



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. Robison
PRESIDENT
(Include your title if on behalf of company or organization)

Date: December 28, 2005

11/21/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 43-4085

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CONSTRUCTION INC 139 EAST SOUTH TEMPLE #310 SALT LAKE CITY, UT 84111
Original Owner	EDITH GUNNELL
Original Owner	LELAND GUNNELL PO BOX 612 MALTA, ID 83342 (208)654-2488

Priority Date: 08/01/1884
Basis: Statutory Claim
Status: Valid

<u>Source</u>	<u>Tributary to</u>
SIXMILE CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	6 CFS		
		1			
STOCKWATER	1/01	12/31	0.05 CFS		
		1			
DOMESTIC	1/01	12/31	0.04 CFS		
		1			
Total Diversion			6 CFS		

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
15S	28E	15	SW SE NW 0	CASSIA

IRRIGATION Use:
Acre Limit: 147

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Townsh</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
15S	28E	16		SWNW	17									
		17		NWNE	2		SWNE	36		SENE	30			
				NENW	15		NWNW	2		SWNW	5		SENE	40

Place of Use Legal Description: STOCKWATER CASSIA County

<u>Townsh</u>	<u>Rang</u>	<u>Sectio</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
<u>15S</u>	<u>28E</u>	<u>16</u>		SWNW										
		18		NWNE										

Place of Use Legal Description: DOMESTIC CASSIA County

<u>Townsh</u>	<u>Rang</u>	<u>Sectio</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
<u>15S</u>	<u>28E</u>	<u>16</u>		SWNW										

Total Acres: 147

Remarks:

- General THIS FILING IS FOR ENTIRE FLOW OF SIXMILE CREEK. THE ATTACHED DEED RECORDS THAT THE ORIGINAL DITCHES COULD CARRY 300" OF WATER.

Dates:

Licensed Date:
 Claim Received Date:
 Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector: AND
 Overall Max Diversion Rate: 6
 Overall Max Diversion Volume: 0
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
JUN 30 2000
Department of Water Resources
Southern RegionPlease 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): 43-04085, 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
BARRELL M. ROCKELLEY REC107
RECORDER

FEE 9.00 DEPUTY *due*

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 Instrument 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 incumbrances 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.

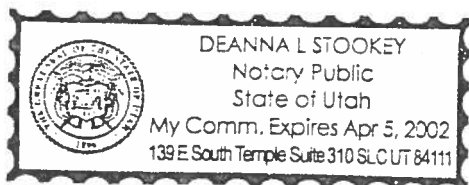
BY: Christopher F. Robinson
CHRISTOPHER F. ROBINSON, Manager

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

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
~~April~~

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) BEAVER CREEK INVESTMENTS, L.C.
 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..

268936

WARRANTY DEED

#32741

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;

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:

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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 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.

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, single man, dated July 22, 1971, and recorded August 10, 1971, as Instrument No. 57963 on Film No. 71 records of Cassia County, Idaho.

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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 incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: April 26, 2000

28


Leland P. Gunnell


Edith Gunnell

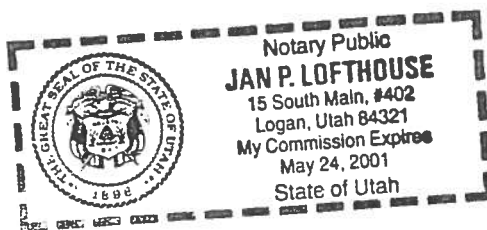
STATE OF UTAH)
COUNTY OF Cache) ss.

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



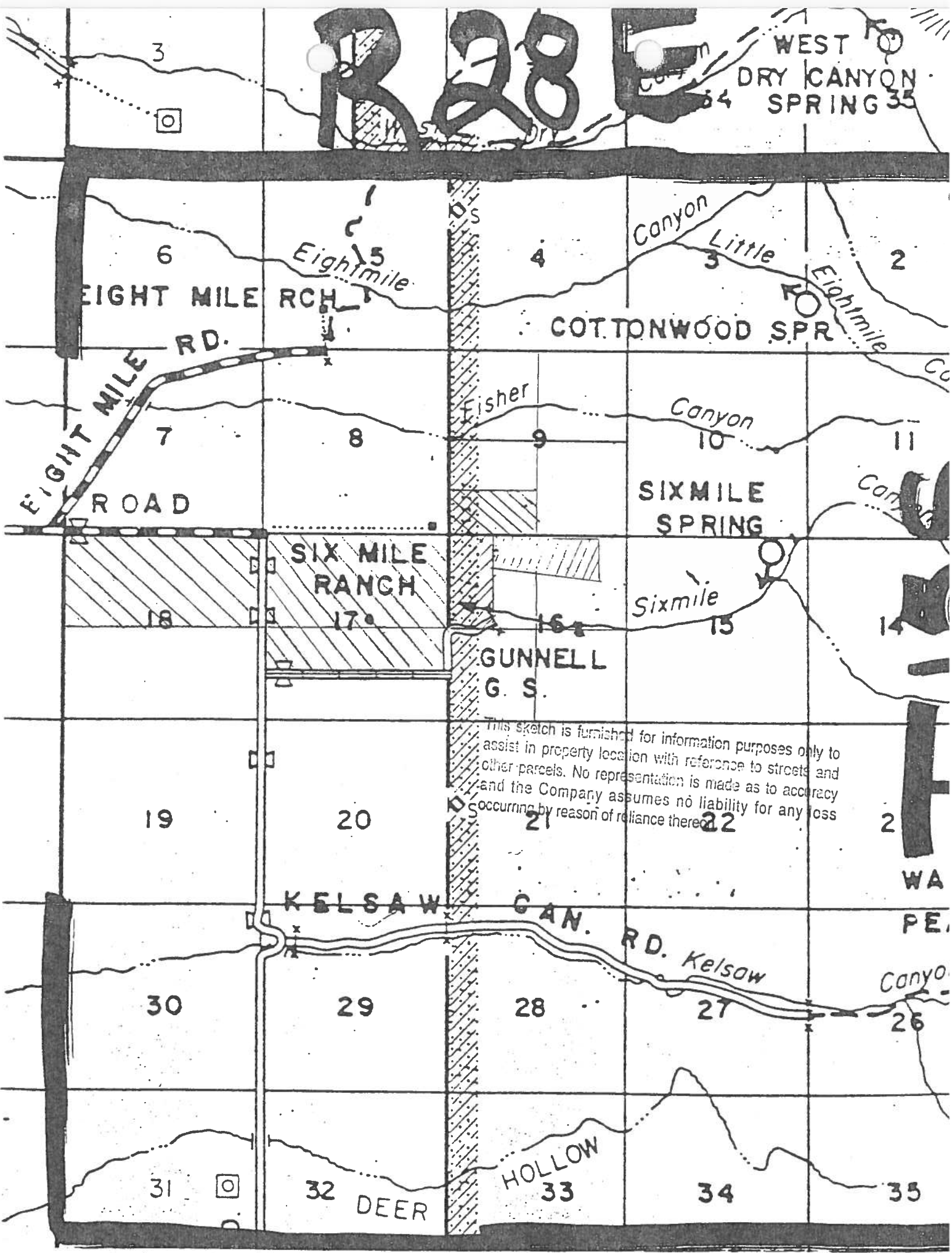
RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
'00 MAY 1 PM 1 40

