

03/23/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-7058

NAME AND ADDRESS: CATHERINE M GILLIHAN
C/O ROBERT JAMES GILLIHAN JR
10064 GLEN ELLEN ST
BOISE ID 83704

ROBERT J GILLIHAN JR
10064 GLEN ELLEN ST
BOISE ID 83704

SOURCE: NO NAME CREEK

TRIBUTARY: BIG CREEK

QUANTITY: 0.480 CFS
22.200 AFY

PRIORITY DATE: 11/29/1976

The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.

POINT OF DIVERSION:

T21N R09E S35 SENENE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	04/01 10/31	0.040 CFS 1.20 AFY
POWER	01/01 12/31	0.440 CFS
IRRIGATION	05/01 10/31	0.140 CFS 21.00 AFY

PLACE OF USE: IRRIGATION Within VALLEY County

T21N R09E S35 SWNE 2.00 T21N R09E S35 SENE 5.00

POWER Within VALLEY County

T21N R09E S35 SWNE

DOMESTIC Within VALLEY County

T21N R09E S35 SWNE

7 ACRES TOTAL

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

03/02/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-7058

NAME AND ADDRESS: CATHERINE M GILLIHAN
C/O ROBERT JAMES GILLIHAN JR
10064 GLEN ELLEN ST
BOISE ID 83704

ROBERT J GILLIHAN JR
10064 GLEN ELLEN ST
BOISE ID 83704

SOURCE: NO NAME CREEK

TRIBUTARY: BIG CREEK

QUANTITY: 0.480 CFS
24.000 AFY

PRIORITY DATE: 11/29/1976

The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.

POINT OF DIVERSION:

T21N R09E S35 SENENE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC		
POWER	01/01 12/31	0.440 CFS
IRRIGATION	05/01 10/31	0.160 CFS 24.00 AFY

PLACE OF USE: IRRIGATION Within VALLEY County

T21N R09E S35 SWNE SENE 7.00

POWER Within VALLEY County

T21N R09E S35 SWNE

DOMESTIC Within VALLEY County

T21N R09E S35 SWNE

7 ACRES TOTAL

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Domestic should
Section 35 SWNE

- 4/01 - 10/31 -
Irrigation should really read
SWNE & SENE

03/08/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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NAME AND ADDRESS: CATHERINE M GILLIHAN
C/O ROBERT JAMES GILLIHAN JR
10064 GLEN ELLEN ST
BOISE ID 83704

ROBERT J GILLIHAN JR
10064 GLEN ELLEN ST
BOISE ID 83704

SOURCE: NO NAME CREEK

TRIBUTARY: BIG CREEK

QUANTITY: 0.480 CFS

21.000 AFY

PRIORITY DATE: 11/29/1976

The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.

POINT OF DIVERSION:

T21N R09E S35 SENENE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.040 CFS
POWER	01/01 12/31	0.440 CFS
IRRIGATION	05/01 10/31	0.140 CFS
		21.00 AFY

PLACE OF USE: IRRIGATION Within VALLEY County

T21N R09E S35 SWNE SENE 7.00

POWER Within VALLEY County

T21N R09E S35 SWNE

DOMESTIC Within VALLEY County

T21N R09E S35 SWNE

7 ACRES TOTAL

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

77-7058



0 500 1000 Feet



SWNE+SENE

Section 35
T21N R9E



ENCLOSURE

CONDITIONS OF APPROVAL

- a. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
- c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

The diversion and use of water under this license is subject to review by the Director 30 years from the date of issuance. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 18TH day of SEPTEMBER, 19 85.

Acting for the Director Norman C Young

112

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
(Late Proof)

License of Water Right No. 77-7058 Priority November 29, 1976 Amount 0.44 cfs

THIS IS TO CERTIFY, that Catherine Gillihan
of Emmett, Idaho, has complied with the terms and conditions of Permit
No. 77-7058 issued pursuant to Application for Permit dated November 10, 1976,
and has submitted proof to the Department of Water Resources on December 7, 1981,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.44 cfs of water from an unnamed stream,
tributary to Big Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 15</u> to <u>October 15</u> at <u>0.16</u> cfs and	<u>24.0</u> acre feet	
Power	from <u>January 1</u> to <u>December 31</u> at <u>0.44</u> cfs and	<u>N/A</u>	
	from _____ to _____ at _____ cfs and		

(both dates inclusive)

Subject, however, to the condition that no more than 0.44 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
24.0 acre feet per year, said waters to be diverted within the NE 1/4 Section 35,
Twp 21N, Rge 9E in the County of Valley

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
21N	9E	35			8														8

Total number of acres irrigated 8

MICROFILMED

MEMO

TO: Jim Johnson

FROM: Jan Grover *Jan G.*

SUBJECT: Field Exam for Catherine Gillihan - Permit 77-7058

On Tuesday, August 13, 1985, Catherine Gillihan visited our office with a question concerning her 30-day notice letter and amendment. Her question was as to where the 8 acres and domestic use was.

This exam was in a very remote area which I was flown into and at the time was conducting field exams for other permits. Therefore, I did not have a copy of this permit nor did Cathy Gillihan. At the time I was under the impression that the 8 acres were at the Lodge along with the domestic use. However, today Mrs. Gillihan told me that those 8 acres are irrigated by Logan and Govt. Creeks along with the domestic use. She stated the 8 acres is for the area surrounding the power house for keeping the grass green for fire protection purposes as the first power plant was burned down earlier.

Therefore, the exam needs to be changed to show the 8 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, Twp. 21N, Rge. 9E rather than at the Lodge in the SE $\frac{1}{4}$ NW $\frac{1}{4}$. There is no domestic use from this creek.

MICROFILMED

OCT 05 1982

Department of Water Resources

WATER RIGHT LICENSE
(Late Proof)

License of Water Right No. 77-7058 (Late Proof) November 29, 1976 Priority Amount 0.44 cfs

THIS IS TO CERTIFY, that
of Emmett, Idaho Catherine Gillihan

No. 77-7058 issued pursuant to Application for Permit dated November 10, 1976,
and has submitted proof to the Department of Water Resources on December 7, 1981

that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 0.44 cfs of water from an unnamed stream tributary to Big Creek, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from April 15 to October 15	at 0.16 cfs and	24.0 acre feet
Power	from January 1 to December 31	at 0.44 cfs and	N/A

from 10 at 10 cts and 10 (both dates inclusive)

Subject, however, to the condition that no more than 0.44 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed for the purpose aforementioned and limited the amount which can actually be beneficially used and shall not exceed 24.0 acre feet per year, said waters to be diverted within the NE¹/₄ Section 35.

Twsp 21N, Rge 9E in the County of Valley

Description and location of place of use:

[illegible]

Total number of acres irrigated -

MIODOTILMED

Identification No. _____

Application No. 22-7058

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Rex E. Lunham Phone: 365-2750
post office address Box 242, Rt 2, Emmett, ID

2. Source of water supply Unnamed Stream which is a tributary of Big Creek

3. a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35 Township 21N
Range 9E B.M. Valley _____ County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Amount 2.5 for Power purpose from Jan 1 to Dec 31 (both dates inclusive)

Amount .08 for Domestic purpose from Jan 1 to Dec 31 (both dates inclusive)

Amount .16 for Irrig purpose from Apr 15 to Oct 15 (both dates inclusive)

5. Total quantity to be appropriated:

a. 2.5 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Check dam into concrete tank the
to pipeline

b. Height of storage dam 1/8 feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam _____

Period of year during which storage will occur _____ to _____ inclusive

c. Proposed well diameter _____ inches, proposed depth of well is _____ feet

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.

b. Estimated construction cost is \$ 6,000

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35 Township 21N
Range 9E B.M. _____

(2) Amount of power to be generated: 20 KW 6000 feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____ or number of families to be
supplied with domestic water 2

(5) If water is to be used for other purposes describe: Power

MICROFILMED

OCT 15 1962

Knoblock, Ken

From: Fritschle, Carter
Sent: Monday, March 13, 2006 6:59 AM
To: 'catherine M gillihan'
Cc: Knoblock, Ken; Shurte, Jan
Subject: RE: Re:

Dear Ms. Gillihan,

The Director's Report for Basin 77 will be filed with the Snake River Basin Adjudication Court near the end of March, 2006. At that time you will be given instructions on how to file an objection to your claims if we are unable to resolve the differences to your satisfaction during the Notice of Error period, which we are now in.

The Preliminary Director's Report that was mailed to you in January was not sent to the SRBA Court, therefore the Court has no record of your claims at this time, and will not take any action on your claims until after the Director's Report is filed and the objection deadline has past.

If you have questions or concerns about the Court's procedure, you may want to use the following link to the SRBA Court's Frequently Asked Questions page.

<http://www.srba.state.id.us/DOC/BROCH1.HTM>

Carter Fritschle
Adjudication Bureau
(208) 287-4917
Carter.Fritschle@idwr.idaho.gov

-----Original Message-----

From: catherine M gillihan [mailto:cgilli@juno.com]
Sent: Sunday, March 12, 2006 2:21 PM
To: Fritschle, Carter
Subject: Fw: Re:

Enclosed is the leter that I sent to K. Knoblock and will wait for a reply from either you or him about an appointment with the adjudication court. I saved the letter in word and attached it because juno email distorted the letter so much I was afraid that K. Knoblock couldn't read it clearly.C. Gillihan

Knoblock, Ken

From: catherine M gillihan [cgilli@juno.com]
Sent: Sunday, March 12, 2006 12:51 PM
To: Knoblock, Ken
Subject: Re:

Dear Mr. K. Knoblock

Received your letter Sat. 11, and will comment again on some of the changes. I am afraid that by now time is of the essence and may try to call you on the phone. I feel that I should go ahead and make an appointments with Judge Melanson to review the papers incase it is already at adjudication and finalization is taking place.

On permit 77-7058, this seems fairly correct. This is the permit that the

map was drawn over swamp/wet lands not 77-4008. We requested that irrigation to be shown north and east on both section SWNE and a little over the line at SENE of the NENE. Only one spigot on the latter, most of irrigation of SWNE. This time you showed all of the irrigation being at SENE. You did not enclose a map with this

permit, which is not necessary if you list the irrigation at SWNE and SENE of NENE of Sec. 35. Your original letter showed 24.000 AFY and this letter shows 21.000AFY, and I don't understand the

difference. Both permits showed 7 acres irrigation.

On permit 77-4007, in correcting the cfs you decreased our acreage of irrigation to 5 acres instead of 8 acres. It is correct that the SENW 3 acres is more correct but the NESW should read 5 acres.

Your drawing does not encircle and include the land that borders the road on the east side and it should not cross the river Big Creek, and I don't see how I can run a ditch across the river. We have already adjusted this permit to less acreage than originally filed on but cannot accept less than 8 acres.

On permit 77-4008, there was no overlap of swamp stated in my email, the swamp mentioned was on 77-7058. You decreased the acres on the west side of the river in SWNE to 2.4 acres, from 8 acres. We agree that it is less than 8 but should be 5 acres. We agree that the SENW most likely would be 3.4 acres. Your map did not show the coverage west of the road on SENW. We feel that the acreage in NESW is over 3 acres. The permit then would be for 11.4 acres instead of 16 and would reflect a more accurate permit but cannot not agree to any less. You also decreased our irrigation from

0.230cfs from 0.320cfs which was on your first letter. I don't understand the decrease and need the permit to show the full amount of 0.320cfs because of the porous ditch and lack of fall. Your original letter showed quantity at 0.380cfs and now this letter reads 0.290cfs.

