



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

Date: December 28, 2005

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 43-7216
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: 05/01/1984

3. Source: SIXMILE CREEK Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:

EXISTING DAM, DIVERSION, PIPELINE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	3	
IRRIGATION STORAGE			1/01	12/31 0
20				
IRRIGATION FROM STORAGE			4/01	11/01 0
20				

7. Total Quantity Appropriated is:
3 C.F.S. and/or 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	28E	16	SW	NW		IRRIGATION FROM STORAGE	
17							
						Section Acres	17
15S	28E	17	NW	NW		IRRIGATION	23
			SW	NW		IRRIGATION	35
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			NW	NW		IRRIGATION FROM STORAGE	
25			SW	NW		IRRIGATION FROM STORAGE	
40			SE	NW		IRRIGATION FROM STORAGE	
40			NE	SW		IRRIGATION FROM STORAGE	
40			NW	SW		IRRIGATION FROM STORAGE	
40			NE	SE		IRRIGATION FROM STORAGE	
40			NW	SE		IRRIGATION FROM STORAGE	
40			NW	NE		IRRIGATION FROM STORAGE	
40			SW	NE		IRRIGATION FROM STORAGE	
16			SE	NE		IRRIGATION FROM STORAGE	
30			NE	NW		IRRIGATION FROM STORAGE	
15							
						Section Acres	546
						Total Acres	563

2

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:

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
JUN 30 2000
Department of Water Resources
Southern Region

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

269911

SPECIAL WARRANTY DEED

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY REC1071

RECORDED
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 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.

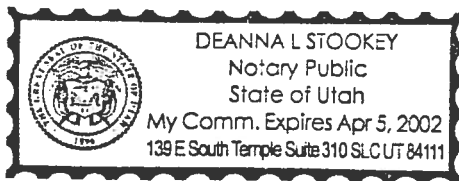
BY: Christopher F. Robinson
CHRISTOPHER F. ROBINSON, ManagerBY: Victoria A. Robinson
VICTORIA A. ROBINSON, ManagerBY: Alexander J. Robinson
ALEXANDER J. ROBINSON, Manager

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

WEST
DRY CANYON
SPRING 35

EIGHT MILE RCH

COTTONWOOD SPR

SIX MILE
SPRING

SIX MILE
RANCH

GUNNELL
G. S.

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.

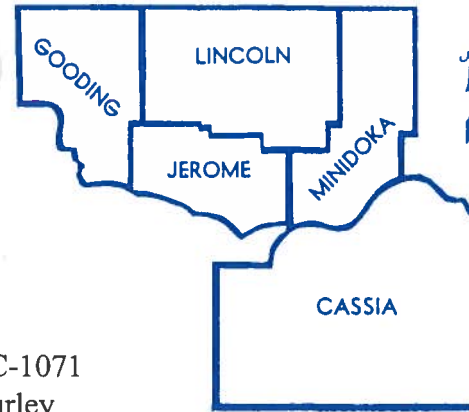
WAR
PEAK

DEER

HOLLOW
33

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 blue ink that reads "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 834-8477 - FAX 834-5890

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..

268936

WARRANTY DEED

#3274

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:

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: SW¼NW¼ and N½S½

Section 18: N½

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant theret 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 Mar 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.

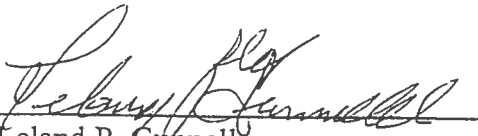
Easement Deed from Frances P. Gunnell and Ona N. Gunnell, his wife, Grantors to the United States of America, as Grantee, dated July 30, 1993 and recorded August 3, 1993 as Instrument No. 225906 on Film No. 247, records of Cassia County, Idaho.

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.

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

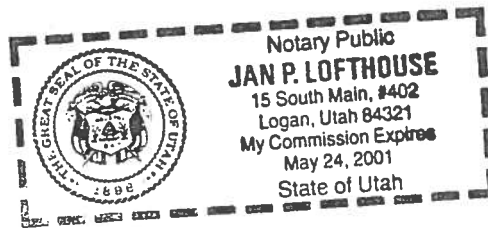
STATE OF UTAH)
COUNTY OF Cache) ss.