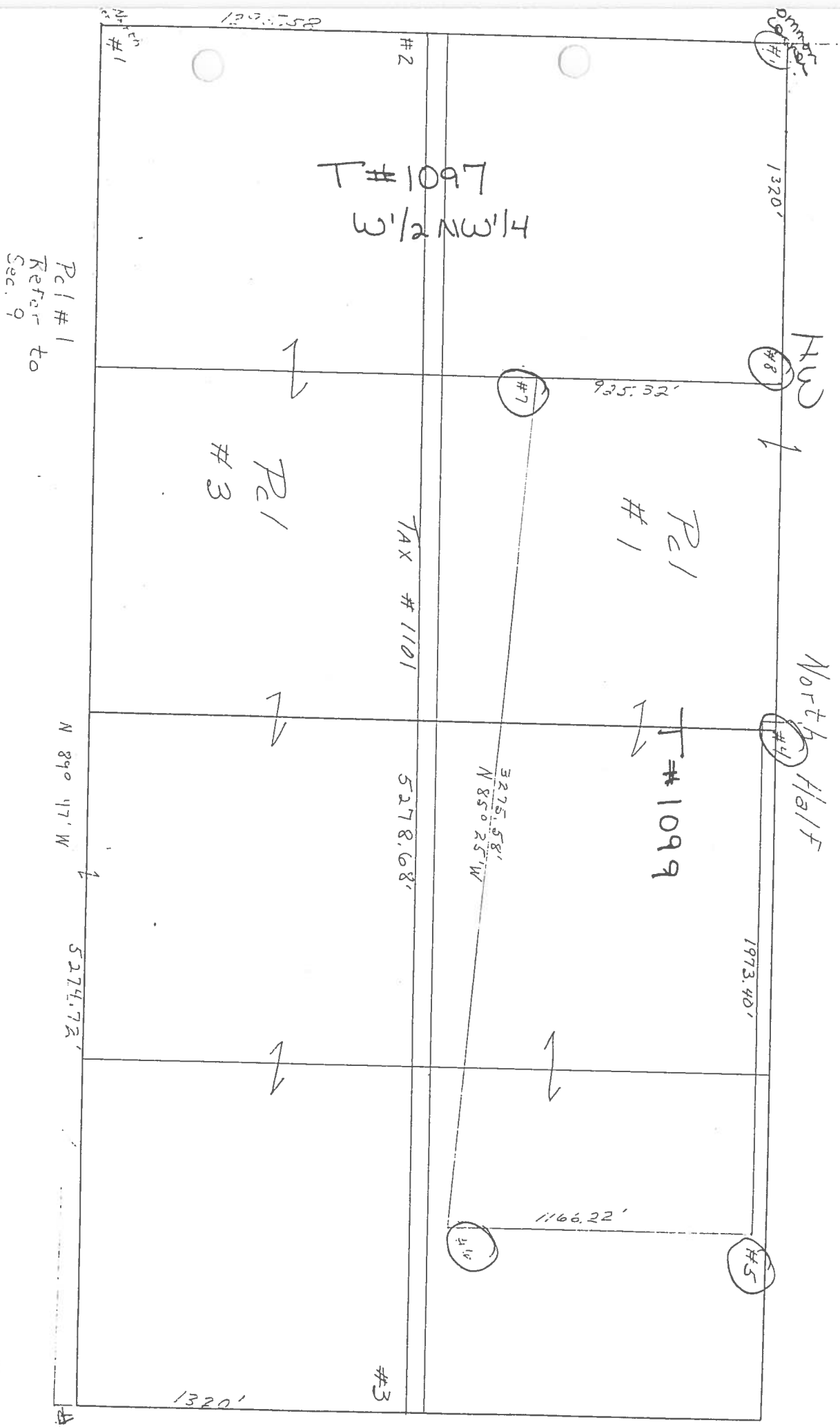
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE 9.00 DEPUTY [Signature]

268936

R 28 E

WEST
DRY CANYON
SPRING





9-15-28

S 1/2 SW 1/4

South 1/2



1: Refer to Section-16 Twp 15 RGE 28 EBM

Tax 1099A

Corrects Tax 1099.

TOWNSHIP 1 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 at 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

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: A43-04085
Date Received: 5/03/1989
Receipt No: 5007012
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: AUG 01, 1884

3. Source: SIXMILE CREEK Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:
DIV. BELOW GUNNELL DAM TO PIPELINE TO SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.000		
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 367.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 2 HOUSEHOLDS, S/200 RANGE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	28E	16	SW		NW		DOMEST	
			SW		NW		IRR	17.0
			SW		NW		STOCK	
			Section Acres					17.0
		17	NW		NE		IRR	2.0
			SW		NE		IRR	36.0
			SE		NE		IRR	30.0
			NE		NW		IRR	15.0
			NW		NW		IRR	2.0
			SW		NW		IRR	5.0
			SE		NW		IRR	40.0
			Section Acres					130.0
		18	NW		NE		STOCK	
			Total Acres					147.0

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:
EXPANDED USES FOR EXTRA ACRES, A43-02585 FOR STORAGE

14. Remarks:
THIS FILING IS FOR ENTIRE FLOW OF SIXMILE CREEK. THE ATTACHED
DEED RECORDS THAT THE ORIGINAL DITCHES COULD CARRY 300" OF WATER.

15. Basis of Claim: STATUTORY CLAIM

(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.

MICROFILMED
MAR 04 1993



This Indenture, Made this 31st day of October, in the year of our Lord one thousand eight hundred and ninety-Eight, between
of *Andrew Swenson* (a single man)
County of *Salt Lake*, State of *Utah*, the party of the first
part, and
of *Bridge*, County of *Cassia*, State of *Idaho*, the party of the second part,

Witnesseth: That the said party of the first part, for and in the consideration of the sum of *Fifteen Hundred (\$1500.00)* Dollars, law-

ful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold and by these presents do ~~so~~ grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever all the following described real estate, situated in *Cassia* County, State of *Idaho*, to-wit:

The East half of the North West quarter and the North West quarter of the North West quarter of section seventeen, in Township fifteen, South of range twenty-eight, East of the Boise Meridian; Said tract contains 120 acres more or less; and the South half of the North East quarter of section seventeen, in Township ~~so~~ fifteen, South of range twenty-eight, East of the Boise Meridian, Together with all water rights, ditches and dams to ~~the~~ ^{said tracts} belonging, whether acquired by purchase or appropriation. Said last mentioned tract contains 80 acres more or less.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estates, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

To Have and to Hold, all and singular the above mentioned and described premises together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever. And the said party of the first part, and his heirs, the said premises in a quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said party of the first part and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

In Witness Whereof the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

E. J. Perky
Ella H. Perky

Andrew Swenson

MICROFILMED

MAR 04 1993

SEAL
SEAL
SEAL

MAR 04 1993
MICROFILMED

Warranty Deed.

Andrew Swenson

Wm J. Grunell

Dated Oct 31st, 1898

State of Idaho,
County of Cassia

I hereby certify that this instrument
was filed for record at request of

Andrew Swenson
at 35 minutes past 9 o'clock
A. M., this 1st day of Nov.

, 1898, in my office, and
duly recorded in Book 6 of Deeds,

Page 425

John J. Swenson
Ex. Officer

W. E. Buss
Deputy.

W. E. Buss

A. J. Perry,
Notary Public.

On this 31st day of October, 1898, before me,
A. J. Perry, Notary Public, Andrew Swenson
and his wife, personally appeared _____
to me on the oath of _____ whose name
he executed the same.
I subscribed to the within instrument and acknowledged to me that he
executed the same.
I made her acquainted with the contents of the instrument.
and thereupon she acknowledged to me that she executed the same and that she does not wish to
retract the same.
In testimony whereof, I have hereunto set my hand and official seal on the day and year in
this certificate above written.



