

04/29/2003

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

RIGHT NUMBER: 29-13536
NAME AND ADDRESS: NATALIE GUNTER
PO BOX 433
MC CAMMON ID 83250

RUSSELL GUNTER
PO BOX 433
MC CAMMON ID 83250

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.060 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.234 CFS. COMBINED RIGHT NOS.:
29-13536, 29-13539, 29-13542, 29-13545, 29-13548, 29-13551, 29-13554.

PRIORITY DATE: 08/07/1932

POINT OF DIVERSION:

T09S R37E S15 SENENW Within BANNOCK County Source: WEST BOB SMITH CREEK
T09S R37E S15 SESENEW Within BANNOCK County Source: WEST BOB SMITH CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.060 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R37E S14 NWSW 11.7

STOCKWATER same as IRRIGATION

11.7 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 11.7 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-13536, 29-13539,
29-13542, 29-13545, 29-13548, 29-13551, 29-13354.

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: Beneficial Use

THIS IS AN EXTENDED SEASON OF USE RIGHT BASED ON BENEFICIAL USE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 29-13536, 29-13539, 29-13542, 29-13545,
29-13548, 29-13551, 29-13354.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-13300. THEN SPLIT TO
29-13520. THEN SPLIT TO THIS NUMBER.

A2913536



03/26/2003

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

RIGHT NUMBER: 29-13520

NAME AND ADDRESS: MAX W HALL
PO BOX 784
LAVA HOT SPRINGS ID 83246

SOURCE: WEST BOB SMITH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: ~~3.540 CFS~~ **3.35 cfs** (~~Excess Rts~~ ^{= 3.35 cfs})

$$3.35 \div 279^2 = 0.012/ac$$

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.35 CFS. COMBINED RIGHT NOS.: 29-13510, 29-13512, 29-13514, 29-13516, 29-13518, 29-13520.

PRIORITY DATE: 08/07/1932

POINT OF DIVERSION:

T09S R37E S15 SENENW Within BANNOCK County Source: WEST BOB SMITH CREEK
T09S R37E S15 SESENW Within BANNOCK County Source: WEST BOB SMITH CREEK

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	3.500 CFS
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T09S R37E S14	NWSW	21.9	T09S R37E S14	SWSW	28.9
T09S R37E S15	NESW	36.0	T09S R37E S15	SESW	0.7
T09S R37E S15	NESE	39.0	T09S R37E S15	NWSE	25.0
T09S R37E S15	SWSE	29.0	T09S R37E S15	SESE	39.0
T09S R37E S22	NENE	6.0	T09S R37E S22	NWNE	17.0
T09S R37E S22 Lot 2 SWNE		19.0	T09S R37E S22 Lot 1 SENE		4.2
T09S R37E S22 Lot 4 SWNW		5.2	T09S R37E S22 Lot 3 SENW		8.3

STOCKWATER same as IRRIGATION

279.2 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 279.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-13510, 29-13512, 29-13514, 29-13516, 29-13518, 29-13520, 29-13309.

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:

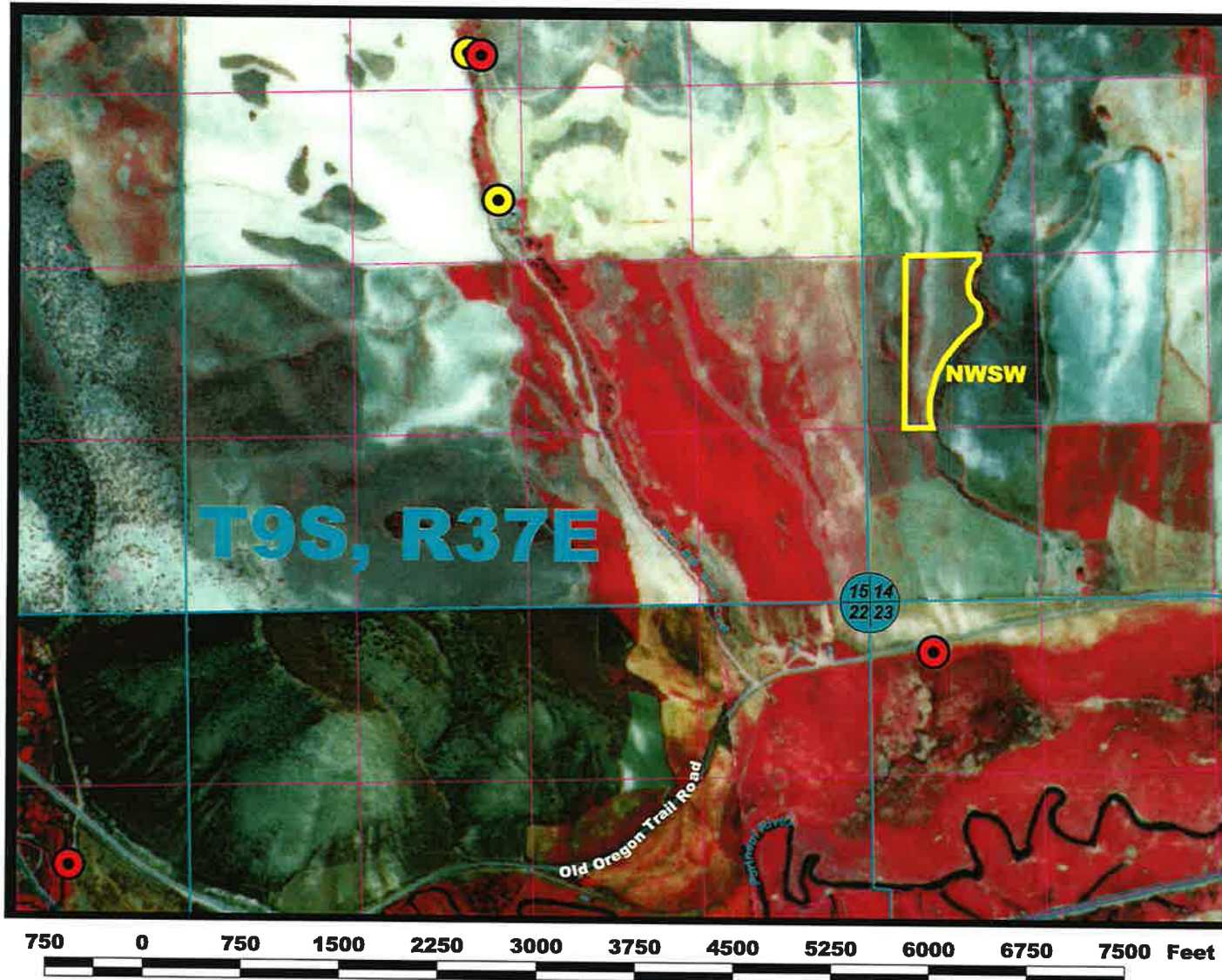
29-13520

29-13534 M. HALL
263.0 Ac. @ 3.156 cfs

29-13535 J. HALL
5.0 ac @ 0.060 cfs

29-13536 R. GUNTER
11.7 ac @ 0.134 cfs

Water Right 29-13520



**29-13536, 29-13539,
29-13542, 29-13545,
29-13548, 29-13551,
29-13554.**

**Place of Use: T9S, R37E
(part of) Sec. 14 NWSW**

**Point(s) of Diversion: T9S, R37E
Sec. 15 SENENW, SESENW**



LEGEND

- | | |
|---|---------------------------|
|  | Point of Diversion |
|  | SESE |
|  | Place of Use |
|  | Section |
|  | Quarter-Quarter |

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: April 2003

04/29/2003

Eclerk

**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:

Water right number: 29-13536

NATALIE GUNTER
PO BOX 433
MC CAMMON ID 83250
Telephone Number: (208) 221-4682

RUSSELL GUNTER
PO BOX 433
MC CAMMON ID 83250
Telephone Number: (208) 221-4682

RECEIVED
JUN 02 2003
Department of Water Resources
Eastern Region

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

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

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

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

DATE: 5/27/03 SIGNATURE: Russell V. Gunter

Please print your name: Russell V. Gunter

IDWR Regional Office,

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

Allen

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

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, 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
<i>according to Max</i>		☒			
<i>Hall's #s</i>			<i>SEE ATTACHED LIST OF AJ CLAIMS</i>		
			<i>AS SPLIT OFF OF MAX'S CLAIMS.</i>		

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

- The appropriate **FILING FEE**. See instructions for fee amounts. *NO FEE*
- 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**.
- 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) are 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)

