

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split
- ☐ Transfer is for changes pursuant to [Idaho Code § 42-221.0.8](#). Attach an explanation and any supporting documentation.

1. APPLICANT(S) Chris Unruh Phone 208-863-1569
2. MAILING ADDRESS 25289 Hipwell Lane City Grandview
State ID Zip 83624 Email unruhchris@yahoo.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 57-11799 - 57-11801

- ☐ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is _____ cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

[illegible]

6. 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:

In Product to include all 3 wells on
each water rite.

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

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☒ Yes ☐ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.) on file

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Chris Unw
Signature of applicant or authorized agent

owner/ operator
Print name and title if applicable

12/29/18
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 11 pages of attachments.

Received by CS

Date 12/28/2018

Fee paid \$980.00 Date 12/28/2018

Received by CS

Receipt # W047040

Preliminary review by PH

Date 02/06/19

Active in the Water Supply Bank? Yes ☒ No ☐

W-9 received? Yes ☐ No ☒

Name on W-9

W-9 forwarded to fiscal? Yes ☐ No ☒

(Do NOT scan the W-9 – confidential information is held by fiscal only)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/28/2018

Water Right 57-11799

Owner Type **Name and Address**
Current Owner THE DAVID R UNRUH TRUST
25289 HIPWELL LN
GRAND VIEW, ID 83624
(208) 834-2879

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: 8/6/1964

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.540 CFS	540.0 AF
	<u>Total Diversion</u>		1.540 CFS	540.0 AF

Source and Point(s) of Diversion

GROUND WATER	NENE	Sec. 36, Twp 04S, Rge 01W,	OWYHEE County
GROUND WATER	SWSE	Sec. 26, Twp 04S, Rge 01W,	OWYHEE County
GROUND WATER	NWSW	Sec. 26, Twp 04S, Rge 01W,	OWYHEE County
GROUND WATER	NESE	Sec. 26, Twp 04S, Rge 01W,	OWYHEE County
GROUND WATER	SENW	Sec. 35, Twp 04S, Rge 01W,	OWYHEE County
GROUND WATER	NENW	Sec. 36, Twp 04S, Rge 01W,	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	
04S	01W	36				40.0									40.0			40.0	120.0

POU Total Acres: 120.0

Conditions of Approval:

- THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/28/2018

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 OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

2. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-02278, 57-02271, 57-11798 & 57-11799.
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.

Comments:

1. jhersley 2/8/2011 split right
This water right is the result of split from 57-2277 due to change in ownership .
2. jhersley 2/8/2011 POD
Updated Shape
3. jhersley 2/8/2011 POU
Updated Shape

Dates and Other Information

Decreed Date: 1/17/2003
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: And/Or
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

Lessor Name: CHRIS UNRUH
Lease Status: Active
Lease Amount: 50.4
Rental Availability: 50.4
Date Received: 1/29/2015
Lease Begin Date: 1/1/2015
Expiration Date: 12/31/2017

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/28/2018

Water Right 57-11801

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE DAVID R UNRUH TRUST 25289 HIPWELL LN GRAND VIEW, ID 83624 (208) 834-2879
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: 2/21/1976

Basis: License

Status: Active

Water Supply Bank Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	4.800 CFS	1,084.7 AF
	<u>Total Diversion</u>		4.800 CFS	1,084.7 AF

Source and Point(s) of Diversion

GROUND WATER	SENE	Sec. 36, Twp 04S, Rge 01W, OWYHEE County
GROUND WATER	NENE	Sec. 36, Twp 04S, Rge 01W, OWYHEE County
GROUND WATER	SENE	Sec. 36, Twp 04S, Rge 01W, 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	
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:

- 065 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.
- 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/28/2018

3. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. X36 Rights 57-02271, 57-02278, 57-11798, 57-11799, 57-11800 and 57-11801 are also diverted through the points of diversion described above.

Comments:

1. jhersley 2/8/2011 split right
This water right is the result of split from 57-7155A due to change in ownership.
2. jhersley 2/8/2011 POD
Updated Shape
3. jhersley 2/8/2011 POU
Updated Shape

Dates and Other Information

Licensed Date: 6/28/2004
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.5
Mitigation Plan: False

