



Marsh Creek Water District 45F

February 10, 2012

1047 E. 1000 S.
Albion, Idaho 83311
Don G. Gunderson, Watermaster
208 673.5359 / 312.5359

Paul Aston, C.B.O.
Aston Construction Specialty Services
283 East 350 North
Rupert, Idaho 83350

Shirley A. Clark
Star Route Box 20
Albion, Idaho 83311

Kerry D. McMurray
Cassia County Administrator &
Cassia County Planning & Zoning
1459 Overland Ave.
Burley, Idaho 83318

Ref: Cancellation of "Clark Acres Subdivision" presentation at Annual Water meeting

Dear Mr. Aston:

The Marsh Creek Water District 45F Water master Don G. Gunderson did receive Shirley Clark's Plat along with your letter, requesting to meet with myself and the Marsh Creek Advisor Board for a presentation of the "Clark Acres Subdivision". In turn, I tried to set up a special meeting concerning your request. The advisory board indicated that you could do your presentation at the Annual Water meeting March 5, 2012 at 2:00pm, which I relayed to you verbally and followed with a letter.

In the mean time I am having second thoughts. I had communications with my superior's at IDWR and discussed what had been set up and my personal protest dealing with the Clark Subdivision. Mr. Allen Merritt stated to me that I had every right as a property owner to file a protest but that's as far as it goes.

In any event he stated he does not believe the watermaster, the advisory board or the water district as a special entity should be involved in planning and zoning matters. The water district was created to deliver water rights to the water users according to the water rights. Mr. Merritt indicated for me to review Title 42 Chapter 6 of the Idaho Code.

Which I did.... Basically in summary, it states that the watermaster is elected by the waterusers to deliver water to them according to the recorded water rights. That is what authority the watermaster has.... to distribute water (42-607). The advisory board is just that... to advise the watermaster and the Director of IDWR if needed (42-605). They do not have the authority to act in any other capacity. The authority of the district, ect is covered in Title 42 Chapter 6 of the Idaho Code. Therefore,

Mr. Aston, I submitted authorization to my advisory board that at the present time the schedule presentation that we had undertaken for the Clark Acres Subdivision per your letter of request has at this time been cancelled at our annual water meeting.

I have resubmitted previous documentation of correspondence pertaining to Mrs. Clarks Water Rights as they stand today. Which if and when the property change's hand then the watermaster will be there to administer any changes that might be incurred at that time.

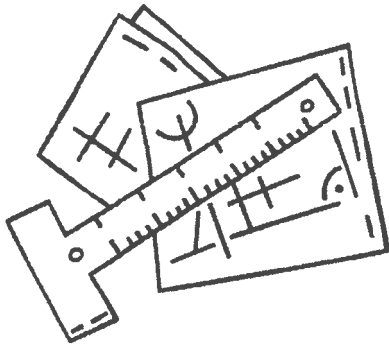
<u>Priority</u>	<u>Date/Decree</u>	<u>CFS</u> <u>Rate:</u>	<u>IN</u> <u>inch</u>	<u>Total</u> <u>A/C</u>	<u>acre</u> <u>Limit</u>	<u>PLS</u>	<u>NAME:</u>
06/01/1877	45-521D	0.38	19	20.5		12S24E13SWNENW	Clark, Glenn & Shirley
06/01/1877	45-521D					12S24E13NENWNE	
3/18/1910	45-13583	0.22	11	11		12S24E13NWSE	Clark, Shirley

Thank you,

Respectively submitted,
Don G. Gunderson, Watermaster
Marsh Creek Water District 45F

Attachment(s):

- Clark Acres Subdivision Review – Paul Aston
 - Plat(s) (2) dated 8/27/2010
- Clark Acres Subdivision Letter- dated 6/14/2011
 - From MCWD



*FROM THE DESK
OF
PAUL ASTON*

*Rec'd 11/23/2011
EAG-*

November 21, 2011

Don Gunderson, Watermaster
Marsh Creek Water District 45F
1047 E 1000 S
Albion, ID 83311

RE: Clark Acres Subdivision Review

Dear Mr. Gunderson,

Last Thursday, November 17th, the Cassia County Planning and Zoning Commission held a hearing on the Clark Acres Subdivision proposed by Mrs. Shirley Clark. There seemed to be a question on what proposed plat was reviewed by the different agencies and for this purpose the hearing was continued and the Commission instructed Mrs. Clark to resubmit the plat to the Marsh Creek Water District 45F for its review and comments.

