

RECEIVED

JUL 09 2009

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 75759

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule and water right proof report or details report for Part 2A of the transfer application are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached (Yes)* or *not applicable (N/A)* for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- * Completed Application for Transfer of Water Right form, Part 1.
- * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- * Application for Transfer Part 2A. Attach a Proof Report (obtained from Department) or Details Report (obtained on website) describing each water right in the transfer as currently recorded.
- Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- #3 Documentation of authority to make the change if the applicant is not the water right owner.
- #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/water/rights/>.
- #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- #9 Other. Please describe: _____

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

JUL 09 2009 APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

WATER RESOURCES
WESTERN REGION

Name of Applicant(s) State of Idaho Military Division Phone 208-422-5474

Mailing address 4040 Guard St., Bldg. 600, Boise, ID 83705-5004 Email _____

- If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

- No Representative

Name of Representative Lori Graves Phone 208-383-4140

Mailing address 300 E. Mallard Dr., Ste 350, Boise, ID 83706 Email lgraves@spfwater.com

- Send all correspondence for this application to the representative and not to the applicant.

OR

- Send original correspondence to the applicant and copies to the representative.

- The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

- The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Eugene P. Gussenhaen
Signature of Applicant or Authorized Representative

Eugene P. Gussenhaen, CEMD 9/6/09
Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

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 your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. For water use flexibility, applicants propose changing the place of use authorized on the following ground water rights to include areas planned for future development of military maintenance and training facilities in Section 35. This transfer application also allows the opportunity to correct the point of diversion currently listed on water right**

Part A.2. continued:

61-7264B to the actual location of the MATES well in the NENWNE S35 and add a new well, also known as the ORTC well, in the NENW S35.

The symbol "DIF" marked for the proposed place of use represents domestic, industrial, and fire protection uses.

All changes proposed will occur in section 35, which encompasses the Maneuver and Training Equipment Site (MATES) and the Operational Readiness Training Center (ORTC). No changes are proposed for the Ammunition Supply Point (ASP) in S2, T2S R3E or the water truck fill site in S30, T1S R4E.

The changes proposed for each water right are described as follows:

61-7246 PODs: ORTC, MATES and ASP wells

POU : N1/2 S35, T1S R3E and NENE S2, T2S R3E

61-10124 PODs: ORTC, MATES and UPRR wells

POU : NENW S30, T1S R4E and N1/2 S35, T1S R3E

(water will continue to be transported to various range locations for domestic use, as currently authorized in the water right conditions)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
<input checked="" type="checkbox"/> <input type="checkbox"/>	61-7246B	0.30/67.5	Industrial	1/1 to 12/31	Ground Water
<input checked="" type="checkbox"/> <input type="checkbox"/>		0.30/	Domestic	1/1 to 12/31	Ground Water
<input checked="" type="checkbox"/> <input type="checkbox"/>		0.30/	Fire Protection	1/1 to 12/31	Ground Water
<input checked="" type="checkbox"/> <input type="checkbox"/>	61-10124	0.18/87.47	Domestic	3/1 to 11/1	Ground Water
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	

Total authorized under rights 0.48 cfs and/or 154.97 ac-ft

2. Total amount of water proposed to be transferred or changed 0.48 cubic feet per second and/or 154.97 acre-feet per annum.

3. Point(s) of Diversion:

- No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Yes			NE	NW	35	1S	3E	Ada	Ground Water (ORTC)	61-7246B, 61-10124
No			NW	NE	35	1S	3E	Ada	Ground Water (MATES)	61-7246B, 61-10124
No	2		NW	NE	02	2S	3E	Ada	Ground Water (ASP)	61-7246B
No			SE	NE	30	1S	4E	Ada	Ground Water (UPRR)	61-10124

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	3E	35	DIF	DIF	DIF	DIF	DIF	DIF	DIF	DIF									
2S	3E	2		DIF															
				Lt 2															
1S	4E	30					D												

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. 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: three existing wells, one proposed well, pumps, flowmeters, storage tanks and distribution lines.

b. Who owns the property at the point(s) of diversion? new well location: Idaho Department of Lands
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Attached agreement

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: 50-year term easement agreement, No. 5359