I will make copies of both of these letters to forward on as per your instructions since I do not know the time element involved in this final time for the court. Please advise by email or phone if time has run out.

Again I thank you for this review and commend you on this task,

Sincerely
Catherine Gillihan



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 9, 2006

Catherine Gillihan
10064 Glen Ellen St.
Boise, ID 83704

RE: 77-4007, 77-4008 & 77-7058

Dear Ms. Gillhan:

I re-evaluated our recommendations as a result of your e-mail of March 7, 2006.

77-7058 – as you pointed out, I neglected to list the period of use as 1/1 to 12/31 and the amount of 0.04 cfs. That has been corrected.

The place of use is the SENE as you described in your amended claim.

The Department's standard for the period of use for that area is May 1 to October 31. I cannot change the season without documentation from an independent source.

77-4007 – I did neglect to remove the comment about combined water rights. It has been removed.

I did neglect to account for the ditch loss, thank you for pointing that out. It should be 0.02 cfs per acre and increased to account for a 30% ditch loss. The right now reflects those calculations.

77-4008 – I reviewed to place of use and discovered that I had inadvertently overlapped rights and included a portion of the swamp that you mentioned. That has been corrected.

I want to thank you for helping to arrive at a true determination of your water rights.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth Knoblock', written over a horizontal line.

Kenneth Knoblock
Water Resources Agent

Dear Mr. Fritschle

Since there is still a couple of conflicts in these permits, I emailed them to K. Knoblock again, but am anxious about the time element. I feel if time is out that I should, this Monday, make an appointment with Judge Melanson to be sure that our permit is what we can live with. I am forwarding the comments to you that I sent K. Knoblock and ask him to advise me if time was of the essence. You could contact me at the 327-0907 phone number if you think that I should proceed with an appointment.

----- Forwarded message -----

From: catherine M gillihan <cgilli@juno.com>

To: Ken.Knoblock@idwr.idaho.gov

Date: Sun, 12 Mar 2006 13:51:18 -0700

Subject: Re:

Dear Mr. K. Knoblock

Received your letter Sat. 11, and will comment again on some of the changes. I am afraid that by now time is of the essence and may try to call you on the phone. I feel that I should go ahead and make an appointments with Judge Melanson to review the papers incase it is already at adjudication and finalization is taking place.

On permit 77-7058, this seems fairly correct. This is the permit that the map was drawn over swamp/wet lands not 77-4008. We requested that irrigation to be shown north and east on both section SWNE and a little over the line at SENE of the NENE of sec. 35. Only one spigot is on the latter, most of the irrigation on SWNE. This time you showed all of the irrigation being at SENE. You did not enclose a map with this permit, which is not necessary if you list the irrigation at SWNE and SENE of NENE of Sec. 35. Your original letter showed 24.000 AFY and this letter shows 21.000AFY, and I don't understand the difference. Both permits showed 7 acres irrigation.

On permit 77-4007, in correcting the cfs you decreased our acreage of irrigation to 5 acres instead of 8 acres. It is correct that the SENW 3 acres is more correct but the NESW should read 5 acres. Your drawing does not encircle and include the land that borders the road on the east side and it should not cross the river Big Creek, and I don't see how I can run a ditch across the river. We have already adjusted this permit to less acreage than originally filed on but cannot accept less than 8 acres.

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full amount of 0.320cfs because of the porous ditch and lack of fall. Your original letter showed quantity at 0.380cfs and now this letter reads 0.290cfs.

I will make copies of both of these letters to forward on as per your instructions since I do not know the time element involved in this final time for the court. Please advise by email or phone if time has run out.

Again I thank you for this review and commend you on this task,

Sincerely
Catherine Gillihan

77-7058

Request 4/15 - 10/31 3/8/6
5/1 - 10/31 stays running a snow mobile
into the area is not a reason to change
the season to 4/15 to 10/31

Place of use stays as the SWNE. The
slope in the NENE is about 40%.

Springs by the trailer.

Amended claim lists SWNE.
Pictures show terrain

77-4007

Ditch loss 30% 5 acres $\times .02 = .10$
 $\frac{.10}{.7} = .1428$

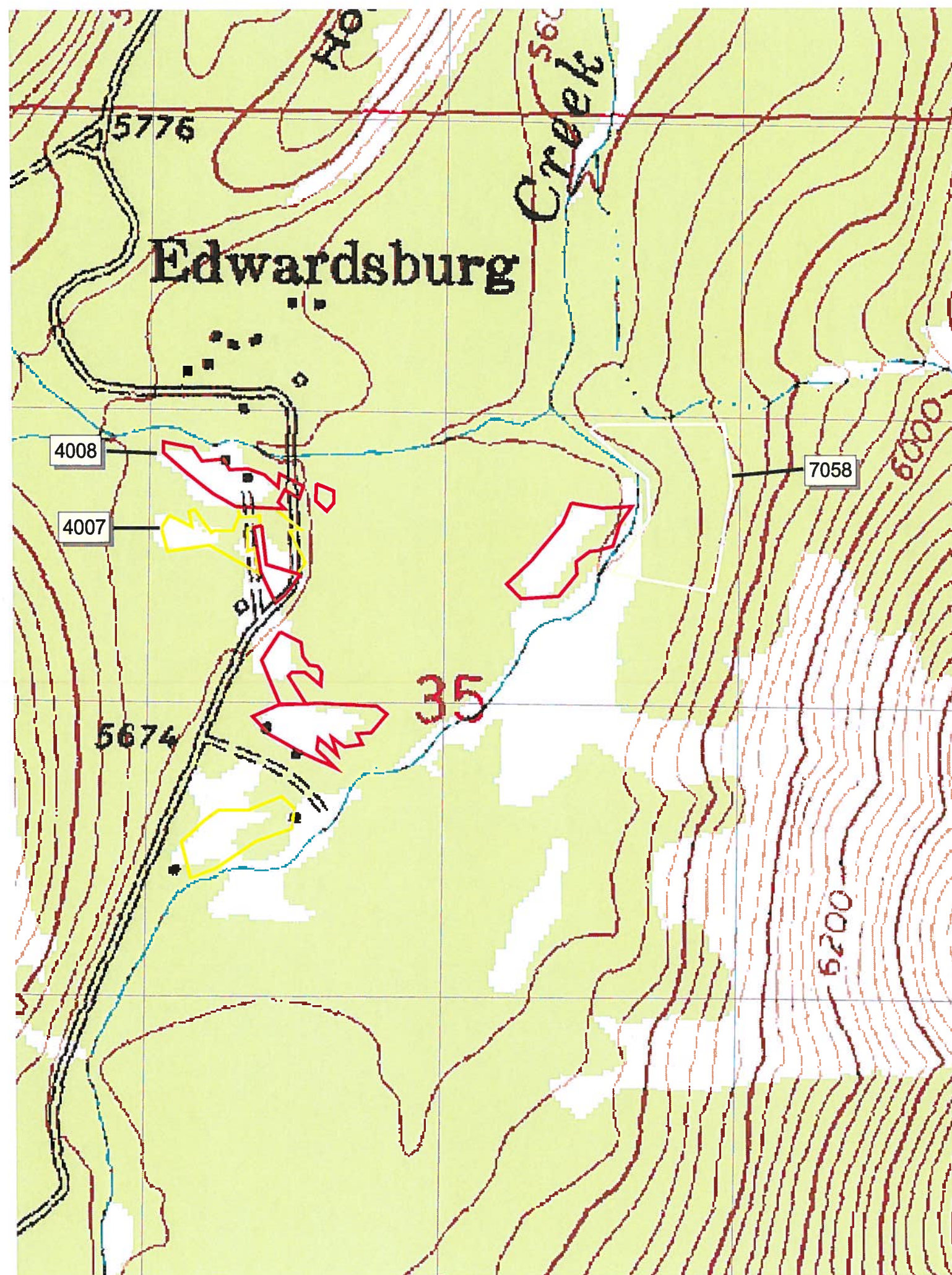
Requested 4/1 to 11/1 5/1 - 10/31 stays

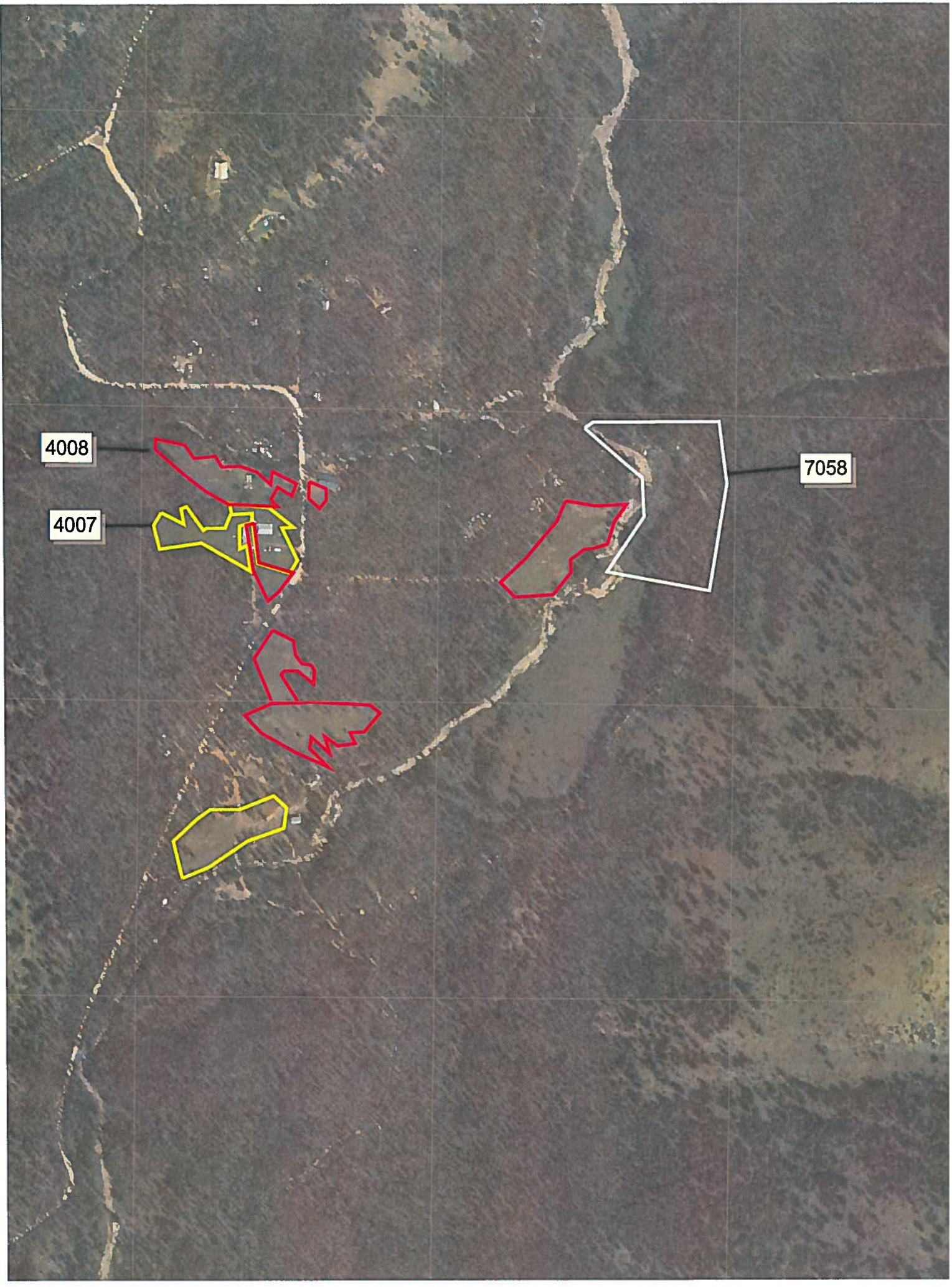
Note about combined rights deleted

Trees are dense outside of the clearing
J

77-4008

Ditch loss 30% 8 acres $\times .02 = .16$
 $\frac{.16}{.7} = .2286$





4008

4007

7058

77-4007

77-4008



Lodge area
1976



Lodge area
2000

SCANNED

FEB 27 2006



Knoblock, Ken

From: catherine M gillihan [cgilli@juno.com]
Sent: Tuesday, March 07, 2006 10:24 AM
To: Knoblock, Ken
Subject: Re:

Dear Mr. Knoblock,
Received your notes on the corrections. Thank you for the fast work.
There is still a couple of problems. I will send each of the permit #
and
comments sepearate because my cheap juno won't carry a proper document.
The first document will be #77-7058

77-7058 1- The date for irrigation should read 4/15 to 10/15
(some seasons are dryer and the area is
open earlier to take advantage of the irrigation. This property is
accessed year around with snow mobile
and
etc.)

