reservations, easements, and right of way, apparent or of record, and that grantor will warrant and defend the same from all claims whatsoever.

Dated: 9-24-98

Donald B. Jensen
Donald B. Jensen

Charlotte R. Jensen
Charlotte R. Jensen

STATE OF IDAHO)
COUNTY OF GEM) : ss.

On this 24th day of September, 1998 before me, the undersigned Notary Public, personally appeared Donald B. Jensen and Charlotte R. Jensen, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.



Lucinda M. Jensen
Notary Public State of Idaho
Residing at: Emmett, Idaho
My Commission Expires: 6-30-2000

MICROFILMED

JUN 22 2000

EXHIBIT A

TOWNSHIP 6 North, Range 1 West, B.M., Gem County, Idaho

Section 24: The SW 1/4 of the SE 1/4; and

That part of the SE 1/4 of the SE 1/4 of Section 24, lying North and West of the County Road;

The W 1/2 of the NE 1/4 of the SE 1/4; S 1/2 of the SW 1/4; and NE 1/4 of the SW 1/4; and

SE 1/4 of the SE 1/4 lying East of the County Road.

Section 25: The NW 1/4 of the NE 1/4; NW 1/4 of the SW 1/4; and NW 1/4; NE 1/4 of the NE 1/4; and

That portion of the SW 1/4 of the NE 1/4 of said Section 25, described as follows:

Commencing at the Southwest corner of the SW 1/4 of the NE 1/4 of Section 25, T. 6 N., R. 1 W., B.M., Gem County, Idaho; thence North along the quarter quarter section line to the Northwest corner of the SW 1/4 of the NE 1/4; thence East along the quarter quarter section line to the Northeast corner of the SW 1/4 of the NE 1/4; thence Southwest to the South line of said SW 1/4 of the NE 1/4, to a point 735 feet East of the Real Point of Beginning; thence West 735 feet to the said REAL POINT OF BEGINNING.

Section 26: The SE 1/4 of the NE 1/4; SE 1/4 of the NW 1/4; NE 1/4 of the SW 1/4 and the SE 1/4.

D.J.
C.S.

MICROFILMED
JUN 22 2000

Three Horse Ranch

Gary and Martha Cunningham

Telephone 208-863-6561

5900 Pearl Road
Eagle, ID 83616

October 12, 1998

Sue Bock
State of Idaho
Department of Water Resources
Western Region,
2735 Airport Way
Boise, ID 83705-5082

RECEIVED
OCT 14 1998
WATER RESOURCES
WESTERN REGION

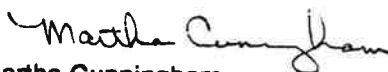
Dear Sue,

Thank you for your help in the water right ownership claim. If you will recall, you sent information to us up at McCall in September as we were in escrow for the property in Eagle.

Enclosed are the ownership change form and a copy of the warranty deed conveying the property from Mr and Mrs Jensen to us. I believe I put in the correct Water Right Numbers and Adjudication Claim Numbers. If I have done this incorrectly, please advise.

Thank you again.

Best Regards,


Martha Cunningham

MICROFILMED

JUN 22 2008

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: A63-07002

Date Received: 1/09/1990

Receipt No: M005479

Received By:

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONALD B. JENSEN 208-286-7374
Address: 8661 WEST BEACON ROAD
STAR, ID 83669

OR

Name: CHARLOTTE JENSEN 208-286-7374
Address: 8661 WEST BEACON ROAD
STAR, ID 83669

2. Date of Priority: JUN 05, 1967

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	01W	25	SE	NW	NW		GEM

5. Description of diverting works:
DRILLED WELL, APP. 295' DEPTH, 12" CASING, PUMP & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	1.560		571.50
STOCKWATER	01/01	12/31	0.090		5.40

7. Total Quantity Appropriated is:
1.560 C.F.S. (and/or) 576.90 A.F.A.

8. Total consumptive use is 445.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR UP TO 400 HEAD/RANGE.

A63-07002

Page 1

Date: 01/09/90

MICROFILMED
AUG 21 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	01W	24	SE	SW		IRR	8.0
			SW	SE		IRR	18.0
					Section Acres		26.0
		25	NW	NE		IRR	16.0
			NE	NW		IRR	25.0
			NW	NW		IRR	3.0
			SW	NW		IRR	10.0
			NW	SW		IRR	5.0
			SE	SW		IRR	9.0
					Section Acres		68.0
		26	SE	NE		IRR	4.0
			NE	SE		IRR	21.0
			NW	SE		IRR	3.0
			SW	SE		IRR	5.0
					Section Acres		33.0
					Total Acres		127.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
A63-03180

