

JAN 04 2019

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

82946

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Chris Unruh**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.**Yes ☒ N/A ☐ * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b 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).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant(s) Chris Ulrich Phone 208-863-1569
Mailing address 25289 H. Powell Ln Gravel 83624 Email ulrichchr@juno.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.

Signature of Applicant or Authorized Representative Catherina Ulrich

Print Name and Title if applicable Chris Ulrich owner

Date 1/4/19

Signature of Applicant or Authorized Representative Catherina Ulrich

Print Name and Title if applicable Catherina Ulrich

Date 1-8-19

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion CU. 1/15/19 ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Is this a transfer for changes pursuant to [Idaho Code § 42-221.O.8?](#)
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
3. 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**.

Putting water was originally taken out of Bybee canal & put in GVI Mutual

CU. 1/15/19
32940

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
☒ ☐	2-10201	.83	Irrig	3/15 to 11/15	Snake R.
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .83 cfs and/or 189 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.

C.W. 11/6/19

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
X	10	NW	SW	34	05 S 04 E	02 y	02 y	Snake		

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	03E	25																17	17
05S	03E	36	25																25
Total Acres (for irrigation use)																			42

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:

~~Divert into a view Mutual canal then~~
~~into pressure system. Use existing main-line~~
~~from Bxbee Canal~~

- b. Who owns the property at the point(s) of diversion? Gov Mutual
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

~~per agreement~~ attach check

- 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:

no

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:

N/A

- 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:

57-2228 also used to water this.

- 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:

Released from WSB 12/31/18

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/4/2019

Water Right 2-10201

Owner Type **Name and Address**
Current Owner CHRIS UNRUH
25289 HIPWELL LN
GRAND VIEW, ID 83624-5119
(208) 863-1569

Current Owner CATHERINE UNRUH
25289 HIPWELL LN
GRAND VIEW, ID 83624-5119
(208) 834-2879

Priority Date: 7/23/1974

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

Source **Tributary**
SNAKE RIVER COLUMBIA RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	0.830 CFS	189.0 AF
	Total Diversion		0.830 CFS	189.0 AF

Source and Point(s) of Diversion

SNAKE RIVER L9(SESW) Sec. 34, Twp 05S, Rge 04E, OWYHEE County

Place Of Use

IRRIGATION within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	03E	36										4.0							4.0
05S	04E	31						0.5	8.0	3.5	2.0	24.0							38.0

POU Total Acres: 42.0

Conditions of Approval:

1. S47 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. P21 This right is a split from former right 2-10197.
3. F06 The following rights are diverted through point of diversion described above: 2-10198, 2-10201, & 2-10202.
4. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/4/2019

Comments:

1. nvandyke 12/11/2009 transfer 73775

As a result of two petitions for reconsideration and subsequent orders regarding transfer 73775, it has been determined that this right does not need to be considered associated to transfer 73775. An amended approval incorporating the changes made by both orders will be issued. See file for final amended approval. The elements of this right now reflect the partial decree.

Dates and Other Information

Decreed Date: 6/15/2009

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: 02

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
11.700	2,700.0	601.0
2-2176B ,2-2405B ,2-10198 ,2-10201 ,57-11838		

SubCase:

N/A

Water Supply Bank:

Lessor Name: CHRIS UNRUH

Lease Status: Active

Lease Amount: 159.8

Rental Availability: None

Date Received: 2/27/2015

Lease Begin Date: 2/27/2015

Expiration Date: 12/31/2018



WR # 2-10201

Attachment # 7 b

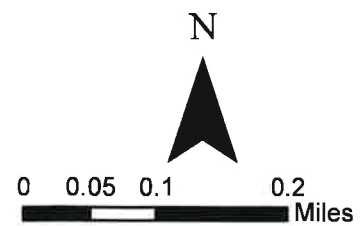


New acres (42)



Legend

- New_POD
- 2-10201_POD
- New_Place_of_Use



Kaiser, Anna

From: Kaiser, Anna
Sent: Thursday, March 28, 2019 11:32 AM
To: Whitney, Rob
Subject: Application for Transfer No. 82946
Attachments: Watermaster Recommendation Form.docx; Transfer Application 82946.pdf

March 28, 2019

ROB WHITNEY
WATER DISTRICT #02
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

RE: Application for Transfer No. 82946

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. A copy of the application is enclosed with this email for your reference. Please review the application, complete the attached recommendation form, and submit your reply, if any, to this office by **April 22, 2019**.

IDWR will assume you do not object to this application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Anna Kaiser | Administrative Assistant I
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov



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

March 28, 2019

CHRIS UNRUH
25289 HIPWELL LN
GRAND VIEW, ID 83624-5119

RE: Transfer No. 82946

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the OWYHEE AVALANCHE on 4/3/2019 and 4/10/2019. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Anna Kaiser
Administrative Assistant

Kaiser, Anna

From: Kaiser, Anna
Sent: Thursday, March 28, 2019 10:15 AM
To: 'Kara Morris'
Subject: Owyhee Legal Ad
Attachments: Cover Letter.docx; Legal Notice.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 4/3/2019 & 4/10/2019.

Please confirm these are okay to publish as shown.