Max W. Hall

4. New Owner/Claimant(s)

5675 E. Old Oregon Tr. Rd. Lava Hot Springs, ID 83246

Russell V. Gunter Natalie H. Gunter

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

New Mailing Address

PO Box 433 1205 1st West

City, State and ZIP Code

McCammon ID 83250

New Telephone Number

(208) 221-4682 or (208) 221-4683

5. Date you acquired the property

March 19, 2003

RECEIVED

APR 18 2003

Department of Water Resources
Eastern Region

FURNISHED BY

WARRANTY DEED

For Value Received

20306842

Max W. Hall

the grantor , do hereby grant, bargain, sell, and convey unto

the grantee , whose current address is

Russell V. Gunter and Natalie H. Gunter
Husband and wife
PO Box 433
McCammon, ID 83250

the following described premises, to-wit:

Land: A parcel of land described as the East 990.66 feet of the NW1/4SW1/4 of Section 14, Township 9 South, Range 37 East of the Boise Meridian, Bannock County, Idaho containing 30.07 acres more or less.

Roadway: Also an easement for ingress and egress, 40.00 feet in width, 20.00 feet on each side of the following described center line: Commencing at the W1/4 corner of said Section 14; Thence, N 89°51'13" E, 328.98 feet, said point being the NW corner of the above described parcel; Thence, S 00°09'01" E, along the West line of the above described parcel, 671.61 feet; Thence, N 89°50'59" E, leaving said West line, 205.77 feet to the TRUE POINT OF BEGINNING; Thence, S 12°51'22" W, 282.73 feet; Thence S 00°19'02" E, 940.70 feet; Thence, S 03°15'25" W, 687.25 feet; Thence along a curve to the right, having a radius of 50.00 feet, through a central angle of 86°30'04", for an arc length of 75.49 feet; Thence, S 89°45'29" W, 384.60 feet to a point on the Section line common to Sections 14 and 15; Thence, S 89°45'29" W, 644.60 feet; Thence along a curve to the right, having a radius of 75.00 feet, through a central angle of 41°35'26", for an arc length of 54.44 feet; Thence, N 48°39'05" W, 554.00 feet; Thence, N 51°24'47" W, 386.92 feet; Thence, N 74°17'32" W, 245.46 feet to a point shown on Record of Survey Instrument number 99017097 as the property corner and the center of a 60.00 foot easement which extends to West Bob Smith Road, the sides of said 40.00 foot easement being shortened or lengthened conform to the sides of the easement shown on the above shown Record of Survey easement and to property lines of the same.

We also agree that the initial cost of roadway will be paid by Russell and Natalie Gunter, with the understanding that any other easements granted on the above stated roadway easement will pay a portion of the cost of the road and maintenance based on percentage of road used.

Water Rights: Russell V. Gunter and Natalie H. Gunter will have 3% of total water rights of Max W. Hall and 3% of the main line maintenance.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee , that he the owner in fee simple of said premises; that said premises are free from all incumbrances except as hereinabove set forth and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: 3-18-03

20305842

Russell V. Gunter
RECORDED AT REQUEST OF

FEE 3 DEPUTY BP

2003 MAR 19 PM 1:49

STATE OF IDAHO, COUNTY OF

On this 18th day of March, 2003,
before me, a notary public in and for said State, personally
appeared

known to me to be the person who name
subscribed to the within instrument, and acknowledged to
me that executed the same.

Louise P. Wilding
Notary Public

Residing at Bannock County, Idaho
Comm. Expires 1-16-08

OFFICIAL RECORD BK# 826
LARRY W SHAN RECORDER
BANNOCK COUNTY IDAHO



INSTRUMENT NO.