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: _____

e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: _____

f. 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, or
- currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/8/2009

WATER RIGHT NO 61-7246B

Owner Type	Name and Address
Current Owner	STATE OF IDAHO MILITARY DIVISION ATTN LTC DAVID DAHLE 4040 GUARD ST BLDG 600 BOISE, ID 83705-5004 (208)422-5474
Representative	STATE OF IDAHO MILITARY DIVISION ATTN MAJ EUGENE P GUSSENHOVEN 4715 S BYRD ST BOISE, ID 83705
Original Owner	EARL E WARD
Original Owner	EDITH L WARD
Original Owner	HAROLD D WARD 1000 N 025 E RUPERT, ID 83350 (208)532-4256

Priority Date: 12/16/1975
Basis: Decreed
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
INDUSTRIAL	1/01	12/31	0.3 CFS	67.5 AFA
DOMESTIC	1/01	12/31	0.3 CFS	
FIRE PROTECTION	1/01	12/31	0.3 CFS	
Total Diversion			0.3 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWNENE |Sec. 35|Township 01S|Range 03E|ADA County
GROUND WATER|NENWNE L1 2|Sec. 02|Township 02S|Range 03E|ADA County

Place(s) of use.

Place of Use Legal Description: INDUSTRIAL ADA County

Township	Range	Section	Lot	Tract	Acres									
01S	03E	35		NENE			SENE							
02S		2	2	NWNE										

Place of Use Legal Description: DOMESTIC same as INDUSTRIAL.

Place of Use Legal Description: FIRE PROTECTION same as INDUSTRIAL.

Conditions of Approval:

- INDUSTRIAL AND DOMESTIC USES ARE AT A MAINTENANCE FACILITY AND AN AMMUNITION SUPPLY FACILITY
- 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 12-1412(6), IDAHO CODE.

Dates:

Licensed Date:
Decreed Date: 10/26/2000
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

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PART 2A

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/8/2009

WATER RIGHT NO. 61-10124

Owner Type	Name and Address
Current Owner	STATE OF IDAHO MILITARY DIVISION ATTN LTC DAVID DAHLE 4040 GUARD ST BLDG 600 BOISE, ID 83705-5004 (208)422-5474
Representative	STATE OF IDAHO MILITARY DIVISION ATTN MAJ EUGENE P GUSSENHOVEN 4715 S BYRD ST BOISE, ID 83705

Priority Date: 03/01/1954
Basis: Decreed
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
DOMESTIC	3/01	11/01	0.18 CFS	87.47 AFA
Total Diversion			0.18 CFS	

Location of Point(s) of Diversion:

GROUND WATER;N;WSENE;Sec 30;Township 01;Range 04E;ADA County

Place(s) of use:

Place of Use Legal Description: DOMESTIC ADA County

Township	Range	Section	Lot	Tract	Acres									
01S	04E	30		NENW										

Conditions of Approval:

- 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.
- USE IS FOR NATIONAL GUARD UNITS PERFORMING ANNUAL TRAINING AT RANGE LOCATIONS. THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61. WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
- RIGHT NO. 61-04074 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Dates:

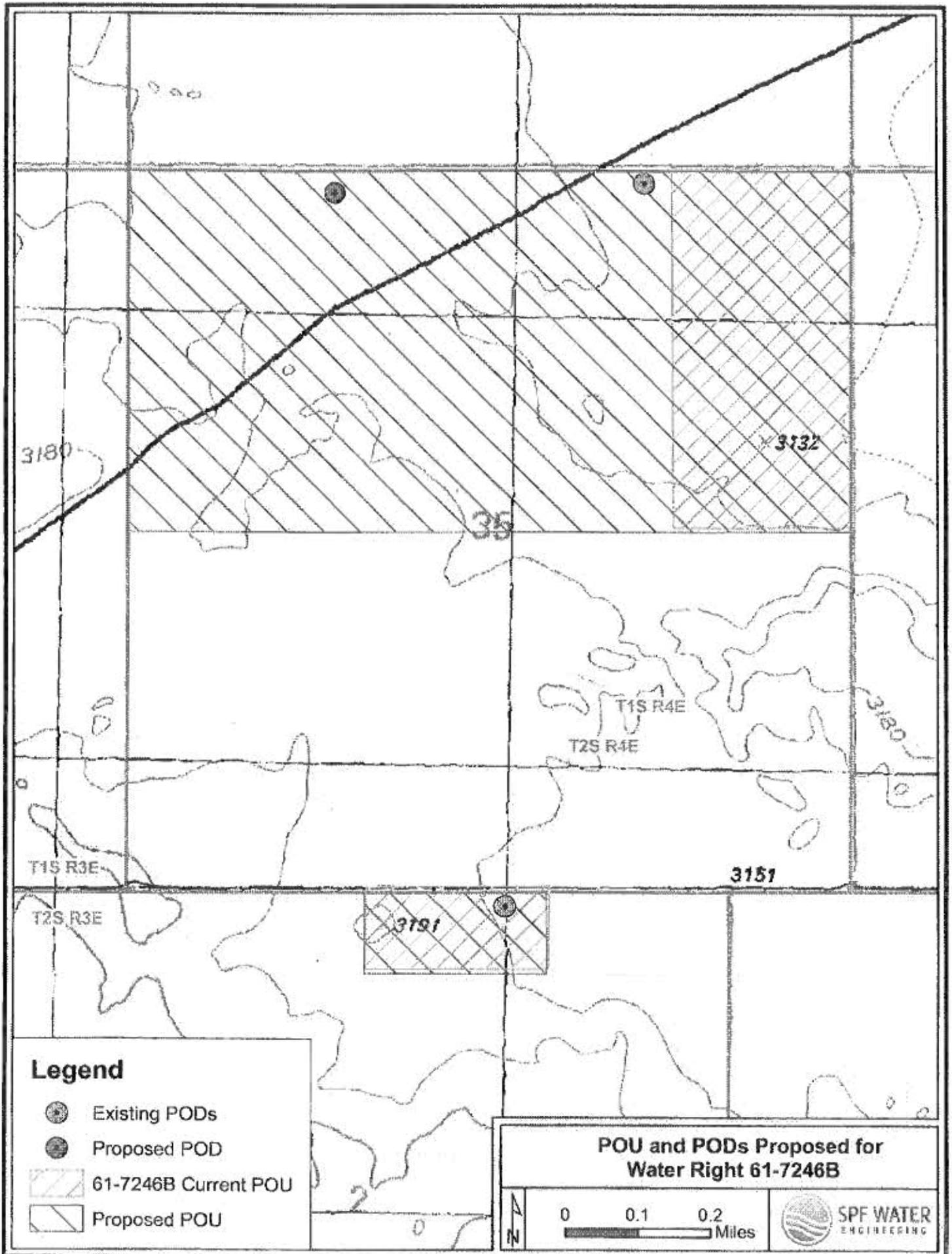
Licensed Date:
Decreed Date: 10/26/2000
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

