

Maline, Denise

From: gundy@safelink.net
Sent: Sunday, December 08, 2013 7:02 PM
To: Maline, Denise
Cc: Merritt, Allen; Yenter, Cindy; Brian Higgs, WD140 Water Master
Subject: Emailing: Water Transfer 78891 Wtr Mstr Remarks 1A, Water Transfer 78891 Wtr Mstr Remarks 2 Cons CFS Yearly Summ. (2), Water Transfer 78891 WtrMstr remarks 1
Attachments: Water Transfer 78891 Wtr Mstr Remarks 1A.PDF; Water Transfer 78891 Wtr Mstr Remarks 2 Cons CFS Yearly Summ. (2).xls; Water Transfer 78891 WtrMstr remarks 1.docx
Importance: High

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SOUTHERN REGION

Denise,

Attached, are my requirements to the Merriman Ranch 2006 Water Transfer 78891. I have also submitted these attachment to my MCWD45F Board Members for review. As of this date and submission of this reporting, I have not received any comments that are negative to the three reports that I am submitting to you.

I hope IDWR takes what I am requesting under advisement for the "conditions of Approval" of the transfer 78891. If there are any questions, please contact me.

Respectively submitted,

*Don G. Gunderson, Watermaster
Marsh Creek Water District 45-F
gundy@safelink.net*

you will find my final authorization of Approval of 78891 Transfer of Water Right's provided Idaho Department of Water Resources accepts my requests.

Your message is ready to be sent with the following file or link attachments:

[Water Transfer 78891 Wtr Mstr Remarks 1A](#)

[Water Transfer 78891 Wtr Mstr Remarks 2 Cons CFS Yearly Summ. \(2\)](#)

[Water Transfer 78891 WtrMstr remarks 1](#)

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 15, 2013

*Rec'd
11/19/2013
Gill -*

E-mail
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DEPT. OF WATER RESOURCES
SOUTHERN REGION

DONALD GUNDERSON
WATER DISTRICT #45-F
1047 E 1000 S
ALBION, ID 83311

RE: Transfer No. 78891

Water Right No(s): 45-13589, 45-256A, 45-2663, 45-275, 45-284B, 45-284C,
45-285, 45-286, 45-327D, 45-517D, 45-523A

Dear Mr. Gunderson:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

*13590
106 Springs*

Enclosure(s)

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

E-mailed
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SOUTHERN REGION

Transfer Application No.: 78891

Water Right No(s): 45-13589, 45-256A, 45-2663,
45-275, 45-284B, 45-284C, 45-285, 45-286, 45-327D,
45-517D, 45-523A

Transfer Applicant's Name: ALBION 12 INVESTMENTS LLC
7595 E MC DONALD DR, #130
SCOTTSDALE, AZ 85250

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) X I do not oppose approval of this application if it is conditioned as follows:
See attachments that are provided -
1. Water Transfer 1 & 2 Attachments
2. Recommendation Form PDF File
- c) _____ I oppose approval of this application for the following reasons:
- d) X Additional comments:
See Above -