I am helping Mrs. Clark with her application and I am therefore requesting some time at a district board meeting, in the near future to present the final draft of her subdivision for review and comments. I regret the inconvenience to the district of having to review and comment on this subdivision again, but it has been mandated by Cassia County to insure the proper procedures have been followed. I was not involved the first time you reviewed the plat and I would appreciate the opportunity to present it to your board and to answer or address any questions or concerns.

Enclosed is a small copy of the subdivision that can be dispersed to the Board Members. The purpose for your agency's review and comments is to assist the Cassia County Planning and Zoning Commission and the Board of County Commissioners to determine whether to approve, disapprove or conditionally approve Mrs. Clark's application for the subdivision.

I look forward to your response and I appreciate this opportunity to make this presentation to the Water District Board. Below is my contact information if you need to get in touch with me.

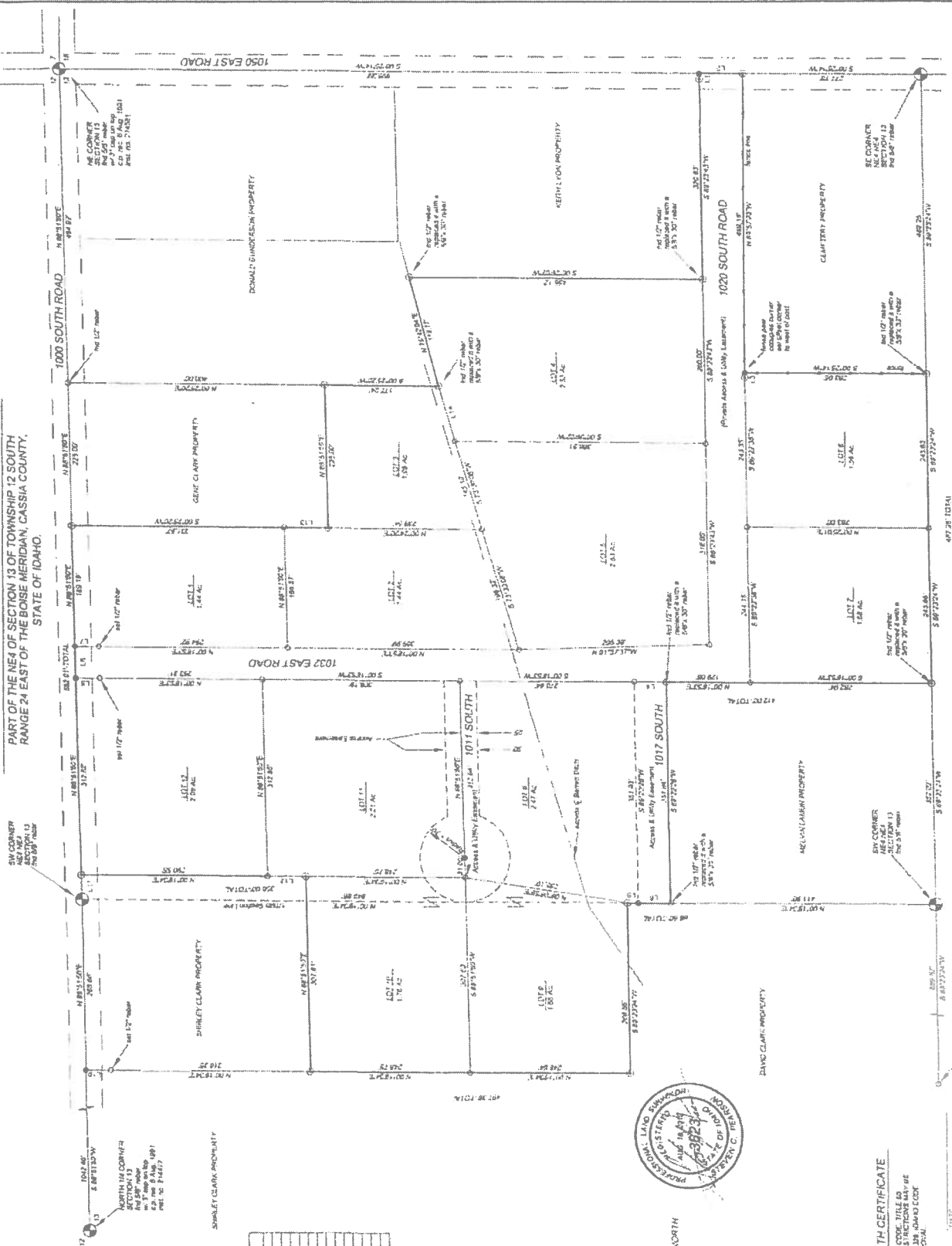
Sincerely

Paul Aston, C.B.O.

*Aston Construction Specialty Services
Paul Aston - 283 East 350 North, Rupert, Idaho, 83350
(208) 312-4602 - email: faston@safelink.net*

PART OF THE NE4 OF SECTION 13 OF TOWNSHIP 12 SOUTH
RANGE 24 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY,
STATE OF IDAHO.

PART OF THE NE4 OF SECTION 13 OF TOWNSHIP 12 SOUTH
RANGE 24 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY,
STATE OF IDAHO.



PROPERTY SURVEY FOR CLARK