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): Ronald B. Jensen Date: 1-9-90

Date: _____

State of Idaho)
County of GEM) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of JANUARY 19 90

Glenn E. Smith
Notary Public

Seal

Residing at BOISE, ID
My Commission Expires 11/08/1994

State of Idaho
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 63-7002 Priority June 5, 1967 Amount 1.56 cfs

THIS IS TO CERTIFY, that Glen Smith & Elwood T. Smith
of Eagle, Idaho, have ~~not~~ complied with the terms and conditions of Permit
No. 63-7002 issued pursuant to Application for Permit dated June 5, 1967
and has submitted proof to the Department of Water Administration on June 27, 1974
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 1.56 cfs of water from a ground water source
tributary to _____ and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Stockwater from	Jan. 1 to Dec. 31	at 0.09 cfs and	8.4 acre feet
Irrigation from	April 1 to Oct. 15	at 1.56 cfs and	571.5 acre feet or
	from _____ to _____	at _____ cfs and	4.5 af per acre

(both dates inclusive)

Subject, however, to the condition that no more than 1.56 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
576.9 acre feet per year, said waters to be diverted within the NW1/4 NW1/4 of Sec. 25,
Twp. 6 N, Rge. 1 W, B. M., in the County of Gem

Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Total
			NE1/4	NE1/2	SW1/4	SE1/4	NE1/4	NW1/2	SW1/4	SE1/4	NE1/4	NW1/2	SW1/4	SE1/4	NE1/4	NW1/2	SW1/4	SE1/4	
6 N	1 W	24											8			18			26
		25	16				25	3	10	0	5								48
		26				4								21	3	5			30

Total number of acres irrigated 127

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 43-222, 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
September, 19 74

Director

MICROFILMED
AUG 21 1992

09/22/2006

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

RIGHT NUMBER: 63-7002

NAME AND ADDRESS: GARY CUNNINGHAM
5900 PEARL RD
EAGLE ID 83616

MARTHA CUNNINGHAM
5900 PEARL RD
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.560 CFS
576.900 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 06/05/1967

POINT OF DIVERSION:

T06N R01W S25 NWNW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/15	1.560 CFS 571.50 AFY
STOCKWATER	01/01 12/31	0.090 CFS 5.40 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 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 GEM County

T06N R01W S24	SESW	8.30	T06N R01W S24	SWSE	20.80
T06N R01W S24	SESE	1.80	T06N R01W S25	NWNE	14.50
T06N R01W S25	SWNE	0.20	T06N R01W S25	NENW	26.60
T06N R01W S25	NWNW	2.80	T06N R01W S25	SWNW	14.00
T06N R01W S25	SENW	8.00	T06N R01W S25	NWSW	0.20
T06N R01W S26	SENE	9.00	T06N R01W S26	NESE	14.80
T06N R01W S26	NWSE	5.30	T06N R01W S26	SWSE	0.70

09/22/2006

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

STOCKWATER Within GEM County

T06N R01W S24	SESW	T06N R01W S24	SWSE
T06N R01W S24	SESE	T06N R01W S25	NWNE
T06N R01W S25	SWNE	T06N R01W S25	NENW
T06N R01W S25	NWNW	T06N R01W S25	SWNW
T06N R01W S25	SESW	T06N R01W S25	NWSW
T06N R01W S26	SENE	T06N R01W S26	NESE
T06N R01W S26	NWSE	T06N R01W S26	SWSE

127 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

A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Stockwater use is for 400 range cattle.