MAR 04 1993
MICROFILMED

JAN 22 1992

Department of Water Resources
Southern Region Office

THIS INDENTURE, Made this 19th day of August, in the year of our Lord one thousand eight hundred and ninety-five, between Mary P. Fisher and her husband George W. Fisher of Cassia County, County, Idaho, the parties of the first part, and of Andrew Sweeney of Salt Lake County, Utah, the part 2 of the second part, Witnesseth: That the said parties of the first part, for and in consideration of the sum of Two Thousand Dollars, lawful money of the United States of America, to them in hand paid by the said part 2 of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said part 2 of the second part, and to his heirs and assigns forever all the following described real estate situated in Cassia County, State of Idaho, to-wit: The East half of the North West quarter and the North West quarter of the North West quarter of Section 17, Township 15, North of Range 28, East of the Boise Meridian, together with all water rights, ditches and dams thereto belonging. Said tract contains 120 Acres, more or less.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estates, right, title and interest in and to the said property, as well in law as in equity, of the said part 1 of the first part.

To have and to hold, all and singular the above mentioned and described premises, together with the appurtenances, unto the part 2 of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said part 2 of the second part, his heirs and assigns, against the said parties of the first part, and their heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

In Witness Whereof the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the presence of

A. J. Perky

Mary P. Fisher
George W. Fisher



STATE OF IDAHO,

County of Cassia

ss.

On this 19th day of August, 1895,
before me, W. S. Pierson, a Justice of the Peace
in and for said County, personally appeared Mary F. Fisher
and George W. Fisher her husband, his wife, personally known to
me, ~~as proven to me on the oath of~~ to be the person whose
names ~~are~~ subscribed to the within instrument and acknowledged to me that they exe-
cuted the same, and the said Mary F. Fisher, above described as a
married woman, upon an examination without the hearing of her husband, I made her ac-
quainted with the contents of the instrument and thereupon she acknowledged to me that she
executed the same and that she does not wish to retract such execution.

In Testimony Whereof, I have hereunto set my hand and official seal on the day and year
in this certificate above written.

W. S. Pierson
Justice of the Peace.

RECEIVED

JAN 22 1892

Department of Water Resources
Southern Region Office

WARRANTY DEED.

Mary F. Fisher and
George W. Fisher

Andrew S. Sorenson

Dated Aug 14th, 1895.

State of Idaho,
County of Boone } ss.

I hereby certify that this instru-
ment was filed for record at re-
quest of S. Sorenson
at 10 minutes past 11
o'clock A. M., this 27
day of August, 1895
in my office, and duly recorded in
Book 5 of Deeds at
Page 386-7
J. H. Sorenson
Ex. Office Recorder.
By _____ Deputy.
Fees, \$ 2.00

This Indenture, Made the 1st day of August

in the year of our Lord one thousand eight hundred and eighty-four
Between David H. Goe of Cassia County
Idaho Territory, party of the first
part, and G. W. Fisher, of Cassia
County, Idaho Territory.

the party of the second part, Witnesseth, That the said party of the first part, for
and in consideration of the sum of Seven Hundred, Thirty Five
Dollars, Lawful Money of the United States of America, to him in hand
paid by the said party of the second part, the receipt whereof is hereby acknowledged,
has remised, released and forever quit-claimed, and by these presents do remise,
release and forever quit-claim, unto the said party of the second part, and to his
heirs and assigns, all his right, title and interest,
in and to that certain water right,
situate on Six Mile Creek, Cassia
County, Idaho Territory, and more
particularly described as follows, to
wit: — One certain ditch and Water
Right taken from Six Mile Creek, about
one fourth of a mile above the Shepherd
Cabin, and one certain ditch and Water
right taken from said Creek about
four hundred yards below said Cabin.
Said ditches are one foot deep and
about four feet wide, and about
one mile in length, and will carry 300
inches of water under a four inch pressure,
or all the water of said Creek. Said water
right recorded on page 138 Book 2 of Water Claims
Cassia County, Idaho, Vol. 2, p. 138.
Together with all and singular the tenements, hereditaments, and appurtenances
thereunto belonging, or in any wise appertaining, and the reversion and reversions,
remainder and remainders, rents, issues, possessions and profits thereof.

To Have and to Hold, all and singular the said premises, together with the ap-
purtenances, unto the said party of the second part, and to his heirs and assigns forever.

In Witness Whereof, the said party of the first part has hereunto set his
hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

H. C. Hampton
Frank Riblett

David H. Goe

MICROFILMED

MAR 04 1993

SEAL

SEAL

David H. Lee
To

By W. Fisher

Deed.

Dated August-1st-1884

Recorded at the Request of

W. H. Fisher

Aug. 1st - 1884

at 30 minutes past 10 o'clock,

A.M. in Book 2 of Deeds,

pages 142 Records of the

County of Cassia &c.

W. H. Brown

County Recorder.

By
Deputy Recorder

W. H. Brown

MICROFILMED

MAR 04 1993

Territory of Idaho } ss.
County of Cassia }

On this 1st day of Aug one thousand eight hundred
and eighty four before me, M. J. Brown
County Recorder, in and for the said Cassia County, I, I.
personally appeared David H. Goe

personally known to me to be the same person described in
and whose name is subscribed to the annexed instrument and acknowledged to me that he
freely and voluntarily executed the same.

In Witness Whereof, I have hereunto set my hand and affixed
my Official Seal, the day and year in this
Certificate first above written.

M. J. Brown

County Recorder.

