

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 17 2018

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Elizabeth and Justin Dascanio Phone 208-403-1312
Mailing address 3580 East 960 North, Menan, Idaho 83434 Email edascanio4@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.

Elizabeth Dascanio
Signature of Applicant or Authorized Representative

Elizabeth Dascanio
Print Name and Title if applicable

4-17-18
Date

Justin Dascanio
Signature of Applicant or Authorized Representative

Justin Dascanio
Print Name and Title if applicable

4-17-18
Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Ownership Split
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.2**.
- Splitting our portion of three water rights and drilling a new well.

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APPLICATION FOR TRANSFER OF WATER RIGHT
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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 ☐ ☒	35-14174	0.11	Irrigation	04/01 to 10/31	Ground Water
☐ ☒	35-14176	0.16	Irrigation	04/01 to 10/31	Ground Water
☐ ☒	35-14178	0.01	Irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.28 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.28 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	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Yes			NE	SE	16	05N	38E	Jefferson	Ground Water	

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	
05N	38E	16													14	1.0			15
Total Acres (for irrigation use)																			15

STATE OF IDAHO
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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:

Pump to handlines - Flowmeter can be installed at pump

- 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:

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:

Domestic/stockwater right 35-13179

- 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:

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Water Right 35-14174

Owner Type **Name and Address**
Current Owner ADEN GUNDERSON
 C/O NYLE RAYMOND
 3310 E 750 N
 MENAN, ID 83434
 (208) 754-8751

Priority Date: 3/5/1948

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.120 CFS	224.0 AF
	<u>Total Diversion</u>		1.120 CFS	224.0 AF

Source and Point(s) of Diversion

GROUND WATER	NWNENW	Sec. 22, Twp 05N, Rge 38E, MADISON County
GROUND WATER	SWSWSW	Sec. 15, Twp 05N, Rge 38E, MADISON County

Place Of Use

IRRIGATION within MADISON,JEFFERSON Counties

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	38E	15										31.0	31.0	13.0					75.0
05N	38E	16									3.0				32.0	1.0		6.0	42.0
05N	38E	21	15.0																15.0
			L1																
05N	38E	22					20.0	2.0											22.0
								L4											

Right Acre Limit: 56.0

POU Total Acres: 154.0

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.85 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 616 AF.
COMBINED RIGHT NOS.: 35-14176, 35-14178
2. E17 USE OF THIS RIGHT IS COMBINED WITH WATER FROM PALISADES WATER USERS ASSN.
3. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 35-14176, 35-14178.
4. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE

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- IRRIGATION OF A COMBINED TOTAL OF 154 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-14176, 35-14178.
THE PLACE OF USE DESCRIBED ABOVE IN T05N R38E S16 SWSE AND SESE DOES NOT INCLUDE ANY LAND OWNED BY THE UNITED STATES.
5. E03 USE OF THIS RIGHT IS COMBINED WITH WATER FROM BUTTE & MARKET LAKE CANAL CO.
6. THE PLACE OF USE DESCRIBED ABOVE IN T05N R38E S16 NESW, SWSE AND SESE DOES NOT INCLUDE ANY LAND OWNED BY THE UNITED STATES.
7. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 56 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
8. 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.

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

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4/4/2018

Water Right 35-14176

Owner Type **Name and Address**
Current Owner ADEN GUNDERSON
C/O NYLE RAYMOND
3310 E 750 N
MENAN, ID 83434
(208) 754-8751

Priority Date: 12/31/1940

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.630 CFS	370.2 AF
	<u>Total Diversion</u>		1.630 CFS	370.2 AF

Source and Point(s) of Diversion

GROUND WATER
GROUND WATER

SWSWSW
NWNENW

Sec. 15, Twp 05N, Rge 38E, MADISON County
Sec. 22, Twp 05N, Rge 38E, MADISON County

Place Of Use

IRRIGATION within MADISON,JEFFERSON Counties

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	38E	15										31.0	31.0	13.0					75.0
05N	38E	18									3.0				32.0	1.0			36.0
05N	38E	18																6.0	6.0
05N	38E	21	15.0																15.0
			L1																
05N	38E	22					20.0	2.0											22.0
								L4											

Right Acre Limit: 92.6

POU Total Acres: 154.0

Conditions of Approval:

1. 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.
2. E03 USE OF THIS RIGHT IS COMBINED WITH WATER FROM BUTTE & MARKET LAKE CANAL CO.
3. E17 USE OF THIS RIGHT IS COMBINED WITH WATER FROM PALISADES WATER

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- USERS ASSN.
4. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 35-14174, 35-14178
 5. THE PLACE OF USE DESCRIBED ABOVE IN T05N R38E S16 NESW, SWSE AND SESE DOES NOT INCLUDE ANY LAND OWNED BY THE UNITED STATES.
 6. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.85 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 616 AF.
COMBINED RIGHT NOS.: 35-14174, 35-14178.
 7. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 92.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 154 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 35-14174, 35-14178 THE PLACE OF USE DESCRIBED ABOVE IN T05N R38E S16 SWSE AND SESE DOES NOT INCLUDE ANY LAND OWNED BY THE UNITED STATES.