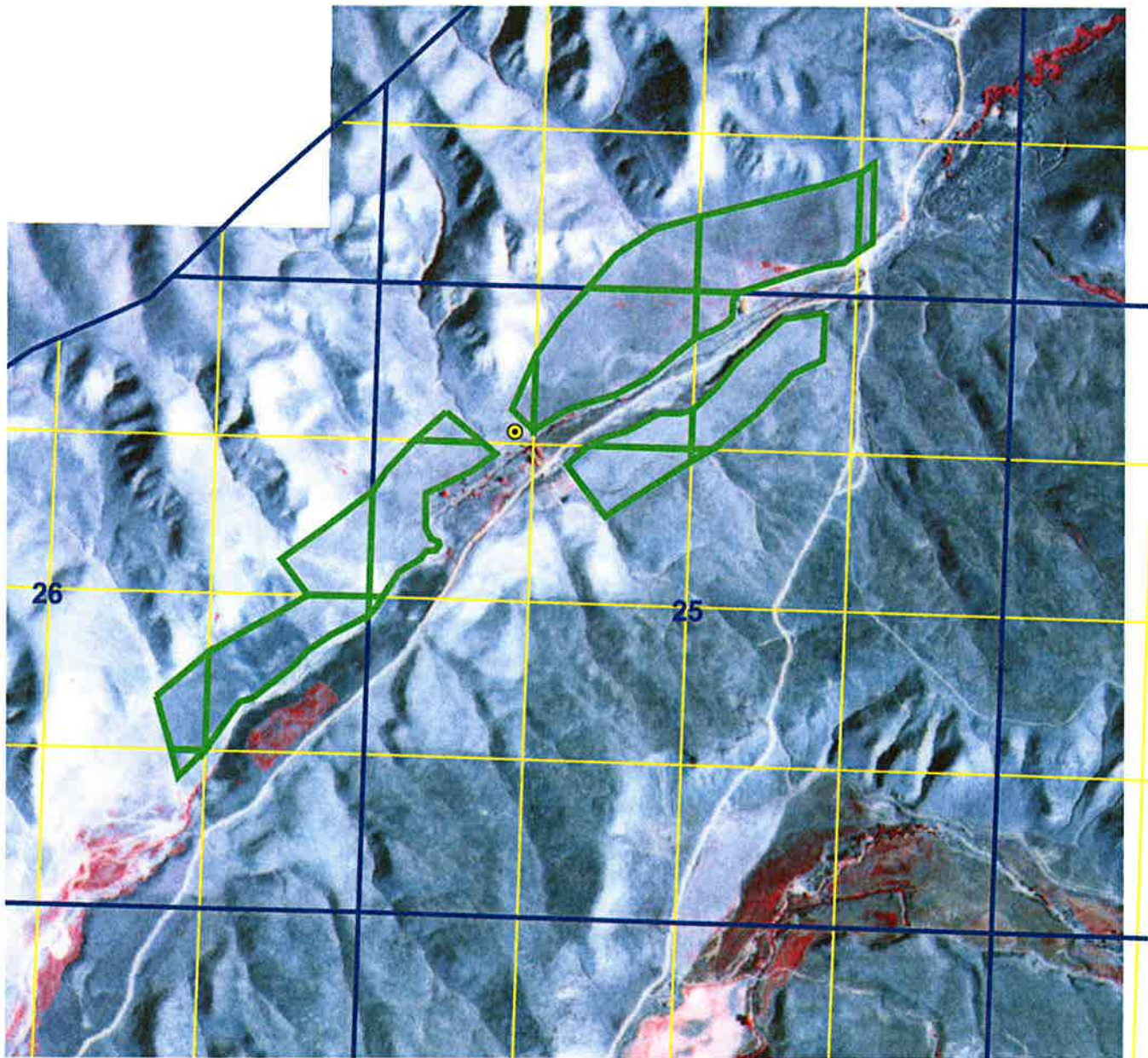
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

63-7002

06N 01W Sections 24, 25 & 26



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 127

700 0 700 Feet



IDWR
Prepared by: Lori Graves
Date: 08-22-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7002 V1

WATER RIGHT NUMBER: 63-7002 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GARY CUNNINGHAM 5900 PEARL RD EAGLE, ID 83616 (208)863-6561
Original Owner	CHARLOTTE JENSEN 9551 W HIGHWAY 52 EMMETT, ID 83617 (208)286-7374
Original Owner	DONALD B JENSEN 9551 W HIGHWAY 52 EMMETT, ID 83617 (208)286-7374
Current Owner	MARTHA CUNNINGHAM 5900 PEARL RD EAGLE, ID 83616 (208)863-6561

Priority Date: 06/05/1967

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/15	1.560 CFS	571.50 AF
STOCKWATER	01/01 to 12/31	0.090 CFS	5.40 AF
	<u>Total Diversion:</u>	1.560 CFS	576.90 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 25, Twp 06N, Rge 01W, B.M.
GEM County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	01W	24												8.3			20.8	1.8	30.9
06N	01W	25		14.5	.2		26.6	2.8	14.0	8.0		.2							66.3
06N	01W	26				9.0									14.8	5.3	.7		29.8

Total Acres: 127

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7002 V1

Total Acres: 127
STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 01W 24												X			X	X	
06N 01W 25		X	X		X	X	X	X		X							
06N 01W 26				X									X	X	X		

Conditions of Approval:

1. 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
2. X02 Stockwater use is for 400 range cattle.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
5. S39 The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 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.
6. 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.