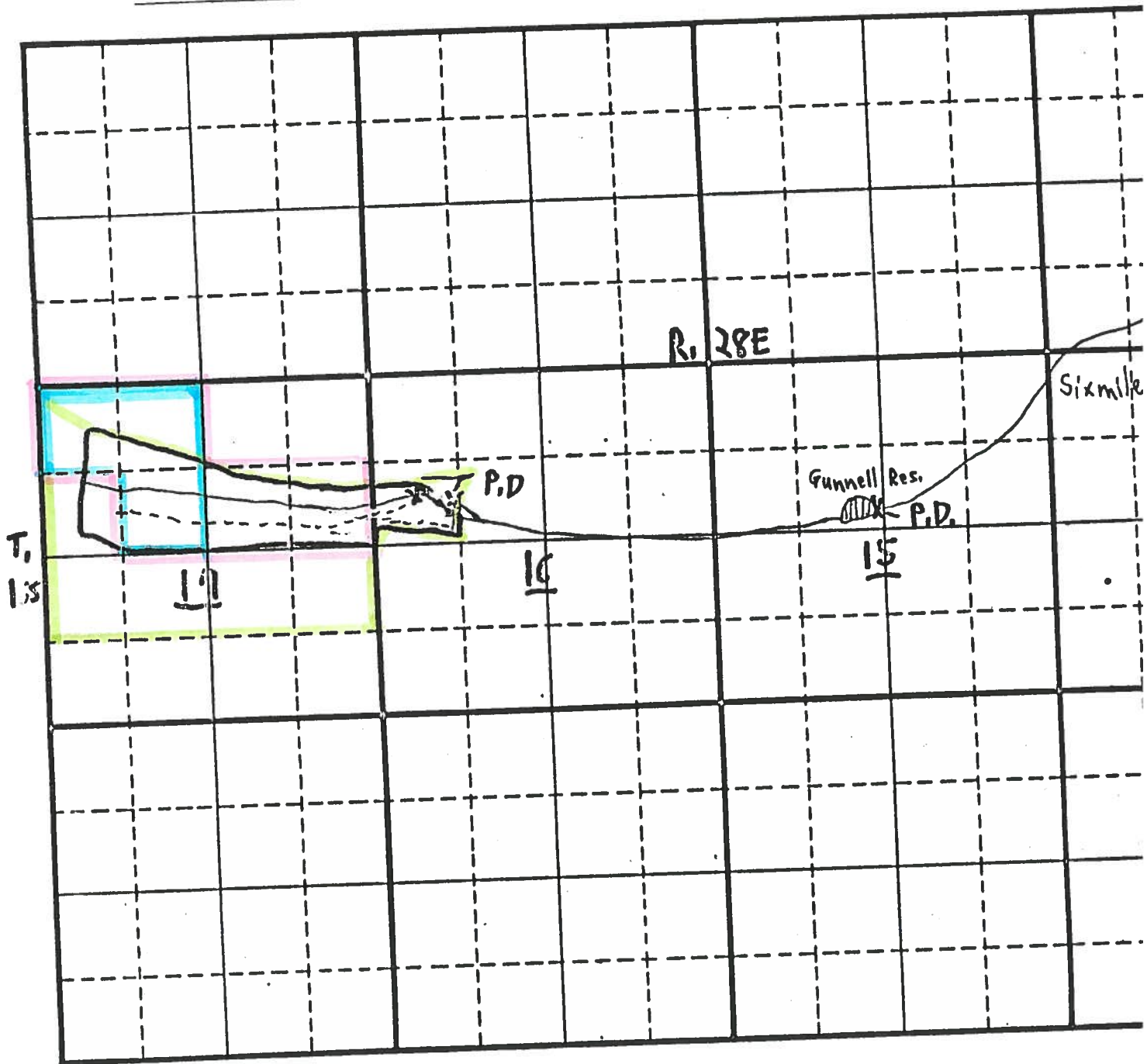
MICROFILMED

MAR 04 1993



MICROFILMED
MAR 04 1993

- (8) rks During the non-irrigation season, er is used to irrigate about
of pasture at west end of farm. Letting water stay in irrigation
protects ground from flooding during winter, and does grow better



Scale: 2 Inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by section, township and range of the public land survey system.

State of Idaho

County of Twin Falls

w/r GOC to Fister no POW 1.
Fisher to Swenson 1895
Swenson to Gunnell 1898
IRR 10 1978 STAT CLAIM
1984 IRR ACRES CLAIMED

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribe to a water right, together with all attached information, and that the matters and facts therein are true

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Francis P. Gunnell
(Name of Claimant)

Malta, Idaho 83342 Telephone No. 645-2469
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) August 1, 1884

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Sixmile Creek tributary to sinks

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>3.0 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>
Quantity	<u>0.04 cfs</u>	Use <u>domestic</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 3.0 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
2 pts. SW 1/4 NW 1/4, Sec. 16 Twp. 15S Rge. 28E B.M., County of Cassia
Additional points of diversion: SE 1/4 NW 1/4 Sec. 15 T. 15S R. 28E (Gunnell Reservoir)

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. small reservoir (about 25 AF) on the stream, gravity irrigation system.
Reservoir is not used during winter. Reservoir was built about 1940
(see License 43-2585).

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15S	28E	16							12.5										12.5
		16							X										
		17			36	28	15.3	11.4	17	39									146.7
									X = Domestic Use										

No. of acres 159.2

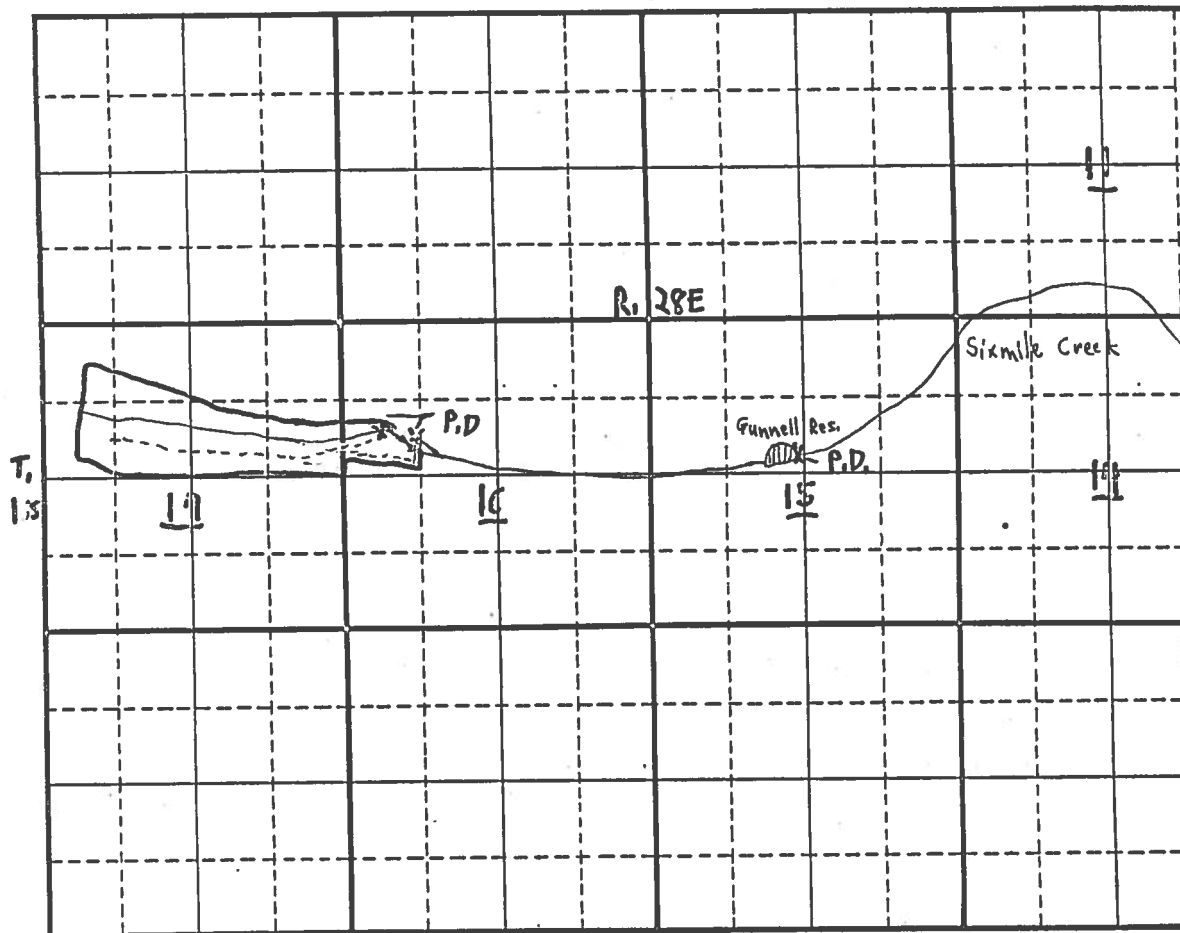
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
single-family domestic use

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

43-4085

- (8) rks During the non-irrigation season, er is used to irrigate about 13 acres
of pasture at west end of farm. Letting water stay in irrigation system
protects ground from flooding during winter, and does grow better pasture.



Scale: 2 Inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivis-
 section, township and range of the public land survey system.

State of Idaho)
) ss.
 County of Twin Falls)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing cl-
 to a water right, together with all attached information, and that the matters and facts therein are true to the best of
 affiant's knowledge.

Lewis P. Gunnell
 (Claimant)

Sworn to before me this 26th day of July, 1978.

