

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAR 08 2018

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

Department of Water Resources
Eastern Region

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

1. APPLICANT(S) Garth + Bonnie Gunderson Phone 208-313-2500
 2. MAILING ADDRESS 3590 E. 960 N. City Menan
 State ID Zip 83434 Email garth.gunderson@gmail.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) 35-14174, 3514176, 35-14178

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

4. TOTAL AMOUNT OF WATER transferred is 0.06 ^{3.2 acres} cubic feet per second and/or 12.8 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 www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
			NE	SE	16	5N	38E	Jefferson	Ground water	

3/14/2018

<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

224.0 AF

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

[illegible]

POU Total Acres: 154.0

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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Proof Report

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.

Dates and Other Information

Decreed Date: 8/29/2002

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: 120

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 3.5

Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

3/14/2018

<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

370.2 AF

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

[illegible]

POU Total Acres: 154.0

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.

Dates and Other Information

Decreed Date: 8/29/2002
Civil Case Number: 39576
Judicial District: FIFTH
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

3/14/2018

<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

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

[illegible]

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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- 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.
5. 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.

Dates and Other Information

Decreed Date: 4/2/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

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:

Water line for irrigating the 2 acre Pasture comes off the water line going from the well to our home.

- b. Who owns the property at the point(s) of diversion? Garth + Bonnie Gunderson

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.)

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. The Map Tool, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

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.

Garth Gunderson

Signature of applicant or authorized agent

Garth Gunderson

Print name and title if applicable

8 mar 2018

Date

Bonnie Gunderson

Signature of applicant or authorized agent

Bonnie Gunderson

Print name and title if applicable

8 mar 2018

Date

9. **FEE** - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is 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 _____ pages of attachments.

Received by _____ Date _____

Fee paid \$500.- Date 3/8/2018

Received by _____ Receipt # E043776

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

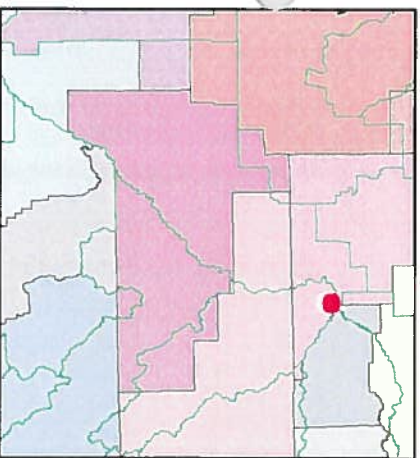
(Do NOT scan the W-9 – confidential information is held by fiscal only)



Idaho Department of Water Resources

Water Right
35-14174
(IRRIGATION)

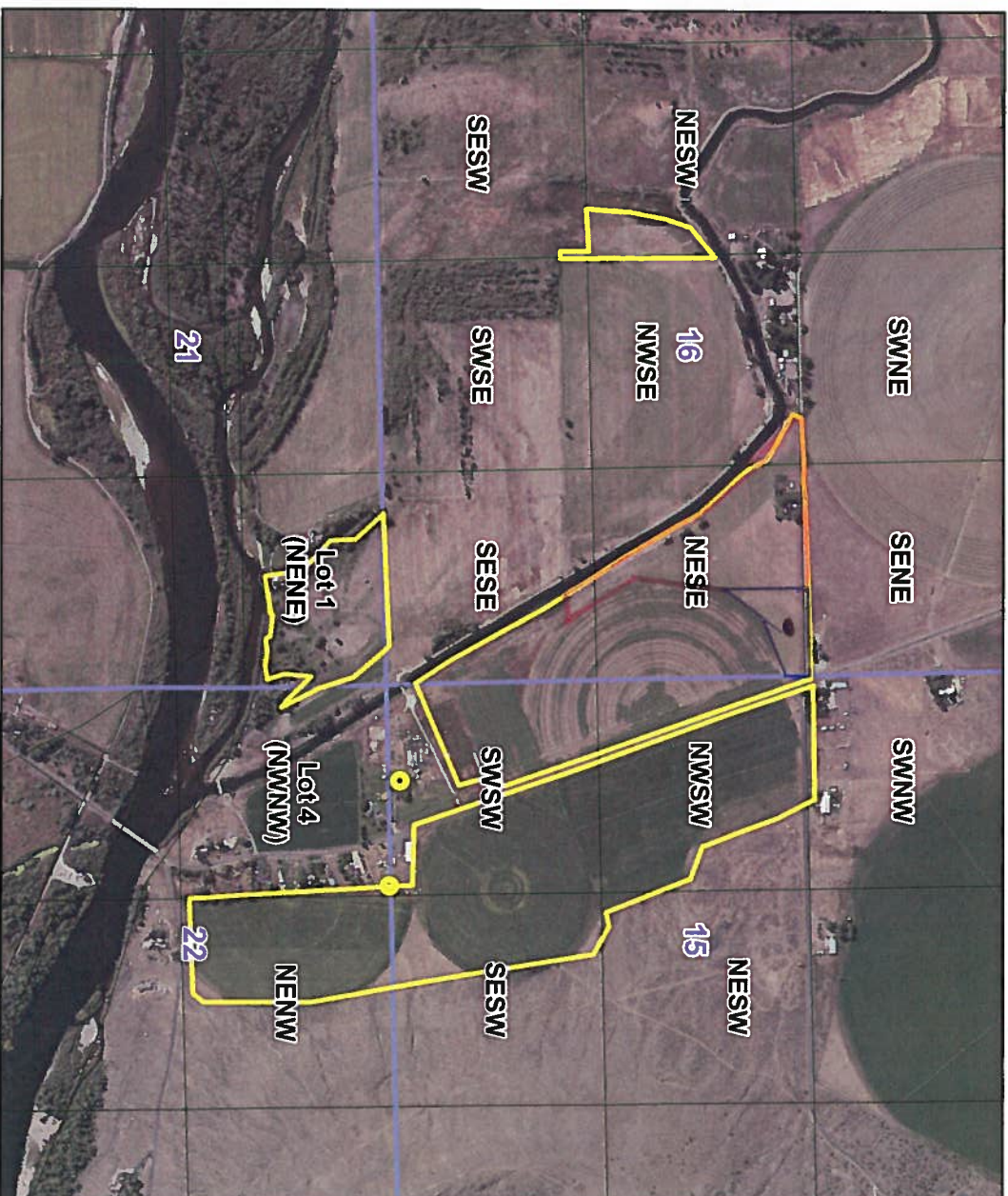
- Place of Use
- Point of Diversion
- State Outline
- Townships
- PLS Sections