On this 28 day of April, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared **LELAND F 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

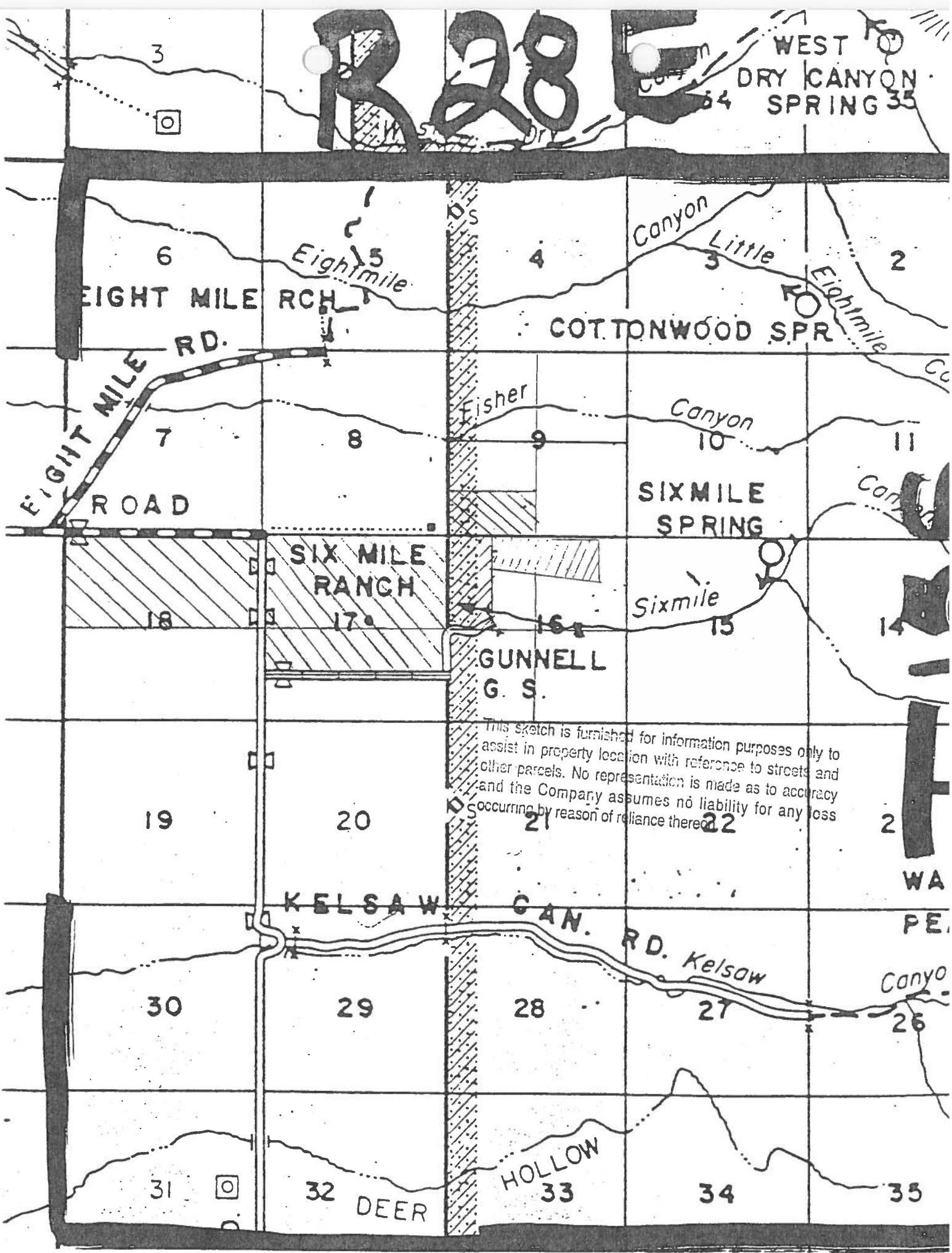
My Commission expires: ~~6-30-03~~ May 24, 2001



268936
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE 9.00 DEPUTY [Signature]
'00 MAY 1 PM 1 40
RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