Remarks:Comments:

1. Igraves 8/21/2006 Overlaps

Comment: Water from N Fk Willow Creek under right 63-3180 overlaps 2 acres in the SWNW S25.

2. Igraves 8/21/2006 P/U

Comment: The recommended p/u for the 127 licensed acres was adjusted based on the 1987 aerial photo.

3. Igraves 8/21/2006 P/D

Comment: Transfer No. 5408 was approved for this right in 1999 to add a second well to the system, proposing two possible locations. The existing well and two proposed locations for the new well were listed on the SRBA claim. Owners then requested an extension of time to complete the transfer, which was granted to April 28, 2001. IDWR drilling section confirmed that the second proposed well was never drilled. Only the licensed p/d was recommended for the existing well.

4. Igraves 8/22/2006 Season of Use

Comment: Licensed season of use was 4/1 to 10/15. Approved Transfer No. 5408 changed the season to the department standard. The season was recommended as licensed with condition S39 since the transfer was not accomplished.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7002 V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

WATER RIGHT NUMBER: 63-7002

Twp	Rge	Sec	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
06N	01W	24												8.0			18.0	1.8	26.0
													8.3				20.8		30.9

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-7002

06N 01W 25	18.0 14.5 + .2	25.0 26.6	3.0 2.8	10.0 14	8	5.0 .2	9.0	88.0 66.3
06N 01W 26		4.0 9					121.0 114.8	3.0 5.3
							5.0 .7	33.0 29.8

Total Acres: 127

STOCKWATER same as IRRIGATIONConditions of Approval:

- expl* 1. 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
2. ~~OWNERSHIP~~ CHANGE 10/15/1998 SB CLAIM AMENDED PER APPROVED TRANSFER 5408.
4/28/99 LH

Remarks:Comments:Dates and Other Information:

Claim Received Date: 1/9/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

*add: R65 - limited to .02
 cfs + 4.5 afa when
 combined*

carry over C05

539 3/15 - 11/15

Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

August 9, 2000

DIRK KEMPTHORNE
GOVERNOR

Gary & Martha Cunningham
5900 Pearl Rd.
Eagle, ID 83616

KARL J. DREHER
DIRECTOR

RE: Transfer 5408 & Extension to Complete Transfer

Dear Mr. & Mrs. Cunningham:

I am in receipt of your 08-01-2000 letter inquiring about the above referenced transfer and extension order. Donald Jensen, the previous owner of your property applied through the application for transfer to add an additional well to his irrigation system. Due to a decrease in production of the existing well located in the SENWNW, S25, T06N, R01W, an additional well was proposed to allow full diversion of water under Right 63-07002.

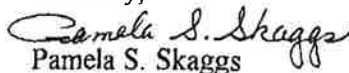
The transfer approval included two proposed sites for the new well, the SWSE, S24 or the SESE, S26, T06N, R01W. (See Condition 9 of the transfer approval.) Mr. Jensen also obtained Drilling Permit 63-99-0300-000 to begin the construction of the proposed well approved under Transfer 5408. One of the conditions of the Drilling Permit is that the permit is valid for two (2) months from the approval date for the start of construction. (See enclosed Well Drilling Permit report.) Since the drilling permit was approved 05-03-1999, a new drilling permit must be obtained to begin construction of a new well now.

The Order Granting an Extension of Time to Complete the Transfer does not extend the drilling permit. You will need to contact the Ground Water Protection Section to obtain a valid drilling permit prior to drilling the second well proposed under Transfer 5408. The driller or the property owner can generally obtain this permit within a short period of time at either our Western Region or State office.

No further action beyond the addition of the new well is required by you to complete the transfer. If you choose not to drill the second well, you may still divert the water right from the available water in the original well.

If you require additional information regarding this matter, please call me directly at (208) 327-7943, e-mail me at pskaggs@idwr.state.id.us or contact me by mail, and I will be happy to assist you.