REC. 7 JULY 1968 INST. NO. 24224
UNKNOWN & ASSOC. #9066 (2 MAPS)

PROPERTY SURVEY FOR 3474
REC. 8 SEPT 1968 INST. NO. 24252
UNKNOWN & ASSOC. #9066

PROPERTY SURVEY FOR CRANFORD
REC. 8 DEC. 1968 INST. NO. 24445

Course	Boating	Distance
1	5 10 20 40	5 10
2	5 10 20 40	67 34
3	5 10 20 40	0 30
4	5 10 20 40	60 20
5	5 10 20 40	57 24
6	5 10 20 40	50 53
7	5 10 20 40	58 63
8	5 10 20 40	51 26
9	5 10 20 40	48 53
10	5 10 20 40	49 33
11	5 10 20 40	39 20
12	5 10 20 40	58 55
13	5 10 20 40	61 43
14	5 10 20 40	50 00

ANALYSIS OF BEARING = GPS ORIENTATION TO NORTH

☐ SETTING (M) (S) A 24' 1000'
 of 1.5 to adjacent
☐ NO CORNER SET
☐ OTHER SURVEY CONTROL, 1520'
 ON SET AS NOTED
 SET 14TH
☐ SET 15TH 1520' 10' 1000'
 of 1.5 to adjacent
 SUBDIVISION RECORD
 LOT 3 TO BE ACQUIRED BY THE CLARK
 ACCESS TO LOT 3 IN ANY 100' TRAIL
 CLARK PROPERTY

SOUTH CENTRAL DISTRICT - HEALTH CERTIFICATE

SEANITARY RESTRICTIONS AS ENLARGED BY IOWA CODE, TITLE 63, CHAPTER 12, HAVE BEEN LAID DOWN. SANITARY RESTRICTIONS MAY BE REPEALED IN ACCORDANCE WITH SECTION 63-129, IOWA CODE, BY THE ISSUANCE OF A CERTIFICATE OF DEEMED SAFE.

DATE RECEIVED

SHEET 1 OF 2
 PREPARED BY: DE SOTO WESTLAND SURVEY
 1811 WESTLAND AVE.
 AURORA, ILLINOIS
 200-478-7117
 JOB # 220-1001
 JOB 2010
 DE SOTO West Land Survey, LLC

SEP 12 1964
T 12 S. R. 24 E. B.M.

CA:SSA-CENTRAL

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PART OF THE NE4 OF SECTION 13 OF TOWNSHIP 12 SOUTH
RANGE 24 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY,
STATE OF IDAHO

Part of the NE1/4 of Section 13 of Township 12 South, Range 24 East of the Boise Meridian, Cassia County, State of Idaho.

