

RECEIVED

JAN 14 2013

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 an entire 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 or to report an ownership change for a portion 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

1. APPLICANT(S) David Chris + Catherine Unruh Phone 834-2879
2. MAILING ADDRESS 25289 Hipwell Ln 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) required for water right ownership changes; see [fee schedule](#).
- ☐ 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) 2-2176B

- ☐ 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 2.04 cubic feet per second and/or 762 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.

Twsp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
055	04E	34	9	SE	SW		ow y	Snake	Bybee pump station

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:

Bybee Canal pump station - Bybee Canal to my
pressure pumps thru mainline to pivots.

- b. Who owns the property at the point(s) of diversion? Bybee Canal
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 leased to the Water Supply Bank,
☐ ☒ 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 _____

7. **MAP** - ☐ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at <http://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.

<u>Chris Unruh</u> Signature of applicant or authorized agent	<u>Chris Unruh</u> owner / owner Print name and title if applicable	<u>1-6-13</u> Date
<u>Catherine Unruh</u> Signature of applicant or authorized agent	<u>Catherine Unruh</u> Print name and title if applicable	_____ 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 2 pages of attachments. Received by MS Date 1-14-13
Fee paid 6600 Date 1/14/13 Receipted by MS Receipt # W040803
Preliminary review completed by Vicki M. G. C. Date 4-4-13

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-2176B

NAME AND ADDRESS: DAVID C UNRUH
32397 MUD FLAT RD
GRAND VIEW ID 83624-5048

CATHERINE W UNRUH
32397 MUD FLAT RD
GRAND VIEW ID 83624-5048

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.040 CFS
762.00 AFY

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.

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.

PRIORITY DATE: 05/01/1962

POINT OF
DIVERSION: T05S R04E S34 NWSW Lot 10 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	2.040 CFS 762.00 AFY

PLACE OF USE: IRRIGATION in OWYHEE County

T05S R03E S36	SWNE	6.00	T05S R03E S36	SENW	30.00
T05S R03E S36	NESW	23.00	T05S R03E S36	NESE	18.00
T05S R03E S36	NWSE	19.00	T05S R03E S36	SWSE	6.00
T05S R03E S36	SESE	15.00	T05S R04E S31	NESW	2.00
T05S R04E S31 Lot 3 NWSW		11.00	T05S R04E S31 Lot 4 SWSW		37.00
T05S R04E S31	SESW	8.00			

175 ACRES TOTAL

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

Right Nos. 02-02176B and 02-02405B are limited to the irrigation of a combined total of 175 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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.

This right is a split from former right 02-02176.



Sommer, Rachel

From: Sommer, Rachel
Sent: Tuesday, February 04, 2014 12:11 PM
To: Knowles, Corbin
Subject: (3) Applications for Transfer
Attachments: 1 Watermaster Recommendation Form.docx; Application 78382.pdf; Application 78383.pdf; Application 78941.pdf

February 4, 2014

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

RE: Application for Transfer No's: 78382, 78383, 78941

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the applications are enclosed with this email for your reference. Please review the applications, complete the attached recommendation form, and submit your reply, if any, to this office within 21 days.

The protest deadline for any interested party is February 24, 2014. A written protest and the \$25 filing fee must be received by 5:00 p.m. that day in order to be recognized by IDWR.

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,

Rachel Sommer
Administrative Assistant
IDWR, Western Region
Office: 208-334-2190
Fax: 208-334-2348
rachel.sommer@idwr.idaho.gov

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, January 29, 2014 6:12 PM
To: 'JENNIFER@OWYHEEAVALANCHE.COM'
Subject: Owyhee Legal Ad
Attachments: Owyhee Cover Letter.docx; Owyhee Legal Ad.docx

Good Evening Jennifer Stutheit,

Please see the attached ad for publication on 2/5/2014 & 2/12/2014.

Please confirm these are okay to publish as shown.

Thank you very much,

Rachel Sommer

Administrative Assistant
IDWR, Western Region
Office: 208-334-2190
Fax: 208-334-2348
rachel.sommer@idwr.idaho.gov

January 29, 2014

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

RE: Application for Transfer No's: 78382, 78383, 78941
Application for Permit No's: 55-13912, 2-10499, 2-10500

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 2/24/2014.** Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

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 OF 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. 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

Published on 2/5/2014 and 2/12/2014

RECEIVED

OCT 02 2013

WATER RESOURCES
WESTERN REGION

To : Vicky Music Sr. water resource agent

Hello, In answer to your letter regarding Transfer # 78382

I have spoken to the Bybee water board after our conversation the other day.

