

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82919**

This is to certify that: **CHRIS UNRUH**
25289 HIPWELL LN
GRAND VIEW, ID 83624-5119

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
57-11799	WR/DECREED	8/6/1964	1.540 cfs	540.0 af	N/A	120.0	GROUND WATER
57-11801	WR/LICENSE	2/21/1976	4.800 cfs	1084.7 af	N/A	240.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
57-11799	NO	YES	NO	NO	NO	NO
57-11801	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
57-11799	57-11799	1.540 cfs	540.0 af	N/A	120.0	N/A	N/A	N/A	N/A	N/A
57-11801	57-11801	4.800 cfs	1084.7 af	N/A	240.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		6.340 cfs	1624.7 af	N/A	360.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 26th day of April, 2019.



Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 57-11799

Transfer No. 82919

WATER RIGHT NO. 57-11799**As Modified by Transfer No. 82919**

In accordance with the approval of Transfer No. 82919, Water Right No. 57-11799 is now described as follows:

Right Holder: THE DAVID R UNRUH TRUST
25289 HIPWELL LN
GRAND VIEW, ID 83624
AND
CHRIS UNRUH AND
CATHERINE UNRUH
25289 HIPWELL LN
GRAND VIEW, ID 83624-5119

Priority Date: 8/6/1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	1.540 cfs	540.0 af
			1.540 cfs	540.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENE	Sec 36 Twp 04S Rge 01W OWYHEE County
GROUND WATER	SENE	Sec 36 Twp 04S Rge 01W OWYHEE County
GROUND WATER	SENE	Sec 36 Twp 04S Rge 01W OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01W	36				40.0									40.0			40.0	120.0

POU Total Acres: 120.0

CONDITIONS OF APPROVAL

1. 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 place of use.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 1/17/2003.

Transfer No. 82919

WATER RIGHT NO. 57-11799
As Modified by Transfer No. 82919

CONDITIONS OF APPROVAL

4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 57-11801**As Modified by Transfer No. 82919**

In accordance with the approval of Transfer No. 82919, Water Right No. 57-11801 is now described as follows:

Right Holder: THE DAVID R UNRUH TRUST
25289 HIPWELL LN
GRAND VIEW, ID 83624
AND
CHRIS UNRUH AND
CATHERINE UNRUH
25289 HIPWELL LN
GRAND VIEW, ID 83624-5119

Priority Date: 2/21/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	4.800 cfs	1084.7 af
			4.800 cfs	1084.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENE	Sec 36 Twp 04S Rge 01W OWYHEE County
GROUND WATER	SENE	Sec 36 Twp 04S Rge 01W OWYHEE County
GROUND WATER	SENE	Sec 36 Twp 04S Rge 01W OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01W	36			40.0					40.0	40.0			40.0		40.0	40.0		240.0

POU Total Acres: 240.0

CONDITIONS OF APPROVAL

1. 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 place of use.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

