



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 4, 2006

CONSTRUCTION INC
PO BOX 540478
NORTH SALT LAKE UT 84054

RE: Change of Address Notification

Dear Claimant:

Thank you for notifying us of your change in address on your water right claims. Our records have been updated accordingly.

If you have any questions, please feel free to contact this office.

Sincerely,

Carrie Hahn
Clerk

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

RECEIVED
JAN 03 2006
Department of Water Resources
Southern Region

[] Water Right Number(s): D43-2585
43-4085
43-7216

[] Name(s): CONSTRUCTION, INC.

[] Old Mailing Address: 139 E SOUTH TEMPLE SUITE 310
SALT LAKE CITY UT 84111

[] New Mailing Address: P O BOX 540478
NORTH SALT LAKE UT 84054

Telephone Number: (801) 328 - 1600

[] Signature(s) of Owner(s) Christopher F. Albion
PRESIDENT
(Include your title if on behalf of company or organization)

Date: December 28, 2005

ds

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 43-2585
Date Received: 5/3/89
Receipt No:
Received By:

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

1. Name of Claimant(s)

CONSTRUCTION INC Phone:
139 EAST SOUTH TEMPLE
SALT LAKE CITY UT USA 84111

2. Date of Priority: 12/10/1946

3. Source: SIXMILE CREEK Trib. to: CLEAR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
15S	28E	15	SE NW	CASSIA

5. Description of diverting works:

GUNNELL DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION STORAGE			1/01 12/31	0
20				
IRRIGATION FROM STORAGE			4/01 11/01	0
20				

7. Total Quantity Appropriated is:
20 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15S 20	28E	17	SW	NW	IRRIGATION FROM STORAGE	
Section Acres						20
Total Acres						20

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
JUN 30 2000
Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 443-04085, 43-07216
Adjudication Claim No(s).: A43-04085, A43-07216

2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Beaver Creek Investments, L.C.
139 East South Temple, Suite 310, SLC, Ut 84111

4. New Owner/Claimant(s) Construction, Inc.
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 139 East South Temple, Suite 310
City, State and ZIP Code Salt Lake City, UT 84111
New Telephone Number (801) 328-1600

5. Date you acquired the property June 26, 2000

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) Construction, Inc.
BY: Christopher F. Robinson
Christopher F. Robinson, President

- (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

269911

SPECIAL WARRANTY DEED

269911
CASSIA COUNTY, IDAHO
DARRELL H. ROCKELLEY REC1071
RECORDER
FEE 9.00 DEPUTY *[Signature]*

For Value Received

BEAVER CREEK INVESTMENTS, L.C.

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

CONSTRUCTION, INC., a Utah corporation

Address: 139 East South Temple, #310, Salt Lake City, UT 84111

'00 JUN 26 PM 2 38
RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

PARCEL NO. 1:

H. E. Survey No. 313, also known as Tax No. 1099, described as follows:

Beginning at Corner No. 1, the same being the quarter corner common to Sections 8, 9, 16 and 17, Township 15 South, Range 28 East of the Boise Meridian, Cassia County, Idaho;

Thence North 0°18' West 20 chains to Corner No. 2;

Thence East 39.77 chains to Corner No. 3;

Thence South 20.53 chain to Corner No. 4;

Thence East 29.90 chains to Corner No. 5;

Thence South 17.67 chains to Corner No. 6;

Thence North 85°25' West 49.63 chains to Corner No. 7;

Thence North 0°08' West 14.02 chains to Corner No. 8;

Thence North 89°58' West 20 chains to Corner No. 1, the Place of Beginning

PARCEL NO. 2:

H. E. Survey No. 211, also known as Tax No. 1097, described as follows:

Beginning at Corner No. 1, identical with the corner common to Sections 8, 9, 16 and 17, Township 15 South, Range 28 East of the Boise Meridian, Cassia County, Idaho;

Extending thence East 20.00 chains to Corner No. 2;

Thence South 0°10' East 39.83 chains to Corner No. 3;

Thence North 89°59' West 19.97 chains to Corner No. 4;

Thence North 0°10' West 39.83 chains to Corner No. 1, the Place of Beginning.

**TOWNSHIP 15 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 17: NE¼, E½NW¼ and NW¼NW¼

PARCEL NO. 3:

TOWNSHIP 15 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 17: SW $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$

Section 18: N $\frac{1}{2}$

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to State of Idaho Department of Water Resources numbers A43-04085 and A43-07216.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2000 and subsequent years.

Reservation contained in Warranty Deed from Irene M. Olson, a widow, Leonard M. Kelly Jr. and Mary Ellen Kelly, husband and wife, and Southern Idaho Production Credit Association, to Grant P. Gunnell, a single man, dated July 22, 1971, and recorded August 10, 1971, as Instrument No. 57963 on Film No. 71, records of Cassia County, Idaho.

Easement Deed from Frances P. Gunnell and Ona N. Gunnell, his wife, Grantors to the United States of America, as Grantee, dated July 30, 1993 and recorded August 3, 1993 as nstrument No. 225906 on Film No. 247, records of Cassia County, Idaho.

Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Leland Gunnell and Edith Gunnell, Consumer, dated March 25, 1999 and recorded April 12, 1999 as Instrument No. 262066, records of Cassia County, Idaho, covering the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 15 South, Range 28 East of the Boise Meridian.

A Purchase Money Mortgage by Beaver Creek Investments, L.C., a Utah limited liability company to Leland P. Gunnell and Edith Gunnell, husband and wife, dated May 1, 2000 and recorded May 1, 2000 as Instrument No. 268937, records of Cassia County, Idaho, which the Grantee by the acceptance of this deed agrees to assume and pay.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises: that they are free from all incumberances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: June 26, 2000

BEAVER CREEK INVESTMENTS, L.C.