2- The map enclosed shows the irrigation running
north to south and it should run east to
west. I drew the enclosure on the map enclosed. (your paper shows
irrigation in the SENE but your
map shows it in swne) It actually runs over the section line and

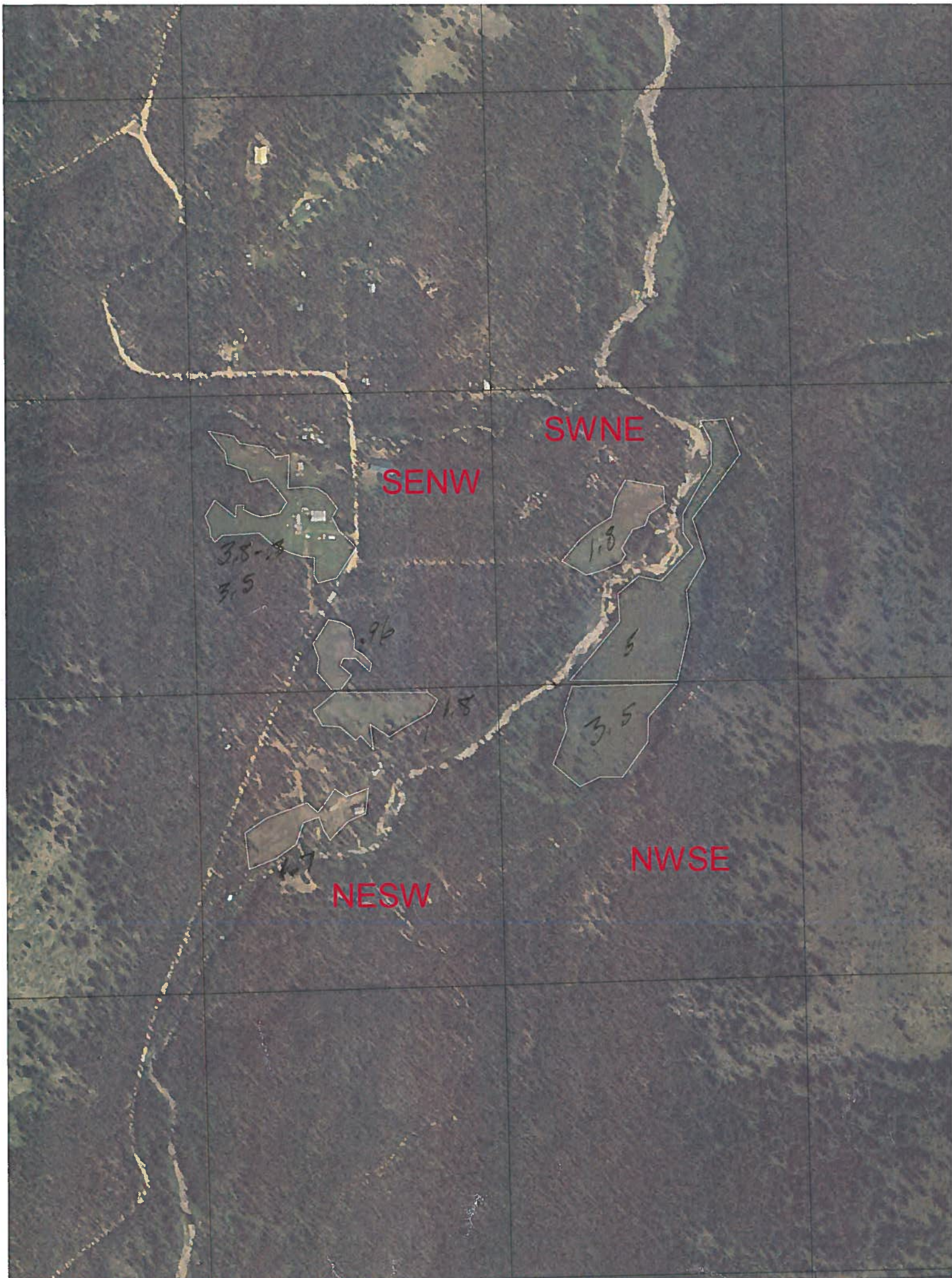
should read NE 1/4 of SWNE and NW 1/4 of
SENE (The upper spigots for
irrigation are in the SENE. The southern part of your drawing is wet
lands, swamp and beaver runs. I showed
that to Mr. Fritschle that the property there was at the mercy of

the river and part of the time is submerged.

3- There was nothing listed after the domestic
so I assume it will remain the same as shown

on the license.
C. Gillihan





03/08/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-7058

NAME AND ADDRESS: CATHERINE M GILLIHAN
C/O ROBERT JAMES GILLIHAN JR
10064 GLEN ELLEN ST
BOISE ID 83704

ROBERT J GILLIHAN JR
10064 GLEN ELLEN ST
BOISE ID 83704

SOURCE: NO NAME CREEK

TRIBUTARY: BIG CREEK

QUANTITY: 0.480 CFS
24.000 AFY

PRIORITY DATE: 11/29/1976

The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.

POINT OF DIVERSION:

T21N R09E S35 SENENE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
POWER	01/01 12/31	0.440 CFS
IRRIGATION	05/01 10/31	0.160 CFS 24.00 AFY

PLACE OF USE: IRRIGATION Within VALLEY County

T21N R09E S35 SENE 7.00

POWER Within VALLEY County

T21N R09E S35 SWNE

DOMESTIC Within VALLEY County

T21N R09E S35 SWNE

7 ACRES TOTAL

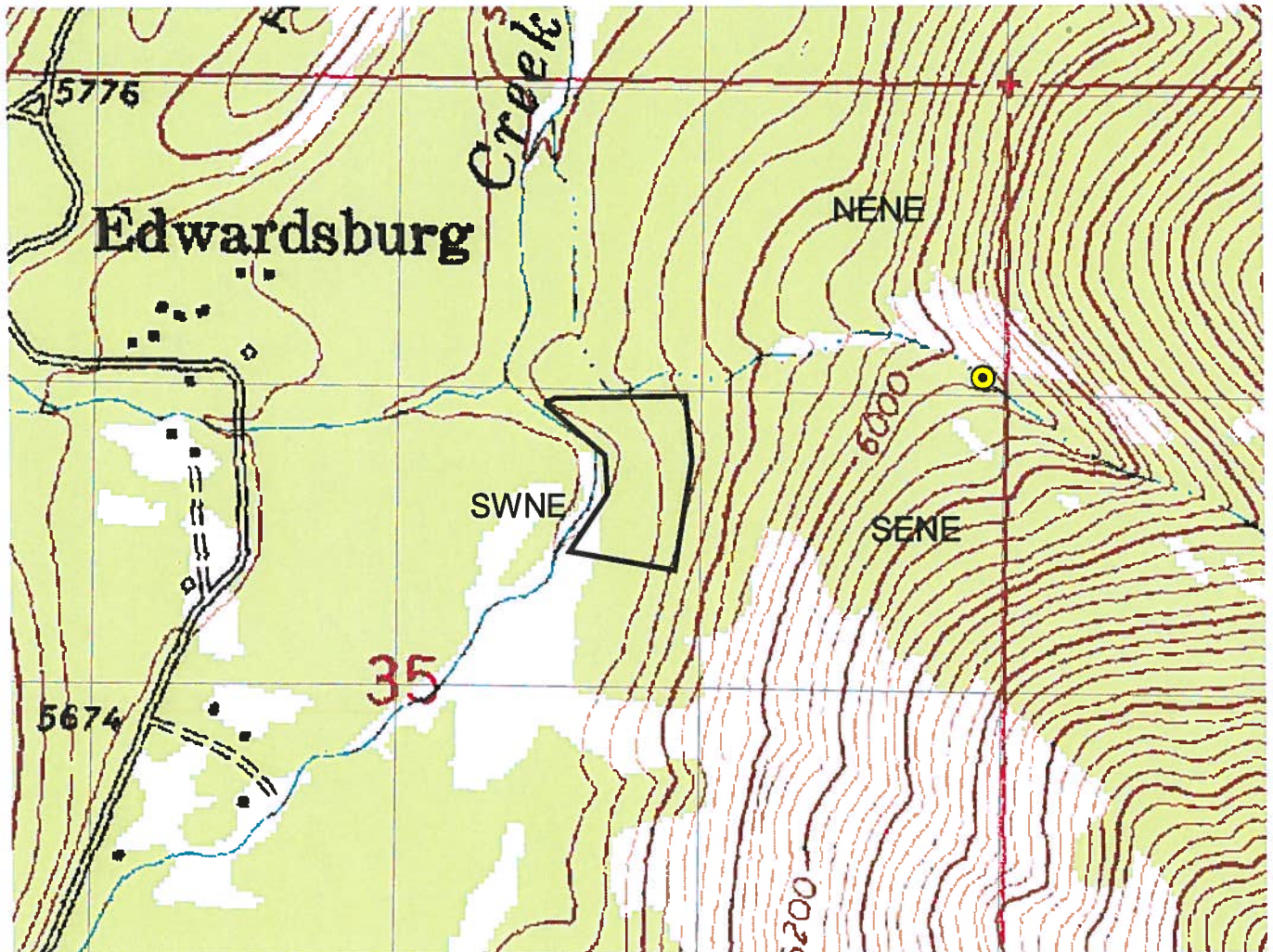
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

77-7058



0 500 1000 Feet

Section 35
T21N R9E



● Point of Diversion

□ Place of Use

Map prepared on March 3, 2006
By Kenneth Knoblock
Idaho Department of Water Resources

Knoblock, Ken

From: catherine M gillihan [cgilli@juno.com]
Sent: Tuesday, March 07, 2006 10:24 AM
To: Knoblock, Ken
Subject: Re:

Dear Mr.Knoblock,

Received your notes on the corrections. Thank you for the fast work.
There is still a couple of problems. I will send each of the permit #
and

comments seperate because my cheap juno won't carry a proper document.
The first document will be #77-7058

77-7058 1- The date for irrigation should read 4/15 to 10/15
(some seasons are dryer and the area is
open earlier to take advantage of the irrigation. This property is
accessed year around with snow mobile
and
etc.)