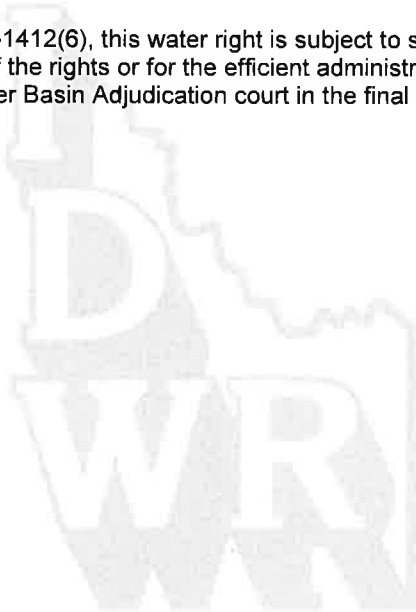
Transfer No. 82919

WATER RIGHT NO. 57-11801

As Modified by Transfer No. 82919

CONDITIONS OF APPROVAL

4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

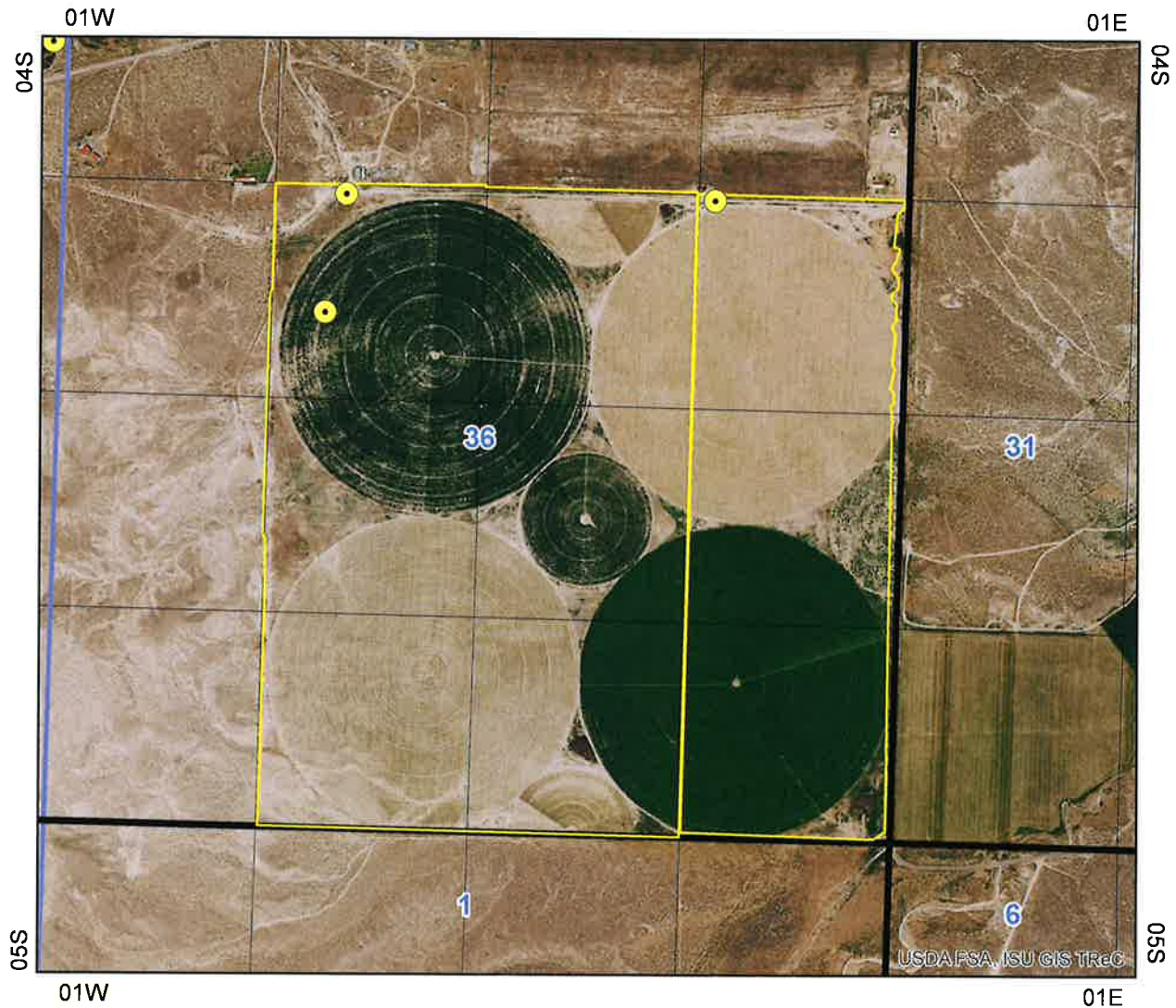


State of Idaho
Department of Water Resources

Attachment to Water Right Transfer 82919

57-11799 and 57-11801

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.125 0.25 0.5 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 26, 2019

CHRIS UNRUH
25289 HIPWELL LN
GRAND VIEW ID 83624-5119

Re: Transfer No.: 82919
Water Right Nos: 57-11799, 57-11801

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Rights. Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Rights is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

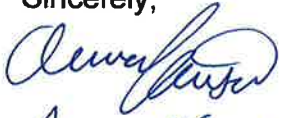
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190

Sincerely,



For

Nick Miller
Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No: 82919
Water Right Nos: 57-11799, 57-11801

CHRIS UNRUH
25289 HIPWELL LN
GRAND VIEW ID 83624-5119



Anna Kaiser
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 82919
FROM: Patrick Kelly
DATE: 4/22/2019
RE: Evaluation of Application

Summary of Information Submitted

Chris Unruh filed this transfer to change the POD description to water rights 57-11799 and 57-11801. Most of the POD descriptions are incorrect. The transfer would reflect two existing wells and one new proposed well. Both rights would contain 3 POD's post transfer.