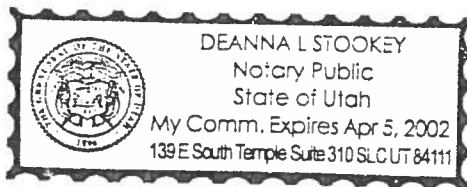
BY: Christopher F. Robinson
CHRISTOPHER F. ROBINSON, Manager

BY: Victoria A. Robinson
VICTORIA A. ROBINSON, Manager

BY: Alexander J. Robinson
ALEXANDER J. ROBINSON, Manager

STATE OF UTAH)
)ss.
COUNTY OF SALT LAKE)

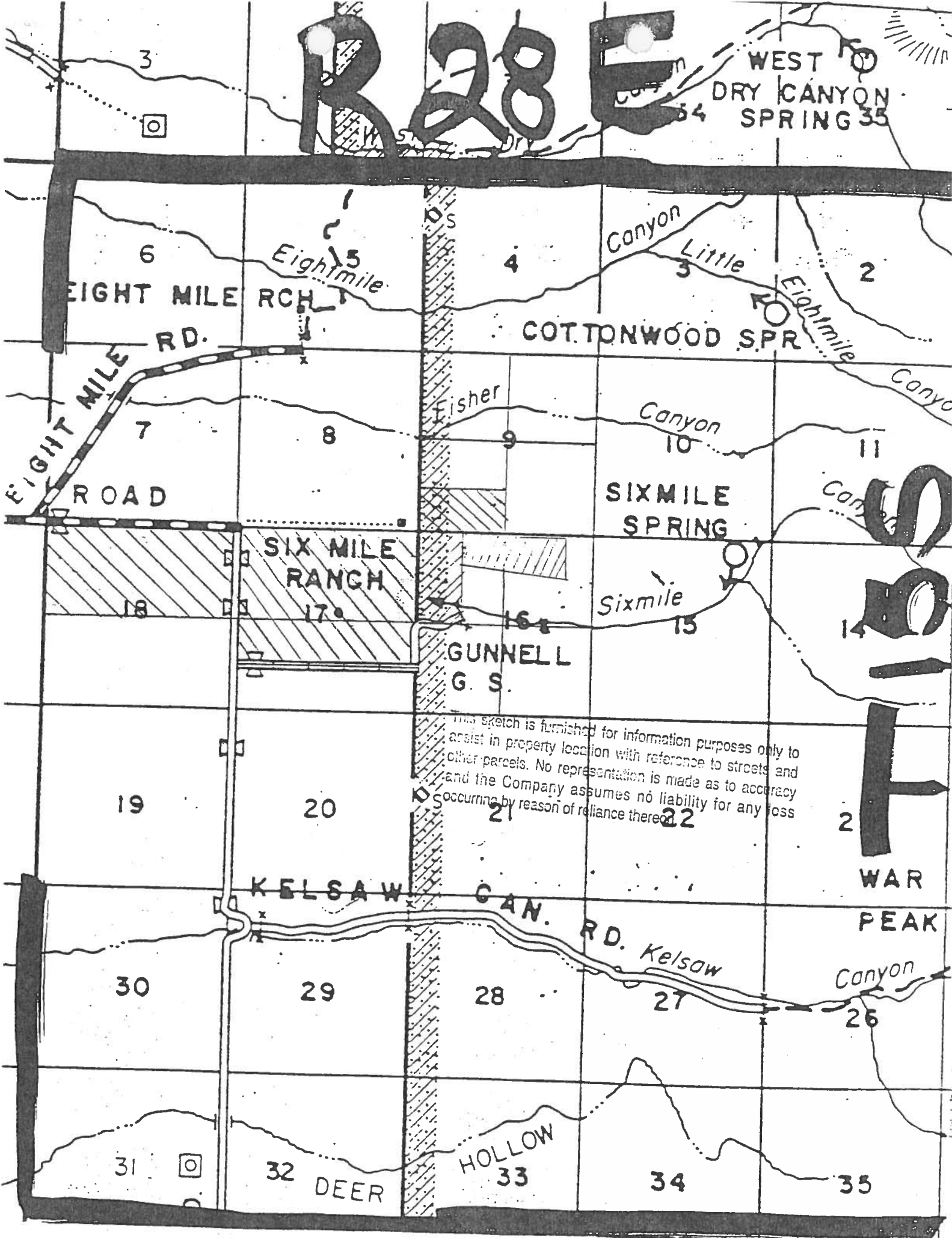
On this 23rd day of June, 2000, before me, the undersigned, a Notary Public, personally appeared Christopher F. Robinson, Alexander J. Robinson and Victoria A. Robinson known or identified to me to be the managers of Beaver Creek Investments, L.C. the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.



Deanna L. Stookey
Notary Public
Residing at: Salt Lake
My Commission Expires: 4-5-02

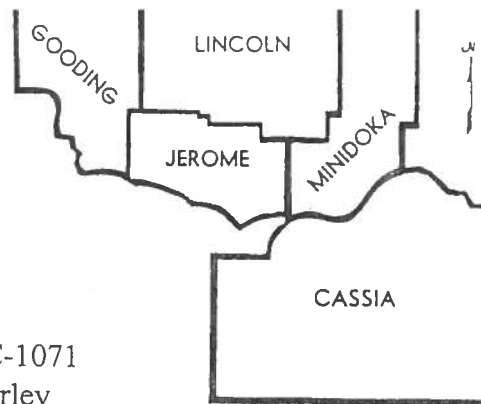
R28E

WEST TO
DRY CANYON
SPRING 35



Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: EC-1071
OFFICE: Burley

June 29, 2000

Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED
JUN 30 2000
Department of Water Resources
Southern Region

Dear Clerk:

Enclosed with this letter please find an original executed Notice of Change of Water Right Ownership on property located in Cassia County, Idaho with attached deed and aerial photo.

Would you please make the necessary changes in the records to indicate the new owner as Construction, Inc. for future water assessments. Please send a receipted copy to this office.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours
Land Title and Escrow, Inc.

A handwritten signature in cursive script, appearing to read "Nancy Garrett".