Sheryl R. Merritt
 Notary Public
 Residing at Twin Falls, Idaho

My commission expires 2/10/82

FOR DEPARTMENT USE ONLY

Received by <u>JF Stanton</u>	Date <u>7/26/78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ADM</u>	Date <u>7/26/78</u>		claimant by:	
\$20.00 fee received by <u>JF</u>	Date <u>7-26-78</u>			
Published in <u>South Idaho News</u>				
Dates <u>8/8 & 8/15/78</u>				

Pix 12

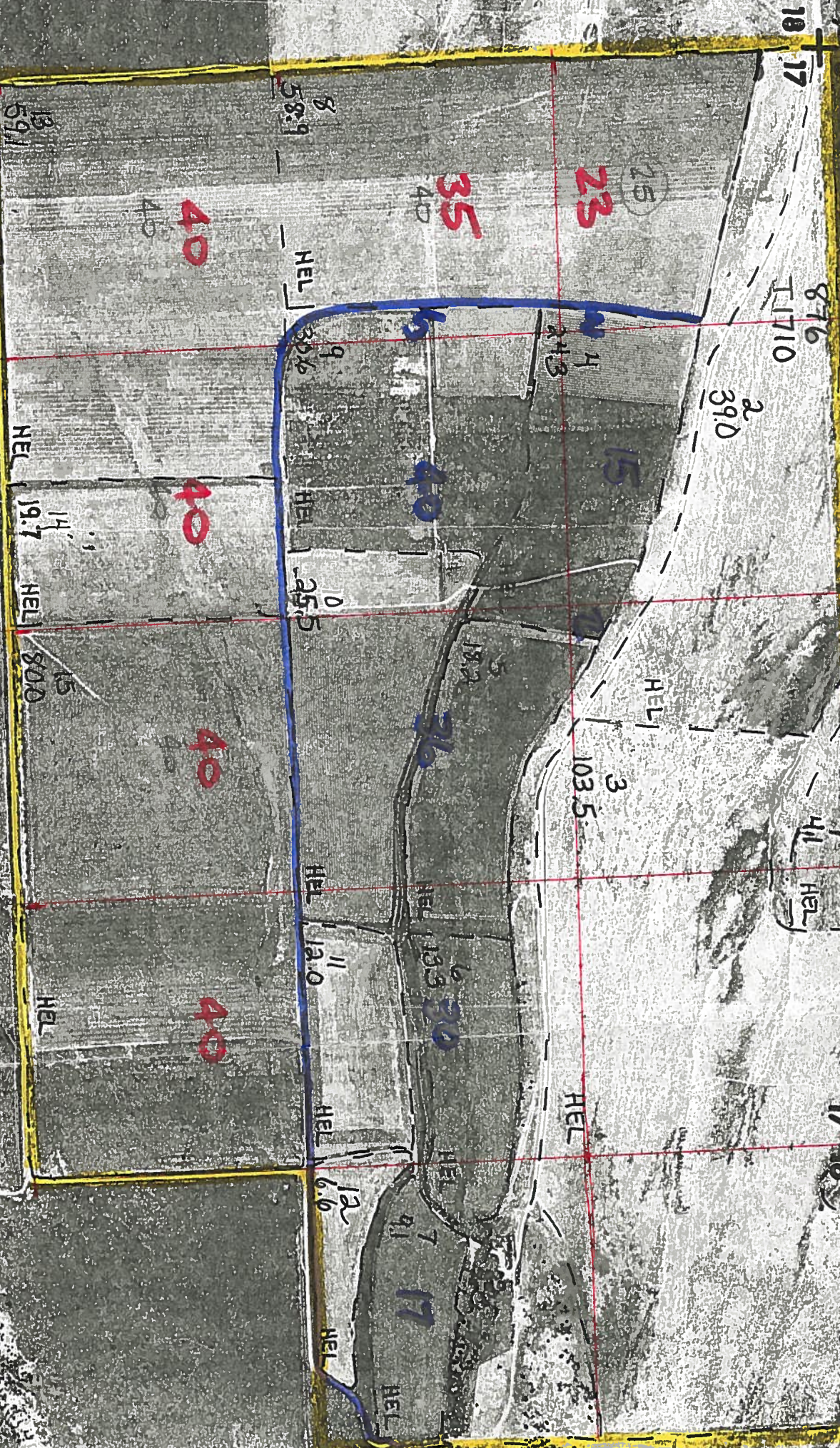


PIVOT

81617

15

20





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04085
LELAND GUNNELL
EDITH GUNNELL
P.O. BOX 612
MALTA

ID 83342

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit.** The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 04 1993

08/29/2001

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

RIGHT NUMBER: 43-4085

NAME AND ADDRESS: CONSTRUCTION INC
139 EAST SOUTH TEMPLE #310
SALT LAKE CITY, UT 84111

SOURCE: SIXMILE CREEK TRIBUTARY: SINKS

QUANTITY: 2 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.57 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1415.2 AF. COMBINED RIGHT NOS.: 43-7216, 43-2585.

PRIORITY DATE: 08/01/1884

POINT OF DIVERSION: T15S R28E S15 SWSNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	2.00 CFS
STOCKWATER	01-01 12-31	0.05 CFS
DOMESTIC 2 HOMES	01-01 12-31	0.04 CFS

PLACE OF USE:

IRRIGATION 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
STOCKWATER Within CASSIA County			
T15S R28E S16	SWNW		T15S R28E S18 NWNE
DOMESTIC Within CASSIA County			
T15S R28E S16	SWNW		

353.8 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 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.: 43-2585, 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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

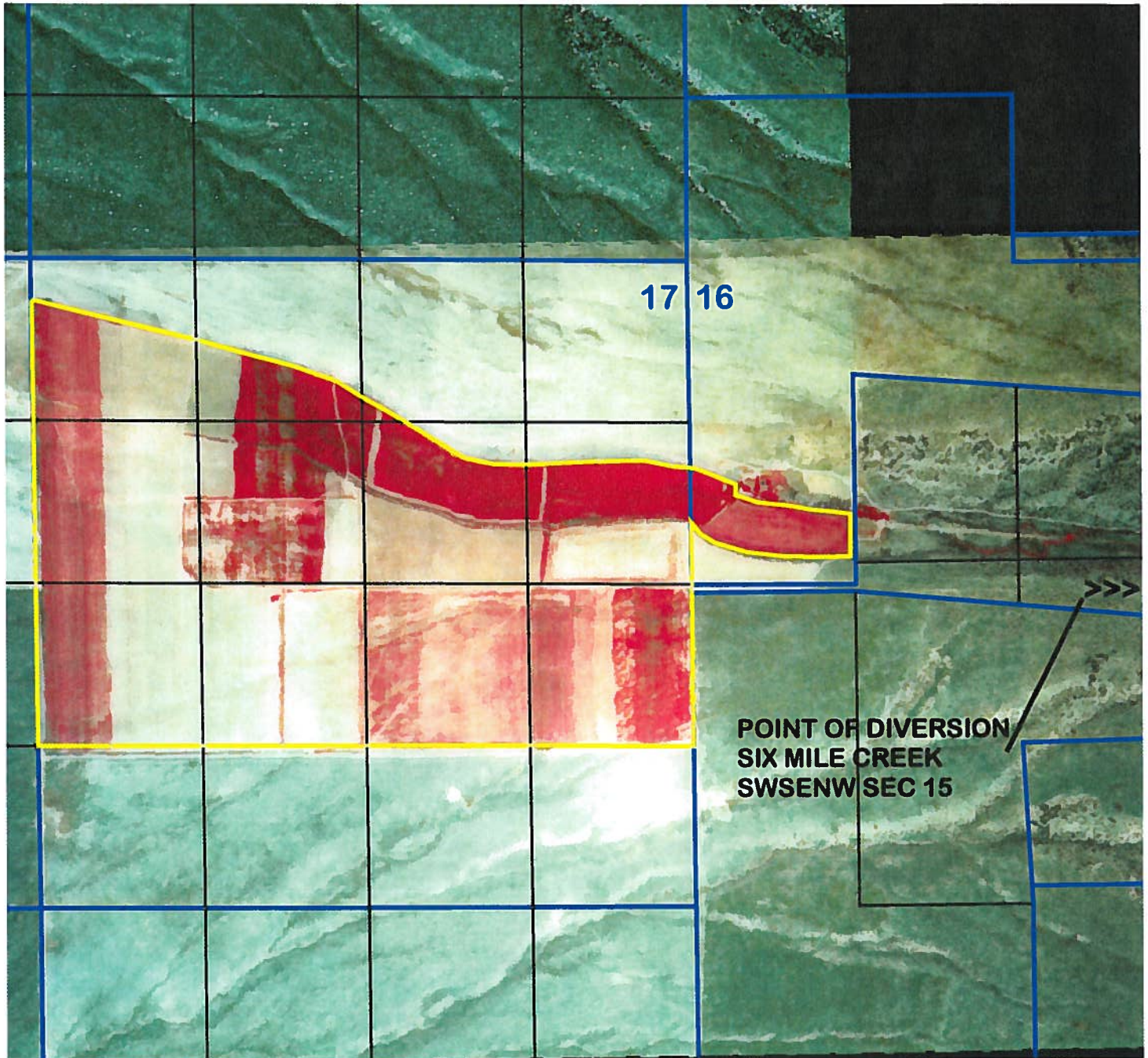
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION 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**