Jefferson, Madison Counties
IDWR Basin 35

Prepared by Peck, Robert

Background: 2015 Aerial Photography



82297

SPECIAL GRANT DEED

THIS INDENTURE, made this 6 day of Nov, 1996, between ADEN G. GUNDERSON and AFTON C. GUNDERSON, his wife, of 970 North 3600 East, Menan, Jefferson County, State of Idaho, the Grantor, and GARTH GUNDERSON and BONNIE GUNDERSON, his wife, of 3580 East 960 North, Menan, Jefferson County, Idaho, the Grantee,

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00), lawful money of the United States of America, and other good and valuable considerations, to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold and by these presents, does grant, bargain, sell and convey and confirm unto the said Grantee, and to Grantee's heirs and assigns, forever, an undivided two-third (2/3) interest in and to all the following described real estate situated in the County of Jefferson, State of Idaho, to-wit:

SEE ATTACHED EXHIBIT A

Together with the irrigation equipment and water rights appurtenant thereto.

Subject to the mortgage thereon in favor of Farm Credit Services.

GRANTOR further represents that GRANTOR has not voluntarily or involuntarily created or allowed to be created, any liens, encumbrances or defects against the property or the title thereto, and agrees to hold harmless GRANTEE from the same or allegations of the same.

IN CONSTRUING this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the said Grantor hereunto has set his hand.

Aden G. Gunderson
ADEN G. GUNDERSON

AFTON C. GUNDERSON

STATE OF IDAHO)
County of Jefferson) ss

On this 6 day of Nov., 1996 before me, the undersigned, a Notary Public in and for said State, personally appeared ADEN G. GUNDERSON and AFTON C. GUNDERSON, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal
the day and year in this certificate first above written.

James Field
Notary Public for Idaho
Residing at *2105 S 416*
Commission Expires: *1/29/2002*



RECEIVED BY
ASSESSOR
For PLATTING
Date 11-8-96 Time 5:00 p.m.

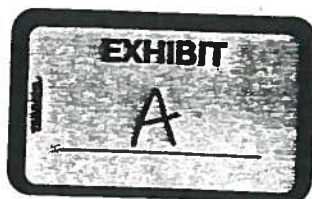
Microfilm No. 283169
8 Day November .y 90
 At 455 O'Clock p M.
CONNIE M. KELLER
 Jefferson Co., Recorder
 Fee \$ 6.00 5¢ Jersey
 Recorded at Request of Oliver Brown

8229 7

Commencing at a point on the Westerly right-of-way line of the abandoned and previous Union Pacific Belt Line Railroad right-of-way 243.6 feet South of the East Quarter Corner of Section 16, Township 5 North, Range 38 East, Boise Meridian, Jefferson County, Idaho, and running thence South 2118.4 feet, more or less, to the Easterly right-of-way line of the Butte and Market Lake Canal; thence North approximately $30^{\circ}07'08''$ West approximately 994.6 feet, more or less, along said right-of-way; thence West 2140.0 feet, more or less, to the North-South Mid Section line of said Section 16; thence North 1070.2 feet, more or less to the Northerly right-of-way line of the Butte and Market Lake Canal; thence North approximately $71^{\circ}08'29''$ East along said right-of-way approximately 1019.8 feet, more or less, thence North 57.0 feet; thence East 1674.03 feet; thence South 198.75 feet to the point of beginning.

EXCEPTING: Butte and Market Lake Canal right-of-way.

Containing an area of approximately 88.2767 acres, less Butte and Market Lake Canal right-of-way.



82297