

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78383

This is to certify that: CATHERINE UNRUH AND
DAVID CHRIS UNRUH
25289 HIPWELL LN
GRAND VIEW, ID 83624

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>
2-2176B	WR/DECREED	5/1/1962	2.040 cfs	762.0 af	N/A	175.0	SNAKE RIVER

Purpose of Transfer (Changes Proposed)

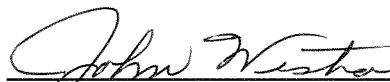
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
2-2176B	NO	YES	NO	NO	NO	NO

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>
2-2176B	2-2176B	2.040 cfs	762.0 af	N/A	175.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.040 cfs	762.0 af	N/A	175.0		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 24th day of March, 2014.


Western Regional Manager

WATER RIGHT NO. 2-2176B
As Modified by Transfer No. 78383

In accordance with the approval of Transfer No. 78383, Water Right No. 2-2176B is now described as follows:

Right Holder: DAVID CHRIS UNRUH
 CATHERINE UNRUH
 25289 HIPWELL LN
 GRAND VIEW, ID 83624

Priority Date: 5/1/1962

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 10/31	2.040 cfs	762.0 af
			2.040 cfs	762.0 af

LOCATION OF POINT(S) OF DIVERSION

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

PLACE OF USE: IRRIGATION

			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			6.0					30.0	23.0				18.0	19.0	6.0	15.0	117.0
05S	04E	31									2.0	11.0	37.0	8.0					58.0
											L 3	L 4							

POU Total Acres: 175.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.

Transfer No. 78383

WATER RIGHT NO. 2-2176B
As Modified by Transfer No. 78383

CONDITIONS OF APPROVAL

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
6. Right Nos. 2-2176B and 2-2405B when combined shall not exceed a total annual maximum diversion volume of 787.5 af at the field headgate and the irrigation of 175 acres.
7. Right Nos. 2-63, 2-2083, 2-2084, 2-2176A, 2-2176B, 2-2271, 2-2272, 2-2405A, 2-2405B, 2-4027, 2-7032 and 2-10313 when combined shall not exceed a total diversion rate of 14.55 cfs.
8. Right Nos. 2-2176B, 2-2405B and 2-10198 when combined are limited to the irrigation of 558.5 in a single irrigation season.
9. 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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 4, 2014

DAVID CHRIS UNRUH
CATHERINE UNRUH
25289 HIPWELL LN
GRAND VIEW ID 83624

Re: Transfer No. 78383
Water Right No. 2-2176B

Transfer Approval Notice

Dear Water Right Holder :

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

The Transfer of Water Right(s) 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

John Westra
Western Regional Office

Enclosures

CERTIFICATE OF SERVICE

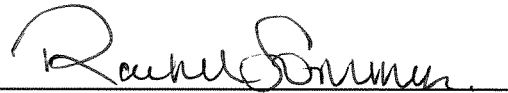
I hereby certify that on April 4, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No. 78383
Water Right No. 2-2176B**

**DAVID CHRIS UNRUH
25289 HIPWELL LN
GRAND VIEW ID 83624**

**CATHERINE UNRUH
25289 HIPWELL LN
GRAND VIEW ID 83624**

**CORBIN KNOWELS
WATER MASTER
CORBIN.KNOWLES@IDWR.IDAHO.GOV**

A handwritten signature in black ink, reading "Rachel Sommer", is written over a horizontal line.

**Rachel Sommer
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.

Sommer, Rachel

From: Sommer, Rachel
Sent: Friday, April 11, 2014 8:29 AM
To: Knowles, Corbin
Subject: Approved Transfers No's: 78382, 78383, 78941
Attachments: Transfer Approval 78382.pdf; Transfer Approval 78383.pdf; Transfer Approval 78941.pdf

Good Morning Corbin,

I have attached 3 transfer approvals that were sent by mail on April 10, 2014.

Please let me know if you need anything else.

Have a wonderful day!

Rachel Sommer

The Owyhee Avalanche

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

MAR 03 2014

WATER RESOURCES
WESTERN REGION

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):

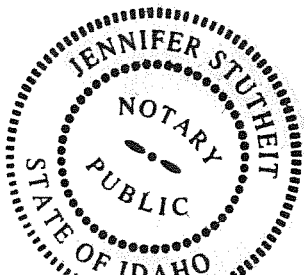
FEBRUARY 5, 12, 2014

SIGNED: Robert E. Aman

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 27 day of Feb. in the year of 2014 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.



Jennifer Stutheit
Notary Public of Idaho

Residing at HOMEDALE, IDAHO
My commission expires: JANUARY 3, 2015

**THE FOLLOWING
APPLICATIONS HAVE
BEEN FILED TO
APPROPRIATE THE
PUBLIC WATERS OF THE
STATE OF IDAHO:**

✓ **2-10499 BLACKSTOCK
FAMILY LTD PARTNERSHIP,
6754 OPALINE RD, MELBA,
ID 83641-4217**

Point of Diversion L4(SWSE)
S26 T02N R04W OWYHEE
County Source SNAKE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION 03/01 to
11/15 2.98 CFS

Total Diversion: 2.98 CFS

Date Filed: 12/17/2013

Place of Use: IRRIGATION

T01N R04W S2 L3(NENW)

T01N R04W S3 L1(NENE)