NOTE TO FILE

From: Vikie Hancock

8/30/01

Regarding: Claim number 43-4085

In response to a proposal from Construction Inc to construct a pipeline to convey water from the main spring located in Section 10 (see photo in file) to the house for domestic use, Terry Blau spoke with Zeke Zimmerman of the USFS about the historical domestic use at the old Gunnell homestead.

Zeke Zimmerman confirmed that water for domestic use at the Gunnell house came from Six Mile Creek. The new owners of the property (Construction Inc) are not satisfied with that arrangement and wish to tap into the spring.

Mr. Zimmerman also stated that there was an existing pipeline from a spring box in the main spring that conveyed water to two stock troughs above the reservoir. Mr. Gunnell did not mention this during my field exam for the SRBA. Zimmerman said that the box and pipeline were not apparent unless you were looking for them.

According to Terry Blau, Construction Inc needs to file a transfer of point of diversion for domestic use, and also a stream channel alteration application to construct the pipeline across Six Mile Creek.

TOTAL DIVERSION: ~~6.00 CFS~~
CONSUMPTIVE USE: ~~367.50 AFA~~

Stage: ~~STATUTORY CLAIM~~

1

TOTAL ACRES

Orin

06/18/1985

Field Inspection Flag: C
Presumption Flag: C

POD ~~app~~
chance claim:
prob claim:
C & 2

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.

Hancock, Vikie

Subject: GUNNELL
Entry Type: Phone call
Company: ARIMO

Start: Mon 2/28/00 11:23 AM
End: Mon 2/28/00 11:23 AM
Duration: 0 hours

Categories: B43, Irrigation

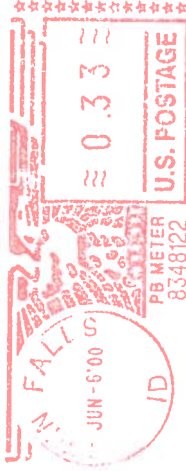
Doug Freestone called to ask about the Leland Gunnell property on 6 mile creek. It is apparently up for sale and Arimo is looking at it. I told him that I had not made my recommendation on the three claims yet, but that I had measured the creek. He said that he thought there was about 2 cfs there. I looked at the file and confirmed to him that I had measured about that. I asked him if he had talked to Butte Irrigation about the pivot and he said yes. I told him that I had not gone out to see how much Mr. Gunnell had irrigated last summer, but that he had had plans to use the pivot and also irrigate the bench to the south east with wheel lines. Freestone said that it looked to him that he had irrigated both but not to the extent they needed to be irrigated. We discussed the fact that how thin you spread the water depended on on what you wanted to raise. I told him that as far as place of use goes, I hadn't decided what to do yet, but that it looked like the diversion rate was going to be about what I measured June 9th 1999, because that was what was available.

A43-04085
LEIAND GUNNELL
EDITH GUNNELL
PO BOX 612
MALTA

GUNNELL 2 233422223 1200 06 07/25/00
RETURN TO SENDER
GUNNELL
3053 W 6800 S
WELLSVILLE UT 84339-9334
RETURN TO SENDER

3342X0612
380 18

6444612





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 15, 1999

Leland Gunnell
PO Box 612
Malta, Idaho 83342

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

Dear Mr. Gunnell,

I just wanted to drop you a line to tell you the amount of water that I measured in Sixmile Creek when I was out there last week. I measured 1.97 cfs, or about 98 inches. This is quite a bit less than the amount you claimed, which was 6 cfs, so I wanted to let you know.

I talked to Dale Adams at Butte Irrigation to see if they had measured the flow, and what they got. He told me that they didn't really take a measurement of the creek, so I can't get any information from them. I asked him how much water it was going to take to run the new pivot, and he said he thought 110 inches.

Since none of the wheel lines, nor the pivot, was running when I was up there, I would certainly be willing to come by the farm again to see the system up and running as you plan. Also, if you think that the Sixmile creek is running significantly higher in mid-summer, let me know and I will do another measurement.

I enjoyed the tour of your piece of paradise up there. If you have any questions, or any information that you think is important for me to know as I make my recommendation for your rights, be sure to contact me. Hope your wife is feeling better.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vikie Hancock'.

Vikie Hancock
Water Resource Agent

6-15-99

Dale Adams - Butte Tree.

He returned my call re: measurement at Gunnell's.

He said that they didn't measure the flow of 6 mile creek, only measured how wide it was (?). He was interested in my measurement and I told him that I got 1.47 cfs or ≈ 98 inches.

I asked him about the feasibility of running that big of a pivot on that much water. He said the pivot was set for about 110 inches.

I asked him about the bench acres that Mr. Gunnell was seeding when I was there. He said he didn't think Gunnell had enough water for the pivot and for the wheel lines on the south bench. He said that Gunnell seemed to think he had about 150 inches.

He also told me that Gunnell & Art Whitaker (8 mile creek) claimed that there was more water some years ago, & that the creeks fluctuated seasonally.

FIELD EXAM NOTES AND PHOTO LOG

6-9-99

Claim Nos: A43-02585, -04085 -07216Name or Area of Concern: GunnellPage 1 of

Date	Roll	Pic #	Description
6/4/99	8	1	Measurement site .1 mile upstream of Res
		2	Spring head - .6 mile upstream of Res (Main Spr
		3	2nd Spring upstream of main Spring (Pic 2)
		4	Attempted GPS site above Reservoir
		5	Standing at headgate S of Barn: Field
			~~End~~ to east & uphill
		6	At headgate: field to west where excess
			from Res Spillway flood irrigates
		7	Pivot looking west
		8	" " North
		9-10-11	Part of POU
		12	Pivot

Notes: Accompanied by Mr Gunnell. It was not sprinkler irrigating at the time, but was about to start up Pivot. Pivot is new this year. Claimant is going to use handlines on all corners, and wheel lines on rest of acreage. Water for IRR comes from Spring 0.6 miles upstream from Reservoir intake. Water conveyed thru headgate from Reservoir into ditch which flows into diversion structure fitted with a 3' Cipolletti weir directly above another headgate. At the time of the exam, only 0.11 ft of head or 0.369 cfs was going over the weir, as sprinklers were not running, and water was going over the spillway. This spillway water is conveyed via ditch to the valley and used as stockwater in the corrals and also to flood irrigate to the south of the barn & corrals. IRR water is piped.