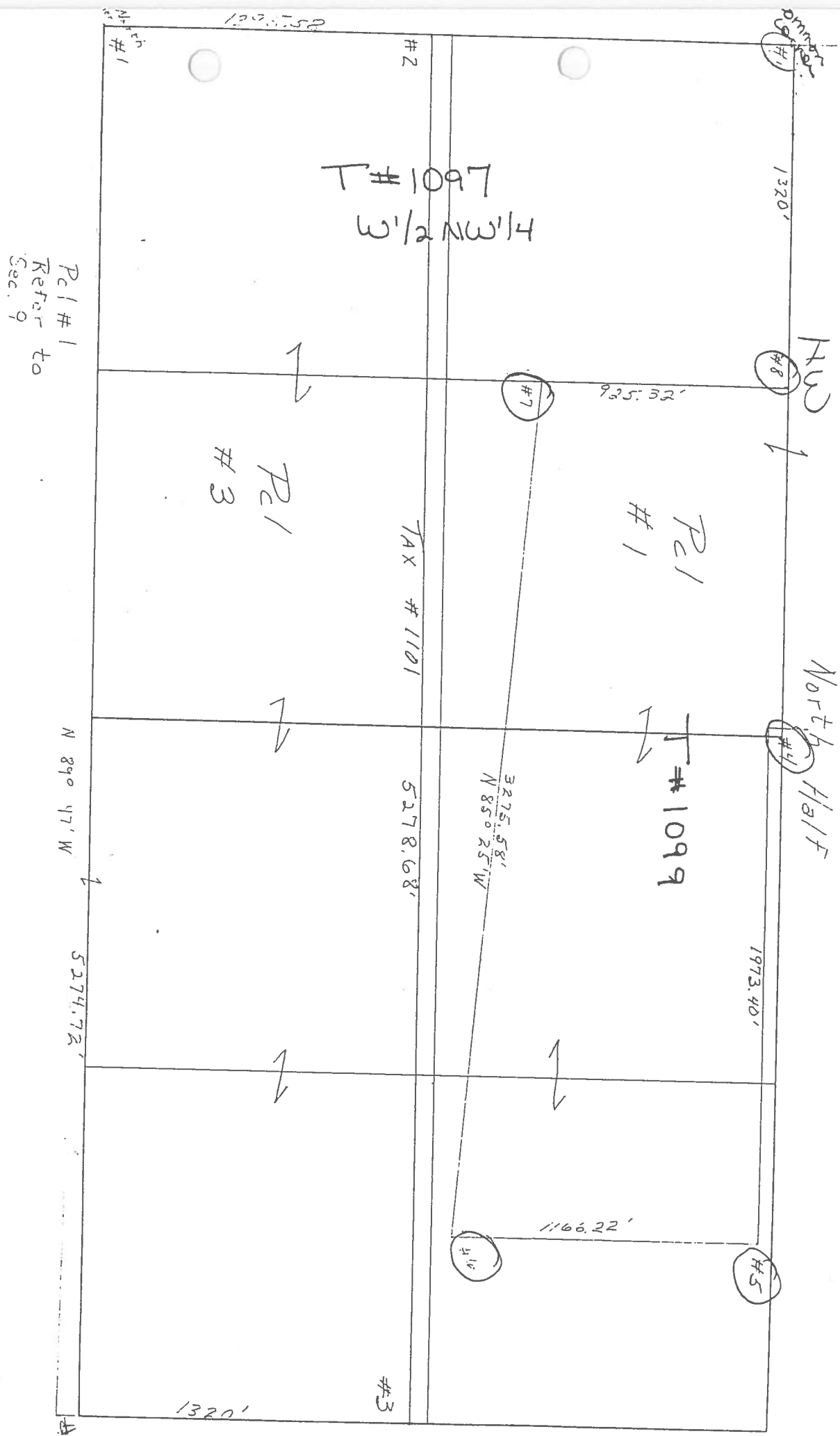
R28E

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.

WA
PE.