Sincerely,


Pamela S. Skaggs

Sr. Water Rights Agent

RECORDED

AUG 10 2000

Three Horse Ranch

Gary and Martha Cunningham
5900 Pearl Road
Eagle, ID 83616

Telephone 208-863-6561

RECEIVED

AUG - 8 2000

August 7, 2000

Department of Water Resources

Pamela Skaggs
Dept. of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RE: Order Granting Extension of Time to Complete Transfer 5408

Dear Ms. Skaggs,

I am writing in reference to your letter of August 1, 2000. As I understand your letter and the accompanying documents we now have an Order Granting Extension of Time to Complete Transfer. How do we now Complete the Transfer? What process do we need to go through to accomplish this?

Second, who do we speak with for the associated Drilling Permit (63-99-C-0300-000)? How do we go about that approval process?

Thank you for your help.

Best Regards,


Gary Cunningham

MICROFILMED

63-07002

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF TRANSFER NO. 5408 OF)
WATER RIGHTS 63-07002 IN THE NAME OF)
DONALD B. JENSEN)

ORDER GRANTING
EXTENSION OF TIME TO
COMPLETE TRANSFER

On April 28, 1999 the Department approved the above referenced Application for Transfer with a condition that:

The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

Donald B. Jensen sold the property and Right 63-07002 to Martha and Gary Cunningham. As the current right holder, Gary Cunningham has notified the Department that the transfer has not yet been accomplished.

The right holder has requested an extension of time for completion of the transfer and has shown reasonable cause for the delay.

IT IS, THEREFORE, HEREBY ORDERED that the right holder of Transfer No. 5408 is granted an extension to April 28, 2001 in which to accomplish the transfer. This order does not extend the associated Drilling Permit 63-99-C-0300-000 since that is a separate department approval.

Dated this 26th day of May, 2000.



L. GLEN SAXTON

Chief, Water Allocation Bureau

MICROFILMED

Three Horse Ranch

Gary and Martha Cunningham
5900 Pearl Road
Eagle, ID 83616

Telephone 208-863-6561

May 23, 2000

Mr. Glen Saxton
1301 North Orchard
Boise, ID 83720

RE: Water Right No. 63-07002 and
Transfer No. 5408

Mr. Saxton,

Per my conversation of April 19th with Mel Schute, we are requesting an extension on Water Right Transfer No. 5408. We purchased this property from Don Jensen and pursuant to that real estate transaction, Mr. Jensen filed the application for transfer and obtained the drilling permit. Additionally, we have submitted a change of ownership.

We had a current irrigation well permit to drill this well. However, a litigation process prevents us from moving forward at this time. We would appreciate an extension on condition #3 of this transfer for 12 months. If necessary, please mail the appropriate forms required to make this request to the above address. We look forward to hearing from you.

Best Regards,

Gary Cunningham

cc. Rob Whitney
Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5408
WATER RIGHT NO. 63-07002

This is to certify that: **DONALD B JENSEN**
8661 W BEACON LIGHT RD
STAR ID 83669

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>
IRRIGATION	03/15 to 11/15	1.56 CFS	571.5 AF
STOCKWATER	01/01 to 12/31	0.09 CFS	5.4 AF
	Totals	* 1.56 CFS	* 576.9 AF

SOURCE

GROUNDWATER

Priority: 06/05/1967

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 24, Township 06N, Range 01W
NWNW , Sec. 25, Township 06N, Range 01W
SESE , Sec. 26, Township 06N, Range 01W
GEM 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>
06N	01W	24	SESW 8	SWSE 18		26
		25	NWNE 16	NENW 25	NWNW 3	
			SWNW 10	NWSW 5	SESW 9	68
		26	SENE 4	NESE 21	NWSE 3	
			SWSE 5			33
						127

Total number of acres irrigated: 127

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS OF APPROVAL AND 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 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