Measurement of 5/8 mile creek was conducted approx 0.1 mile upstream of Reservoir intake. Claimant said Butte Irrigation had

GPS Attempted at pld. No reading

measured at the same place to see if enough water was available for the pivot. Dale Adams is contact at Butte, irrigation in Paul.

Claimant says volume of creek varies year to year, month to month. Often high water is in July as a second spring upstream of main spring begins to run then. I observed site of 2nd Spring and small channel from it to main spring, but it was dry at the time of the F.E.

Main spring is fenced and approximately 0.6 miles above reservoir.

Mr Gummell said that the size of 6 mile creek was about average when I measured it this date. I told him that if it ran significantly higher later in the season to call me and I would be glad to do another measurement.

Poll is completely under sprinkler ir. ~~re.~~ a new pivot will cover 139 acres according to claimant. Rest of 1111 acres are in handlines or wheel lines. Mainline is buried.

There is a head gate & standpipe south of the corrals. Gummell can shut this off to create enough pressure to run sprinkler lines up to the east, and to divert water to the

A43-02585, -04085, -07216 Page 3 6-9-91
mainlines running west.

We briefly discussed priority dates on the three claims and I told him I would be doing more investigation regarding that. Mr. Gunnell looked at the GUS exhibit I had and thought the irrigated acres shown looked about right.

The two 40's in the NWSE & NESE he calls the dry farm, but ^{he} is drilling it to barley & has wheel lines out there.

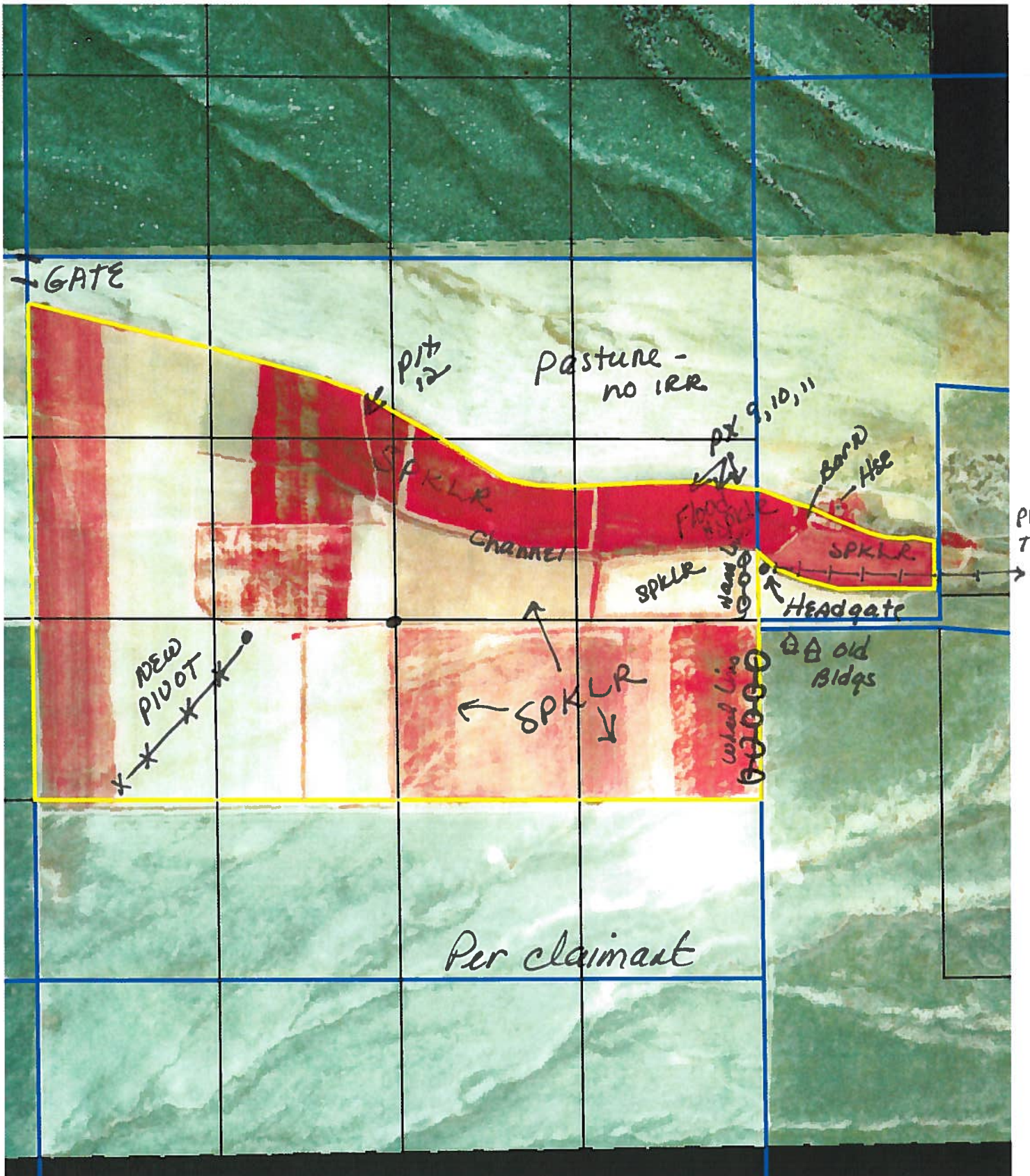
There were various hand lines positioned about the farm, but as none were running it was hard to determine just what the system is, now that the pivot has been put in. There is new hay seeded under the pivot.