Nancy Garrett
Reconveyance Department

/nrg
enc.

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1189

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED
MAY 03 2000
Department of Water Resources
Southern Region

1. Water Right No(s).: A43-04085, 43-07216
 Adjudication Claim No(s).: A43-04085, A43-07216
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Leland P. Gunnell & Edith Gunnell
3053 West 6800 South
Wellsville, Utah 84339
4. New Owner/Claimant(s) Beaver Creek Investments, L.C.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address 139 East South Temple, Suite 310
 City, State and ZIP Code Salt Lake City, Utah 84111
 New Telephone Number (801) 328-1600
5. Date you acquired the property May 1, 2000
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) By: Christopher F. Robinson
Christopher F. Robinson, Manager
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

WARRANTY DEED

#32741

268936

For Value Received

LELAND P. GUNNELL and EDITH GUNNELL, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

BEAVER CREEK INVESTMENTS, L.C., a Utah limited liability company

**Address: 139 East South Temple, Suite 310
Salt Lake City, Utah 84111**

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

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Thence East 29.90 chains to Corner No. 5;

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Thence North 0°08' West 14.02 chains to Corner No. 8;

Thence North 89°58' West 20 chains to Corner No. 1, the Place of Beginning

PARCEL NO. 2:

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Thence North 89°59' West 19.97 chains to Corner No. 4;

Thence North 0°10' West 39.83 chains to Corner No. 1, the Place of Beginning.

**TOWNSHIP 15 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 17: NE¼, E½NW¼ and NW¼NW¼

PARCEL NO. 3:

TOWNSHIP 15 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 17: SW $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$

Section 18: N $\frac{1}{2}$

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to water rights filed with the State of Idaho Department of Water Resources No. 43-04085, 43-07216, A43-04085 and A43-07216.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2000 and subsequent years.

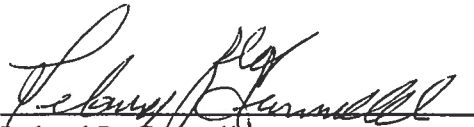
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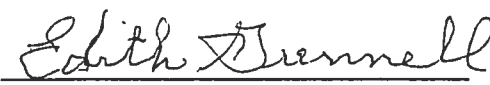
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Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Leland Gunnell and Edith Gunnell, Consumer, dated March 25, 1999 and recorded April 12, 1999 as Instrument No. 262066, records of Cassia County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumberances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: April ~~26~~²⁸, 2000

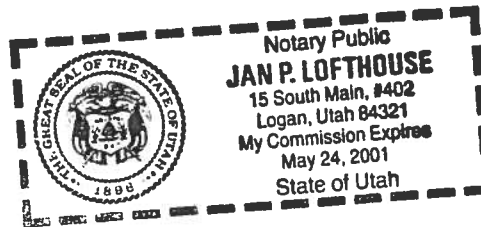

Leland P. Gunnell


Edith Gunnell

STATE OF UTAH)
COUNTY OF Cache) ss.

On this 28 day of April, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared **LELAND P. GUNNELL** and **EDITH GUNNELL**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Jan P. Lofthouse
Notary Public
Residing at: ~~Burley, ID~~ Logan, UT
My Commission expires: ~~6-30-03~~ May 24, 2001

