

RECEIVED

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Amended

Page 1 of 6

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 74671

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant

Susan Runsey and or

DONALD JOHN RUNSEY (Double Diamond Ranch) (Dr + Investments)

Phone

208-793-2967

Mailing address

P.O. Box 28 Horseshoe Bend, IDAHO 83629

Email

DoubleDiamond@Frontier.net

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

2. Describe the reason for the proposed changes Remove Right from 477 Ave Permissible place of Use, Use it on new land for new owner. New owner land is along pipeline between existing point of diversion and existing place of use. Right being moved is portion of "Porter Creek" Right Resulting from transfer

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
CS2278	B/1/1908	0.04 cfs / 6.8 ac	Irrigation	4/1 to 11/1
				to
				to
				to

2. Total amount of water being transferred .04 cubic feet per second and/or 6.8 acre-feet per annum.

3. Source of water Porter Creek tributary to Payette River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	SE	12	7N	2E	Boise	Porter Creek #1 diversion (No change)

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	2E	13										15							1.5

AMENDED

Total Acres 1.5

PART 1

6. General Information:

a. Description of diversion system EXISTING HEADGATE WEIR & PIPELINE
(ALL #1 PORTER CREEK DIVERSIONS)

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes (No). If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

DECREASE P.P.W. IRRIGATION AREA BY 1.5 ACRES, DRY UP

1.5 ACRES (SEE MAP #1 FOR WHICH ACRES)

d. Remarks:

STATE IT SOME MILES AS FORTY-LEAD 45-8935-22
SPRING RUNS TO LOW TO IRRIGATE YARD W/ IN SUMMER MONTHS SO
THIS IS TO SUPPLEMENT & IRRIGATE AROUND MY HOME

3-17-2000

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

✓ SEE Attachment A
for this page

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above _____

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

If yes, describe

B) DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total Acres _____

C.) DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.

The grid is a 10x10 square grid. The central square, at the intersection of the 5th column and 5th row, contains the handwritten text "SEE ATTACHMENT B" in black ink. The grid is used for drawing a map or attaching a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1.

Scale: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE N/A

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
 _____ to _____
 _____ to _____
2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change:

Donald Runsey 3-17-2010

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.



Donald Runsey (Signature of Applicant)
Donald Runsey - President (Print Name (and title, if applicable))
 Subscribed and sworn to before me this 12th day of March, 2008.
Josephine A. Ashbrook (Notary Public)
 My commission expires 09-17-2010

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments (7 PAGES)
 Received by DB Date 3-13-08 Protest filed by _____
 Prelim. Check by VLM Fee \$100-
 Received by DB / W036248 Date 3-13-08
 Published in IDAHO WORLD Copies of protest forwarded by _____
 Pub. Dates JULY 7 & 14, 2010 Hearing held by _____ Date _____
 Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial
 _____ received by _____
 Copy of transfer sent to lien holder _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-22778

WATER RIGHT NUMBER: 65-22778

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	D R & J INVESTMENTS LTD PARTNERSHIP 8973 W STATE ST BOISE, ID 83703-1729 (208)853-1371
Original Owner	ANGEL MADARIETA
Original Owner	GEORGE W DOVEL 434 PIONEER RD HORSESHOE BEND, ID 83629 (208)793-2768

Priority Date: 06/01/1908

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PORTER CREEK	PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.040 CFS	6.80 AF
	<u>Total Diversion:</u>	0.040 CFS	6.80 AF

Location of Point(s) of Diversion

PORTER CREEK	NW1/4SE1/4	Sec. 12, Twp 07N, Rge 02E, B.M.
BOISE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	02E	2						14.0	6.3	16.0	.1								36.4
07N	02E	23											6.0			1.4	28.5	3.0	38.9

Attachment A
(3 pgs)

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-22778

Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	02E	26	28.0	39.0	38.0	3.5	19.0		21.1	19.6		18.0		28.0	8.3				222.5
07N	02E	34				13.9								39.0	3.8	1.6	34.0		92.3
07N	02E	35					4.4	20.5		34.0	28.0								86.9

Total Acres: 477

Conditions of Approval:

1. R05 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. 65B, Porter Creek.
2. 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.
3. Use of this right with the rights listed below is limited to the irrigation of a combined total of 477 acres in a single irrigation season. Combined right nos.: 65-1151, 65-1317, 65-2138, 65-2532A, 65-2540, 65-2869, 65-10747, 65-10748, 65-10749, 65-11393A, 65-22775.
4. X36 Rights 65-10746 and 65-22775 are also diverted through the point of diversion described above.
5. T08 Failure of the right holder to comply with the conditions of Transfer No. 70465 is cause for the Director to rescind approval of the transfer.
6. R43 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 diversion within reasonable proximity to the point of diversion on Porter Creek.
7. Use of this right with rights listed below is limited to a total combined diversion rate of 0.02 cfs per acre and to a total combined annual diversion volume of 4.5 af per acre at field headgate. Combined right nos.: 65-1151, 65-1317, 65-2138, 65-2532A, 65-2540, 65-2869, 65-10747, 65-10748, 65-10749, 65-11393A, 65-22775.
8. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 65-22327.
9. S40 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
10. X27 This right is limited to the irrigation of 1.5 acres within the place of use described above in a single irrigation season.
11. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

A2

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-22778

Comments:

1. pskaggs 4/23/2004 8:56:48 AM Transferred Right
Comment: This is now a approved transfer, transfer number = 70465

Dates and Other Information:

Licensed Date:
Decreed Date: 8/3/2004
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 65B
Generic Max Rate Per Acre: 0.03
Generic Max Volume Per Acre: 4.5
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Water Supply Bank:

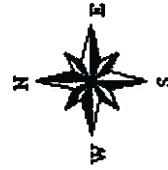
Idaho Dept. of Water Resources

Claim No(s): 65-01151,
65-02138, 65-01317,
65-02532A, 65-2540,
65-03103, 65-10747,
65-10748, 65-10749,
65-11393A

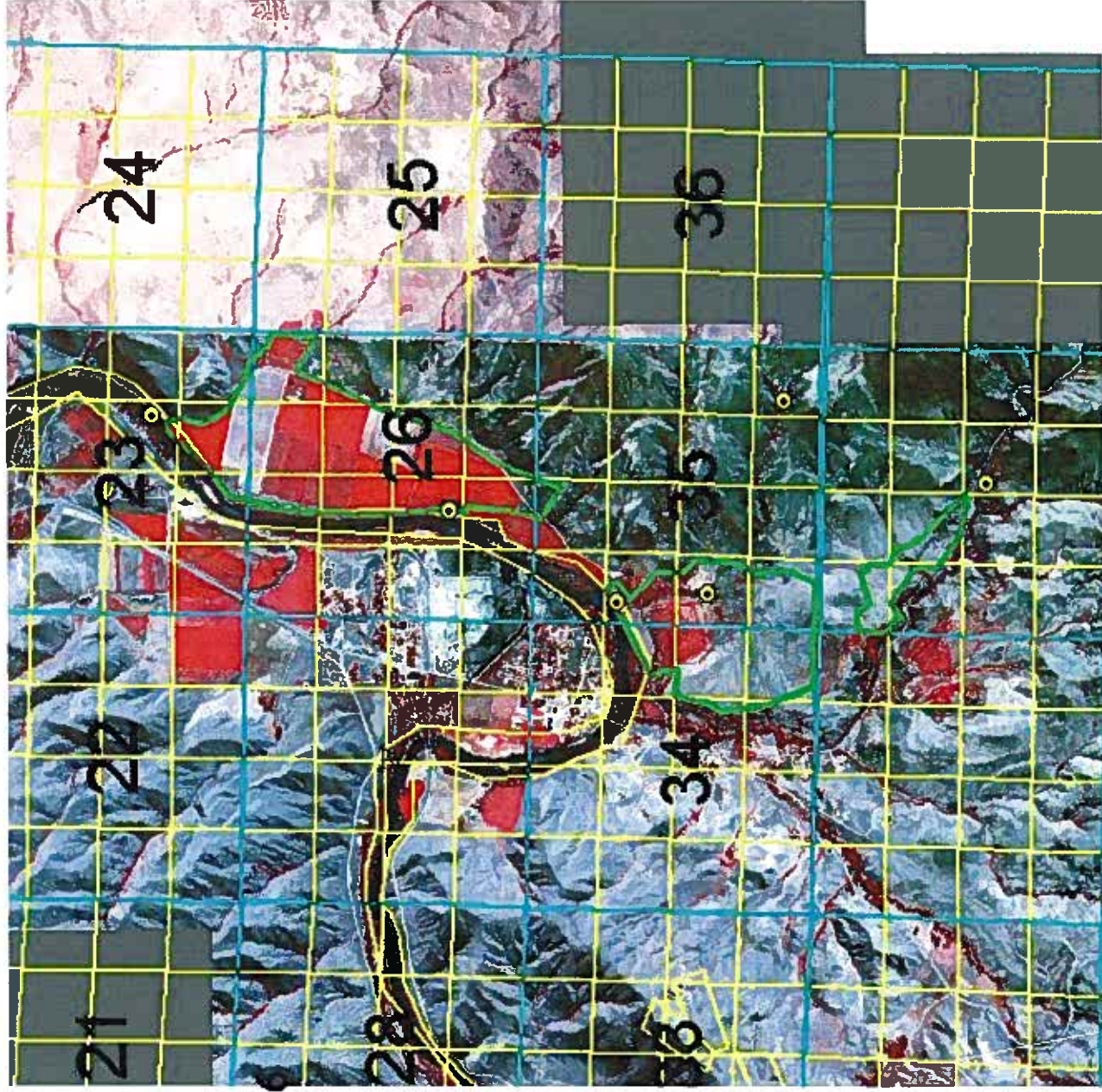
T07N, R02E, S23,25,26,35,36
T06N, R02E, S 2