Both rights are partially leased into the Water Supply Bank. Changes to add a point of diversion to the rights will not affect the WSB leases or potential rental agreements. Still, Clay Webster at the State Office was notified of the application.

Supplemental use conditions limited irrigation to times when surface water was not available under right 57-11801. POU overlap shows no other rights exist on the land making 57-11801 primarily groundwater. In 2004, a license for 57-7155A was issued with a condition that states' "The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right." Review of the backfile found that land at the north end of 57-1155A partially overlapped Hart Creek water right 57-2199. In 2011, the Unruh's filed an ownership change to split the south end of 57-1155A. Hart Creek right 57-2199 was not pertinent to the Unruh property and the Unruh's have solely irrigated the land with groundwater. The supplemental use should not be carried forward on 57-11801 since all of the irrigation use on this land has historically been groundwater.

The farm site is located 35 miles SW of Mountain Home near the intersection of Brown Creek Rd and Oreana Rd.

Authority to File

The application was filed in the name of Chris Unruh. Mr. Unruh signed the application but there are two other current owners to the water rights in the name of Catherine Unruh and The David R Unruh Trust. Chris Unruh acting as representative submitted a copy of a Certificate of Trust that shows he is a current acting trustee and as trustee is authorized to act on behalf of the trust. In addition he submitted a letter signed by Catherine Unruh authorizing him to act on her behalf in matter specific to transfer 82946 and 82919.

Current taxlot data shows Chris and Catherine Unruh are property owners of all grounds pertinent to the transfer.

Water Right Validity

57-11799 and 57-11801 were decreed in 2003 and 2004 respectively. 2017 aerial imagery shows irrigation by pivot use. Corners not covered by the pivots were placed into the Water Supply Bank. Concerns over validity are not present at this time.

Overlap Analysis

All rights pertinent to the land are included in the transfer. No other rights should be considered transfer.

Injury to Other Water Rights

None anticipated. Irrigation use at the proposed place of use has been occurring at the place of use defined by the rights. Changes to the irrigation system or location are not proposed. A public announcement was advertised with no protests filed.

Enlargement of Use

Changes to maximum diversion rate, volume or acres are not occurring post transfer. The proposal to drill a new well within the immediate vicinity of existing wells is not considered an improvement to the source.

Local Public Interest

No information has been made available to suggest a conflict with public interest.

Beneficial Use/Conservation of Water Resources

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Summary

The application can be approved as reflected by the draft approval.

The Owyhee Avalanche

P.O. Box 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

I, Robert E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of publication of the notice hereinafter mentioned, I was and now am the president of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

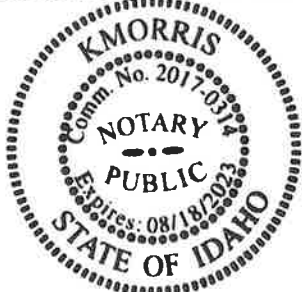
FEBRUARY 20, 27, 2019

SIGNED: 

STATE OF IDAHO }
COUNTY OF OWYHEE }

On this 27th day of February in the year of 2019 before me, a

Notary Public, personally appeared ROBERT E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.





Notary Public of Idaho

Residing at WILDER, IDAHO
My commission expires: August 18, 2023

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82919

CHRIS UNRUH, 25289 HIPWELL LN, GRAND VIEW, ID 83624-5119; has filed Application No. 82919 for changes to the following water rights within OWYHEE County(s): Right No(s). 57-11799, 57-11801; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: The transfer application,

if approved, would replace all of the points of diversion on water right no. 57-11799 with three different ones and one of the three points of diversion on right no. 57-11801. The end result would be each right with the same three POD's. The proposed POD's are located 35 miles southwest of Mountain Home near the intersection of Browns Creek Rd and Oreana Rd.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed transfer(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 03/11/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Director
02/20/2019

RECEIVED

APR 15 2019

WATER RESOURCES
WESTERN REGION

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