MICROFILMED

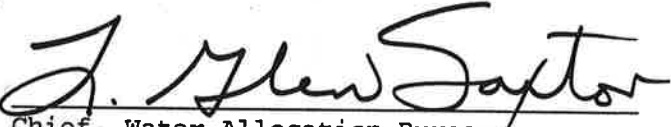
JUN 03 1999

TRANSFER NO. 5408
WATER RIGHT NO. 63-07002

CONDITIONS OF APPROVAL AND REMARKS

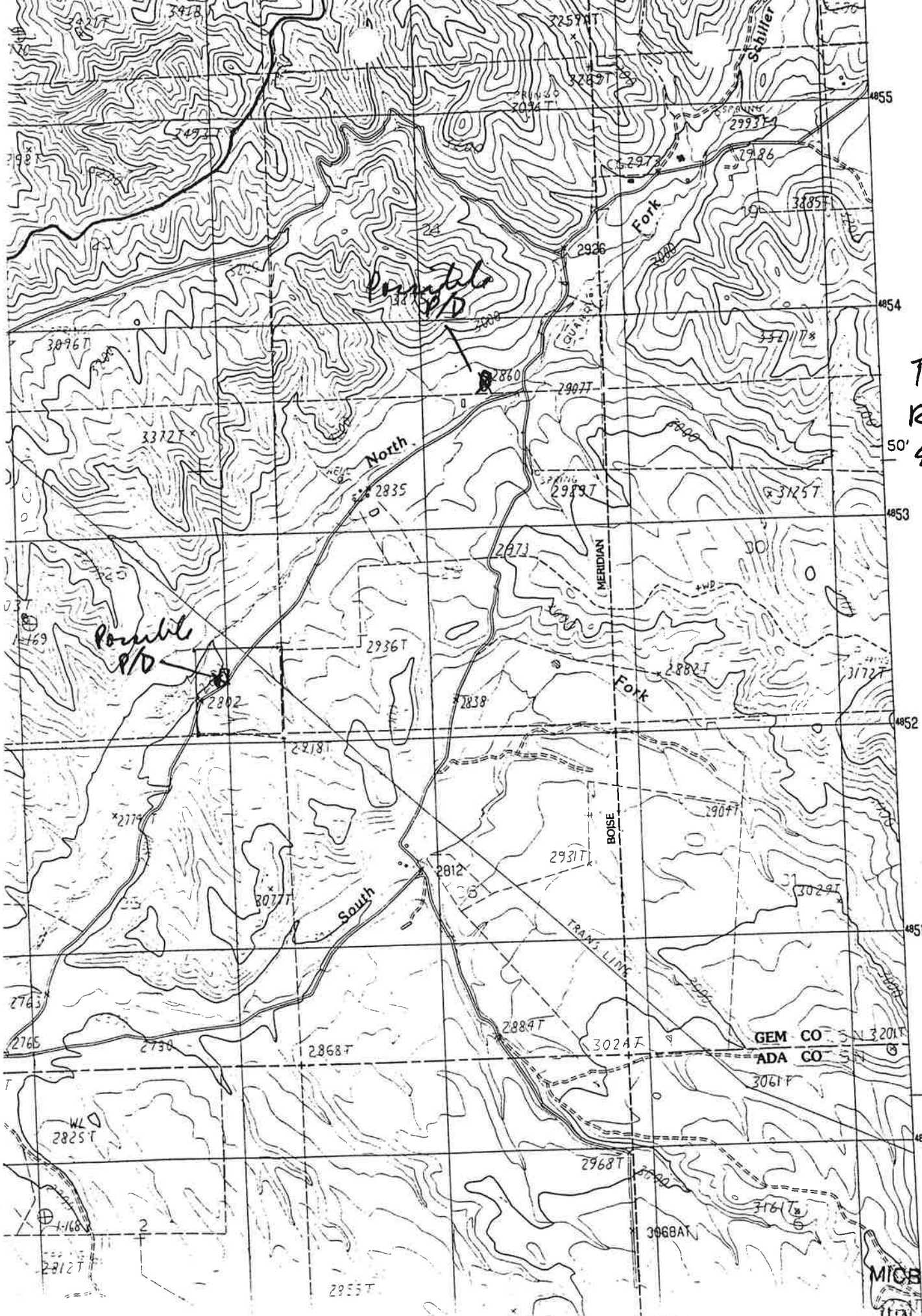
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer 5408 shall not exceed 1.56 cfs, nor a total combined annual volume of 576.9 af.
8. After specific notification by the department, the right holder shall measure the diversion 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.
9. A single new well is authorized for use under Transfer 5408 that will be located within either the SWSE, S24 or SESE, S26, T06N, R01W and used with the existing well located within NWNW, S25, T06N, R01W

Dated this 28th day of April, 1999.