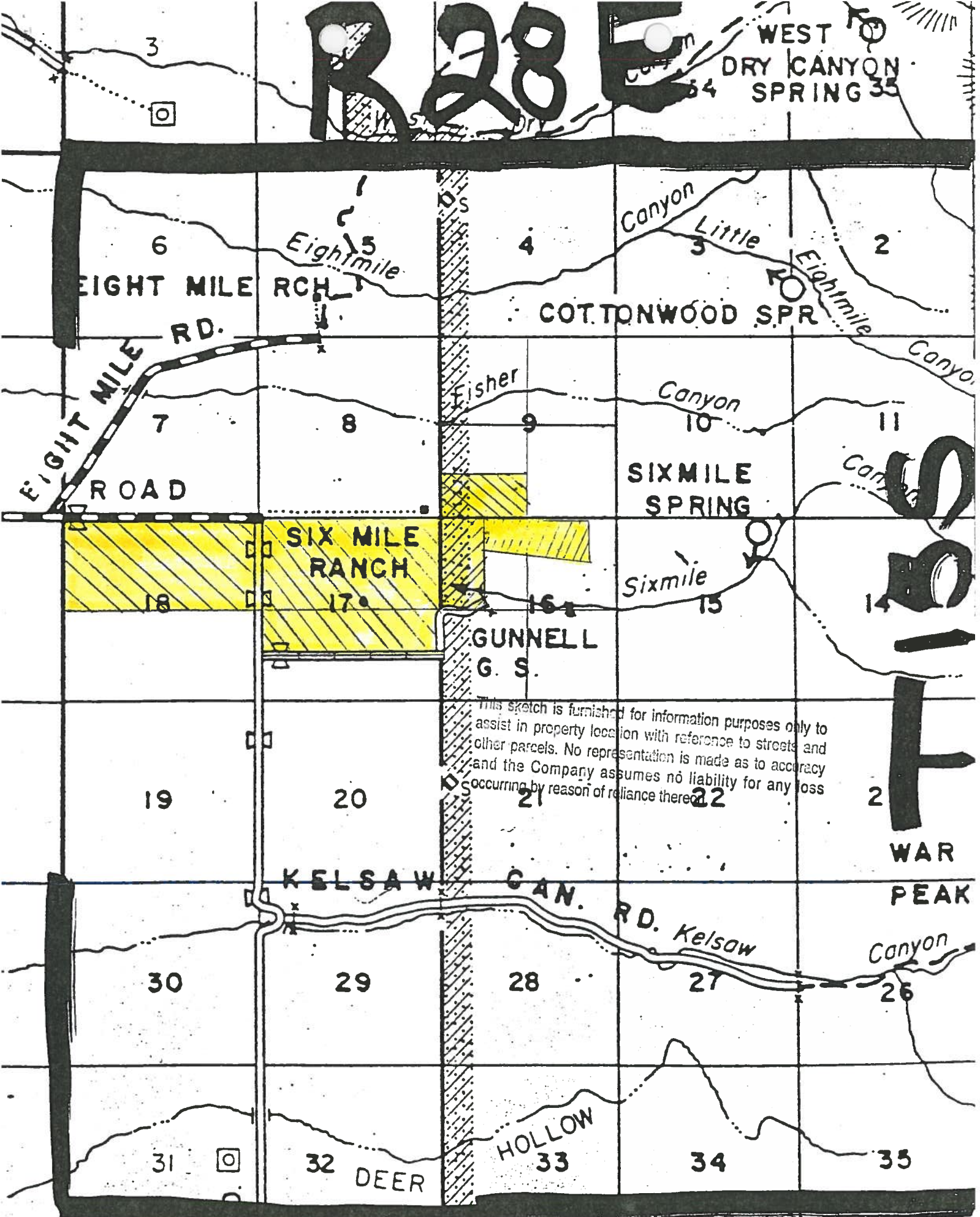


RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
'00 MAY 1 PM 1 40

268936
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE 9.00 DEPUTY [Signature]

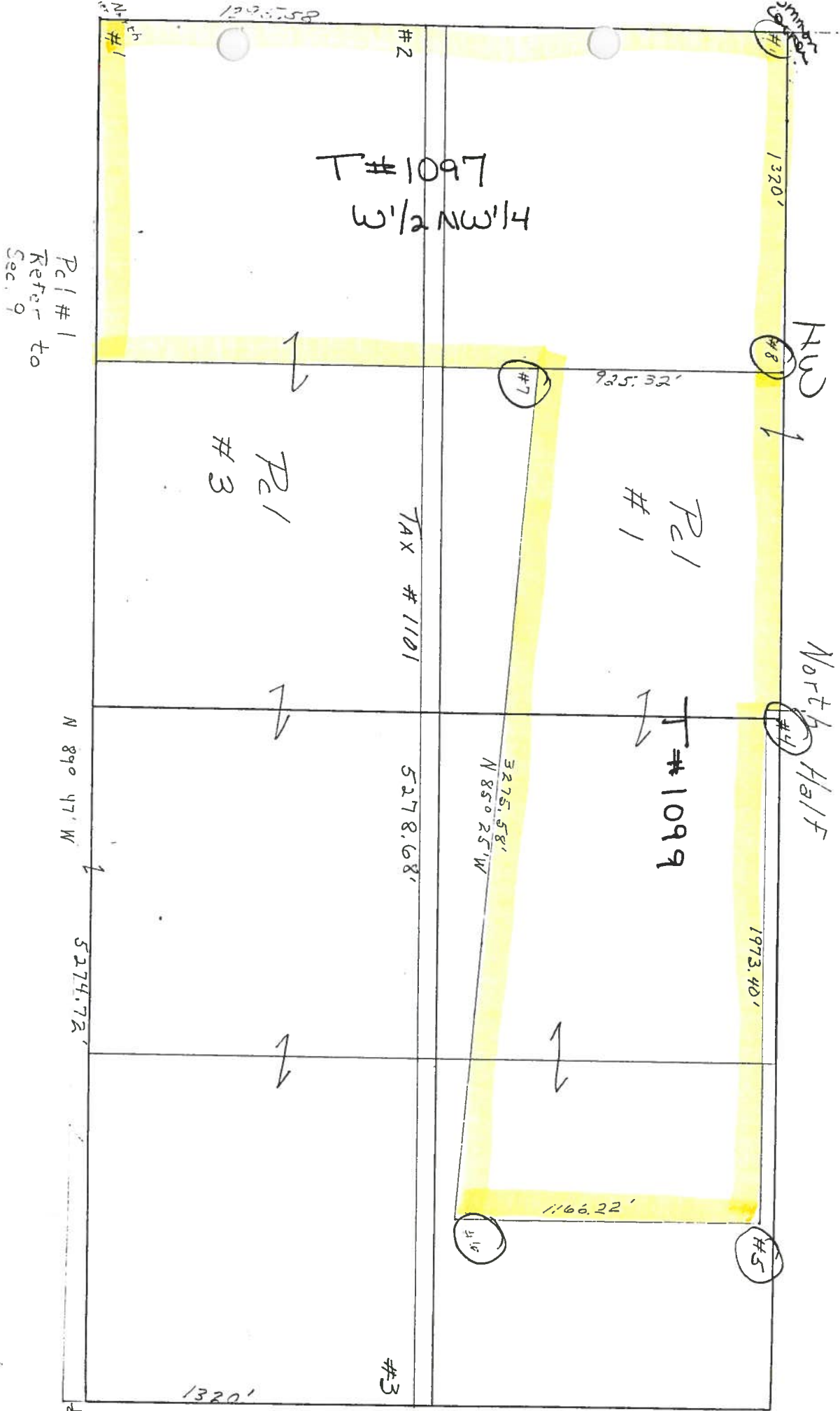
R 28 E

WEST
DRY CANYON
SPRING 35



This sketch is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the Company assumes no liability for any loss occurring by reason of reliance thereon.