Prepared by: Sue Bock
Date: 1/17/2001

- Place of Use
- Point of Diversion
- Section lines
- 1/4 1/4 lines



*ATTACHMENT B
(2 pgs)*



0 0.4 0.8 Miles

1987 NAPP Photo

Idaho Dept. of Water Resources

Claim No(s): 65-08935

T07N, R02E, 13

Created by: Sue Bock

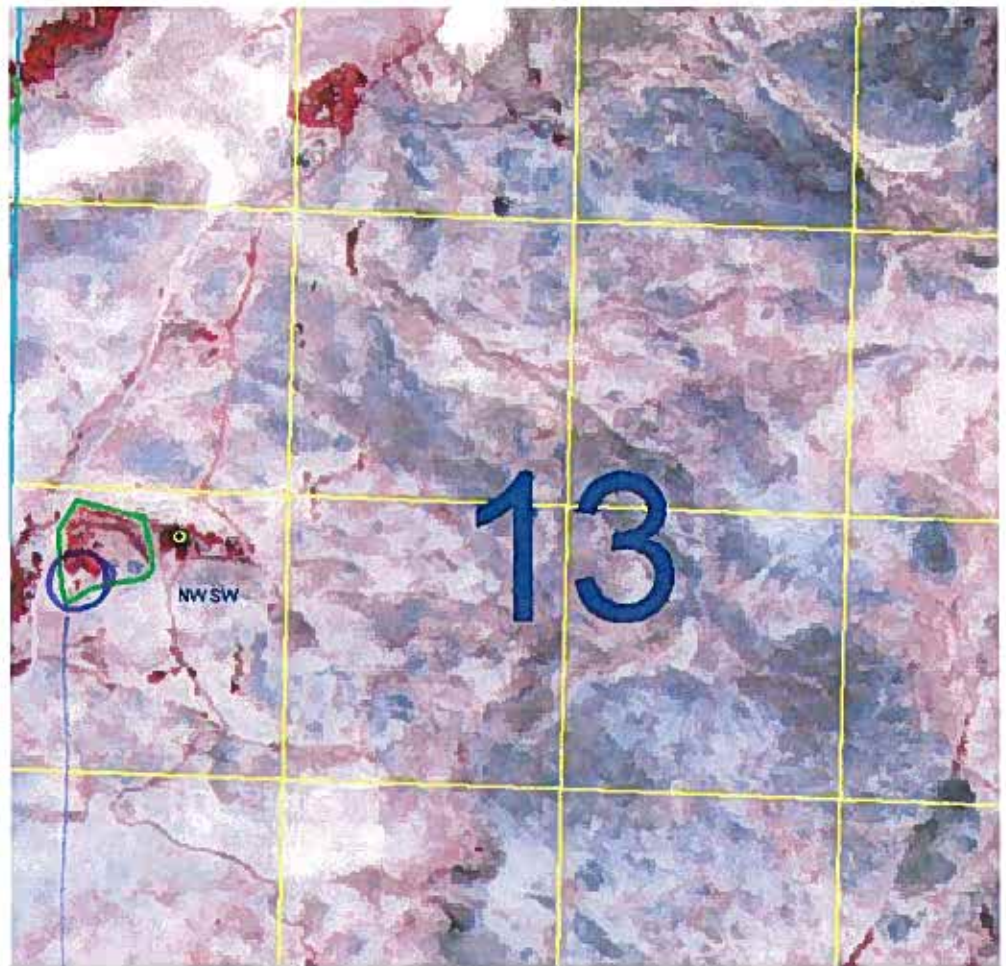
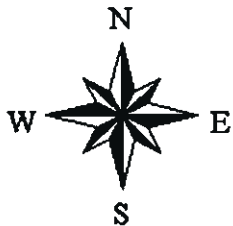
Date: 7/18/2000