Chief, Water Allocation Bureau

MICROFILMED

JUN 03 1999



T6N
R1W
Sec 24 +
26

GEM CO
ADA CO

MICROFILMED

JUN 03 1993
ATTACHMENT B1

WD5803NP
(00-5803)

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLING PERMIT NUMBER INDEX

DATE: 08/09/00
PAGE: 1

PERMIT NUMBER	OWNER CODE	NAME & ADDRESS	TWP	RGE	SEC	TRACT	LOT	ACC FLG	COUNTY
63-99-C-0300-000	0	DONALD JENSEN / 8661 W BEACON LT STAR, ID 83669 (208) 286-7374	06N	01W	26	SE SE /		P	GEM

Subdivision Well Site Location and Description:
Subdivision Name:
Well Site Address: 5900 PEARL RD
City, State: EAGLE, ID

Lot(s):
Block(s):

Geographic Location:
GPS Site ID:
Lat: : : N
Long: : : W
Accuracy Code:

Injection Permit No.
Water Right No. 63-07002 #

Well Construction Information:

Anticipated Bottom Temp: 85F or less

Proposed Use of Well: Irrigation

Proposed Casing Diameter: 16 In.

Proposed Depth: 400 Ft.

Well Use Comments:

Driller License No: 0213

Firm Name: PETE COPE DRILLING CO INC
Official: ANN COPE

Permit Status: Filed

Verbal Issued Date:	Receipt No.	Receipt Date	Fee
Verbal Issued Time:			
Received Date: 11/16/1998	W024713	02/17/1999	\$ 180.00
Approved Date: 05/03/1999	W024588	02/17/1999	120.00
Proposed Start Date:			
Extension Date:			
Extension Expiration:			

Specific Conditions: The seal for this well shall be continuous from land surface to the first substantial clay unit ($\geq 10'$ in thickness) below 100' in depth. The seal shall extend into the aquitard a minimum of 50% of its thickness or 100% of its thickness if the aquitard is overbored its entire thickness.
The owner or driller shall notify the Department of the intended date for commencement of construction prior to the start of construction.

Permit Remarks:

Conditions of Approval: This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.

This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required prior to construction of this well. The local Health Department should be contacted for septic tank/drainfield locations. Domestic wells

State of Idaho
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 63-7002 Priority June 5, 1967 Amount 1.56 cfs

THIS IS TO CERTIFY, that Glea Smith & Elwood T. Smith
of Eagle, Idaho, have ~~xxx~~ complied with the terms and conditions of Permit
No. 63-7002 issued pursuant to Application for Permit dated June 5, 1967,
and has submitted proof to the Department of Water Administration on June 27, 1974,
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 1.56 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Stockwater</u> from <u>Jan. 1</u> to <u>Dec. 31</u> at <u>0.09</u> cfs and			<u>5.4 acre feet</u>
<u>Irrigation</u> from <u>April 1</u> to <u>Oct. 15</u> at <u>1.56</u> cfs and			<u>571.5 acre feet or</u>
from _____ to _____ at _____ cfs and			<u>4.5 af per acre</u>

(both dates inclusive)

Subject, however, to the condition that no more than 1.56 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
576.9 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 25,
Twp. 6 N, Rge. 1 W, B.M. in the County of Gem

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6 N	1 W	24												8			18		26
		25		16			25	3	10	9	5								68
		26				4									21	3	5		33

Total number of acres irrigated 127

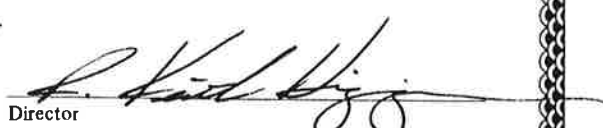
A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

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 28 day of
September, 19 74.

MICROFILMED

Director 

DATE OF EXAM 6 Sept 1974

ACREAGE
Found 127.0
Recommended 127.0

Irrigation Requirement 4.5 Ac Ft/Ac

USE
Irrigation Q = 1.56 c.f.s. V = 571.5 AF/Ann. from Apr 1 to Oct 15
Domestic Q = .09 c.f.s. V = 5.4 AF/Ann. from Jan 1 to Dec 31
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 1.56 cfs Method of measurement 2' rectangular weir

Total Q recommended 1.56 cfs Meter No. _____ Type _____ Condition New

Total V recommended 576.9 AF/Ann.

Recommended Amendments:

P.D. should be NW 1/4 NW 1/4 Sec 25, T6N R1W
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:

2' Rect. Weir: H = .39' Q = 1.56 cfs
V = 127 x 4.5 = 571.5 (Irrig.)
5.4 (Stock water)
576.9 AF/Ann.