PC#1
Refer to
Sec. 9

Scale 1"=600'

9-15-28

S 1/2 SW 1/4

South 1/2



1: Refer to Section-16 Twp 15 RGE 28 EBM1

Tax 1099A

Corrects Tax 1099.

TOWNSHIP 1 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN, CASS COUNTY, IDAHO, Sections 9 & 16: A tract of land within the Minidol 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 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: A43-07216
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: MAY 01, 1984

3. Source: SIXMILE CREEK Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:
EXISTING DAM, DIVERSION, PIPELINE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.000		
IRRIGATION STORAGE	01/01	12/31			20.00
IRRIGATION FROM STORAGE	04/01	11/01			20.00

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

8. Total consumptive use is 545.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-07216

Page 1

Date: 05/03/89

MICROFILMED
MAR 04 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	28E	16	SW	NW		IRR FS	17.0
			Section Acres				17.0
		17	NW	NE		IRR FS	2.0
			SW	NE		IRR FS	16.0
			SE	NE		IRR FS	30.0
			NE	NW		IRR FS	15.0
			NW	NW		IRR	23.0
			NW	NW		IRR FS	25.0
			SW	NW		IRR	35.0
			SW	NW		IRR FS	40.0
			SE	NW		IRR FS	40.0
			NE	SW		IRR	40.0
			NE	SW		IRR FS	40.0
			NW	SW		IRR	40.0
			NW	SW		IRR FS	40.0
			NE	SE		IRR	40.0
			NE	SE		IRR FS	40.0
			NW	SE		IRR	40.0
			NW	SE		IRR FS	40.0

Section Acres ~~546.0~~

Total Acres ~~563.0~~

365 ac
irrig.

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:
NONE

14. Remarks:

APPROVED PERMIT 43-07216 WAS FILED TO COVER THIS EXPANSION WHICH WAS COMPLETED IN 05/01/1984. THIS CLAIM IS BASED ON EXPANSION OF A43-04085 WHICH COVERS THE ENTIRE FLOW OF SIXMILE CREEK AND A43-02585 WHICH COVERS THE ORIGINAL DEVELOP. OF GUNNELL RESERVOIR.

15. Basis of Claim: BENEFICIAL USE

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 to 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): *Robert R. Gummel* Date: May 3 1988

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of May 19 88
Kimberly J. De
Notary Public

Seal

Residing at Kimberly, ID
My Commission Expires 6/30/92

RECEIVED

JAN 22 1992

Department of Water Resources
Southern Region Office

To Whom It May Concern

The priority date for water right on Six Mile is August 1884
and water has been used on said ranch to present time.

Date January 15, 1992

Witness Afton D. Nye

Witness Dale O. Pierce

NOTARY

STATE OF Idaho

COUNTY OF Cassia

On this 15th day of January, 1992, before me, the
undersigned, a Notary Public, personally appeared Afton D. Nye
and Dale O. Pierce, known to me to be
person(s) whose names are subscribed to the within
instrument, and acknowledged to me that they executed the
same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal, the day and year first above written.

Loella Neddo

Notary Public for the State of Idaho
Residing at Malta, Idaho
My commission expires April 6, 1993

MICROFILMED

MAR 14 1993

RECEIVED

JAN 22 1992

Department of Water Resources
Southern Region Office

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. Foster, 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, the receipt whereof is hereby acknowledged,
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 does 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. Mich. 29th 1882.

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. W. Taunton
Frank Riblett

David H. Goe

SEAL

SEAL

David H. Goe

To

G. W. Fisher

Deed.

Dated August 1st 1884

Recorded at the Request of

G. W. Fisher

Aug. 1st 1884

at 30 minutes past 10 o'clock,

A.M., in Book No. 2 of De

pages 142 Records of the

County of Cassia I. T.

M. T. Brown

County Recorder.

By

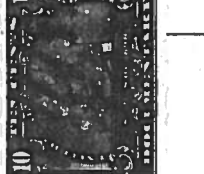
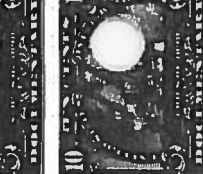
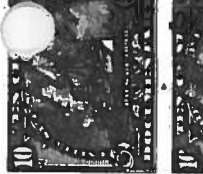
~~Deputy Recorder.~~

Free Paid.