Thank You,

Anna Kaiser | Administrative Assistant I
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov

March 27, 2019

LEGAL NOTICE DEPARTMENT
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

**RE: Transfer No. 82946,
Water Right No: 2-10201**

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **4/22/2019**. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Administrative Assistant

Enclosures

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82946

CHRIS UNRUH, 25289 HIPWELL LN, GRAND VIEW, ID 83624-5119; has filed Application No. 82946 for changes to the following water rights within OWYHEE County(s): Right No(s). 2-10201; 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 purpose of this transfer is to change the irrigated acres for water right 2-10201. The new acreage is located just north of the original place of use, between the Grand View Canal and Highway 78, roughly 3.7 miles southeast of Grandview, Idaho.

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 4/22/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/3/2019 and 4/10/2019



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

March 5, 2018

COPY

CHRIS AND CATHERINE UNRUH
25289 HIPWELL LN
GRAND VIEW ID 83624

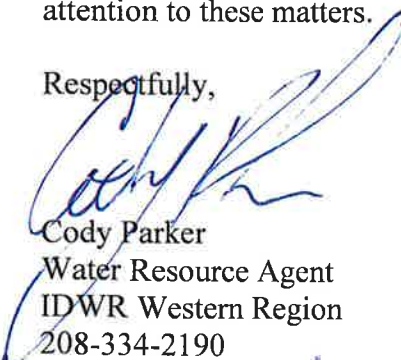
RE: Application for transfer no. 82946

Dear Applicants,

The Department is currently reviewing your application to change the place of use for irrigation under right 2-10201. The next step in the process is to advertise your application in the local newspaper to provide an opportunity for the public to protest the proposed changes. However, I need Catherine Unruh's signature on the application before I can forward the application to advertising.

Enclosed is the original application. Please have Mrs. Unruh sign the application on page 2. Once you are done, please return the application to me at the address listed in the letterhead above. Once I receive the application I will resume processing. Please return the application within thirty (30) days of the date of this letter. Your application will be rejected if you do not make a timely reply. Thank you for your attention to these matters.

Respectfully,



Cody Parker

Water Resource Agent

IDWR Western Region

208-334-2190

cody.parker@idwr.idaho.gov

COPY

RECEIVED

JAN 18 2019

WATER RESOURCES
WESTERN REGION

CERTIFICATION OF TRUST

STATE OF KANSAS)

COUNTY OF Gray)

DAVID R. UNRUH, being duly affirmed, states:

1. **DAVE R. UNRUH TRUST** is an *inter vivos* trust and the date of execution was February 15, 2005.

2. The identity of the Settlor and each currently acting Trustee is as follows:

NAME AND ADDRESS

POSITION

David R. Unruh
PO Box 458
Montezuma, Kansas 67867

Settlor and Trustee

David Chris Unruh
25289 Hipwell Lane
Grand View, Idaho 83624

Trustee

Gene Koehn
6168 C Road
Copeland, Kansas 67837

Trustee

3. The powers of the Trustee and any restrictions imposed upon the Trustees in dealing with the assets of the trust are as follows:

All powers set forth in the Kansas Uniform Trust Code and full plenary powers to do any actions. There are no restrictions.

4. The name or method of choosing successor Trustees is as follows:

David Chris Unruh and Gene Koehn are successor Trustees, with any one Trustee being able to act alone.

5. The trust is revocable and David R. Unruh is the person holding the power to revoke.

6. Any one alone of the currently acting Trustees may act to exercise identified powers of the Trustees.

7. The federal taxpayer identification number for the trust is 20-7033790.

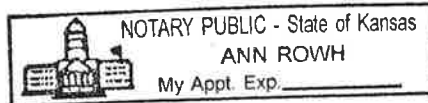
8. The trust was established in the State of Kansas.

9. The title to the assets of the trust was established and is to be taken in the following form: David R. Unruh, David Chris Unruh, and Gene Koehn, or their successors in trust, Trustee of the Dave R. Unruh Trust dated February 15, 2005.

The trust has not been revoked or amended to make any of the representations contained in this Certification of Trust incorrect and the signature is that of one of the acting Trustee.


David R. Unruh, Trustee

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME by David R. Unruh
on 3-21, 2017.




Notary Public

My Term Expires:
11-20-17

COPY

DESIGNATION OF CO-TRUSTEES

I, **DAVID R. UNRUH**, Trustee of the **DAVE R. UNRUH TRUST**, pursuant to paragraph **SIXTH** hereby designate **DAVID CHRIS UNRUH and GENE KOEHN**, the named Successor Trustees to serve as Co-Trustee with me. Pursuant to the terms of the trust, any one Trustee acting alone may sign on behalf of and bind the trust estate.

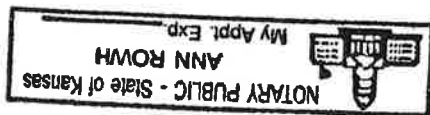
IN WITNESS WHEREOF, I have hereunto set my hand on 3-21, 2017.


David R. Unruh

STATE OF KANSAS)
COUNTY OF Gray)

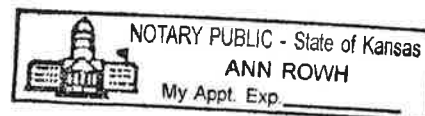
BE IT REMEMBERED, that on March 21, 2017, before me, the undersigned, a notary public in and for the County and State aforesaid, came **David R. Unruh** who is known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and year last above written.




Notary Public

My Term Expires:
11-20-17



Catherine Unruh authorizes Chris Unruh to make changes to Water Rite transfer # 82946 -82919 and all other changes concerning water rite matters .

Catherine Unruh 1-18-2019