Split History of Max Hall's water rights off West Bob Smith Creek 3/21/03

			29-13549 M. Hall
29-00207	29-00207A	29-13510 (0.530 cfs/ 279.2ac) M. Hall	29-13550 J. Hall
		(.545 cfs/ 287 ac)	R. GUNTER
	29-00207B	29-13511 (0.015 cfs/ 7.8 ac) E. Rush	29-13551
L. Stewart			29-13546 M. Hall
29-00214	29-00214A	29-13512 (0.568 cfs/ 279.2 ac) M. Hall	29-13547 J. Hall
		(0.584 cfs/ 287 ac)	R. GUNTER
	29-00214B	29-13513 (0.016 cfs/ 7.8 ac) E. Rush	29-13548
L. Stewart			29-13543 M. Hall
29-00215	29-00215A	29-13514 (0.642 cfs/ 279.2 ac) M. Hall	29-13544 J. Hall
		(0.660 cfs/ 287 ac)	R. GUNTER
	29-00215B	29-13515 (0.017 cfs/ 7.8 ac) E. Rush	29-13545
L. Stewart			29-13540 M. Hall
29-10774	29-10774A	29-13516 (0.893 cfs/ 279.2 ac) M. Hall	29-13541 J. Hall
		(0.917 cfs/ 287 ac)	R. GUNTER
	29-10774B	29-13517 (0.024 cfs/ 7.8 ac) E. Rush	29-13542
L. Stewart			29-13537 M. Hall
29-10776	29-10776A	29-13518 (0.720 cfs/ 279.2 ac) M. Hall	29-13538 J. Hall
		(0.740 cfs/ 287 ac)	R. GUNTER
	29-10776B	29-13519 (0.198 cfs/ 7.8 ac) E. Rush	29-13539
L. Stewart			29-13534 M. Hall
29-13300	29-13520	(3.54 cfs/ 287 ac) M. Hall $\Sigma = 3.35\checkmark$	29-13535 J. Hall
	29-13521	(0.096 cfs/ 7.8 ac) E. Rush $\Sigma = 0.267\checkmark$	R. GUNTER
29-13309 (1.84 cfs/ 116.0 ac w/i 287 ac) reduced to 279.2 ac. - enlargement claim [Rush did not get any portion of the enlarged acres.]			29-13536
EARLIEST PRIORITIES			1.74 cfs
			29-13552 M. Hall
			29-13553 J. Hall
			29-13554 R. Gunter

Note: All Stewart split portions were split off circa March 2002.

(Use 263rd) - MAX HALL RETAINS REMAINDER OF ALL PARENT Rts @ 263rd AC

(Use 5th) - JASON HALL GETS 4.95 AC AS IRRIG. W/ APPROPRIATE Q, INCLUDES ENLARG CLAIM

(Use 11th) - RUSSELL GUNTER GETS 11.70 AC AS IRRIG. " " " " "

SNAKE RIVER SURVEYING

460 Lincoln Street, Suite C
American Falls, Idaho 83211
Phone (208) 226-5764, Fax (208) 226-5767



22056

Russell Gunter

30.07 Acres

Date: December 3, 2002

A parcel of land described as the East 990.66 feet of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, Township 9 South, Range 37 East of the Boise Meridian, Bannock County, Idaho containing 30.07 acres more or less.

Also an easement for ingress and egress, 40.00 feet in width, 20.00 feet on each side of the following described center line:

Commencing at the W $\frac{1}{4}$ corner of said Section 14;

Thence, N 89°51'13" E, 328.98 feet, said point being the NW corner of the above described parcel;

Thence, S 00°09'01" E, along the West line of the above described parcel, 671.61 feet;

Thence, N 89°50'59" E, leaving said West line, 205.77 feet to the TRUE POINT OF BEGINNING;

Thence, S 12°51'22" W, 282.73 feet;

Thence, S 00°19'02" E, 940.70 feet;

Thence, S 03°15'25" W, 687.25 feet;

Thence along a curve to the right, having a radius of 50.00 feet, through a central angle of 86°30'04", for an arc length of 75.49 feet;

Thence, S 89°45'29" W, 384.60 feet to a point on the Section line common to Sections 14 and 15;

Thence, S 89°45'29" W, 644.60 feet;

Page 2

22056 continued

Thence along a curve to the right, having a radius of 75.00 feet, through a central angle of $41^{\circ}35'26''$, for an arc length of 54.44 feet;

Thence, N $48^{\circ}39'05''$ W, 554.00 feet;

Thence, N $51^{\circ}24'47''$ W, 386.92 feet;

Thence, N $74^{\circ}17'32''$ W, 245.46 feet to a point shown on Record of Survey Instrument number 99017097 as the property corner and the center of a 60.00 foot easement which extends to West Bob Smith Road, the sides of said 40.00 foot easement being shortened or lengthened conform to the sides of the easement shown on the above shown Record of Survey easement and to property lines of the same.

Ref.