16-15.28

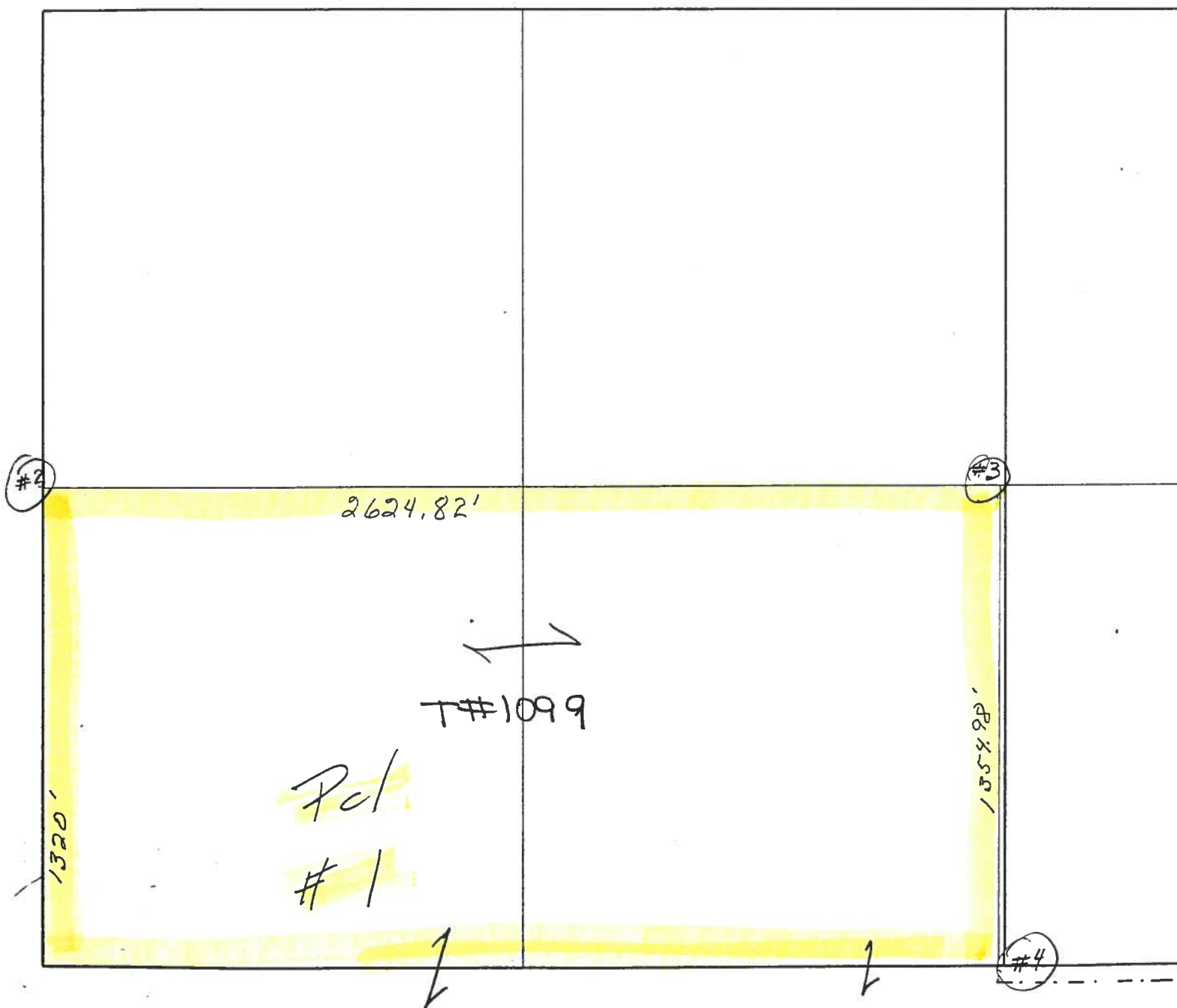


Scale 1"=200'

9-15-28

S 1/2 SW 1/4

South 1/2



1: Refer to Section 16 Twp 15 R6E 28 EBM

TOWNSHIP 15 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO, Sections 9 & 16: A tract of land within the Minidoka National Forest, unsurveyed embraced in Homestead entry survey No. 313, List No. 4-1259, described as follows:

Commencing at corner No. 1, corner common to Sections 8, 9, 16 and 17;

Thence North $0^{\circ}18'$ West 20 chains to corner No. 2;

Thence East 39.77 chains to corner No. 3;

Thence South 20.53 chains to corner No. 4;

Thence East 29.90 chains to corner No. 5;

Thence South 17.67 chains to corner No. 6;

Thence North $85^{\circ}25'$ West 49.63 chains to corner No. 7;

Thence North $0^{\circ}08'$ West 14.02 chains to corner No. 8;

Thence North $89^{\circ}58'$ West 20 chains to corner No. 1 the Place of Beginning. (157.87 Acres, rec.) 157.83± acres. Reference WD255749. tdm Sep. 16, 1999.

Tax 1097

Unsurveyed - Approximately in Section 16:
Beginning corner No. 1 identical with the ~~corner~~
common to Section 8, 9, 16 and 17, Township 15, Range
28.

Extending thence East 20.00 chains to corner No. 2;
Thence South $0^{\circ}10'$ East 39.83 chains to corner No. 3;
Thence North $89^{\circ}59'$ West 19.97 chains to corner No. 4;
Thence North $0^{\circ}10'$ West 39.83 chains to corner No. 1,
the Point of Beginning.

79.57 A

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: A43-02585
Date Received: 5/03/1989
Receipt No: 500 7012
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LELAND GUNNELL 208-654-2488
Address: P.O. BOX 612
MALTA, ID 83342
AND/OR
Name: EDITH GUNNELL 208-654-2488
Address: P.O. BOX 612
MALTA, ID 83342

2. Date of Priority: DEC 10, 1946

3. Source: SIX MILE CREEK Trib. to: CLEAR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	28E	15	SE	of	NW		CASSIA

5. Description of diverting works:
GUNNELL DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			20.00
IRRIGATION FROM STORAGE	04/01	11/01			20.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 20.00 A.F.A.

8. Total consumptive use is 20.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15S	28E	17	SW	NW	IRR FS	20.0
Section Acres						20.0
Total Acres						20.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

A43-04085 ON SAME LAND & A43-07216 EXPANDS USE.

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: R775

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: See Attachments for A43-04085

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): *James P. Gammell* Date: May 3 1989

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of May 19 89

Joe S. Stenier
Notary Public

Seal

Residing at Kinsley Id
My Commission Expires 6/30/92



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 22, 2001

Christopher F. Robinson
139 E. South Temple, Suite 310
Salt Lake City, Utah 84111

RE: Snake River Basin Adjudication (SRBA)
Claims of Arimo, C Bar Cattle Company and Construction Inc.