SYSTEM DESCRIPTION:

227 x 12" w/ 100 HP G.E. motor (Ser # E2151156)
1500' of 8" mainline, 3500' of 6" mainline, 2800' of 5" plastic, 1000' of 4" plastic
mainline. Weir at end of mainline w/ open ditch system or
sprinklers.

REMARKS:

132 1/2" w/ 212 @ 110 - 70 ft
R.B. 30 W/S

Examiner's Signature M. Clayton Brown Date 6 Sept 1974

Checked by _____ Date _____

Approved by _____ Date _____

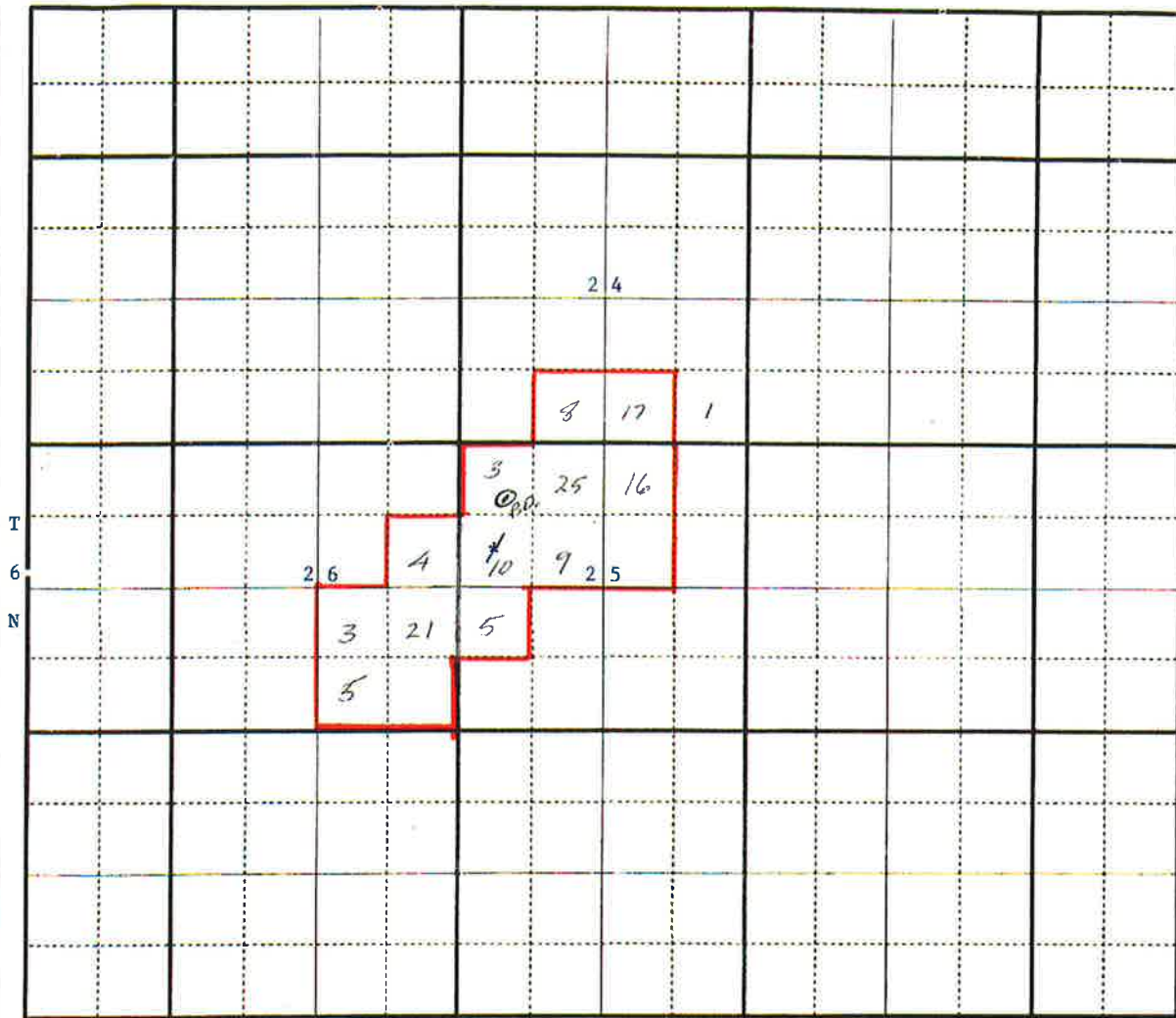


Diagram of System