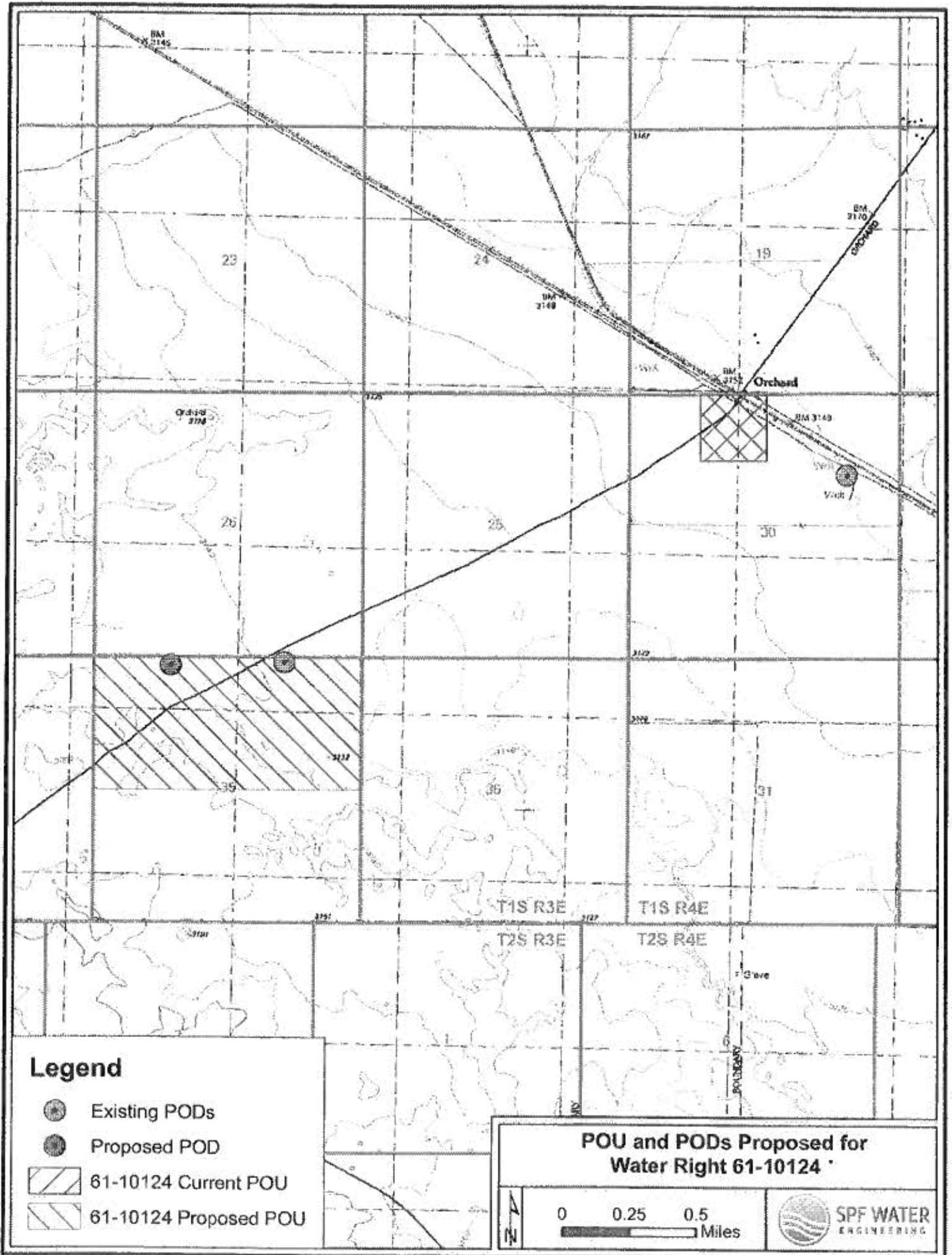
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:

ATTACHMENT 7A

TOPO MAPS



Attachment 1



ATTACHMENT 6
AGREEMENT

STATE OF IDAHO TERM EASEMENT

NO. 5359

THIS INDENTURE, made this 10th day of February, 1988, by and between the STATE OF IDAHO, State Capitol Building, Boise, Idaho 83720, acting by and through the State Board of Land Commissioners, hereinafter the Grantor, and STATE OF IDAHO, MILITARY DIVISION, P.O. Box 45, Boise, Idaho 83720, hereinafter the Grantee.

In consideration of the mutual covenants and agreements of the parties hereto, the Grantor hereby grants to the Grantee an easement upon, over and across the lands hereinafter described and for the purposes and in accord with the provisions hereinafter set forth.

DURATION: This easement shall be effective upon execution and shall continue for a period of fifty (50) years subject only to the terms and provisions of this easement.

PROPERTY DESCRIPTION: The Grantor grants this easement upon over and across the following described lands, situated in the COUNTY OF ADA:

PARCEL I (Exclusive Use Area)

Section 35, Township 1 South, Range 3 East, B.M.

MATES - NE⁴NE⁴, E²NW⁴NE⁴, N²SE⁴NE⁴ - 80.00 acres.

ASP - South 990.00 feet (15 chains) - 120.00 acres

200.00 total acres

PARCEL II (Non-exclusive Use Area)

Section 35, Township 1 South, Range 3 East, B.M.

W²NW⁴NE⁴, SW⁴NE⁴, S²SE⁴NE⁴, NW⁴, N²S²,

North 330.00 feet (5 chains) of S²S² - 440.00 total acres

PURPOSE: Parcel I: This area will be fenced off and will be used for a tank maintenance and tank storage facility (NE⁴NE⁴, E²NW⁴NE⁴, N²SE⁴NE⁴) and a clear zone (South 990.00 ft.) for explosive ammunition storage on adjacent BLM land.