Dear Mr. Robinson,

In response to our phone conversation of June 15, 2001, I reviewed claims filed in the SRBA in the names of the above companies and my preliminary recommendations for those claims. I find that some clarifications and adjustments are in order.

Claims filed under the name of Construction Inc., representing the Gunnell ranch, appear to be correct as recommended. I re-calculated 353.8 acres irrigated within the outlined place of use per the GIS layout sent you as part of the preliminary recommendation.

I am enclosing a layout of the acres that will need to be included in an expansion claim, if you wish to continue to irrigate the entire C Bar Cattle Company property with ground water. Within the outlined area sent to you as a GIS layout with the preliminary recommendation of these claims, I calculated 808 acres - 748 acres of which have rights to be irrigated with ground water and 590 acres of which have rights for irrigation from Raft River. Currently, 18.2 acres in the SESE Section 25 and 42.7 acres in the SWSW Section 30 have water rights only from Raft River. 87.6 acres of the ground shown irrigated by pivot in the east half southeast section 24 and east half northeast section 25 have no water rights.

To clarify and more accurately recommend the water rights appurtenant to your Arimo property, I divided the parcels and grouped the claims. The property on which claims were first filed by Kent Bedke were separated from the larger parcel to the east of the road, as they were not part of your integrated system at the time of the 1987 commencement of the Adjudication. Upon review, I found a four-acre adjustment necessary on expansion claim 43-10651, which reduced the acres from 103 to 99. The acres outlined as the place of use for claims 43-222A, 43-222B, 43-315, 43-2363, 43-10649, 43-10650 and 43-10651 encompasses 254 acres.

Likewise, the NWSW Section 17 purchased from Brian Hansen in April 2000 was separated. This right is limited to 37 acres within the 39 irrigated acres outlined by the GIS map enclosed. The point of diversion for this water right, 43-2386B, still lists Brian Hansen's well. If this is not correct, you will need to file a transfer with the department to change the point of diversion for your portion of this water right.

38 acres in the next tract to the east (NESW Section 17) was erroneously included within the place of use for ground water and Raft River water in my preliminary recommendation. Although this land was included in claim 43-2554A for ground water, only Clear Creek water is appurtenant to this tract. I believe Brian Hansen has also purchased this land.

I did a thorough review of all your claims and found that neither you nor Dick Goldstein filed a claim on the NENE Section 5, and that is why it was not included in the place of use. That particular 40 acres was also not included in any historical license, decree or statutory claim. There are also no historical water rights on the SW $\frac{1}{4}$ of section 32. Attempts were made to amend your claims after 1989 to move ground water rights into that area, however in all cases this would have caused an unstacking of ground water from surface water, or in some cases overlapping ground water. Movement of water after 1987 would not have been approved without the filing and processing of a transfer with our allocations bureau.

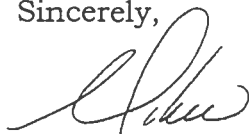
To more clearly show the location of your valid water rights, I have deleted the 147 acres in section 32 originally included as part of the place of use in my preliminary recommendation. If you wish to irrigate the SW $\frac{1}{4}$ section 32 or the NENE Section 5, you will have to cease irrigation on a corresponding number of acres that currently have water rights. If, as you stated in our phone conversation, those acres were irrigated prior to 1987, you may file an expansion claim by providing the evidence we discussed, in the way of aerial photos and the like.

As shown on the enclosed GIS layout, the recommended place of use for the bulk of your water rights, 43-089 etc., is 1,133 acres. Of these, 1,112 acres have water rights for irrigation from ground water; all 1,133 acres have water rights for irrigation from Raft River.

I am enclosing revised recommendations of all your water rights for Arimo for your review, as the remarks and limiting conditions have changed, as well as the recommended acres on 43-10651. Also please note the locations of the points of diversion for each claim. It is my understanding that all diversions from Raft River have been moved and some of the wells replaced since 1987. A transfer of point of diversion will be needed for these water rights, which can be filed at any time. You could also identify your diversions as part of a co-mingled system and identify your pivot locations within the same transfer.

Keep me advised as to what you wish to do regarding expansion claims on the C Bar and Arimo properties, and contact me if you have any questions.

Sincerely,



Vikie Hancock
Sr. Water Resource Agent
Southern Regional Office, Twin Falls

04/03/2001

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

RIGHT NUMBER: 43-2585

NAME AND ADDRESS: CONSTRUCTION INC
139 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

SOURCE: SIXMILE CREEK TRIBUTARY: SINKS

20 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-7216 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 20 AF FOR IRRIGATION
STORAGE.

PRIORITY DATE: 12/10/1946

POINT OF DIVERSION: T15S R28E S15 SWSNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION STORAGE	01-01 12-31	20.00 AFY
IRRIGATION FROM STORAGE	04-01 10-31	20.00 AFY

PLACE OF USE:

IRRIGATION FROM STORAGE Within CASSIA County			
T15S R28E S16	SWNW	12	T15S R28E S17 NWNE 0.8
T15S R28E S17	SWNE	34	T15S R28E S17 SENE 30
T15S R28E S17	NENW	14	T15S R28E S17 NWNW 25
T15S R28E S17	SWNW	40	T15S R28E S17 SENW 40
T15S R28E S17	NESW	40	T15S R28E S17 NWSW 40
T15S R28E S17	NESE	39	T15S R28E S17 NWSE 39

353.8 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 354 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-4085, 43-7216.

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.