2- The map enclosed shows the irrigation running
north to south and it should run east to
west. I drew the enclosure on the map enclosed. (your paper shows
irrigation in the SENE but your
map shows it in swne) It actually runs over the section line and

should read NE 1/4 of SWNE and NW 1/4 of
SENE (The upper spigots for
irrigation are in the SENE. The southern part of your drawing is wet
lands, swamp and beaver runs. I showed
that to Mr. Fritschle that the property there was at the mercy of

the river and part of the time is submerged.

3- There was nothing listed after the domestic
so I assume it will remain the same as shown

on the license.
C. Gillihan

03/02/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-7058

NAME AND ADDRESS: CATHERINE M GILLIHAN
C/O ROBERT JAMES GILLIHAN JR
10064 GLEN ELLEN ST
BOISE ID 83704

ROBERT J GILLIHAN JR
10064 GLEN ELLEN ST
BOISE ID 83704

SOURCE: NO NAME CREEK

TRIBUTARY: BIG CREEK

QUANTITY: 0.480 CFS
24.000 AFY

PRIORITY DATE: 11/29/1976

The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.

POINT OF DIVERSION:

T21N R09E S35 SENENE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC		
POWER	01/01 12/31	0.440 CFS
IRRIGATION	05/01 10/31	0.160 CFS 24.00 AFY

PLACE OF USE: IRRIGATION Within VALLEY County

T21N R09E S35 SENE 7.00

POWER Within VALLEY County

T21N R09E S35 SWNE

DOMESTIC Within VALLEY County

T21N R09E S35 SWNE

7 ACRES TOTAL

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 77-7058
Date Received: 11/17/1988
Receipt No: W001453
Received By:

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBERT J GILLIHAN JR Phone:
10064 GLEN ELLEN ST
BOISE ID USA 83704

CATHERINE M GILLIHAN Phone: (208)327-0907
C/O ROBERT JAMES GILLIHAN JR
10064 GLEN ELLEN ST
BOISE ID USA 83704

RECEIVED
MAR 02 2006
IDWR/North

2. Date of Priority: 11/29/1976

3. Source: NO NAME CREEK Trib. to: BIG CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
21N	09E	35	SE NE NE	VALLEY	

5. Description of diverting works:

SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.14	
POWER	01/01	12/31	0.44	
DOMESTIC	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.48 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
21N	09E	35	SW	NE	POWER	
			SW	NE	IRRIGATION	7
			SW	NE	DOMESTIC	
					Section Acres	7
					Total Acres	7

11. Place of use in counties: VALLEY

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

The domestic use was noted on the licensing exam, but was not included on the license that was issued in 1985. The irrigation use has been reduced by one acre, and the 0.02 cfs has claimed as an accomplished transfer for domestic use.

15. Basis of Claim: License

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Catherine Gillihan Date: 2/24/06

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 24th day

of February 2006

Carter Fritschle

Notary Public

Residing at Kuna ID

My commission Expires 3-21-2006



01/05/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 3, 2006

Water right number: 77-7058

CATHERINE M GILLIHAN
850 JACKSON AVE
EMMETT ID 83617

Telephone Number: (208) 365-5384

Robert J. Gillihan Jr.
10004 W. Glen Ellen
Boise, ID 83704
208-321-1092

RECEIVED
MAR 02 2006
IDWR/NOA

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

He combines this right with 2 other rights on west side of river - the correct map - Property located on NE NE of Lot 32/33 - He denies 8 irrig acres for this right - He denies ordinary water for trailer at this right -

2. Describe the changes you wish to make in the proposed recommendation:

Locate property on NE corner lot 32/33 Edwardsburg Plat I & lock II - We Sprinkle 4 acres around Power house, dam & holding tank & trailer for fire prevention - We have used ordinary water at trailer since 1976
Frigate should read - S.W.N.E SENE

3. Give a brief explanation as to why you disagree with these portions:

There is confusion as to where property is located when record transferred & judgement in error because this right is being combined with two other rights -

I AGREE with this proposed recommendation: no changes need to be made.

DATE:

2/24/06

SIGNATURE:

Catherine Gillihan

Please print your name:

Catherine Gillihan

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (208) 287-4800

01/05/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-7058

NAME AND ADDRESS: CATHERINE M GILLIHAN
~~850 JACKSON AVE~~
~~EMMETT ID 83617~~

SOURCE: NO NAME CREEK

TRIBUTARY: BIG CREEK

QUANTITY: 0.480 CFS
24.00 AFY

PRIORITY DATE: 11/29/1976

The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.

POINT OF DIVERSION:

T21N R09E S35 SENENE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
POWER	01/01 12/31	0.440 CFS
IRRIGATION	05/01 10/31	0.160 CFS 24.00 AFY

PLACE OF USE: IRRIGATION Within VALLEY County

T21N R09E S35 SENW 8.00

POWER Within VALLEY County

T21N R09E S35 SENW

8 ACRES TOTAL

Right Nos. 77-4007, 77-4008 and 77-7058 are limited to the irrigation of a combined total of 8 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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

SCANNED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A77-07058
Date Received: 11/17/1988
Receipt No: W001453
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CATHERINE GILLIHAN 208-327-0907
Address: BIG CREEK ID 83677

2. Date of Priority: NOV 29, 1976

3. Source: NO NAME CREEK Trib. to: BIG CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
21N	09E	35	SE	NE	NE		VALLEY

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	0.440		
IRRIGATION	04/15	10/15	0.160		24.00
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.480 C.F.S. (and/or) 24.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME, P/12 KW.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
21N	09E	35	SW	NE		IRR	8.0
			SW	NE		POWER	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
21N	09E	35	SW	NE	DOMEST	
Section Acres						8.0
Total Acres						8.0

11. Place of use in counties: VALLEY

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

THE DOMESTIC USE HAS BEEN ADDED TO THIS RIGHT SINCE IT WAS BEING USED AT THE TIME OF THE FIELD EXAM. THE DOMESTIC USE WAS ORIGINALLY RECOMMENDED AS THE LODGE AREA, HOWEVER, CLAIMANTS TOLD THE DEPARTMENT THAT IT WAS NOT THE LODGE AREA AND DOMESTIC USE WAS TOTALLY LEFT OFF WHEN IT SHOULD HAVE BEEN SHOWN FOR THE ONE LINE WHICH IS STUBBED IN TO THE LOT AND HAS BEEN USED DURING THE SUMMER WHEN A TRAILER IS MOVED IN. ACTUALLY, THE DOMESTIC WATER WAS IN BEFORE THE POWER PLANT AND IRRIGATED ACRES. THE CLAIMANTS WERE NOT PRESENT DURING THE EXAM WHICH WAS THE BEGINNING OF THE PROBLEMS WITH THIS LICENSE, SINCE WRONG INFORMATION WAS GIVEN. THIS CLAIM IS FILED WITH THE DOMESTIC USE TO PROPERLY IDENTIFY THE ACTUAL USE OF THE WATER.
SOURCE CHANGE - THIS SOURCE IS LOCALLY KNOWN AS NO-NAME CREEK AND OTHER RIGHTS IN THE AREA ARE FILED UNDER NO-NAME CREEK - SAME CREEK AS THIS RIGHT COVERS.

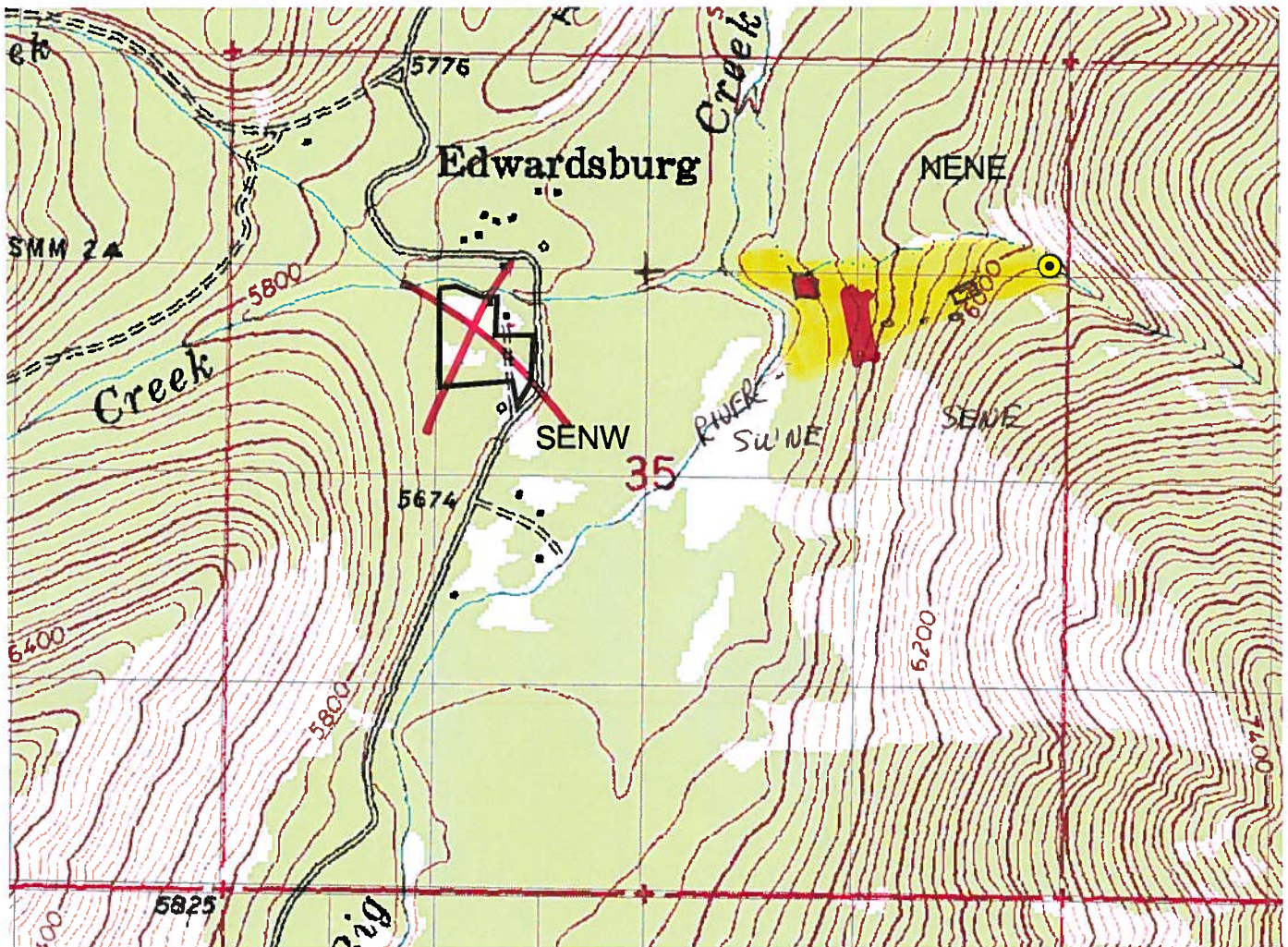
15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