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



0 1000 2000 3000 Feet 1987 NAPP Photo

1.5 acres is located here, around
the house.

SR 3-17-2010
DJV

B₂

Claim No(s): 65-01151,
65-02138, 65-01317,
65-02532A, 65-2540,
65-03103, 65-10747,
65-10748, 65-10749,
65-11393A

T07N, R02E, S23, 25, 26, 35, 36
T06N, R02E, S 2

Prepared by: Sue Bock

Date: 1/17/2001

Amendment



Place of Use



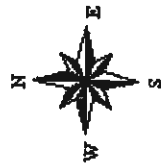
Point of Diversion



Section lines

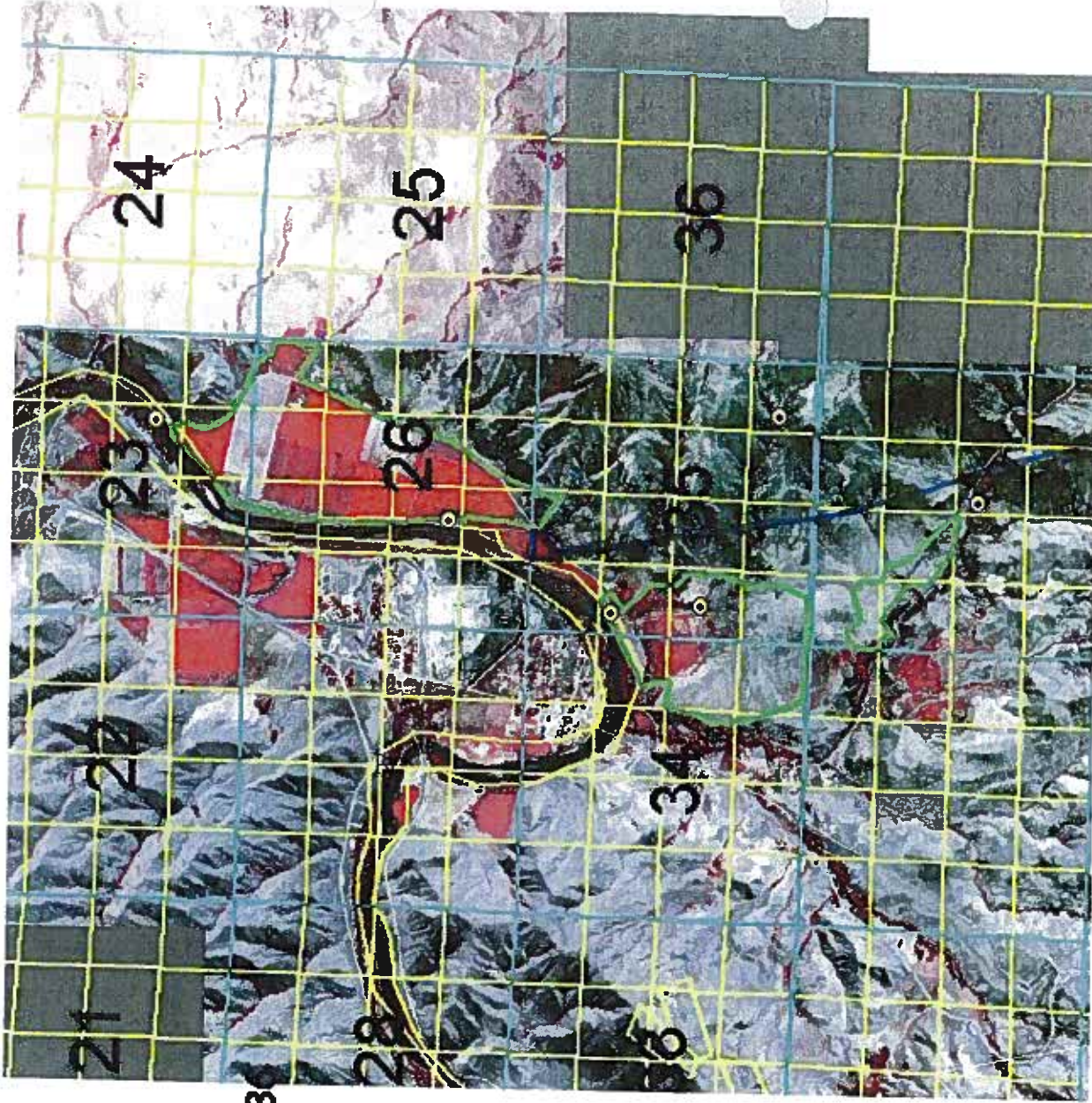


1/4 1/4 lines



ATTACHMENT B
(2 pgs)

Idaho Dept. of Water Resources



1987 NAPP Photo

Remove 1.5 acres here
3-17-2010

0 0.4 0.8 Miles

Idaho Dept. of Water Resources

Claim No(s): 65-08935

T07N, R02E, 13

Created by: Sue Bock

Date: 7/18/2000



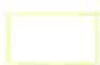
Place of Use



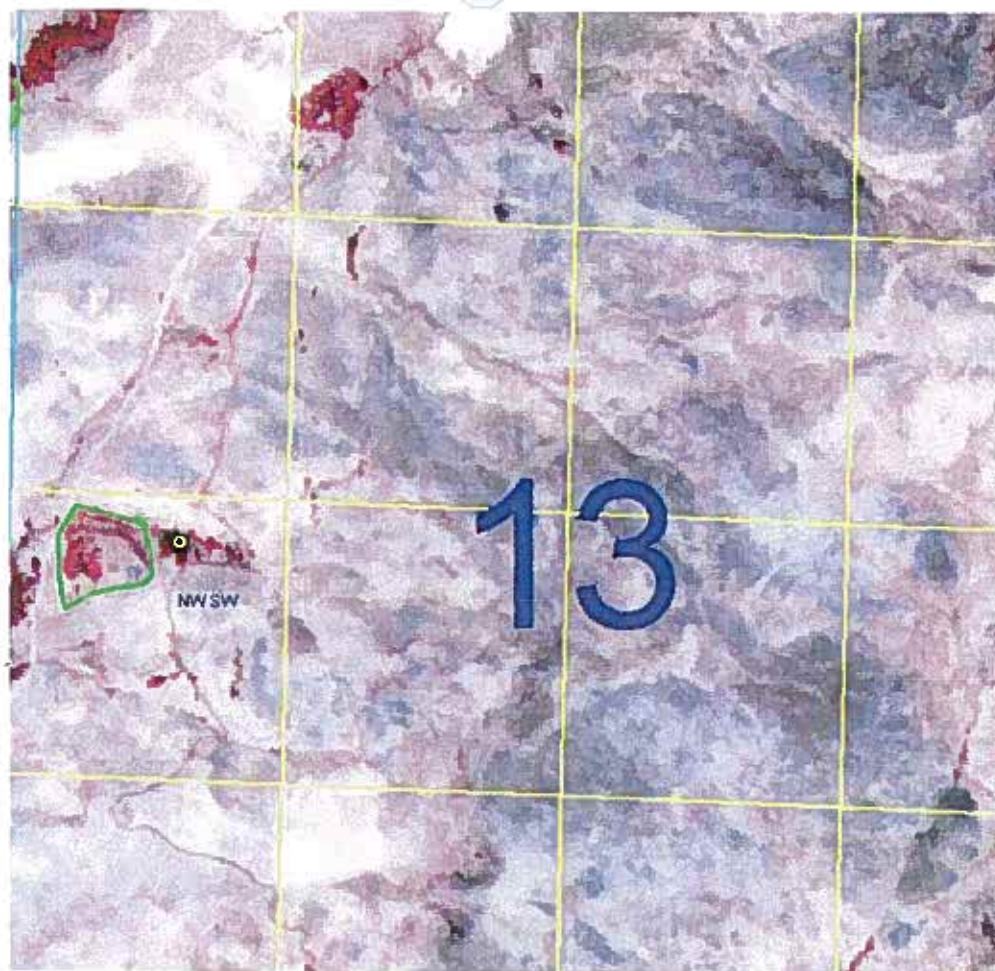
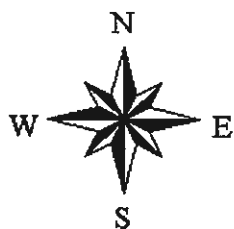
Point of Diversion