FIELD NOTES

354 AC SHOWN

CLAIM NO(S): A43-07216,
A43-02585, 43-04085

TWP 15S ,RNG 28E
SEC 16, 17

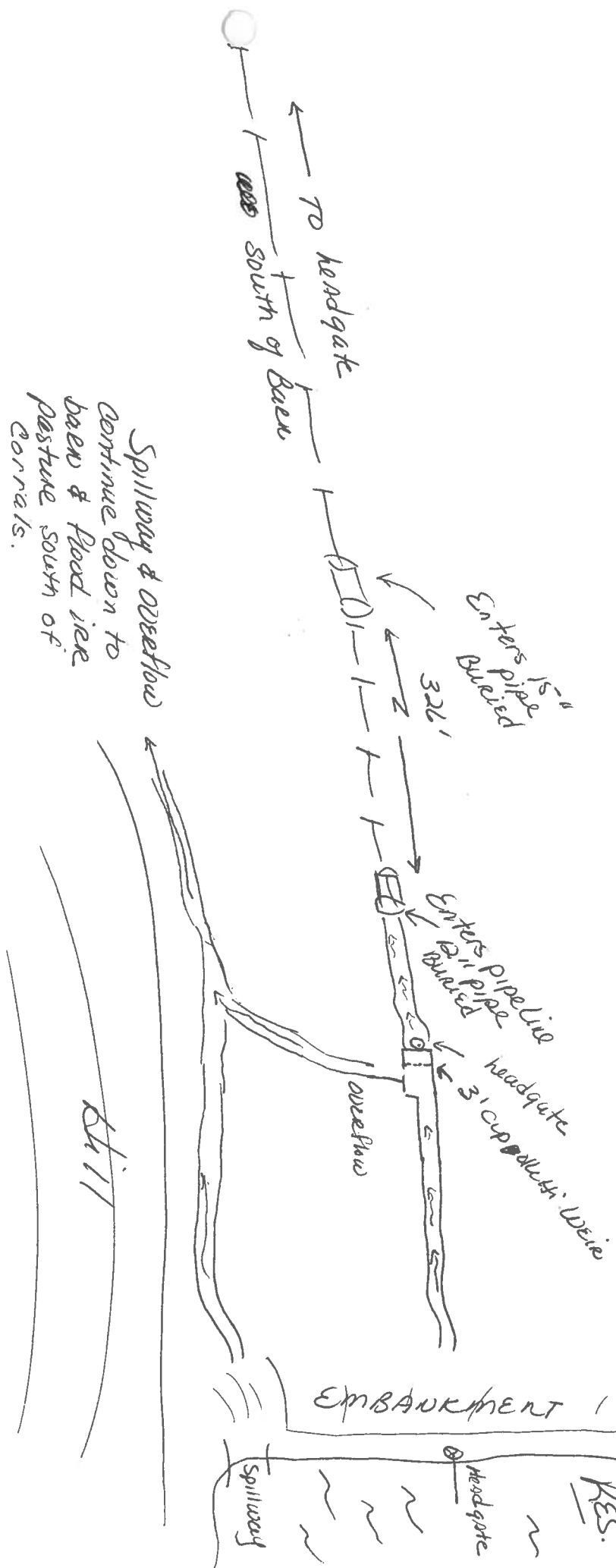


V HANCOCK

Date: 6-9-99

1987/1988 NAPP PHOTOGRAPHY

141



	WIDTH	DEPTH	AREA	VELOCITY	DISCHARGE
	0.5	0.25	0.125	1.72	0.215
	0.5	0.4	0.2	3.52	0.704
	0.5	0.3	0.15	3.57	0.535
	0.5	0.3	0.15	1.89	0.2835
	0.5	0.25	0.125	1.35	0.16875
	0.6	0.2	0.12	0.53	0.0636
			0		0
			0		0
			0		0
			0		0
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			0		0
	TOTAL Q				1.97035

SEE ALSO MEASUREMENT NOTES

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: Six mile Creek
 2. Location: Upstream of Gunnell Reservoir 0.1 mile
 3. Person(s) conducting measurement: V. Hawcock
 4. Date of measurement: 6-9-99
 5. Weather conditions: Warm, calm
 6. Measuring device size and ID no.: Swotter
 7. Spin test before: - after: -
 8. Purpose of measurement: SRBA Field Exam
 9. Cross section description: Small gravel, substrate, well defined grassy banks
- B. MEASUREMENT DATA**

B. MEASUREMENT DATA

[illegible]

C. REMARKS

SIGNATURE



Roll 8
Pix 1

MEASUREMENT
SITE



Spring
head

Pix 2



Overflow ditch
from Reservoir
Along Trees

Headgate -
South of
BARN.
Sprinklers NOT
operating.



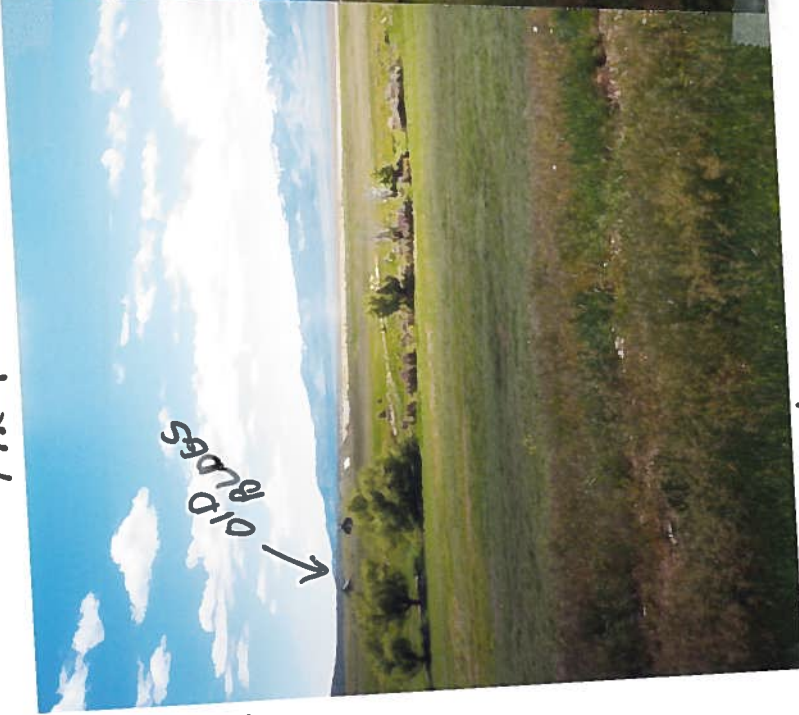
← Road on
this ridge

WATER FROM HEADGATE OVERFLOW
flooding field West of Headgate
- Looking West -

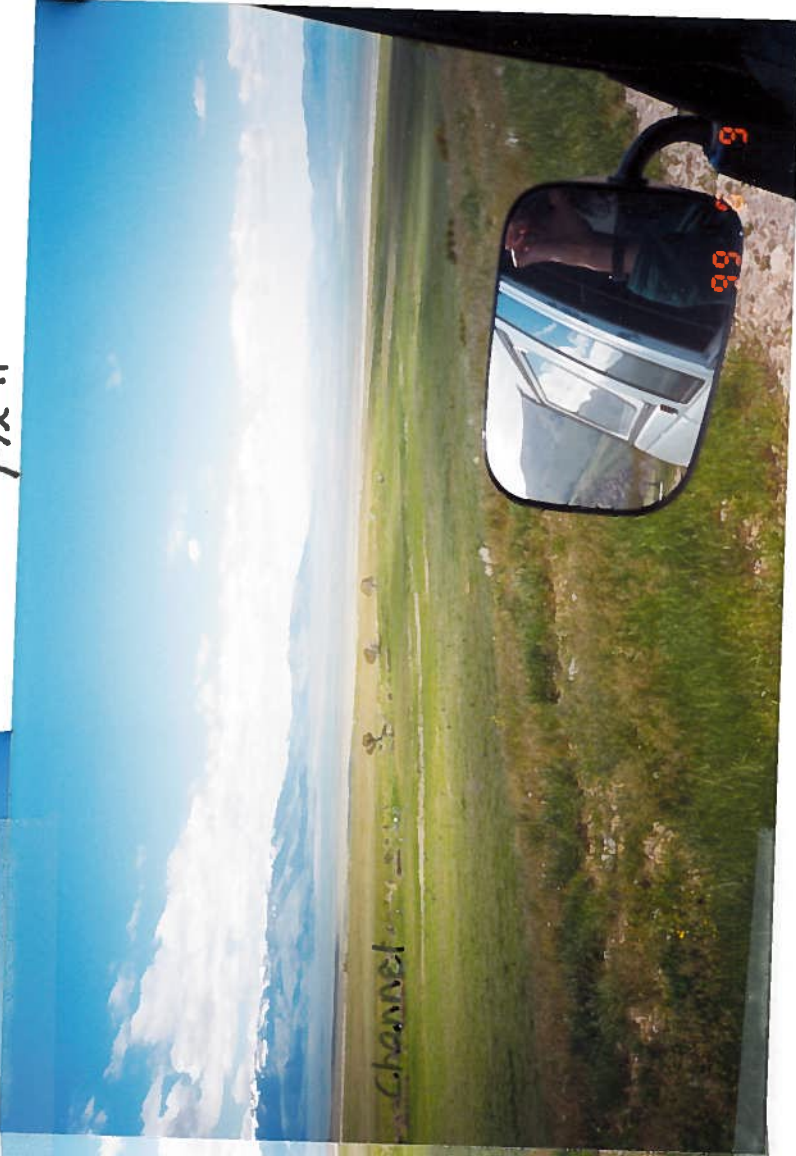
Headgate here

pix 9

old
blades
↓



pix 11



→ west

↑ south

POW