THE SOUTHWEST LINE OF THE NE 1/4 NE 1/4 for a distance of 487' 28" West along the 5.6°" rebar.

THENCE South 80 degrees 23 minutes 24 seconds West along the 5.6°" rebar for a distance of 235' 00" to the 5.6°" rebar.

THENCE North 00 degrees 10 minutes 53 seconds East for a distance of 100' 00" to the 5.6°" rebar.

THENCE South 80 degrees 23 minutes 26 seconds West for a distance of 351' 04" to the 5.6°" rebar.

THENCE North 00 degrees 10 minutes 54 seconds East for a distance of 100' 00" to the 5.6°" rebar.

THENCE North 00 degrees 10 minutes 54 seconds West for a distance of 268' 50" to the 5.6°" rebar.

THENCE North 00 degrees 10 minutes 54 seconds East for a distance of 268' 50" to the 5.6°" rebar.

THENCE North 00 degrees 10 minutes 54 seconds East for a distance of 487' 38" to the 5.6°" rebar.

THENCE North 00 degrees 10 minutes 54 seconds East for a distance of 307' 61" to the 5.6°" rebar.

THENCE North 00 degrees 10 minutes 54 seconds East for a distance of 350' 00" to the 5.6°" rebar on the north line of Section 13.

THENCE North 88 degrees 51 minutes 50 seconds East along the 5.6°" rebar for a distance of 552' 01" feet to a 5.6°" rebar.

THENCE South 00 degrees 25 minutes 20 seconds West for a distance of 100' 00" to the 5.6°" rebar.

THENCE North 00 degrees 10 minutes 50 seconds East for a distance of 225' 00" feet to the 5.6°" rebar.

THENCE South 00 degrees 25 minutes 20 seconds West for a distance of 177' 24" to the 5.6°" rebar.

THENCE North 00 degrees 10 minutes 50 seconds East for a distance of 197' 77" to the 5.6°" rebar.

THENCE South 00 degrees 26 minutes 02 seconds West for a distance of 456' 12" to the 5.6°" rebar.

THENCE North 88 degrees 51 minutes 43 seconds East for a distance of 500' 00" to the 5.6°" rebar.

THENCE North 80 degrees 23 minutes 43 seconds East for a distance of 0.28' feet to the east line of Section 13.

THENCE South 00 degrees 25 minutes 14 seconds West along the 5.6°" rebar line of Section 13, through the line of the Cemetery.

THENCE North 88 degrees 51 minutes 23 seconds West along the north fence line of the Cemetery for a distance of 458' 18" to the 5.6°" rebar.

THENCE South 00 degrees 25 minutes 14 seconds West for a distance of 283' 05" to the Point of Beginning.

Said property contains 24.91 acres more or less and is subject to a right of way for the Barrett Ditch and subject to any other irrigation ditches or easements or right of ways, existing or of record.

THIS IS TO CERTIFY THAT THIS PLAT IS IN COMPLIANCE WITH TITLE 50, CHAPTER 13 OF THE IDAHO CODE, AS REQUIRED BY SECTION 50-1305

BY William J. [Signature] LS. DATE 11/1/77

03/07/2016

I, STEVEN C. PEARSON, A REGISTERED PROFESSIONAL LAND SURVEYOR, IDAHO LICENSE NO. 3623, DO HEREBY ATTEST THAT THE PLAT DEPICTED HEREON WAS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION AND IS A TRUE CORRECT REPRESENTATION THEREOF.



KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED ARE THE OWNERS OF THE REAL PROPERTY AS SHOWN ON THIS PLAT, BE IT FURTHER KNOWN THAT THEY AGREE TO THE DESIGNATIONS OF THE REAL PROPERTY AS SHOWN AS:

FURTHER THAT THE OWNERS GRANT, GIVE, AND DEDICATE TO THE PUBLIC SUCH PORTIONS OF LAND AS SHOWN ON SAID PLAY AS SET APART FOR EASEMENTS FOR THE USE OF THE PUBLIC FOREVER IN ADDITION TO THOSE NOW ON RECORD OR LEGALLY ESTABLISHED.