77-7058



0 600 1200 Feet

Section 35
T21N R9E

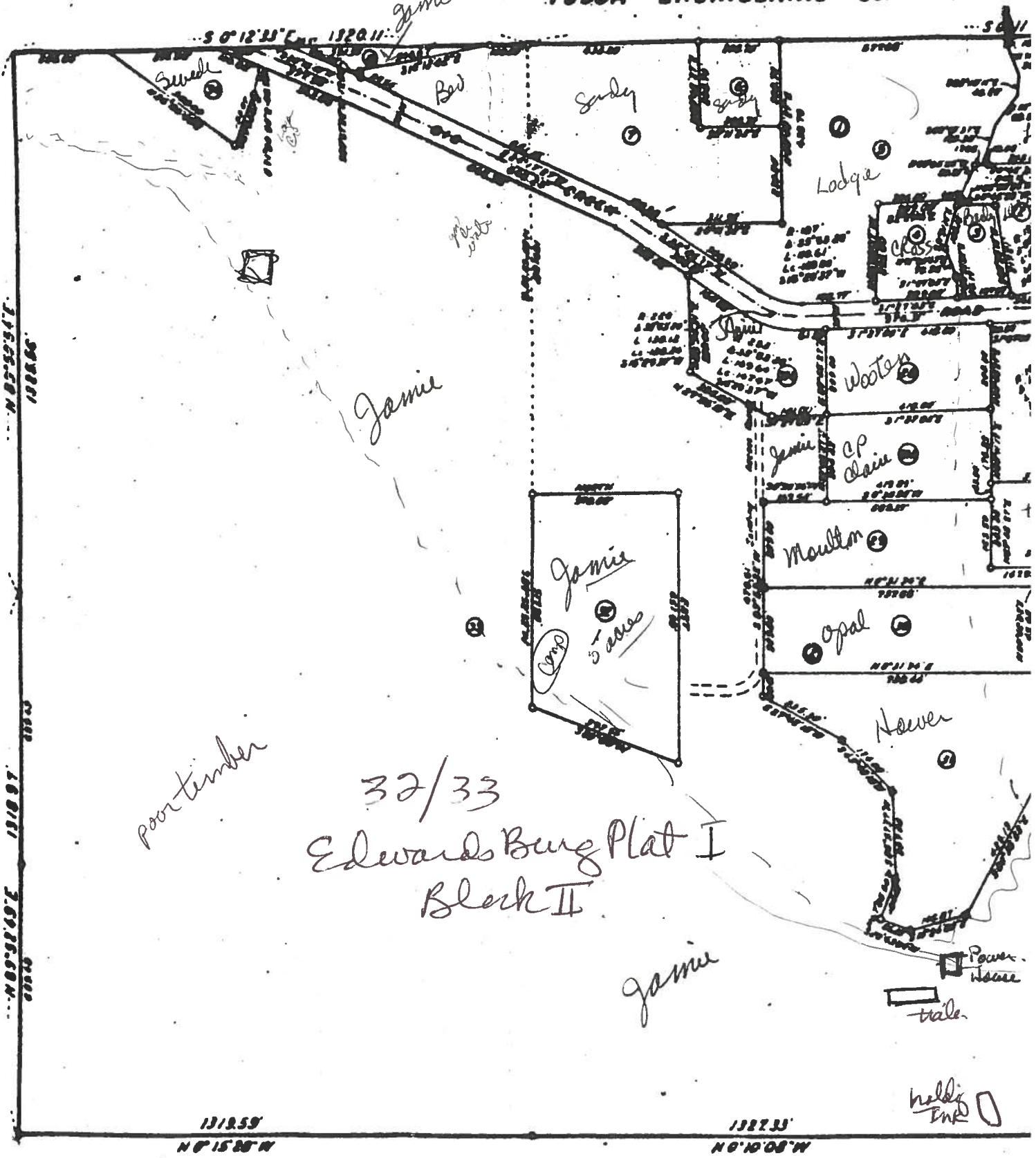
- Point of Diversion
- Place of Use

Map prepared on April 7, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

FEB 27 2006

EDWARDSBURG RECORDER'S

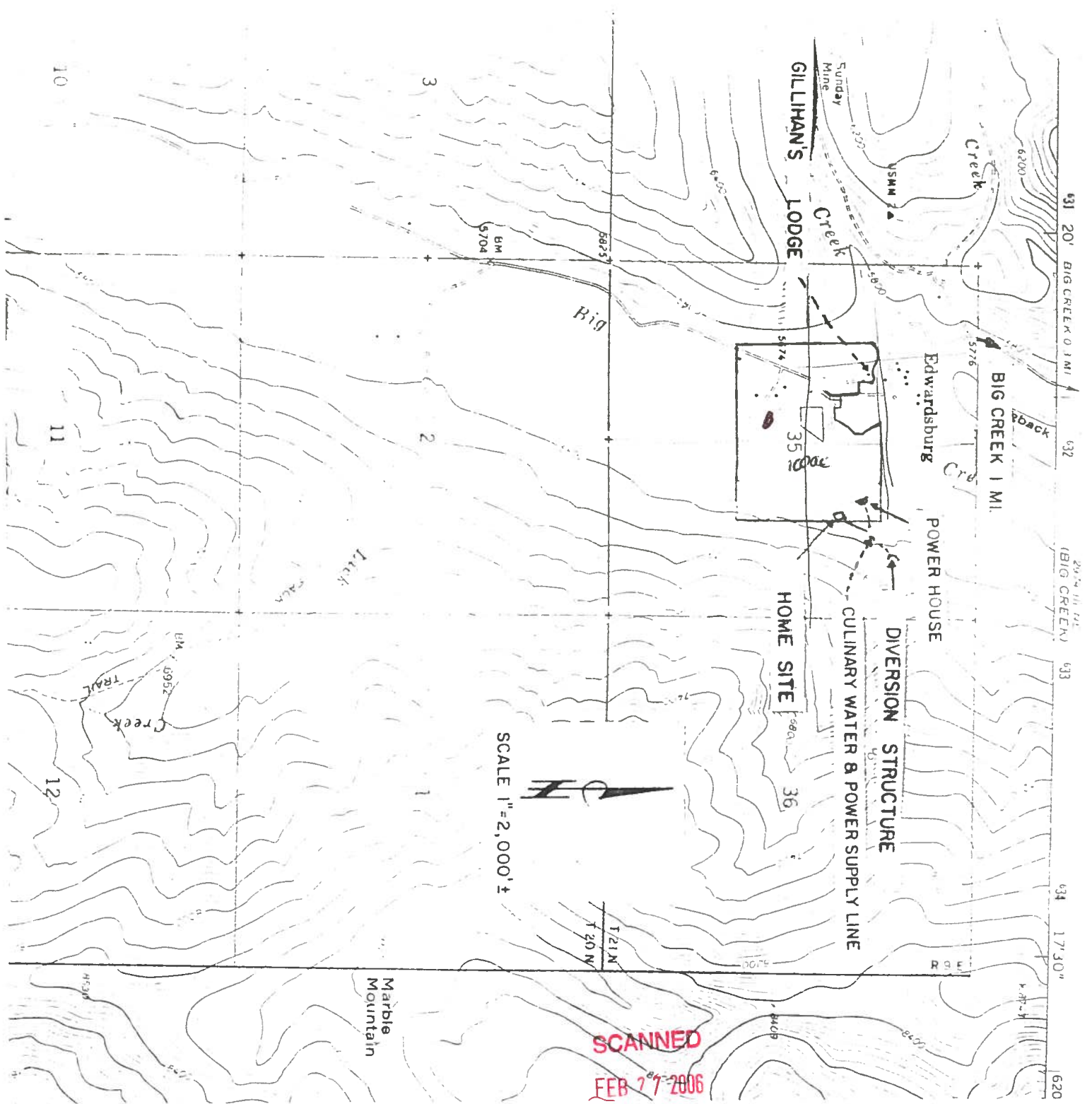
A PORTION OF SECTION 35, T.21 N., R.9 E.,
VALLEY COUNTY, IDAHO
TUDOR ENGINEERING COMPANY



SCANNED

FEB 27 2006

Dam
on F.



SCANNED
FEB 27 2006

04/11/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-7058

NAME AND ADDRESS: CATHERINE M GILLIHAN
850 JACKSON AVE
EMMETT ID 83617

SOURCE: NO NAME CREEK

TRIBUTARY: BIG CREEK

QUANTITY: 0.480 CFS
24.000 AFY

This right when combined with 77-4007 & 77-4008 shall provide no more than 8 acres of irrigation in the SENW & NESW S35 T21N R9E.

PRIORITY DATE: 11/29/1976

POINT OF DIVERSION:

T21N R09E S35 SENENE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
POWER	01/01 12/31	0.440 CFS
IRRIGATION	05/01 10/31	0.160 CFS 24.00 AFY

PLACE OF USE: POWER Within VALLEY County

T21N R09E S35 SENW

IRRIGATION Within VALLEY County

T21N R09E S35 SENW 8.0

8 ACRES TOTAL

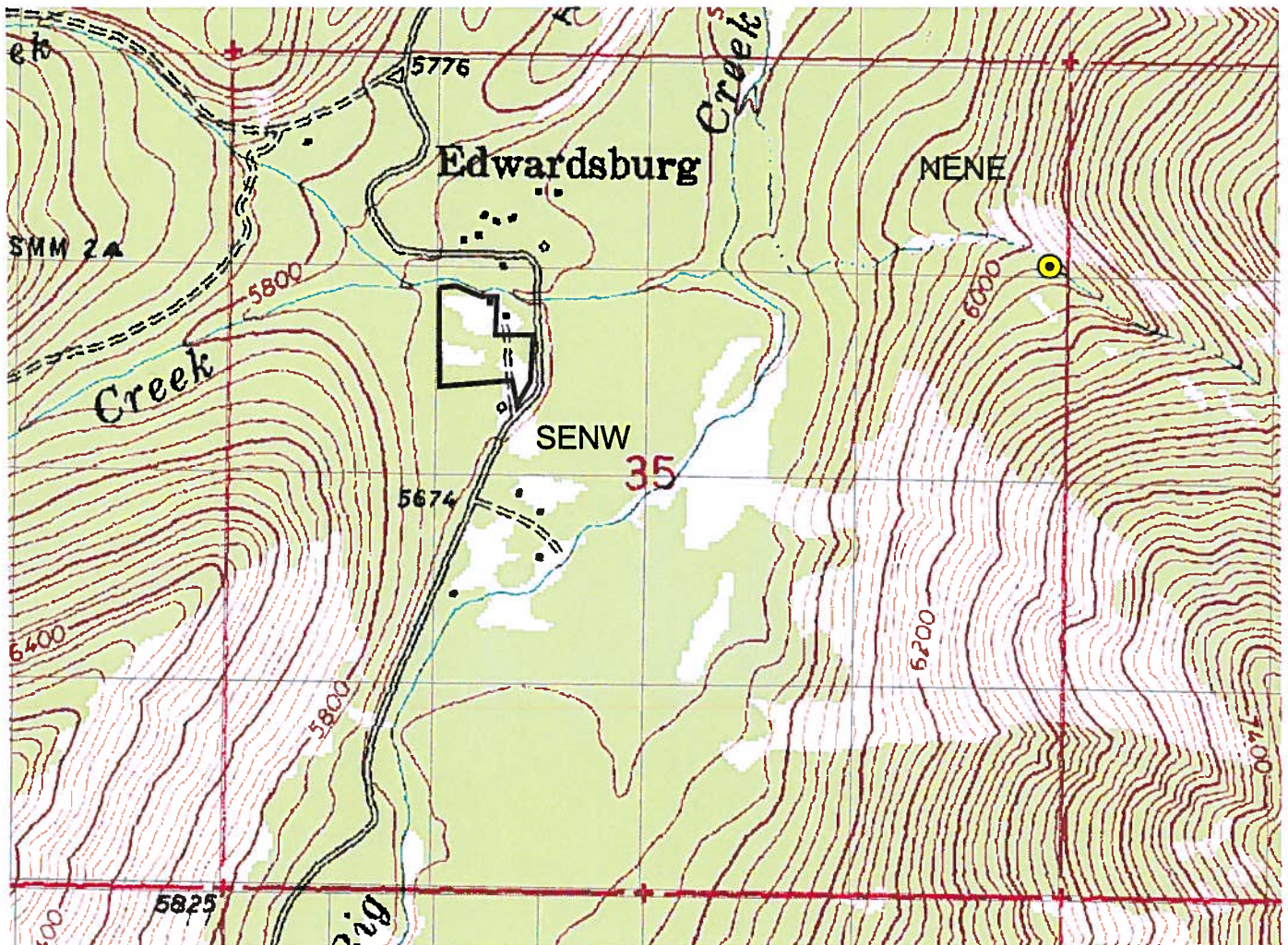
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