Section lines



1/4 1/4 lines



0 1000 2000 3000 Feet

1987 NAPP Photo

5 ~~Suzy~~ away@ Yahoo. Com
SUZY

Amendment

B₂

Instr ent # 227390

IDAHO CITY, BOISE COUNTY, IDAHO

4-16-2010 10:54:01 No. of Pages: 2

Recorded for: JACK C. RIDDLEMOSE

CONSTANCE SWEARINGEN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: DEEDS

QUITCLAIM DEED

FOR VALUE RECEIVED, DR & J Investments, a Limited Partnership.

APR 19 2010

WATER RESOURCES
WESTERN REGION

does hereby convey, release, and forever quitclaim

unto SUSAN RUMSEY, formerly Susan K. Pomerleau

whose address is: 365 Pioneer Road, Horseshoe Bend, ID. 83629

the following described premises, to-wit:

Water Right on file with Idaho Department of Water
Resources as #65-22778, for use on the following
described property:

Description contained in Exhibit 'A' attached
hereto and made a part hereof.

DATED this 8th day of April, 2010.

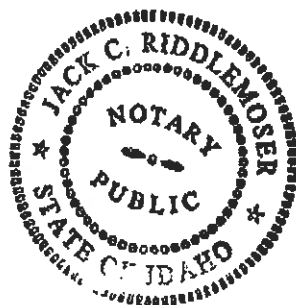
DR & J Investments, a Limited
Partnership

By Donald Rumsey
DONALD RUMSEY, Partner

STATE OF IDAHO

County of Ada

On this 8th day of April, 2010, before me, a Notary Public
in and for the State of Idaho, personally appeared Donald Rumsey,
known to me to be a partner in DR & J Investments, Limited
Partnership, whose name is subscribed to the foregoing instrument,
and acknowledged to me that he executed the same in the same in
the partnership name.



Jack C. Riddlemoser
Notary Public for Idaho

Residing at: Idaho

My Commission Expires:

2/27/12

Attachment C (2 pages)

EXHIBIT 'A'

A PARCEL OF LAND situated in the Northwest quarter of the Southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), of Section thirteen(13), Township Seven North(7N), Range Two East(2E) BOISE MERIDIAN, BOISE COUNTY, IDAHO and more particularly described as follows:

Beginning at the One-Quarter($\frac{1}{4}$) Corner common to Section thirteen(13) and Fourteen(14) of above said Township Seven North(7N) and Range Two East(2E), thence South 89° 33' East along the North boundary line of above said Northwest quarter of the Southwest Quarter(NW $\frac{1}{4}$ SW $\frac{1}{4}$) a distance of 316.1 feet, more or less, to the REAL POINT OF BEGINNING, a steel post; thence continuing South 89° 33' East along said North boundary line, coinciding with a fence line, a distance of 1007.2 feet, more or less, to the Northeast(NE) Corner of the above said Northwest Quarter of the Southwest Quarter(NW $\frac{1}{4}$ SW $\frac{1}{4}$), a steel post; thence South along the East boundary line of above said Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), coinciding with a fence line, a distance of 180.8 feet, more or less, to a point, a steel post; thence South 89° 30' West, adjacent to a fence line, a distance of 462.0 feet, more or less, to a point, a steel post; thence North 88° 30' West, coinciding with a fence line, a distance of 380.8 feet, more or less, to a point, a steel post; thence South 03° 00' West, coinciding with a fence line, a distance of 111.5 feet, more or less, to a point, a steel post; thence South 29° 00' West, coinciding with a fence line, a distance of 87.8 feet, more or less, to a point, a steel post; thence North 83° 00' West, coinciding with a fence line, a distance of 223.1 feet, more or less, to a point on the East Right-of-way line of the County Road, a steel post; thence North 17° 30' East along said East Right-of-way line, and adjacent to a fence line, a distance of 365.6 feet, more or less, to the REAL POINT OF BEGINNING; and containing five acres(5), more or less.

C2