L2(NWNE) SWNE SENE

Total Acres: 149

✓ **2-10500 BLACKSTOCK
FAMILY LTD PARTNERSHIP,
6754 OPALINE RD, MELBA,
ID 83641-4217**

Point of Diversion L4(SWSE)
S26 T02N R04W OWYHEE
County Source SNAKE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION 03/01 to
11/15 0.62 CFS

Total Diversion: 0.62 CFS

Date Filed: 12/17/2013

Place of Use: IRRIGATION

T02N R04W S34 NENE NESE

NWSE

Total Acres: 31

✓ **55-13912 ANITA L GLUCH,
THOMAS R GLUCH, PO BOX
257, JORDAN VALLEY, OR
97910**

Point of Diversion SWSE S14
T06S R06W OWYHEE County
Source GROUND WATER

Use: IRRIGATION 04/01 to
10/31 4.7 CFS

Total Diversion: 4.7 CFS

Date Filed: 2/27/2013

Place Of Use: IRRIGATION

T06S R06W S13 NWSW

T06S R06W S14 NWNE
SWNE SENE NENW SENW
SE(ALL)

T06S R06W S23 NENE
NWNE SWNE

Total Acres: 236

**PROPOSED CHANGE C
WATER RIGHTS**

✓ Chris and Catherine Unruh of
25289 Hipwell Lane, Grandview,
ID 83624, filed Application Nos.
78382 and 78383 to transfer
two water rights with 1962 and
1967 priority dates from the
Snake River totaling 3.28 cfs and
787.5 afa. The purpose of the
transfer is to change the points of
diversion pursuant to a request by
the Bybee Canal Co., to a point
0.4 miles south of the current
points of diversion. Water will
be used at the current place of
use approximately 1 mile south
of Grandview.

✓ Celia C. & Charles Raymond
Draper of 24964 Draper Lane,
Grand View, ID 83624 filed
Application No. 78941 to transfer
a portion of three water rights with
1969 to 1970 priority dates from
the Snake River currently diverted
near C.J. Strike Dam at the Grand
View Mutual Canal (GVMC)
diversion. The purpose of the
transfer is to move 3.64 cfs (182
inches) from the GVMC diversion
to the nearby Bybee Canal Co.
diversion. The remainder of the
authorized rate under the three
rights, 1.00 cfs (50 inches), will
remain diverted at the GVMC
diversion.

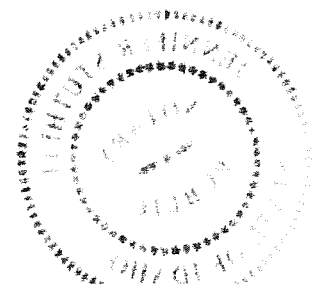
Permits will be subject to all
prior water rights. For additional
information concerning the
property location, contact Western
Region office at (208) 334-2190;
or for a full description of the
rights &/or proposed transfer,
please see [www.idwr.idaho.gov/
apps/ExtSearch/WRFiling.asp](http://www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp).
Protests may be submitted based
on the criteria of Sec 42-222
and 42-203A, Idaho Code. Any
protest against the approval of
this application(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 2/24/2014. The protestant
must also send a copy of the
protest to the applicant.

GARY SPACKMAN,
Director
2/5, 12/14

RECEIVED

MAR 03 2014

WATER RESOURCES
WESTERN REGION



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/15/2013

2/4/2014 UPDATE

SAME POD & 14.55 CFS LIMIT (23 cfs arithmetic sum)

12 RIGHTS

5 OWNERS

ALL SHOULD CHANGE POD

} all transfers
filed ✓

Conditions of Approval (from 2-2176B UNRUH)

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. P21 This right is a split from former right 02-02176.
3. E60 Right Nos. 02-02176B and 02-02405B are limited to a total combined diversion rate of 3.7 cfs and to a total combined annual diversion volume of 787.5 AF.
4. E55 Right Nos. 02-02176B and 02-02405B are limited to the irrigation of a combined total of 175 acres in a single irrigation season.
5. E56 The rights listed below are limited to the irrigation of a combined total of 558.5 acres in a single irrigation season. Combined Right Nos.: 2-2176B, 2-2405B, 2-10198
6. F06 The following rights are diverted through point of diversion described above: 02-02083, 02-02084, 02-02176A, 02-02176B, 02-04027, 02-02271, 02-02272, 02-02405A, 02-02405B, 02-07032, 02-00063, 2-10313.
7. E52 The rights listed below are limited to a total combined diversion rate of 14.55 cfs. Combined Right Nos.: 02-02083, 02-02084, 02-02176A, 02-02176B, 02-04027, 02-02271, 02-02272, 02-02405A, 02-02405B, 02-07032, 02-00063, 2-10313.

UNRUH

transfers 78382 & 78383 filed

FIELD

transfer 78909 (includes 2-2176C w/o combine rate limits)

DRAPER

transfer 78941 to split rights between 2 PODs

ORDER OF
TRANQUILITY

transfer filed 1/27/2104 (c/o Beus)

ASTLE

transfer filed 1/31/2014 (ownership change, Meaker to Astle)

Combined Use Limits

Rate
14.550

2-63	2-2271	2-4027	2-2405A	2-2176A	2-2176B	2-2405B	2-2083	2-2084
2-2272		2-7032		2-10313				