77-7058



0 600 1200 Feet



Section 35
T21N R9E



● Point of Diversion

□ Place of Use

Map prepared on April 7, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

Knoblock, Ken

From: catherine M gillihan [cgilli@juno.com]
Sent: Wednesday, February 22, 2006 12:35 PM
To: Knoblock, Ken

per our conversation on Feb. 22, 2006.

Address correction: please mail to son, Robert James Gillihan Jr. 10064
Glen Ellen St., Boise, Idaho 83704

Phones will be the same: 208-327-0907, 208-321-0192

The following are the numbers that should be included in the
adjudication. 77-4008, 77-4007, 77-07299, 77-7058 includes 77-10125
which was the conversion of 1 inch of irrigation to culinary.

On the adjudicated papers mailed out in the place of use: it states
right

nos. 77-4007 and 77-7085 are limited to the irrigation of a combined
total of 8 acres in a single irrigation season. This is not correct
and

never before appeared in any of our rights. 77-4008 covers two separate
acreages total of 10 acres+ depending on the amount of water available,
from Government creek.

77-4007 is the water that comes from Logan creek and is 8 acres that is
flooded and irrigated with sprinklers. This water can not be applied to
any of the property that is reached by Government creek. The total of
these two rights has to be more. Our original right for 77-4008 is for
29 acres. This depends on the amount of water that flows in Government
creek. Our original right for 77-4007 is for 12 acres.

Question: do I need to include copies of the original right with the
"notice of error reply"? Do I mail these corrections to the Boise
address that was included with the papers. C. Gillihan

77-7299 priority date 2/27/1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 3, 2006

Catherine Gillihan
10064 Glen Ellen St.
Boise, ID 83704

RE: 77-4007, 77-4008 & 77-70558

Dear Ms. Gillihan:

Enclosed are new maps and preliminary recommendations reflecting the comments you made on the Notice of Error Reply. Please contact me if the changes are incorrect.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Knoblock', written over a horizontal line.

Kenneth Knoblock
Water Resources Agent

MEMORANDUM

TO: FILE 77-7058

FROM: JIM JOHNSON

RE: AMENDING LICENSE

DATE: April 6, 1990

=====

In response to Jans' Memo of March 21, 1990, I called Cathy Gillihan for additional information.

She explained that her father(the original permit holder) had constructed a dam on a unnamed stream and had installed a ten inch pipeline from the dam to the power site. A second ten inch pipeline was installed for filling a 1000 gallon storage tank for domestic use. A two inch pipeline connected the storage tank to two frost free hydrants located at the domestic unit site. The domestic unit has not yet been constructed because her father passed away before he could complete his plans . She said that a trailer house at times had been location at the domestic site and used the water.

On July 29,1985 the Department sent prelicense correspondence to Mrs. Gillihan. She responded by arranging a meeting with the field examiner, Jan Shurte(Grover). Jan prepared a follow up memo requesting that the place of use location be changed and stated "There is no domestic use from this creek." Adjustments were made to the proposed license and the Department sent notice of the changes in follow up correspondence sent on August 20, 1985. No further response from the permit holder was received. The license was issued on September 18, 1985.

The right holder in February 1990, four years after the license was issued, comes forward stating that the Department erred by removing the domestic use from the license. Apparently without the domestic use included on the license they cannot meet the requirements for obtaining a FERC license for the powerplant. She stated the reason for not responding to the August 20, 1985 correspondence was because she was gone to Big Creek (the area this right is located). By the time she returned the license had already been issued.

I do not feel there is sufficient evidence presented to cause the Department to amend the water right adding domestic use to the license. Over 15 years have passed since the application for permit was filed and the domestic units have not been developed, even though the pipeline and storage tanks have been installed.

The appropriate action for the permit holder at this time is

to file for an new appropriation.

cc Jan Shurte

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A77-07058**
Date Received: 11/17/1988
Receipt No: W001453
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CATHERINE GILLIHAN 208-327-0907
Address: BIG CREEK ID 83677

2. Date of Priority: NOV 29, 1976

3. Source: NO NAME CREEK Trib. to: BIG CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
21N	09E	35	SE	NE	NE		VALLEY

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	0.440		
IRRIGATION	04/15	10/15	0.160		24.00
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.480 C.F.S. (and/or) 24.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME, P/12 KW.

MICROFILMED
OCT 24 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
21N	09E	35	SW	NE		IRR	8.0
			SW	NE		POWER	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
21N	09E	35	SW NE		DOMEST	
Section Acres						8.0
Total Acres						8.0

11. Place of use in counties: VALLEY

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

THE DOMESTIC USE HAS BEEN ADDED TO THIS RIGHT SINCE IT WAS BEING USED AT THE TIME OF THE FIELD EXAM. THE DOMESTIC USE WAS ORIGINALLY RECOMMENDED AS THE LODGE AREA, HOWEVER, CLAIMANTS TOLD THE DEPARTMENT THAT IT WAS NOT THE LODGE AREA AND DOMESTIC USE WAS TOTALLY LEFT OFF WHEN IT SHOULD HAVE BEEN SHOWN FOR THE ONE LINE WHICH IS STUBBED IN TO THE LOT AND HAS BEEN USED DURING THE SUMMER WHEN A TRAILER IS MOVED IN. ACTUALLY, THE DOMESTIC WATER WAS IN BEFORE THE POWER PLANT AND IRRIGATED ACRES. THE CLAIMANTS WERE NOT PRESENT DURING THE EXAM WHICH WAS THE BEGINNING OF THE PROBLEMS WITH THIS LICENSE, SINCE WRONG INFORMATION WAS GIVEN. THIS CLAIM IS FILED WITH THE DOMESTIC USE TO PROPERLY IDENTIFY THE ACTUAL USE OF THE WATER.

SOURCE CHANGE - THIS SOURCE IS LOCALLY KNOWN AS NO-NAME CREEK AND OTHER RIGHTS IN THE AREA ARE FILED UNDER NO-NAME CREEK - SAME CREEK AS THIS RIGHT COVERS.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): 77-07299
A77-04007

A77-04008

A77-02058 & A77-10125

[] Old Mailing Address: 850 JACKSON AVE.

EMMETT, ID

83617

[] New Mailing Address: BIG CREEK, IDAHO

83677

New Telephone Number: (208) 327-0907

[] Signature of Claimant: Catherine Gillihan

Date: 4/25/95

FOR IDWR USE ONLY:

Initial Review and Data-Entry J

Date: 4-25-95 By:

Further Action Needed: COPY FILED IN LICENSE

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

MICROFILMED

OCT 24 1996

3/16/05

PMO100 - PARCEL MASTER INQUIRY

11:57:45

PARCEL: RP 00078001005A A

F9=MS

F17=DD F19=SP

LEGAL DESCRIPTION

GILLIHAN, ROBERT J.*
& GILLIHAN, CATHERINE L.*

EDWARDSBURG RECORDER'S

PLAT NO. 1

LOT 5 BLOCK 1

ProVal Area Number 1

CODE AREA 8-0000 OWNER CD

PARC TYPE LOC CODE 4700

EFFDATE 1011999 EXPDATE

PREV PARCEL RP00078001005AA

9155 W CORY LN

BOISE ID 83704

X	for parcel	comments									
CAT	RY	QUANTITY	UN	VALUE	HO	MRKT	HO	EXMP	CB	MRKT	OTHER
15	2001	6990	AC	36870							
37	2001			97650							

TOTALS

6990

134520

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

USDA Forest Service SPECIAL-USE APPLICATION AND REPORT (Ref.: FSM 2712, 36 CFR 251.54)	FOREST SER		USE ONLY	
	Date Received (mo/day/yr) ____/____/____	Region Number _____	State Code _____	County Code _____
INSTRUCTIONS Applicant should request a meeting with the Forest Service representative responsible for processing the application, prior to completing this form. This meeting will allow a discussion of the form's requirements and identify those items to be omitted.	Congressional Dist. Number _____	Forest Code (Admin. Unit No.) _____	Unit ID Symbol (NFFIO No.) _____	
	Ranger Dist. No. (Resp. Dist.) _____	User Number _____	Kind of Use Code _____	
PART I—APPLICATION (Applicant Completes)				
1. Applicant Name and Address (Include Zip Code) W.G.HANSON; B.MURPHY; & C.GILLIHAN BIG CREEK, IDAHO 83677	2. Authorized Agent Name, Title and Address (include Zip Code) if different from Item 1. (same)		3. Area Code and Telephone Number a. Applicant's RADIO 208-382-4336 b. Authorized Agent's same	
4. As applicant are you? (Mark one box with "X") a. ☐ Individual b. ☐ Corporation* c. ☒ Partnership/Association* d. ☐ State Government/State Agency e. ☐ Local Government f. ☐ Federal Agency * If marked "X", complete PART II.		5. Specify what application is for: (Mark one box with "X") a. ☐ New authorization* b. ☐ Renew existing authorization c. ☐ Amend existing authorization* d. ☒ Other* * If marked "X", provide details under Item 7. LICENSE#18935 USE PERMIT FOR EXSISTING DITCH		
6. If you are an individual or partnership, are you also a citizen(s) of the United States? ☒ Yes ☐ No				
7. Describe in detail the land use, including: (a) type of use, activity, or facility; (b) related structures and facilities; (c) physical specifications (length, width, acres, etc.); (d) term of years needed; (e) time of year of use or operation; (f) duration and timing of construction; (g) temporary work areas needed for construction; and (h) anticipated need for future expansion. (If extra space is needed, use Page 3, REMARKS). (a) use of surface water for domestic, stock, and irrigation (b) rock, earth, wood diversion using open ditch, holding tank, & plastic pipe (c) ditch approx. 5500ft.x1.5ft wide x 1ft deep serving three property owner's. two single household uses and one beneficial use (d) duration of use to be for the duration of the private property. (e) Use of operation from Jan. 1 to Dec. 31. (f) construction for repair and maintenance; varies to damage and seasonal. (g) area being from point of diversion to points of use. (h) plan to maintain ditch at best condition, further maintenance may be needed to prevent erosion.				
8. Attach map covering area and show location of proposed use and/or furnish legal description of the land. attached map with property platt # using the ditch				
9. Give statement of your technical and financial capability to construct, operate, and terminate the use for which authorization is requested, including the protection and restoration of Federal lands. (If extra space is needed, use page 3, REMARKS). All users of the ditch are the property owners, gally employed, insured and bodable.				