Dated this 5th day of December, 2013

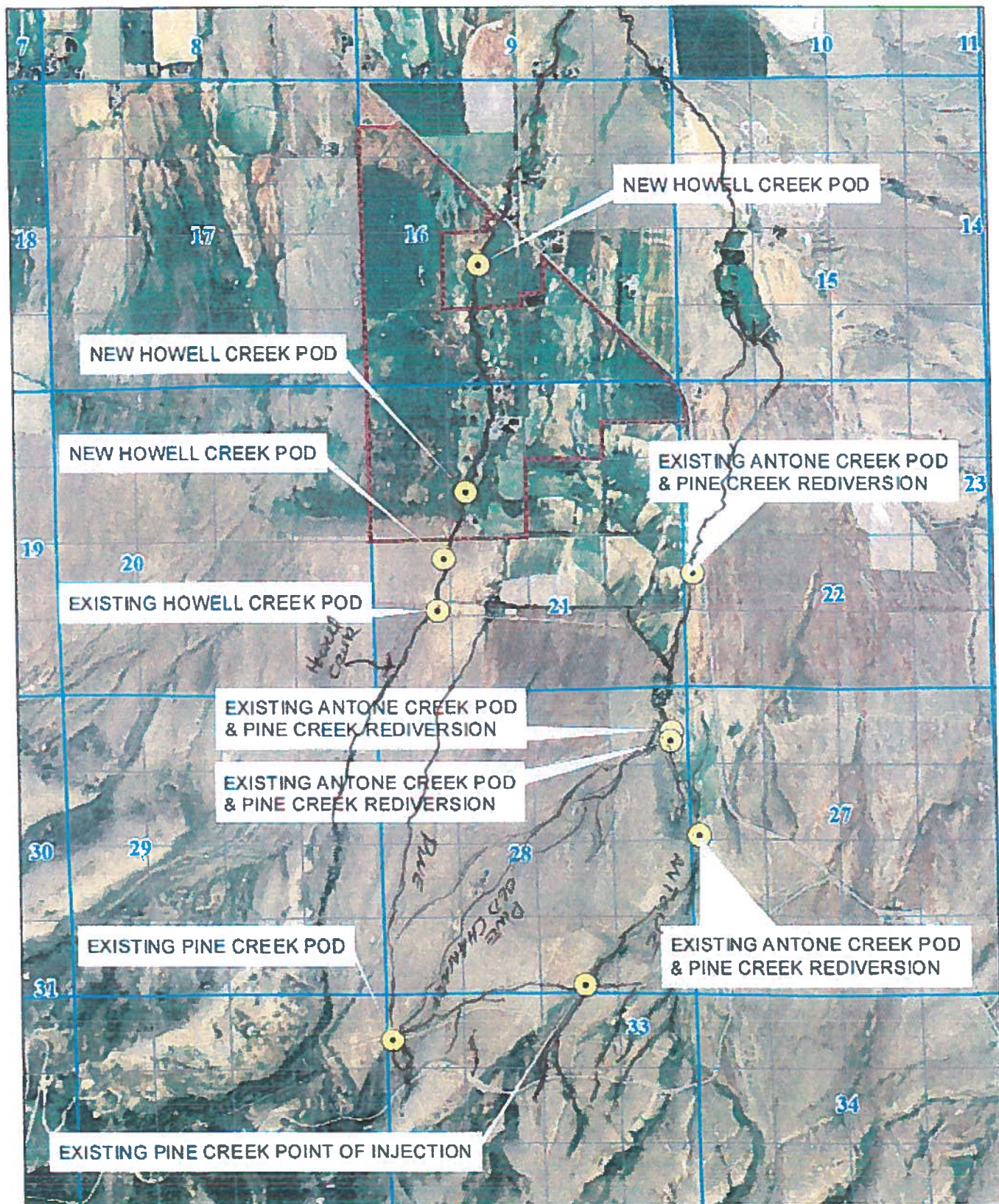
Water District No. 45-F

Donald S. Johnson

Watermaster's Signature

Donna G. Grunwaldson

Printed Name



0 1,250 2,500 5,000 Feet

**ALBION 12 INVESTMENTS LLC.
WATER RIGHT TRANSFER 45-256A
NAIP 2011 AERIAL**

BROCKWAY ENGINEERING, PLLC
ALR - JULY 17, 2013

Legend

- PPU BOUNDARY
- ALBION 12 INVESTMENTS
- Section Lines
- QQ Lines



TRANSFER 78891



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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Marsh Creek Water District 45F

December 5, 2013

Albion, Idaho
CASSIA COUNTY, IDAHO

As the Watermaster, I Don G. Gunderson do not oppose approval of the transfer 78891 provided in delivering 45-256A Antone/Pine Creek as to what the creek channel is today, as it has been for the last 30 years and Howell Creek as it is currently established, has never been delivered from Howell creek. If this was to be allowed under this new transfer it would infringe upon users below the POD's mentioned in the transfer 78891.

- Pine and Antone Creeks point of entry to Howell Creek travels by way of the drainage going thru what is currently Ben Smyer property 12S25ES15 and (S21, 22, 15, 09), Antone/Pine into summit Creek to Howell Creek.
- This is an 1892 right and has its own delivery system within the confines of its creek channel. This system is on a 20 day rotation between Grant Clark (15 days) and Fred Hawker (5 days). All water is off of Pine and Antone until there is no water to deliver.

The existing POD shown "HB" off of Howell Creek serviced three parties prior to 2006 with the Decreed Date of 4/1/1875 (45-284) they were Grant Clark (45-284C, Fred Hawker (45-284A) and Helen Anderson (45-284C) on a rotation of 20 days dealing with 2.68cfs or 134 inches (4, 5, 11 day cycle). In 2006 Anderson sold to Mike Merriman still keeping the same rotation but moving his POD to a new POD ("HC1, 2 & 3) 3 Head gate's with (1 going West, North and East) dealing with 45-284 with rotation 11 days.

- Note: The other existing water right off of Howell Creek existing POD "HB" is Water Right 45-286A which is an 9/01/1880 to Fred Hawker .40cfs and Grant Clark with 45-286 of 1.2cfs. No other water rights were ever delivered off of Howell Creek during my time as Watermaster of 23 years.

My other concern is the Ground water which is under WD-140 jurisdiction.

I understand Grant Clark's irrigation well was not used as ground irrigation but possible Stock water and I have been told also, it was possibly a dry well! Provided that the ground POD is transferred, I would have no problems, but that I would asked that it be stipulated as Supplemental to the Surface Water Right 45-284A, B, C as it occurs in rotation 4/01/1875.

Note: See a prepared Consolidate CFS Yearly (2002-2013) by month report as backup to my report on Antone/Pine Creeks.