Combined Use Limits

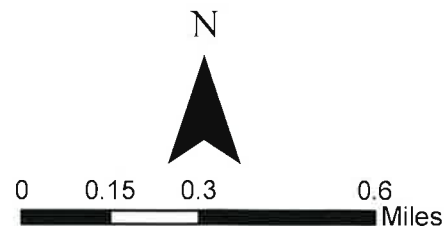
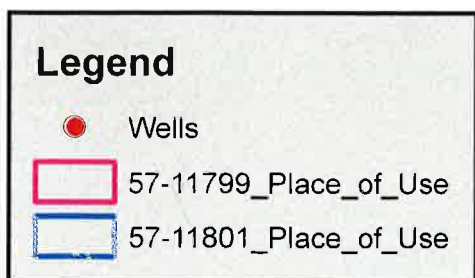
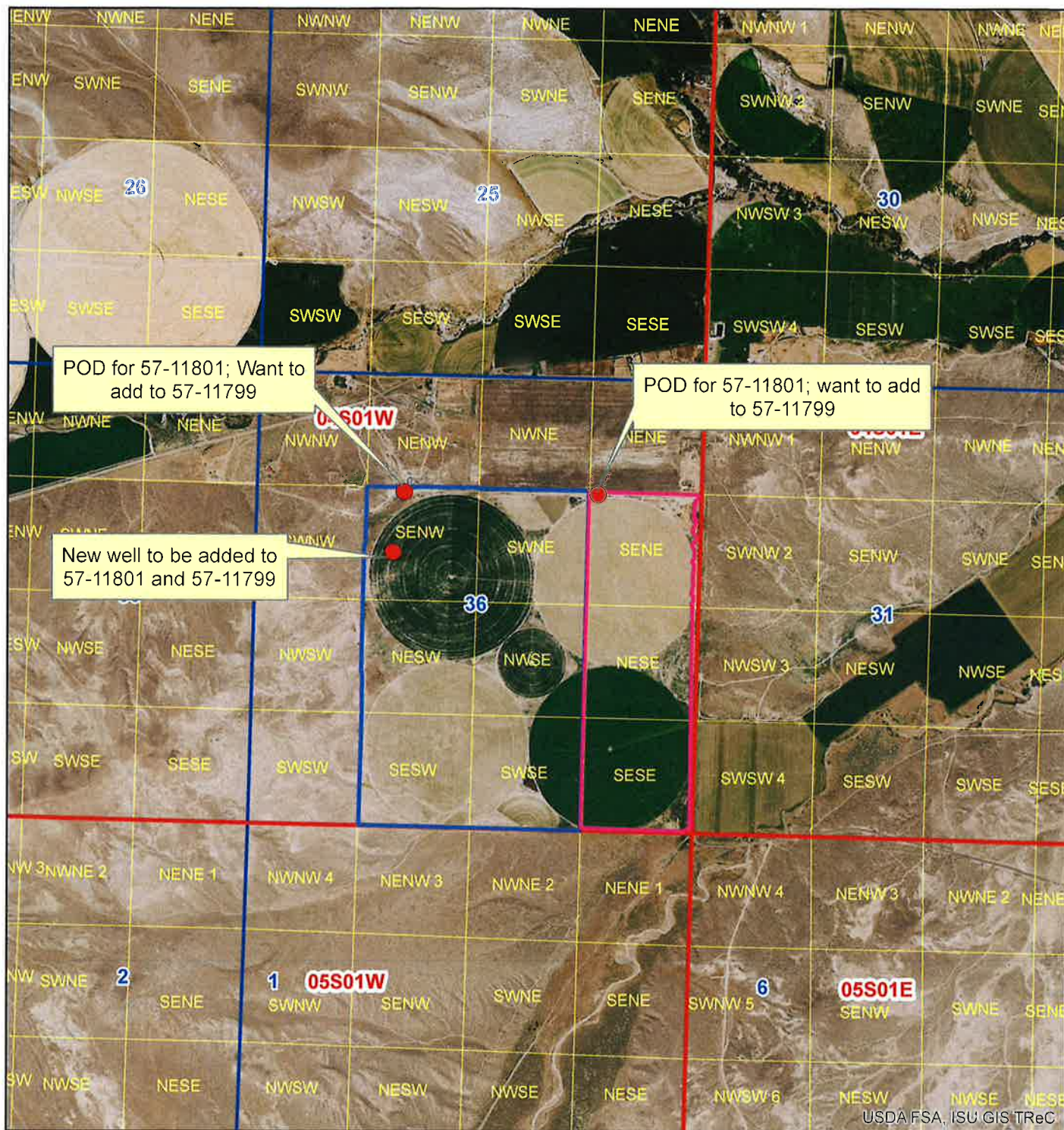
N/A

SubCase:

N/A

Water Supply Bank:

Lessor Name: CHRIS UNRUH
Lease Status: Active
Lease Amount: 135
Rental Availability: 135
Date Received: 1/29/2015
Lease Begin Date: 1/27/2015
Expiration Date: 12/31/2018



APPLICATION FOR TRANSFER OF WATER RIGHT ATTACHMENT WSB: TRANSFERRING WATER RIGHTS LEASED TO THE WATER SUPPLY BANK

COPY

Approval of a transfer application will not impact the terms of a Water Supply Bank Lease Contract. Any transferred water right or portion of a water right that is leased to the Water Supply Bank (Bank) shall remain unused while the lease is active.