MAR 03 1988

10a. Describe other reasonable alternative proposals considered.

No other proposal is reasonable due to terrain, no public power, and inaccessibility of the area for equipment.

10b. Give explanation of why it is necessary to utilize Federal lands and why the alternatives in item 10a were not selected.

See above, gravity flow is all that is reasonable and Forest Land proceeds Private land for the diversion and the route of the ditch.

11. Provide statement of need for proposed use, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits. (If extra space is needed, use page 3, REMARKS).

Water is necessary for use of the private property and activity, cost with this system is minimal, being owner labor, inexpensive materials for diversion and transmission, provides public benefit at site of

Gillihan's Lodge.
12. Describe probable effects on the area population, including social and economic aspects, and rural lifestyles.

Has no impact, and is not seen by the public, diversion being only slight with no impact. Water over-flow all used for irrigation during season, and for stock water.

13. Describe likely environmental effects that the proposed use will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) control or structural change on any stream or other body of water; (e) existing noise levels; (f) land surface, including vegetation, permafrost, soil and soil stability; and (g) populations of fish, plant, wildlife and marine life, including threatened and endangered species. (If extra space is needed, use page 3, REMARKS).

(a)none (b)not seen by public and is open sodded ditch. (c)slow moving, gravity flow with no silting. (d)none. (e)none (f)no erosion or silting, banks sodded with vegetation, with water turned in after freezing/frost. (g) none diversion prevents fish diversion; see above remarks.

14. Describe what actions will be taken to protect the environment from the effects of the proposed use.

Prevent erosion or pooling. Periodic inspections, and flow adjustments.

15. Name all Federal, State, County or other department(s)/agency(ies) where an application for this is being filed. Attach appropriate license, building permit, certificate or other approval document.

Payette National Forest and Idaho State Water Board

MAR 03 1988

I HEREBY CERTIFY, that I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and that this information is correct to the best of my knowledge.

16a. Applicant's Signature (Sign in ink)

16b. Date

William Gillihan

5/11/1987

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

RECEIVED
AUG 13 1987

Department of Water Resources

August 3, 1987

Field Investigation of W. and H. Hanson's Water Rights

On June 30, 1987 I visited the Hansons in the Big Creek area. They wanted someone to investigate their ongoing water problems with the neighboring Gillihans. This brief report describes conditions found during the visit.

The following three water rights are involved:

- 1) Hanson - License 77-2073, originally for .11 cfs irrigating five acres. The Hansons own one of these acres and are entitled to .022 cfs.
- 2) Hanson - Claim 77-4010, domestic use for one house, .03 cfs. Both 1 and 2 above divert water from Logan Creek via a small but long ditch. The irrigation water leaves the ditch on Hanson's acre by way of two smaller hand-dug ditches to flood irrigate. The domestic water is drawn from the irrigation ditch via a 2" pipe in the ditch; the pipe supplies about .02 cfs (5-gallon bucket measurement of .018 cfs).
- 3) Gillihan - Claim 77-4007 (Lucky Brands Inc.) for 1.0 cfs to irrigate 36 acres and supply domestic water for approximately 30 families.

Claims are not verified by the Idaho Dept. of Water Resources (IDWR) and can only be substantiated by the courts ("ripened" by decree). A license is a water right verified by the department or a certified private party through a field examination. Only decreed water rights can be regulated by the IDWR. Disputes over non-decreed rights are a civil matter to be resolved by the disputing parties, with or without the aid of the courts.

Some of the Gillihan's actions bother the Hansons. Their domestic water is assured as long as no disturbance occurs at or above the intake pipe. However, the Hanson's irrigation water (License 77-2073) has been interrupted. At point C (see attachments), approximately 2200' east of the licensed point of diversion, the irrigation ditch is blocked by dirt. All of the ditch water is channeled through the Gillihan's newer ditch branching from the main ditch. The Gillihans are taking all of the free-flowing irrigation ditch water (below the Hanson's domestic pipe) with their 6" intake pipe (point B) and the newer ditch. The estimated flow in the new ditch is .97 cfs. Clearly, the Hanson's licensed irrigation right is denied by the blocked ditch.

The Hansons, who keep detailed records of the water problems, told me that the lack of irrigation water was first noticed in July, 1985. That summer saw the Hansons and Gillihans alternately unblocking and blocking, respectively, the main ditch. This did not occur in 1986. The 1987 irrigation season brought a resumption of the problem.

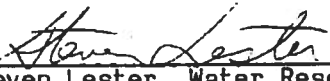
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AUG 24 1987

page 2
Hanson's Water Rights

I discussed alternate solutions with the Hansons. Of course, they may sue the neighbors. The possibility of extending the 2" domestic pipe to the headgate at the point of diversion was mentioned. However, this would not change irrigation water problems but would increase protection of the Hanson's domestic claim. A third option may be to use larger, i.e. 4", pipe from the point of diversion to the 2" pipe. This may or may not provide enough pressure to deliver sufficient domestic and irrigation water (.04 cfs total).

Copies of the report are provided for the Hansons (at their request), the Payette National Forest, and the appropriate IDWR files.



Steven Lester, Water Resource Agent

Enclosure

cc: SH, RZ, CW

jp

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AUG 24 1987

Aug. 12, '85

To whom it may concern

We are writing this letter to register a complaint against Robert + Catherine Hlilhan.

There is a diversion ditch on Logan Creek at Big Creek. Yafier Edwards built the ditch or had it built, with the rock dam, to irrigate + for use of the water, on five acres of his land. We bought one acre of the five + have used the ditch since 1965. We have maintained it + the excess water runs onto the other four acres, which is meadow or pasture land. In early July, 1979 the Hlilhans built a settling tank next to our ditch + laid a 2" intake pipe, about 20' long in our ditch to the tank. This was above our intake pipe. There was no overflow pipe from the tank back to the ditch + water overflowed + ran on the ground. We were told nothing of all this nor were we ever consulted at any time. We discovered it when our daughter walked up our ditch soon after their tank + pipe were put in. Before they diverted water from our ditch to their property they were using water from Government cr. We went to them + told them they had no right to do that + that we did not approve of the diversion. We did not complain to the Water Resources officers at that time as we hoped to remain good neighbors. Early this July we saw the ditch was nearly empty at our place + walked up to check it + found the Hlilhans had dug a ditch to divert water from our ditch to irrigate some pasture land back of their lodge. **we claimed** the outlet they had dug + told them they could not **AUG 24 1987** do that. About the 28th of July this year (1985), the Hlilhans, with no word to us abandoned the old tank + 2" pipe + installed a new settling tank with a six inch (6") intake pipe approx

imately 300' ab. the old tank & point of diversion on our ditch. The new tank has a 3" overflow pipe back into the ditch but the tank still overflows on the surrounding ground. When I walked up the ditch to the head gate, I found they had opened it to full flow & because of the excess flow the ditch was leaking in three places. I closed the gate to the normal flow because if the leaks continued we could soon lose the whole ditch. I phoned the Hillihans & told them what could happen

we came to Boise to the water resources office & explained all this to Jan Grover & she reviewed the claims & licenses & re-affirmed what we were told years ago, that the license for the water diversion & ditch were for the five acres & not for the Hillihan lodge & land.

On August 11th (85) we went to the Hillihans & tried to settle this peacefully & asked them to move the tank back to the original site & to use the 2" pipe for the intake & they flatly refused.

at that point we left & decided to take the matter to the department of water resources.

Sincerely

Mrs. & Mrs. W. L. Hanson

Big Cr. via Yellow Pine

Idaho, 83677

MICROFILMED

AUG 24 1987

August 12, 1985

Idaho Department of
Water Resources
450 W. State
Boise, Idaho 83702

Dear Sirs;

On Aug. 10, Mr. Hanson "stormed" into our lodge of guests and issued an ultimatum. Mrs Hanson had called earlier that day for a conference that we agreed to at our earliest convenience. Mr Hanson is retired and on military income and our's is a seasonal operation. On that day, I was boarding 13 miners and a small family. To our understanding, Mr. Hanson's chief complaint was that we replaced our old water system without his knowledge. His other continuous complaint being that we alter our pasture water from one pasture to the other.

Our surface domestic water and some minimal irrigation water comes from a ditch from Logan Creek, siting prior use from Napier Edwards' license #77-2073, to be used at two locations; domestic water and pastures twp20N, R9E, Sec.35, part of E $\frac{1}{2}$ SW $\frac{1}{2}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ and twp 20N, R9E, Sec 2, part of NW $\frac{1}{4}$ totaling about 5 acres. I have used this water since 1965, and my late father, Rex Lanham, and I recorded our deeds bought from my former husband for this and other properties of the Edwards in 1967. Following new Idaho Code #chap.2 title 42-Sect.42-242 and due to numerous boundry disputes, we refiled water rights under our Lucky Brands Inc. in 1972, to assure stock water and domestic surface water. The water Dept. assisted us in filing for maximum use at that time due to questionable acreage.

In the late 60's and early 70's, we built a cabin on Logan Creek and a warehouse lodge on the Edwards site using various forms of ~~expensive~~ **RECORDED** water systems of 2-4" plastic pipe and screened funnels in the existing **AUG 24 1987** ditches to the property, thinking that adequate water storage

could be furnished in the pipe. In 1979, a holding tank with a 4" outlet to 1" into the buildings was built. This tank has deteriorated and the over flow caused standing water on the F.S. In July 1985, our contractor designed a tank moved up the open ditch. It has a self-cleaning screen requiring larger intake but the out let is 3", and the over-flow goes back into the creek(ditch) eliminating standing water. This tank enables us to have adequate storage and pressure required for domestic use and fire protection.

It is our understanding that one does not refile a water permit every time he improves his system if water use remains the same or less. No harm was meant or done to Mr. Hanson's water or property. No alteration was done to any part of the ditch or water level. We have furnished pipe on several occasions to Mr. Hanson to assure that his funnel pipe is always above our tanks. In 1979 we invited him and his son-in-law, Robert Murphy to combine a system with us. Mr. Hanson declined. Our present tank continues on F.S. ground as does the run-off continue into the ditch that we use for irrigation on the two pastures described above. The end of our ditch running approx. 5' onto the sw corner of Mr. Hanson's property, where he irrigates a few strawberries, the remainder of his lot being irrigated with a hose from his house.

Over the past years, Mr. Hanson continually turns water into our pasture, next to his lot, at his will, many times flooding our barn yard, washing our bridge, and etc. to keep water constantly in excess in the ditch. We hired a man to dig an alternate run-off ditch into Big Creek to allow our pasture to dry out and to leave water cont. in the ditch. When we try to irrigate the upper pasture, Mr. Hanson shuts off our ~~sewage~~ and ~~ditch~~ the water back to the lower pasture. In the past we have had to irrigate at night, or before or after he is in the area to preserve the pasture.