FURTHER THE EASEMENTS INDICATED ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC BUT THE RIGHTS TO USE SAID EASEMENTS ARE HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES AND OTHER SUCH USES AS DESIGNATED ON THIS PLAT. FURTHER NO STRUCTURES OTHER THAN SUCH UTILITIES AND OTHER DESIGNATED USES ARE TO BE ERRECTED WITHIN THE LINES OF THE PUBLIC UTILITY EASEMENTS AS SHOWN.

STATE OF CALIFORNIA SS
COUNTY OF LOS ANGELES
ON THIS 20 DAY OF 2010 BEFORE ME
A NOTARY PUBLIC PERSONALLY
APPEARED:

KNOWN TO ME AS THE PERSON WHOSE NAME APPEAR ON THIS INSTRUMENT AND ACKNOWLEDGED BY ME THAT HE EXECUTED THE SAME.

RESIDING IN _____ COUNTY, _____

INSTRUMENT NUMBER: _____
STATE OF IDAHO
COUNTY OF CASSIA
HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AT THE
REQUEST OF _____ AT _____ O'CLOCK _____ MINUTES
_____ DAY OF _____
_____ IN MY OFFICE AND WAS DULY RECORDED
_____ PLAT BOOK NO. _____ PAGE _____

COUNTY RECORDER DEPUTY



Marsh Creek Water District 45F

1047 E. 1000 S.

Albion, Idaho 83311

Don G. Gunderson, Watermaster

208.673.5359 / 312.5359

June 14, 2011

Shirley A. Clark
Star Route Box 20
Albion, Idaho 83311

Kerry D. McMurray
Cassia County Administrator &
Cassia County Planning & Zoning
1459 Overland Ave.
Burley, Idaho 83318

Ref: "Clark Acres Subdivision"

Dear Sirs:

I am resubmitting an abbreviated letter on behalf of Paul Aston, representing Shirley Clark, to Cassia County to reaffirm that the only difference in the original letter dated August 25, 2010 is an additional water right that she has off of White Pine Creek (highlighted below) which is only available during "High Water Season"!

The Marsh Creek Water District 45F Watermaster Don G. Gunderson did receive Shirley Clark's Plat along with her presentation of the "Clark Acres Subdivision" who is the original owner of property in which the sub-division will be built within the vicinity of 1000 South and approximately 1025 East, Albion, ID. It will be noted that there is a water right to said property that will in the future, be divided up. The POD "LF" is located on Land Creek.

<u>Priority</u>	<u>Date/Decree</u>	<u>CFS</u> <u>Rate:</u>	<u>IN</u> <u>inch</u>	<u>Total</u> <u>A/C</u>	<u>acre</u> <u>Limit</u>	<u>PLS</u>	<u>NAME:</u>
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06/01/1877	45-521D					12S24E13NENWNE	
3/18/1910	45-13583	0.22	11	11		12S24E13NWSE	Clark, Shirley

Mrs. Shirley Clark shall at the time the property is divided, shall be her responsibility in transferring the appropriate documents to The Idaho Department of Water Resources. As she has indicated, at the present time the water is distributed per the designated area(s) prescribe by the water right. In the future, she or the designated owner will be required to meet the Resolution 2009 requirements per below.....

Respectively submitted,

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

cc: Paul Aston, C.B.O.
Aston Construction Specialty Services
email: paston@csafelink.net

Attachment:
Resolution 2009

Marsh Creek Water District
Resolution 2009
Weirs / Head-Gates / measuring Devices

Discussion at our Annual MC Water District 45F meeting March 3, 2008, was held regarding enforcing compliance with the law requiring locking head gates and measuring devices. A motion was made to require all diversions to be in compliance by 2009, and making compliance mandatory before water can be diverted for the next season. Certain diversions may be exempted from installing control devices upon approval of the Water master. If the individual needs samples of the different weirs and measuring devices they can request them from the Water master.

It will be noted that all delivery channels need to be maintained by the Water Right Owner or Lateral User. They will be responsible for the repairs and or installation of the Screw-down Lockable Head-gate that is to be in place by the beginning of 2009 Irrigation Season, if they want water delivered by the Water Master.

Respectively submitted,

Don G. Gunderson,
Water master 45F