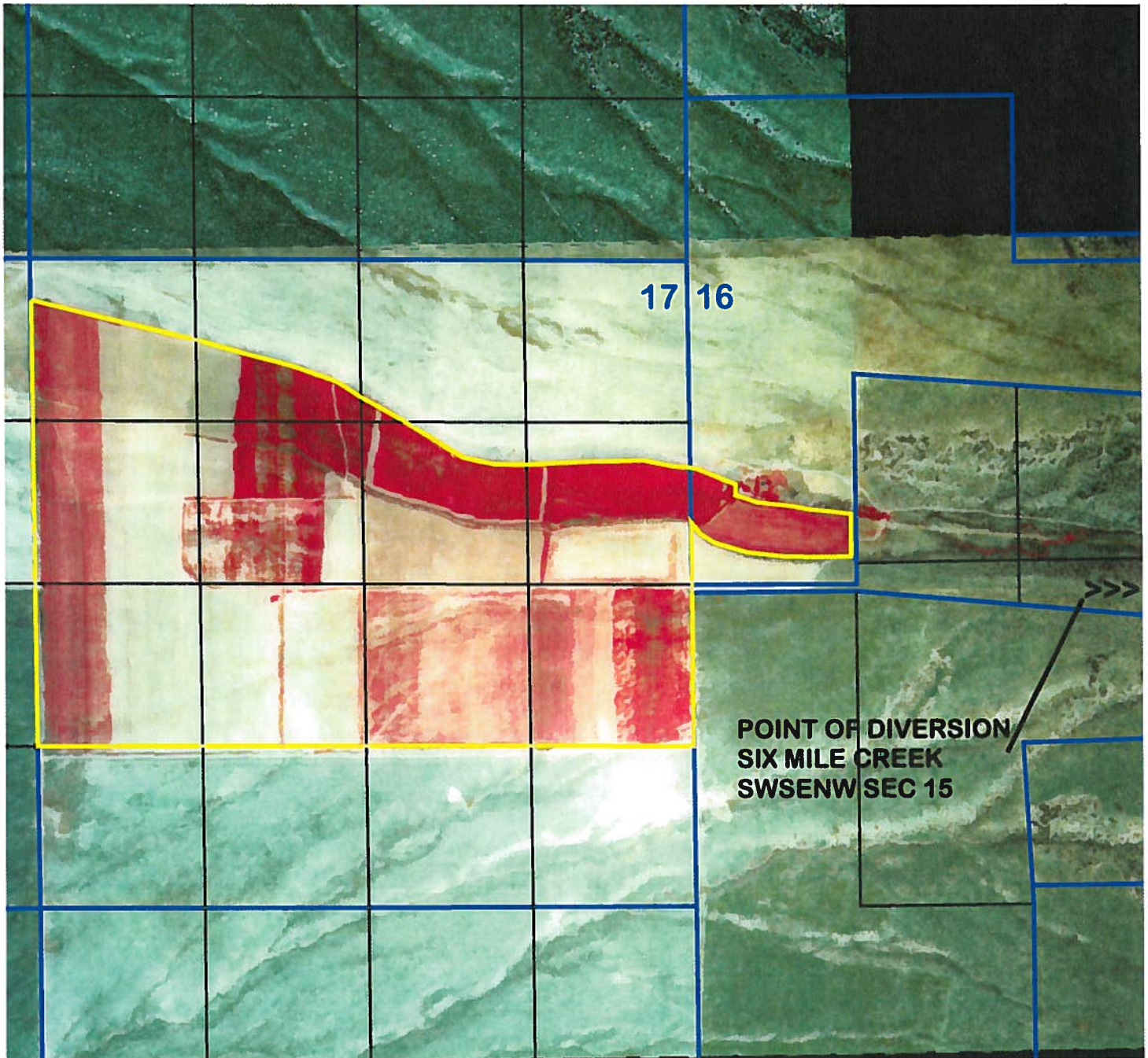
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Idaho Department of Water Resources

**RIGHTS: 43-2585, 43-4085
and 43-7216**

**RECOMMENDED PLACE OF USE
TWP 15S, RNG 28E, Sec 17, 16
Data entry on November 21, 2000**



● RECOMMENDED POINT OF DIVERSION

□ RECOMMENDED PLACE OF USE

□ SECTION LINES

□ QUARTER/QUARTER LINES



**GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK**

CLAIM NUMBER: A43-02585

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LELAND GUNNELL	12/10/1946	IRRIGATION STORAGE	01-01 12-31		20.00 AFA
C	EDITH GUNNELL		IRRIGATION FROM STORAGE	04-01 11-01		20.00 AFA

TOTAL DIVERSION: 10-31
CONSUMPTIVE USE: 20.00 AFA
20.00 AFA

Water Source: SIX MILE CREEK
Tributary to: CLEAR CREEK
Stage: LICENSE

Point(s) of Diversion: T15S R28E S15 SENW CASSIA County

Place of use Legal Description for: IRRIGATION FROM STORAGE															
NE				NW				SW				SE			
NAME				NAME				NAME				NAME			
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RECOMMENDATION NOTES

From: Vikie Hancock

11/21/00

Regarding: 43-2585, 43-4085, 43-7216

The above claims are for irrigation of 354 total acres developed over a period of time. The source is Six Mile Creek. The place of use is located in Sections 16 and 17, T15S, R28E. Per my research of documents submitted by the original claimant Leland Gunnell, and IDWR records, I find the following:

Development of the water right began at least as early as 1884. The original development using historical flood irrigation practices included approximately 100 acres. This is evidenced by the pre-1900 deeds in the file which locate the original boundary of the farm, which is all in section 17, and also by a licensing field exam done in 1954 which identifies the number of acres irrigated and the number of acres dry farmed.

The 1954 field exam was done for license 43-2585 to verify the construction of Gunnell Reservoir and the irrigation of an additional 20 acres located in section 16. 20 acre feet of storage and 20 AF of irrigation from storage were licensed. In the field examiner's report, he identifies 120 acres of irrigated land and 215 acres of land that is dry farmed. Field examiner estimates the flow of Six Mile Creek in July of 1954 as 50 inches.

In 1982 Mr. Gunnell files statutory claim 43-4085 identifying 159 irrigated acres with a priority date of 1884. The number of acres are corroborated by information found on 1978 ASCS photo and 1976 USGS OPQ. This would represent an expansion of 39 acres from 1954.