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Our contractor has considered the water dept. suggestion of perhaps moving the tank to the point of diversion in Logan Creek. The ditch above our tank is on a side-hill the only access to the creek and is very fragile. Since 3" pipe of approved water pipe is not flexible and could result in some ditch damage; however would probably furnish enough water for 5 acres, this alternative may not be the best.

We feel it would be beneficial to all the ditch users if a person from the water dept. could look at the water and offer advice on ditch agreement. In the past Mr. Hanson claims direction on ditch cleaning and ditch opening without any advance notice irregardless of any other activities of the other users.

We are willing to furnish fuel and board for 1 or 2 persons. Mr. Vaughn continues to service this area via airplane and we can assist in these arrangements.

However, if Mr. Hanson has already sought legal action in this matter, to remain unbiased you may need to make other arrangements, we can assist you in these arrangements if needed.

Any help you can offer in solving these problems will be greatly appreciated.

Sincerely,

Catherine Gillihan
850 Jackson Ave.
Emmett, Idaho 83617

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AUG 24 1987

AUG 13 1987

DATE 8/12/87

Department of Water Resources

FROM

Steve Lester

TO

File 77-4010 AND 77-4007

SUBJECT

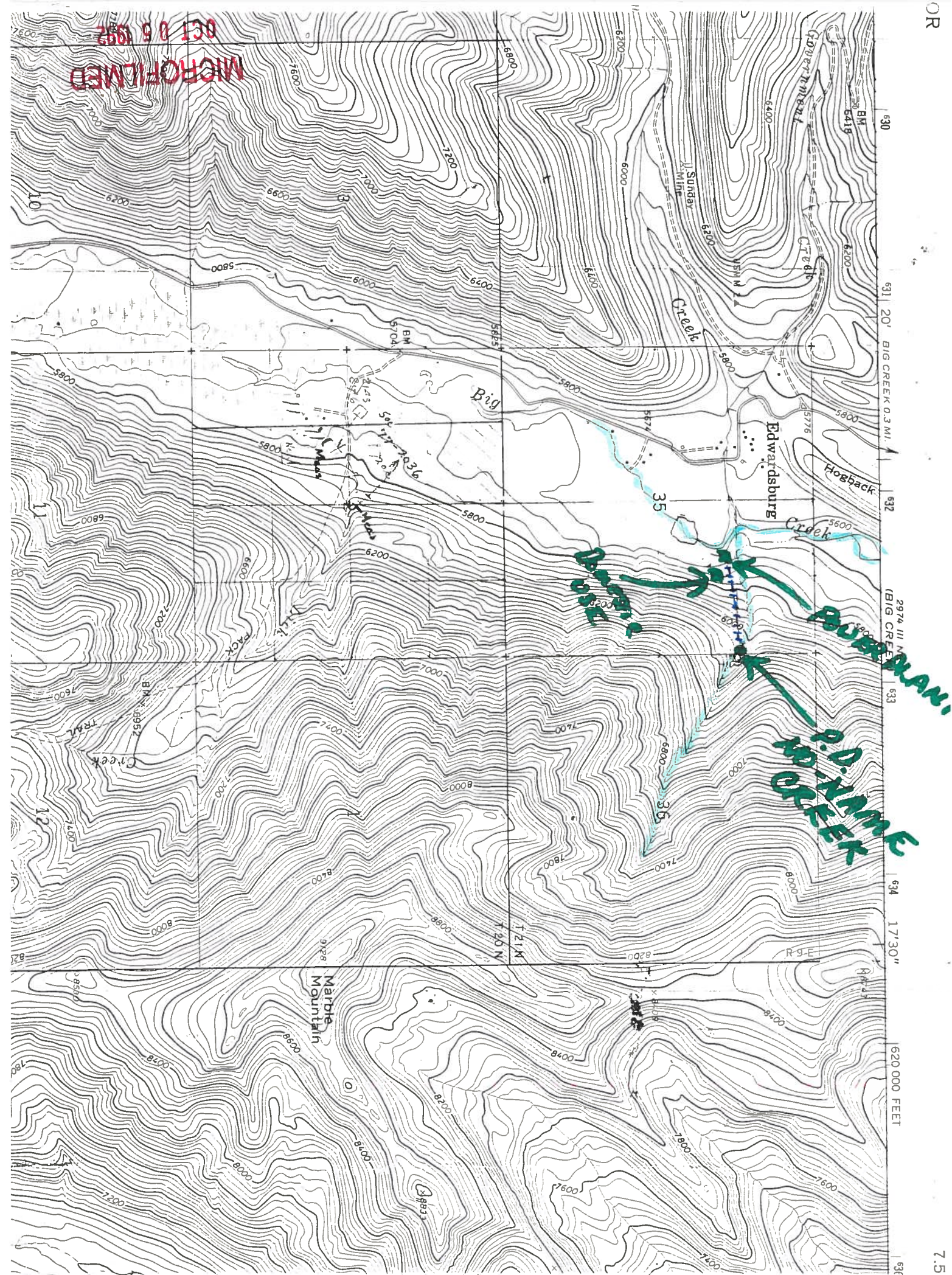
Water dispute

The Hanson's 59 millions are involved in a water dispute. Refer to 8/3/87 report in file 77-2073 for information obtained during field trip of 6/30/87. Copies of the report were mailed to the Hanson's and to Randy Zwirga, Hydrologist, Payette Nat'l Forest Supervisor's Office.



SIGNATURE

UNRECORDED
AUG 24 1987



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A77-07058

Date Received: 11/17/1988

Receipt No: W004453 (\$100)

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CATHERINE GILLIHAN
Address: 850 JACKSON AVE.
EMMETT, ID

83617

2. Date of Priority: NOV 29, 1976

3. Source: NO NAME CREEK

Trib. to: BIG CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
21N	09E	35	SE	NE	NE		VALLEY

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
POWER	01/01	12/31	0.440		
IRRIGATION	04/15	10/15	0.160		24.00
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.480 C.F.S. (and/or)

24.00 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME, P/12 KW.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
21N	09E	35	SW	NE		IRR	8.0

A77-07058

Page 1

Date: 11/17/88

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OCT 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
21N	09E	35	SW SW	NE NE	POWER DOMEST	
Section Acres						8.0
Total Acres						8.0

11. Place of use in counties: VALLEY

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

THE DOMESTIC USE HAS BEEN ADDED TO THIS RIGHT SINCE IT WAS BEING USED AT THE TIME OF THE FIELD EXAM. THE DOMESTIC USE WAS ORIGINALLY RECOMMENDED AS THE LODGE AREA, HOWEVER, CLAIMANTS TOLD THE DEPARTMENT THAT IT WAS NOT THE LODGE AREA AND DOMESTIC USE WAS TOTALLY LEFT OFF WHEN IT SHOULD HAVE BEEN SHOWN FOR THE ONE LINE WHICH IS STUBBED IN TO THE LOT AND HAS BEEN USED DURING THE SUMMER WHEN A TRAILER IS MOVED IN. ACTUALLY, THE DOMESTIC WATER WAS IN BEFORE THE POWER PLANT AND IRRIGATED ACRES. THE CLAIMANTS WERE NOT PRESENT DURING THE EXAM WHICH WAS THE BEGINNING OF THE PROBLEMS WITH THIS LICENSE, SINCE WRONG INFORMATION WAS GIVEN. THIS CLAIM IS FILED WITH THE DOMESTIC USE TO PROPERLY IDENTIFY THE ACTUAL USE OF THE WATER.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Catherine Gillihan Date: 11-17-88

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of November 19 88

Jan Thurst
Notary Public

Seal

Residing at Meridian ID
My Commission Expires 9-14-94

Common pld

SL
2/12/91

A77-07058

A77-10125 } G.I.I. how - uses barred
mainline

A77-02151 - Merrick

A77-02150 - Hower } use 2" Black pvc
line

See photograph & topo filed in

A77-07058 from 8/2/91 field

work (licensing exams for other
rights & did this pld location).

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BENEFICIAL USE FOUND

1) A77-07058

- 1) Power plant NWNE-SWNE just east of Big Ck. (on banks of)
- 2) Domestic = 1 trailer site hook-up NWNE-SWNE (on or near QQ line). Hydrants found around this area.
- 3) Irrigation - use of hydrants to water forest vegetation is not an irrigation b.u.; cannot recommend irrigation. This use does constitute fire protection so could change irrig. to " ".

2) A77-10125

- 1) Domestic = same trailer site as above.

Internal use only so .04 cfs, .6 cfs
Recommend OII in A77-10125 only if
cannot include in A77-07058; otherwise
do not recommend A77-10125 since would
be covered in other claims.

- 3) A77-02150 & A77-02151 - did not have a chance to check plan & b.u. for these.

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DATE OF PHOTOS 8/2/91 OWNER Gilligan, Catherine

CLAIM NUMBER(S) A77-07058 & A77-10125



Pld on unnamed stream (AKA "NO NAME Creek") for both claims.

Located in SWNE 5.35 T21N R9E.
^{1/4} or
 SE 1/4

Buried line to power plant is to site between power plant & pld.

Block 2 1/4" PVC line seen in photo is pipe for Merrick & Hower. According to C. Gilligan, the black line crosses Big Cr & goes to Merrick & Hower Pld on west side of Big Cr.
 (A77-02150 & A77-02151)

Field work

8/2/91

SL

A77-07058

A77-10125

} Gilliam

A77-02151 Merrick

A77-02150 Howen

Common P/O

Source = unnamed stream (locally known as No Name Cr.) trib. to Big Cr.

Power plant & domestic site = Gilliam

Merrick & Howen Pln on west side of Big Cr.

AGE
SCS

LIBRARY
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OCT 05 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

File in 77-07058

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 18, 1990

RECEIVED
APR 20 1990

Department of Water Resources
Western Regional Office

Cathy Gillihan
850 Jackson Ave.
Emmett, ID 83617

Dear Mrs. Gillihan:

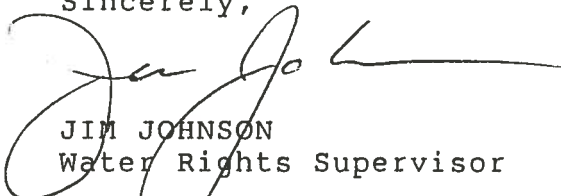
I have reviewed your request for amending License No. 77-7058 to add domestic use. I also reviewed the water right file containing the field examination and related correspondence.

In this review I found that you had responded to the pre-license correspondence sent on July 29, 1985 and subsequently corrections were made. These corrections were made based on your conversation with the field examiner. On August 20, 1985 additional correspondence was sent identifying the adjustments made. This correspondence stated that if you did not concur with the findings, you were to contact us within twn (10) days, otherwise a water right license would be issued as set forth in the draft. No response was received and on September 18, 1985 the license was issued.

In our conversation you did specify that some construction for domestic use had occurred but that no domestic units have been built. The development of diversion works is not a demonstration of actual use. Based on this information, the omission of domestic use on the license does not appear to be in error.

I recommend that you file a new application for permit when you are within six (6) months of initiating construction of the domestic units.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:ss

cc: Jan Shurte - Western Region

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OCT 05 1992