Parcel II: This area is to be used for tank training exercises and as access to the buildings and as access between the two exclusive use areas.

FEES: Grantee shall pay to the Grantor a fee of Thirty-Five Thousand Four Hundred Thirty-Nine and 60/100ths Dollars (\$35,439.60).

A. The Grantor expressly reserves the following rights:

Oil and gas, geothermal, and all other mineral rights.

To grant easements over or leases, permits, or licenses upon the easement area, provided that such easement, lease, license, or other use shall not unreasonably interfere with the Grantee's use of its easement. The Grantor, its agents, contractors, lessees, permittees, and other authorized individuals and entities may enter upon and across the easement area to inspect the improvements, so long as such use does not unreasonably interfere with Grantee's use of this easement.

To sell and exchange the land subject to the terms of this easement (Parcel II only).

Reversion for Non-Use: In the event that the easement is not used for the purpose for which it was granted, for any five (5) year period, the easement is presumed abandoned and shall automatically terminate. The Grantor shall notify the Grantee in writing of the termination. The Grantee shall have thirty (30) calendar days from the date of notification to reply in writing to the Grantor to show cause why the easement should be reinstated. Within sixty (60) calendar days of receipt of the statement to show cause, the Grantor shall notify the Grantee in writing as to the Grantor's decision concerning reinstatement. The Grantee shall have thirty (30) calendar days of receipt of the Grantor's decision to appeal an adverse decision to the State Board of Land Commissioners.

Relinquishment: The Grantee may relinquish this easement by filing a written relinquishment with the Grantor. Thirty (30) days thereafter, the Grantee shall be relieved of liability under this easement except for the continued obligation of the timely removal of equipment and improvements if required by the Grantor, the reclamation of the premises, and compliance with all other duties and payments of all liabilities required by this easement or by law or regulation, which accrued prior to the filing of the relinquishment.

Attachment 2a

State of Idaho
Easement No. 5359
Page 3 of 4

Covenant: It is mutually understood and agreed by the parties that all of the terms, covenants, conditions, and obligations in this easement contained are of the essence and shall be binding upon the parties and their successors and assigns of this easement.

Succession: Every obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to the successors and assigns of the respective parties thereto.

Spring sources will be protected in every way reasonably possible to provide livestock and wildlife with watering sources.

Grantee will reimburse or replace the Grantor's grazing lessee for any improvements they remove or damage in any way during the life of this easement.

The easement will be subject to any existing Oil and Gas Leases, Temporary Permits or Easements in existence (Parcel II only)

This easement was issued by the authority of the State Board of Land Commissioners on July 14, 1987.

IN WITNESS WHEREOF, the State Board of Land Commissioners has caused these presents to be executed by its President, the Governor of the State of Idaho, and countersigned by the Secretary of State and the Director, Department of Lands.

STATE BOARD OF LAND COMMISSIONERS

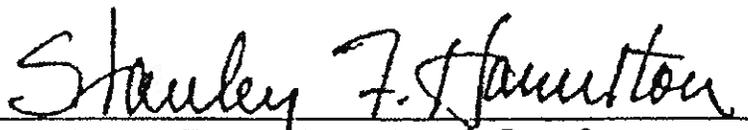

Governor of the State of Idaho and
President of the State Board of
Land Commissioners

Attachment 2b

Countersigned;


Secretary of State




Director, Department of Lands
OFM

* * * * *

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 10th day of February 1988, before me, a Notary Public in and for said State, personally appeared CECIL D. ANDRUS, known to me to be the Governor of the State of Idaho and President of the State Board of Land Commissioners. PETE T. CENARRUSA, known to me to be the Secretary of State of the State of Idaho, and STANLEY F. HAMILTON, known to me to be the Director of the Department of Lands, that executed the said instrument and acknowledged to me that such State of Idaho and State Board of Land Commissioners executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above.

JOHN B. BROGAN, Notary Public
residing at Idaho City, Idaho

My Commission expires 8-25-1992

Attachment 2c