The Bybee board instigated and asked us with water rites at the old transfer to get them changed to our main pumping station.

There is plenty of pump capacity , and the Bybee board and us transferring our water rites are asking that our full amount allotted by the state of Idaho be transferred. Thank You

A handwritten signature in black ink, appearing to read "Darrell", followed by a stylized flourish.

Darrell Agenbroad President

A handwritten signature in blue ink, appearing to read "Darrell Agenbroad", written over a horizontal line.

Jeremy Boechner Secretary

A handwritten signature in black ink, appearing to read "Jeremy Boechner", written over a horizontal line.



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 6, 2013

CHRIS AND CATHERINE UNRUH
25289 HIPWELL LN
GRANDVIEW, ID 83624

Re: Applications for Transfer No. 78382 (Water Right No. 2-2176B)
and No. 78383 (Water Right No. 2-2405B)

Dear Mr. and Mrs. Unruh:

The applications referenced above seek to transfer the points of diversion from a Snake River source, from a location on CJ Strike Reservoir to a location about 0.4 mile south on CJ Strike Reservoir. Based on information you provided, both are Bybee Canal Co. points of diversion, and the transfers were requested by the canal company. Upon continued review of the applications, the Department has identified additional issues with the applications, and determined that additional information is still needed before proceeding.

The rights delivered at the original point of diversion total 23 cfs, however, on the face of the rights, including your rights, 2-2176B and 2-2405B, is a condition that states that all of the rights are limited to the diversion of 14.55 cfs, or 63% of the total of 23 cfs.

So, 63% of right nos. 2-2176B [$2.04 \text{ cfs} \times 0.63 = 1.29 \text{ cfs}$] and 2-2405B [$1.24 \text{ cfs} \times 0.63 = 0.78 \text{ cfs}$] equals 2.07 cfs, which is the maximum quantity that can transferred to the new point of diversion. If the transfers are approved, the water rights will be authorized for these quantities. If this is not acceptable to you, you may withdraw the applications for transfer. A form is included in this mailing.

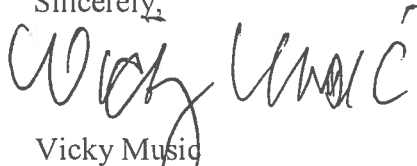
As requested in the letter the Department sent to you on March 20, 2013, please provide a letter from the Bybee Canal Co. that includes the following:

1. whether canal company authorizes the transfers of the points of diversion; and,
2. The rights delivered through the canal system at the new point of diversion total 177.22 cfs. Is the canal capable of delivering the additional quantity of water the authorized under 2-2176B and 2-2405B at the new point of diversion?

Transfer Nos. 78382 and 78383
September 6, 2013
Page 2 of 2

The additional information is due in writing by October 7, 2013. Failure to submit the information may result in the application being voided. Fees are not refunded for voided applications. You may email the requested information to me at vicky.music@idwr.idaho.gov and call me at 208.334.2190 if you have questions. Thank you.

Sincerely,



Vicky Music
Sr. Water Resource Agent

Enclosure: Withdrawal of Transfer form

(Signature/Title of Applicant)



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 20, 2013

CHRIS AND CATHERINE UNRUH
25289 HIPWELL LN
GRANDVIEW, ID 83624

Re: Applications for Transfer No. 78382 (Water Right No. 2-2176B)
and No. 78383 (Water Right No. 2-2405B)

Dear Mr. and Mrs. Unruh:

The transfer applications referenced above has been assigned to me for processing. The applications seek to transfer the points of diversion from a Snake River source, from a location on CJ Strike Reservoir to a location about 0.4 mile south on CJ Strike Reservoir. The Department must have additional information before processing can continue.

Application Item 6a asks for a description of the complete diversion system and item 6b asks for the owner of the property at the point of diversion. If the owner is not the applicant, item 6b asks for a description of the arrangement that enables the applicant to access the property for the diversion system. Additionally, applications for rights that fall within the service area of irrigation or delivery entities must provide something in writing that the change is acceptable to the irrigation or delivery entity.