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

4/4/2018

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ADEN GUNDERSON C/O NYLE RAYMOND 3310 E 750 N MENAN, ID 83434 (208) 754-8751

Status: Active

Tributary

Sec. 15, Twp 05N, Rge 38E, MADISON County
Sec. 22, Twp 05N, Rge 38E, 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	15										31.0	31.0	13.0					75.0
05N	38E	18									3.0				32.0	1.0		6.0	42.0
05N	38E	21	15.0 L1																15.0
05N	38E	22					20.0	2.0 L4											22.0

POU Total Acres: 154.0

1. E17 USE OF THIS RIGHT IS COMBINED WITH WATER FROM PALISADES WATER USERS ASSN.
2. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 35-14174, 35-14176
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
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

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5. 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.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.85 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 616 AF.
COMBINED RIGHT NOS.: 35-14174, 35-14176.
6. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 5.4 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 154 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 35-14174, 35-14176
7. E03 USE OF THIS RIGHT IS COMBINED WITH WATER FROM BUTTE & MARKET LAKE CANAL CO.

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

**STATE OF IDAHO
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APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ 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. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by SC Date 11/11/14 Preliminary check by _____ Date _____

Fee paid 200.00 Date 4/17/18 Received by SC Receipt # E043901

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Das canio Transfer Overview



X-Post-Transfer Split Portion POD

2015 Imagery

Legend

-  Pre-Transfer Points of Diversion
-  Portion for Split
-  Pre-Transfer Place of Use
-  Township/Range
-  Sections
-  QQ



82306

A horizontal scale bar with tick marks at 0, 0.1, 0.2, and 0.4 Miles. The bar is black with white text and a white segment between 0.1 and 0.2 miles.

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
110 N. Clark Street/PO Box 405
Rigby, ID 83442

Instrument # 424222
RIGBY, JEFFERSON, IDAHO
07-14-2016 04:30:38 PM No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE - RIGBY
COLLEEN C POOLE Fee: \$13.00
Ex-Officio Recorder Deputy: LK
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **597166-RI (ss)**

Date: **July 11, 2016**

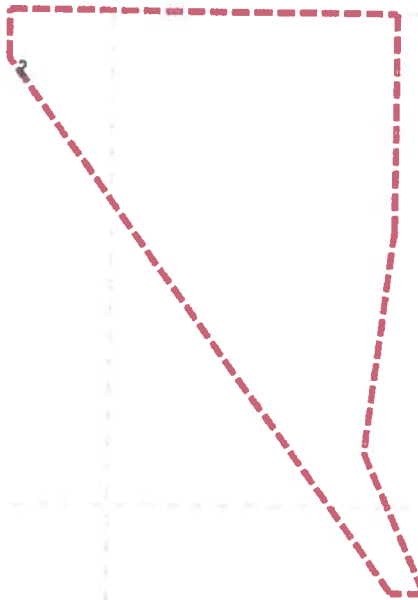
For Value Received, **Garth M. Gunderson and Bonnie M. Gunderson, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Elizabeth Dascanio and Justin Dascanio, wife and husband**, hereinafter called the Grantee, whose current address is **3580 East 960 North, Menan, ID 83434**, the following described premises, situated in **JEFFERSON County, Idaho**, to-wit:

Commencing at a point that is West along the Quarter Section line 552.686 feet from the East Quarter Corner of Section 16, Township 5 North, Range 38 East, Boise Meridian, Jefferson County, Idaho, and running thence South 577.977 feet; thence South 7°13'13" West 600 feet; thence South 24°15' East 410 feet; thence West 92 feet, more or less, to the Easterly right-of-way line of the Butte and Market Lake Canal; thence curving Northwesterly along said right-of-way approximately 1822 feet; thence North 130.85 feet, more or less to the said Quarter Section line; thence East 1045.314 feet to the point of Beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.





Scale: 1 inch= 500 feet

File:

4/4/2018

Tract 1: 19.6765 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=4617 ft.

01 /ne,se,16,5n,38e

02 /n90w 552.686

03 s00e 577.977

04 s7.1313w 600.00

05 s24.15e 410.00

06 n90w 92

07 n36.2727w 1760.78

08 n00e 130.85

09 n90e 1045.314

82306

Right Number	Pre Transfer Acres	Pre-Transfer Acre Limit	Pre Transfer Total CFS	Pre-Transfer AF	Total Acres for Transfer	Transfer Acre Limit	CFS for Transfer	AF for Transfer	Remain Acres	Remain Acre Limit	Remain cfs	Remain AF
35-14174	154.00	56.00	1.12	224.00	15.00	5.45	0.11	21.82	139.00	50.55	1.01	202.18
35-14176	154.00	92.60	1.63	370.20	15.00	9.02	0.16	36.06	139.00	83.58	1.47	334.14
35-14178	154.00	5.40	0.10	21.80	15.00	0.53	0.01	2.12	139.00	4.87	0.09	19.68
Combined	154.00	154.00	2.85	616.00	15.00	15.00	0.28	60.00	139.00	139.00	2.57	556.00

Prepared for Elizabeth and Justin Dascenic
Prepared by Cooper Fritz