NWSW
11.7 Ac
irrigated

POB

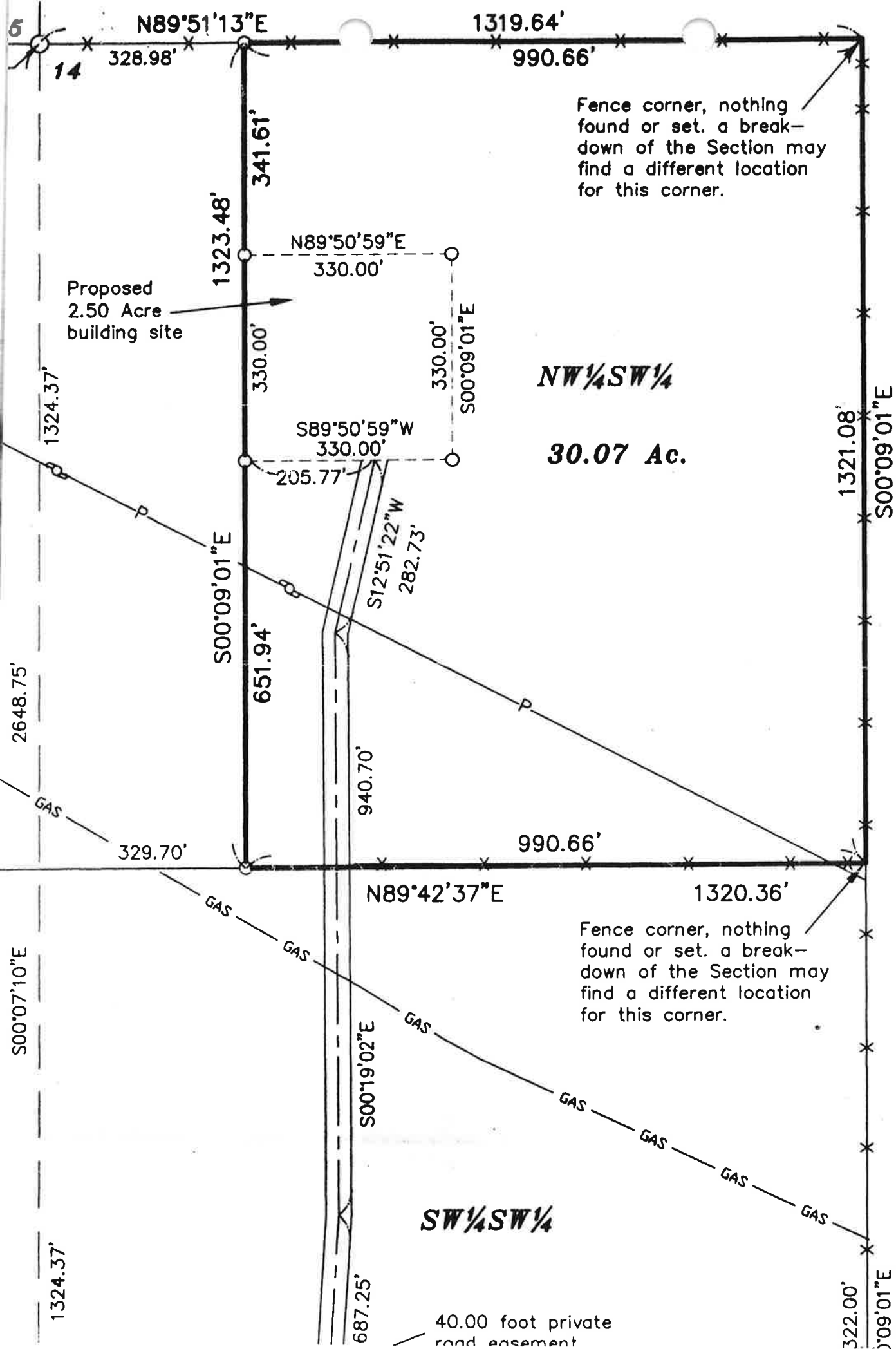
T9S, R37E

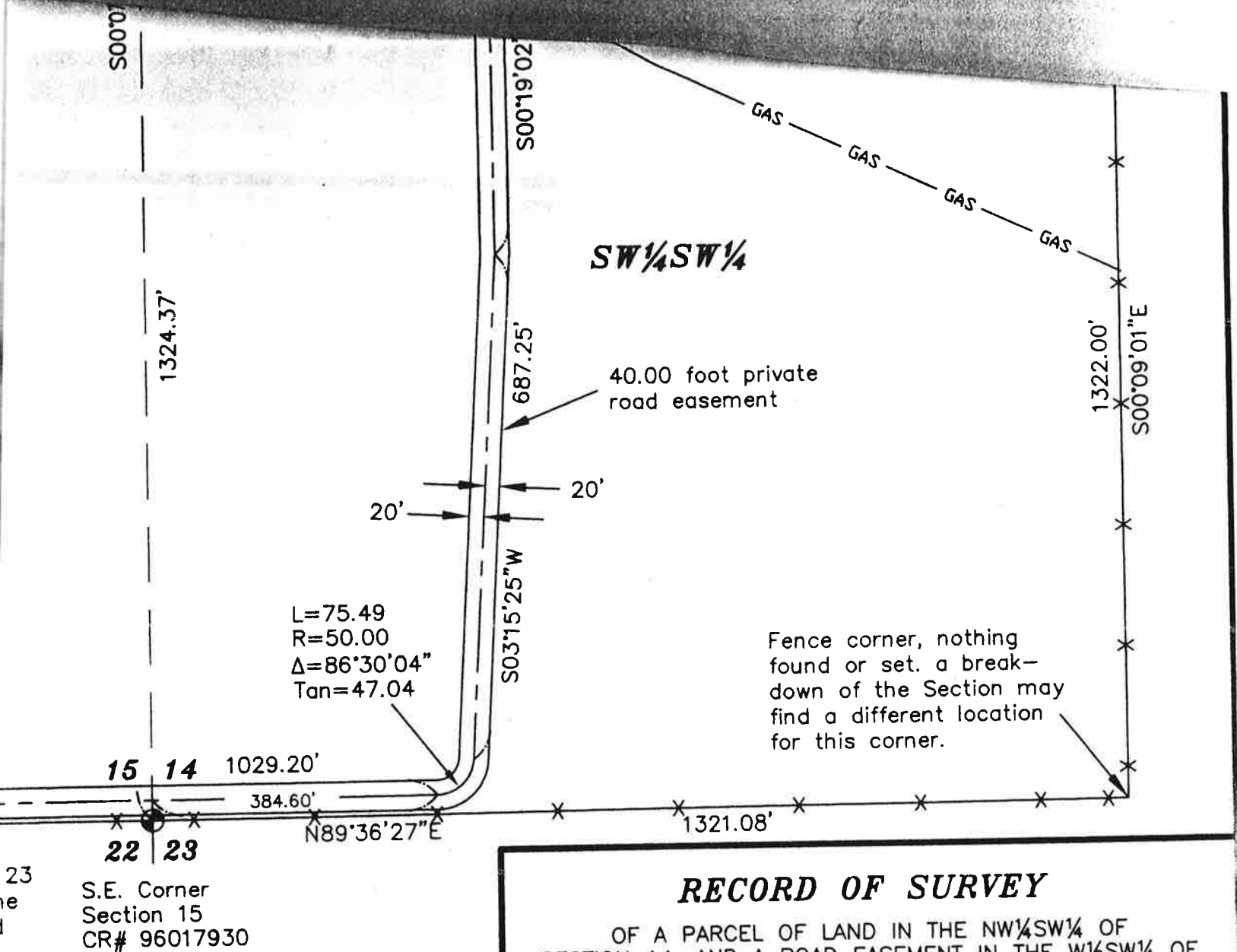
Right of Way Centerline
West Bob Smith Creek

15 14
22 23

Old Oregon Trail Road







RECORD OF SURVEY

OF A PARCEL OF LAND IN THE NW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 14, AND A ROAD EASEMENT IN THE W $\frac{1}{2}$ SW $\frac{1}{4}$ OF SECTION 14 AND THE S $\frac{1}{2}$ SE $\frac{1}{4}$ OF SECTION 15 TOWNSHIP 9 SOUTH, RANGE 37 EAST OF THE BOISE MERIDIAN

FOR

RUSSELL GUNTER

McCAMMON, IDAHO

SNAKE RIVER SURVEYING

PHONE (208) 226-5764 FAX (208) 226-5767
AMERICAN FALLS, IDAHO

Drawn by:CRL

22056

DECEMBER 2002