Application 78382 (rt. no. 2-2076B) indicates in 6a and b that the property owner and point of diversion is the Bybee canal pump station, but does not provide whether the change is authorized by Bybee Canal. No information was provided in Item 6a and b of Application 78383 (rt. no. 2-2405B), and as such, the application is incomplete. Please provide the information required by the applications; confirm whether the information in the applications is the same for each right, and the authorization from Bybee Canal that the change is acceptable to them.

The additional information is due in writing by April 1, 2013. Failure to submit the information may result in the application being voided. Fees are not refunded for voided applications. You may email the requested information to me at vicky.music@idwr.idaho.gov and call me at 208.334.2190 if you have questions. Thank you.

Sincerely,



Vicky Music
Sr. Water Resource Agent

MEMORANDUM

TO: Transfer Nos. 78382 and 78383 Files

FROM: Vicky Music

DATE: March 20, 2013

RE: Evaluation of Sufficiency of Information Submitted

The transfers propose to move the points of diversion of two rights from a former Bybee Canal Co. diversion on CJ Strike Reservoir 0.4 miles south to the Bybee Canal diversion on CJ Strike Reservoir. Transfer no. 78382 addresses the proposed change to water right no. 2-2176B and transfer no. 78383 addresses the change proposed to 2-2405B.

The place of use of the rights is approximately 1 mile southeast of Grandview, Idaho. The old and new PODs are approximately 6.5 miles southeast of Grandview.
The applicants are the contact persons.

Deviations from Transfer Policy Standards

Two applications was filed using the "short form" for changes to the point of diversion only. Both rights could have been changed using one application because one system is affected.

There were several omissions and deficiencies in the applications, and often an item left blank in one application was complete on the other. So, both applications, which are for the same system, answer all of the application items.

Because the rights are delivered by the Bybee Canal co., I requested a letter from them stating that the transfers were acceptable to them. Applicant Chris Unruh called me and stated that the Bybee Canal Co. asked the water users to make the change to the new Bybee Canal Co. POD. He sent a letter signed by the Bybee Board members stating that the change was acceptable. As processing continued, the Department learned that the old POD is owned by Idaho Power, and has not been used for the Bybee Canal Co rights is several years.

There was an issue with a combined use conditions, which is discussed in this memo. The applications will be advertised. There are no other deficiencies in the applications.

Summary of Information Submitted

Authority to File:

The applicants are the owners of record of the two water rights that are the subject of these transfers, and have the authority to file the applications.

Water Right Validity:

Right presumed to be valid because the partial decrees were issued within the past five year period, on 6/15/09.

Injury to Other Water Rights:

No injury is expected by moving the PODs about 0.4 mile.

Enlargement of Use:

There is a danger of enlargement due to an unusual condition on the water right that is described in the discussion section. Water District 02 has only become active in the past year and the water master will ensure that enlargement does not occur.

Local Public Interest:

There are no public interest issues.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

Additional Information/Analysis and Discussion

Both of these rights have this condition:

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.

I informed applicant Mr. Unruh that the quantity for his rights being transferred would be prorated, and reduced, so that the 14.55 cfs limitation would be met, and to prevent enlargement. This was not acceptable to Mr. Unruh. I informed him that if all of the rights transferred to the new POD, then no reduction would take place and the condition would be preserved for all of the rights.

There are 5 water right owners of the 12 rights. Mr. Unruh contacted some of them, I sent a letter to 2 of the users. As of this date, 2 of the owners [of 8 of the rights] filed transfers to change the POD. As of the date of this memo, 1 of the water users to whom I sent a letter will file a transfer in February. Hence, 11 of the 12 rights subject to the condition will be transferred to the new POD, and none of the rights will be prorated.

IDWR analysis is not needed from other IDWR personnel or programs. IDWR staff held a meeting with the Basin 02 Watermaster to discuss the history, the condition, and other issues in the area.

Watermaster comments will be solicited.

Data entry affected the correct records. The partial decrees were issued & results were migrated to wr records.

SRBA status was described above.

The entire POU of the two rights involved in the transfer are overlapped by 2-10198, owned by the applicants. The new POD per the transfers is also the POD of 2-10198, as well as many other rights delivered by the Bybee Canal Co.

Mitigation is not an issue and there are no Water Bank issues.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Condition 046 n/a because a new well is not proposed.