In 1985 Mr. Gunnell files application for permit 43-7216 which is to cover an expansion of 195 acres over claim 43-4085, with an additional diversion of 3 cfs. The corresponding SRBA claim was based upon beneficial use. He claims a priority date of 5-1-1984. 1987 NAPP photography verifies that 354 acres are now being irrigated. Licensing field exam done in 1991 also identifies 354 acres. My field exam in 1999 verifies the extent of irrigation, which is now all done by sprinkler, and a new pivot in the N½SW Sec 17 and S½NW Sec 17. The basis of this recommendation will be changed to Permit and recommended per the permit, subject to licensing review.

Mr. Gunnell does not claim that there has been any increase of the capacity of the reservoir as licensed under 43-2585. Measurement of Sixmile Creek on June 6, 1999 was 1.97 cfs. Based on comments from Mr. Gunnell, I believe that this represents the consistent average flow available from the creek. Although a deed from 1898 states that the ditches from Six Mile Creek have a carrying capacity of 300 inches, the number of acres developed until the building of the

reservoir in 1954, indicates a reliable flow that is probably closer to the amount I measured, roughly an inch per acre for 100 acres. This does not rule out the very real possibility of recurring and seasonal higher flows.

State of Idaho

43-2585

License and Certificate of Water Right

Water License No. R-775 Priority December 10, 1946 Amount 20 acre feet

THIS IS TO CERTIFY that W. J. GUNNELL construct a reservoir and store and
of Bridge, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated December 10, 1946; that Permit No. R-775
was issued under said application; that Certificate of Completion of works, with a storage capacity
of 20 ~~acre~~ feet, was issued thereunder on May 12, 1952, showing
that said works were completed on the 7th day of December, 1949; and
that on the 5th day of August, 1953
GRANT & FRANCIS P. GUNNELL, Assignees of W. J. Gunnell,

of Bridge, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of a right to the use of the waters of Six Mile Creek
a tributary of Clear Creek for the purpose of irrigation and domestic use,
under Use Permit No. R-775 of the Department of Reclamation, and
that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in
Volume 9 of Licenses, at Page 5310, on the 5th day of August, 1954;
The right hereby confirmed dates from December 10, 1946;

The Point of outlet is located
in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, Tp. 15 S., R. 28 E., B. M. Cassia County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed 20 acre feet per second annum.

Description and location of use:

TWP.	RANGE	SECTION	FORTY-ACRE TRACT	NO. ACRES DESCRIBED IN PERMIT	NO. ACRES ACTUALLY IRRIGATED
15 S.	28 E.	17	SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	40 40	20 —
			Number of Acres Actually Irrigated		20

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho,
this 5th day of August, 1954

Mark R. Kneff

State Reclamation Engineer.

43-2585

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. R-775

This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant GRANT & FRANCIS P. GUNNELL, Bridge, Idaho2. Source of water supply: Six Mile Creek
outlet3. Location of point of diversion: Is in the SE 1/4 NW 1/4 of Section 15
T. 15 S. R. 28 E. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same:

This is a small reservoir on Six Mile Creek located East of Gunnell's farm home at the mouth of the canyon. Dam is 65 yards long on top and 6' wide, H-18' approximately. Spill way is 8' wide by 21' long by 18" deep concrete and is on the South end of the dam. Down stream slope is 1 to 2 and up stream slope is 1 to 3. There is some rip-rap. The dam has a concrete core practically to top. Outlet pipe is 15" diameter. Outlet gate is Armo Vertical on the up stream end. There is a cat-walk 18' long by 2' wide, mounted on posts. Free board is estimated at 2 1/2'.

5. Water is used for Irrigation6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of land to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW 1/4 NW 1/4 and NW 1/4 SW 1/4 Section 17, Twp. 15 South, Range 28 East, B. M.
See the map

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Gunnell built the dam to use only 10% of water. They believed that by staying at that maximum depth that they were below dam size that required state approval. There is a good stream of water flowing in Six-Mile Creek the year around. They say that the local precipitation does not control the flow of this Creek. Water flowing into the reservoir was estimated by Grant Gunnell to be 75%. I estimated it to be about 50%.

There are rising springs in the head end of the reservoir.

110 acres are under irrigation and 215 acres are dry farmed

This examination was made on the

R. R. day of

(Signed) G. H. Humphrey

Examiner

1933

0.775

R-28E

T. 15 S.

18

17

5 1/2 Mile Creek

P.O. 4

16

TO U.S. HWY. NO. 30 and MALTA

Reservoir

Allow 20 acre Feet.

This reservoir is a holding reservoir rather than strictly storage.

CONVERSATION MEMO

Date:

6-2-99

Regarding:

6 mile canyon claims

Customer:

Mrs Bunnell

From: Vikie Hancock

AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA

Mrs Heland Gunnel called and
we made an appt for me to meet
her husband at the farm on
June 9th at 10:00 am.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 19, 1999

Leland and Edith Gunnell
PO Box 612
Malta, Idaho 83342

RE: Snake River Basin Adjudication (SRBA)
Claim Numbers: A43-07216, A43-02585, A43-04085

Dear Mr. and Mrs. Gunnell:

In May 1989, you filed the above Adjudication water right claims appurtenant to property along Sixmile Creek. The Department of Water Resources is now in the final stages of investigating and recommending the claims in your area for decree. One of the requirements, prior to issuing a decree for these water rights, is a field examination of the acreage and irrigation works that have been claimed in the SRBA.

I have attempted to contact you by telephone to set up an appointment for this exam, but like many of us, you have been away from the house during business hours. It would be best if you, or someone familiar with your irrigation system, were present during my field inspection, but with your permission, I can review your system by myself, if that is more convenient for you.

Please call me between 8am and 5pm if possible, at the number listed above, so that we can select a time for this field exam. I can also be reached evenings at 208-734-8069.

Sincerely,

Vikie Hancock
Water Resource Agent