Respectively submitted,

Don G. Gunderson, Watermaster
Marsh Creek Water District 45F
gundy@safelink.net

DEC 09 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Revised Date:
12/5/2013

MARSH CREEK WATER DISTRICT 45-F

Watermaster Log by Year

2002-2013 Consolidated CFS

Report Prepared for Albion Ranch

Report # 1 Prepared by: Don Gunderson

Run Date: November 1, 2013

prepDate: October 29, 2013

NAME:

Decreed Date: 4/12/1892

Rotation 15 days, off 5 Days

Clark, Grant 45-256A

	March	April	May	June	July	August	Sept.	Oct.	Monthly	
									Other CFS	Totals
									JaFbNvDec	CFS Total
										CFS Decreed
Clark, Grant 45-256A										3.35
Antone/Pine Creek 2002	0	46.29	63.92	54.94	29.98	3.6	0	0	0	198.73
Antone/Pine Creek 2003	0	0	0	0	0	0	0	0	0	No Data
Antone/Pine Creek 2004	0	12.14	25.32	19.99	7.5	0	0	0	0	64.95
Antone/Pine Creek 2005	0	3.53	37.7	20.61	12.25	0.6	0	0	0	74.69
Antone/Pine Creek 2006	0	65.62	69.7	35.18	25.84	34.47	0	0	0	230.81
Antone/Pine Creek 2007	3	22.07	22	36.2	3	0	0	0	0	86.27
Antone/Pine Creek 2008	3	11.58	16.2	29.5	18.9	1.4	2.8	0	0	83.38
Antone/Pine Creek 2009	0	27.1	21.1	39.96	48.93	19.2	3.85	0	0	160.14
Antone/Pine Creek 2010	0	2.8	28.62	44.15	23.8	0	0	0	0	99.37
Antone/Pine Creek 2011	0	0	12	27.9	43.32	20.08	0	0	0	103.3
Antone/Pine Creek 2012	0	4.34	13.25	23.17	4	0	0	0	0	44.76
Antone/Pine Creek 2013	0	0	0	0	0	0	0	0	0	0
Total CFS Summ:	6	191.13	284.56	280.53	170.2	59.27	6.65	0	0	1146.4
SubTotal:										1146.4

PLS

PINE CREEK

12S25E27SWSWNW

12S25E33SWWNW

12S25E28SESWSE

12S25E28SENE

12S25E22SWNWSW

flush to Howell Ck/Sum Ck

ANTONE CREEK

12S25E28SENE

12S25E22SWNWSW

12S25E27SWSWNE

Report # 1 Prepared by: Don Gunderson MARSH CREEK WATER DISTRICT 45-F Revised Date: 12/5/2013
Run Date: November 1, 2013 Watermaster Log by Year
prepDate: October 29, 2013 2002-2013 Consolidated CFS
NAME: Decreed Date: 4/12/1892 Report Prepared for Albion Ranch

Monthly											
Rotation 5 Days, off 15 Days											
	March	April	May	June	July	August	Sept.	Oct.	Other CFS	Totals	
									JaFbNvDec	CFS Total	CFS Decreed
Hawker, Fred, 45-256B	0	4.36	17.93	33.33	5	0	0	0	0	60.62	4.7
Antone/Pine Creek 2002	0	0	0	0	0	0	0	0	0	0	0
Antone/Pine Creek 2003	0	0	0	0	0	0	0	0	0	0	No Data
Antone/Pine Creek 2004	0	3.3	6.91	9.61	11.46	0	0	0	0	31.28	
Antone/Pine Creek 2005	0	1.88	8.29	12.98	2.81	0	0	0	0	25.96	
Antone/Pine Creek 2006	0	7.1	11.2	24.19	6	7.25	0	0	0	55.74	
Antone/Pine Creek 2007	0	0	9.4	17.55	0	0	0	0	0	26.95	
Antone/Pine Creek 2008	0	0	16.65	10	16.5	7.5	4.2	0	0	54.85	
Antone/Pine Creek 2009	0	4.5	9.2	9.25	16.93	6.2	1.75	0	0	47.83	
Antone/Pine Creek 2010	0	0	13.15	8.8	11.1	0	0	0	0	33.05	
Antone/Pine Creek 2011	0	0	26	21.4	8.5	3	0	0	0	58.9	
Antone/Pine Creek 2012	0	2.8	5.65	0	0	0	0	0	0	8.45	
Antone/Pine Creek 2013	0	0	0	0	0	0	0	0	0	0	
Total CFS Summ:	0	21.14	92.73	125.71	69.8	20.95	5.95	0	0	403.63	403.63
Total CFS:										1550.03	

Note: I had no data file to capture for this season 2003
computerized CFS Consolidated Report!

PINE CREEK
12S25E28SESWSE
12S25E28SENE
12S25E33SWNNW
flush to Howell Ck/Sum Ck

ANTONE CREEK
12S25E28SENE