If the transfer proposes to relocate the place of use of an irrigation water right, and the relocated acres include land currently idled due to a Bank lease contract, the applicant is required to identify the areas that will be idled at the new place of use for the duration of the lease contract. The acres to be idled should be clearly identified on the map created for Attachment 7B of the transfer application. The applicant should confirm the map is attached when completing the table below. If the leased portion of the place of use is not proposed to be relocated, a map is not required.

A Bank lease contract shall remain in effect until it expires, a new lease proposal is processed to replace it, or the water right is released from the Bank through written confirmation issued by the Water Resource Board. If the proposed transfer is approved, the water right owner will be provided sufficient time to allow the lease contract to expire before beneficial use of water at the new place of use will be expected. Meanwhile, water rights leased to the Bank are protected from forfeiture for the duration of the lease contract.

Water right owners who would like to adjust the terms of their lease contracts can either submit a new lease proposal on an [Application to Lease a Water Right to the Water Supply Bank](#) form, or they can request early termination of their lease contracts by completing a [Request to Release a Water Right from the Water Supply Bank](#) form. If a water right is leased to the Bank, and it is currently being rented from the Bank, the lease cannot be reduced or terminated until the rental agreement concludes. A request to release a water right or to submit a new lease application should be sent to the Department's state office. To find out if there are any rentals associated with a leased water right, please call a Bank representative at the Department at 208-287-4800.

In the table below, please provide the requested information for any water right that is both proposed for transfer and leased to the Bank. The information needed to complete this table can be found in your Bank lease contract. A copy of your lease contract can be obtained using the 'Search Water Rights' option on the Department's internet page at www.idwr.idaho.gov or by contacting any Department office.

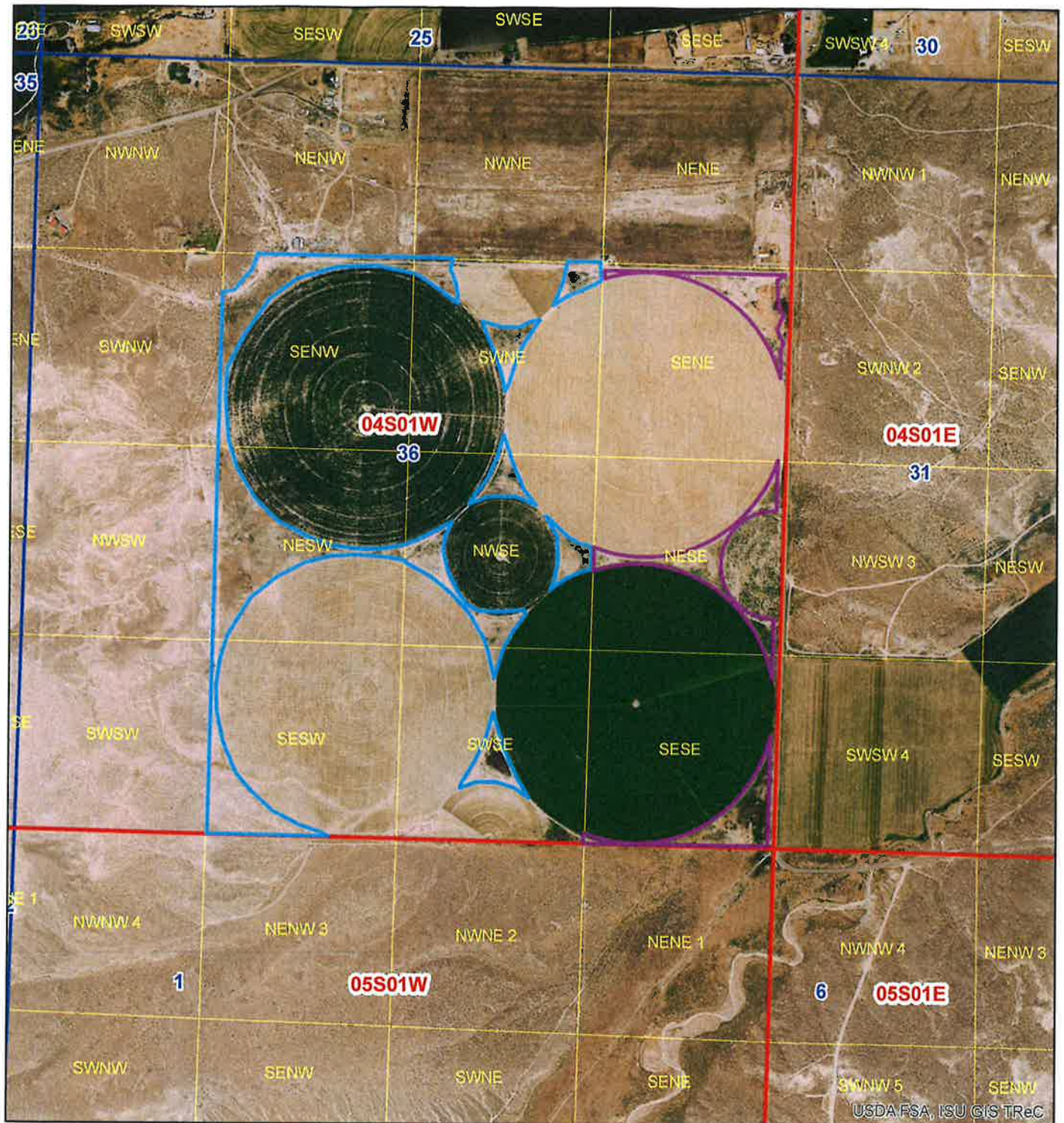
Water Right Number	Lease Contract Expiration Date	Water Right Quantities Leased to the Bank			Map Attachment 7B Clearly Identifies Idled Place of Use at New Location
		Rate (cfs)	Volume (AF)	Acres	
57-11799	12/31/22	.154	54	12	Attached? ☒ or No Change ☐
57-11801	12/31/22	.6	136	30.1	Attached? ☒ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐

Is the ownership of the water right(s) leased to the Bank being changed? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).

Additional Information:

Agency Use Only: Personnel processing transfer applications should forward a copy of this attachment, the original Lessor Designation form and/or IRS Form W-9, if received, to the State Office.



Legend

- WSB_57-11799_POU
- WSB_57-11801_POU

COPY

RECEIVED

JAN 18 2019

**WATER RESOURCES
WESTERN REGION**

CERTIFICATION OF TRUST

STATE OF KANSAS)

COUNTY OF Leawards)

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.

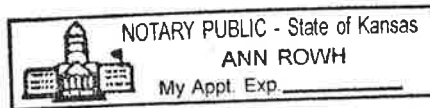
8. The trust was established in the State of Kansas.

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.

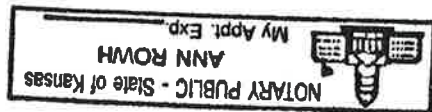
IN WITNESS WHEREOF, I have hereunto set my hand on 3-21, 2017.


David R. Unruh

STATE OF KANSAS)
COUNTY OF Gray)

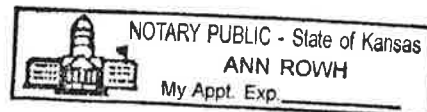
BE IT REMEMBERED, that on March 21, 2017, before me, the undersigned, a notary public in and for the County and State aforesaid, came **David R. Unruh** who is known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

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



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

February 13, 2019

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

RE: Transfer No. 82919

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 2/20/2019 and 2/27/2019. 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: Wednesday, February 13, 2019 11:43 AM
To: 'Kara Morris'
Subject: Owyhee Legal Ad
Attachments: Cover Letter.docx; Legal Notice.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Legal Clerk,

See the attached ad for publication on 2/20/2019 & 2/27/2019.

Please confirm these are okay to publish as shown.

Thank you,
Anna

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

February 13, 2019

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

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

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 3/11/2019. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Administrative Assistant

Enclosures

**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 Orcana 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 ****DATE****. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/20/2019 and 2/27/2019

Hummer, Phill

From: Webster, Clay
Sent: Wednesday, February 06, 2019 7:47 AM
To: Hummer, Phill
Subject: RE: WSB transfer

Phill,

Looking at the copy that Angie sent me, this transfer is only proposing to add a POD with no ownership change. That should not affect the lease. Go ahead and proceed with the transfer.

Thanks for the notification,
Clay

From: Hummer, Phill
Sent: Wednesday, February 06, 2019 7:03 AM
To: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Subject: WSB transfer

Hi Clay,

I am processing transfer 82919 for water rights no. 57-11799 and 57-11801. Both rights are partially leased to the water supply bank so I wanted to keep you informed. The application should be advertised shortly. Angie said she sent you a copy of the application on 12/31/2018 but I can scan it if you need. Let me know if there is anything else I should do while processing it in regards to the WSB

-Phill