

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 22 2019

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant(s) Destry & Amy Hayes Phone (208) 251-6127
Mailing address 134 S. 2nd W. Rigby ID 83442 Email amyhayes77@gmail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Destry Hayes
Signature of Applicant or Authorized Representative

Destry Hayes
Print Name and Title if applicable

4-22-19
Date

Amy Hayes
Signature of Applicant or Authorized Representative

Amy Hayes
Print Name and Title if applicable

4-22-19
Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☐ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

purchased water rights with property

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☐ All or ☒ Part	35-4275B	0.05	Irrigation	4/1 to 10/31	Groundwater
☐ ☒	35-8657 B	0.02	Irrigation	4/1 to 10/31	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.07 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed _____ cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
Yes	L4		NW	NW	22	5N	38E	Madison	Groundwater	

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☒ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Drilling new well for domestic use & irrigation

- b. Who owns the property at the point(s) of diversion? applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? **If yes,** ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

4/22/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRENT G GUNDERSON 905 TWIN BUTTE RD MENAN, ID 83434-5116 (208) 754-4265

Status: Active

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.120 CFS	28.0 AF
	Total Diversion		0.120 CFS	28.0 AF

GROUND WATER L4(NWNW) Sec. 22, Twp 05N, Rge 38E, MADISON County

IRRIGATION within MADISON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	38E	22						9.0 L4											9.0

POU Total Acres: 9.0

1. USE OF THIS RIGHT WITH RIGHT NO. 35-08657B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.16 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 36 AF.
2. USE OF THIS RIGHT WITH RIGHT NO. 35-08657B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 9 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 7 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. 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.
4. E17 USE OF THIS RIGHT IS COMBINED WITH WATER FROM PALISADES WATER USERS ASSN.
5. RIGHT NO. 35-08657B IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/22/2019

Dates and Other Information

Decreed Date: 8/29/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.160	36.0	9.0
35-4275B ,35-8657B		

SubCase:

SubCaseNumber: 35-4275B
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Beneficial Use
Date Filed:
Objection Status:

Water Supply Bank:

N/A

4/22/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRENT G GUNDERSON 905 TWIN BUTTE RD MENAN, ID 83434-5116 (208) 754-4265

Status: Active

Tributary

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	38E	22						9.0 L4											9.0

POU Total Acres: 9.0

83213

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/22/2019

Dates and Other Information

Decreed Date: 4/2/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 120
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.160	36.0	9.0
35-4275B ,35-8657B		

SubCase:

SubCaseNumber: 35-8657B
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed:
Objection Status:

Water Supply Bank:

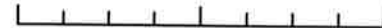
N/A



Legend

- 35-4275B_Split_POD
- 35-4275B_Split_POU
- Parcels
- Township/Range
- Sections
- QQ

0 62.5 125 250 Feet



1 inch = 131 feet



83213

WARRANTY DEED

Recorded Electronically
ID 170263
Col Madison
Date 11/20/2018 Time 4:23 pm

THIS INDENTURE, made this 26th day of November, 2018, between BRENT G. GUNDERSON and ELAINE T. GUNDERSON, husband and wife, of the County of Madison and State of Idaho the parties of the first part, and DESTRY L. HAYES and AMY E. HAYES, husband and wife, of the County of Jefferson and State of Idaho the parties of the second part. 3653 E 500 N

Rigby ID 83442

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of SIXTY THOUSAND AND NO/100 Dollars lawful money of the United States of America and other good and valuable consideration, to them in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, and by these presents, do grant, bargain, sell and convey and confirm unto the said parties of the second part, and to their heirs and assigns, forever, all the following described real estate, situated in the County of Madison and State of Idaho, to-wit:

Commencing at a point that is North 89°35'41" East along the Section line 987.5 feet from the Northwest Corner of Section 22, Township 5 North, Range 38 East, Boise Meridian, Madison County, Idaho, and continuing thence South 18°45' East 294 feet and thence South 2° East 252.77 feet to the True Point of Beginning, and continuing South 2° East 357.87 feet; thence West 159.52 feet; thence South 85°40'56" West 99.31 feet, more or less, to the Westerly line of the abandoned and previous Union Pacific Belt Line Railroad right-of-way; thence West 99 feet, more or less, to the Easterly right-of-way line of the Butte and Market Lake Canal; thence Northwesterly on a course along the said canal right-of-way, North approximately 35°28' West approximately 448.31 feet; thence East approximately 605.18 feet, more or less, to the point of beginning.

SUBJECT to all existing easements or claims of easements, rights of way, protective covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, laws and regulations, and all subsequent general taxes and assessments.

TOGETHER with the water rights of the above mentioned and described premises associated with license numbers 35-04275B and 35-08657B.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity of the said parties of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together with the appurtenances unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.


Brent G. Gunderson


Elaine T. Gunderson

STATE OF IDAHO)
COUNTY of Madison) ss

On this 26th day of Nov in the year 2018, before me Traci Sessions the undersigned, a Notary Public in and for said State, personally appeared Brent G. Gunderson and Elaine T. Gunderson known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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.

Traci Sessions
Notary Public for the State of Idaho
Residing at: 335 Rdnes Drive, Rexburg
My Commission Expires: 7-21-2021