MICROFILMED

MAR 04 1993

1 2 3 4 5 6 7 8 9 10 11 12



This Indenture, Made this 31st day of October, in the year of our Lord one thousand eight hundred and ninety-eight, between

Andrew Svensson (a single man) of Murray, County of Salt Lake, State of Idaho, the party of the first part, and William J. Gummell 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 (\$1500⁰⁰) 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 granted, bargained and sold and by these presents do 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 ~~15~~ fifteen, South of range twenty-eight, East of the Boise Meridian,

Together with all water rights, ditches and dams to ~~the said tracts~~ ^{said tracts} belonging, whether acquired by purchase or appropriation. Said last mentioned tract contains 80 acres more or less.

RECEIVED

JAN 22 1992

Department of Water Resources
Southern Region Office

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

State of Idaho,

County of Cassia } ss.



On this 31st day of October, 1898, before me,
Notary Public,
County, personally appeared Andrew Swenson

and ~~his wife~~, personally known to me, ~~as~~ ^{to be} the person — whose name ~~is~~ ^{is} subscribed to the within instrument and acknowledged to me that ~~he~~ ^{he} executed the same, ~~and the said~~ ^{above described as a married woman, upon} ~~an examination without the hearing of her husband, 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 such execution.}

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

K. J. Perry,
Notary Public.

RECEIVED

JAN 22 1898

Department of Water Resources
Southern Region Office

Warranty Deed.

Andrew Swenson

Mrs. J. Swenson

Dated Oct 31st, 1898

State of Idaho,
County of Cassia } ss.

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

Andrew Swenson

at 3:55 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 H. Swenson
Ex. Office Recorder,

By W. B. Swenson

Deputy.

Fees, \$1.50 PL

RECEIVED

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 F. Fisher and her husband George W. Fisher of Cassia County County, Idaho, the parties of the first part, and of Andrew Svenson of Salt Lake County, Utah, the part y 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 y 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 y 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, in 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 y 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 y 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 y of the second part, his heirs and assigns, against the said parties of the first part, and their heirs and against all and

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, or ~~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 1992

Department of Water Resources
Southern Region Office

WARRANTY DEED.

Mary F. Fisher and
George W. Fisher

Andrew Sorenson

Dated Aug 19th, 1895

State of Idaho,

County of Boone } ss.

I hereby certify that this instru-
ment was filed for record at re-

quest of W. S. Pierson
at _____ 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

John Sorenson
Ex. Officio Recorder.

By _____

Fees, \$ 2.00 Deputy.

Water Right Number - A43-07216

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - - - First Name - - - - + - - - - Address - - - - +
*** C - CURRENT OWNER ***

LELAND

1 - P.O. BOX 612

State- ID Zip- 83342

GUNNELL

EDITH

2 -
3 -
City- MALTA
Phone - 208-654-2488
1 - P.O. BOX 6122 -
3 -
City- MALTA
Phone - 208-654-2488

State- ID Zip- 83342

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1984 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - + + - - - +
SIXMILE CREEK SINKS+ - - - - Tm Rng Sec Tract Lot RFlg County Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - -
15S 28E 15 SW SE NW (31) CASSIA+ - - - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume - - - - -
01 - IRRIGATION 04/01 11/01
02 - IRRIGATION STORAGE 01/01 12/31 20.00
03 - IRRIGATION FROM STORAGE 04/01 11/01 20.00+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - + + - - Total Consumptive Use - + + - - KM Usage - +
3.000 20.00 545.0+ - - - - Tm Rng Sec Tract Lot Acres Place of Use - - - - - Description - - - - - County - - - - -
15S 28E 17 NW NW 23.0 01 IRRIGATION (31) CASSIA
15S 28E 17 SW NW 35.0 01 IRRIGATION (31) CASSIA
15S 28E 17 NE SW 40.0 01 IRRIGATION (31) CASSIA
15S 28E 17 NW SW 40.0 01 IRRIGATION (31) CASSIA
15S 28E 17 NE SE 40.0 01 IRRIGATION (31) CASSIA
15S 28E 17 NW SE 40.0 01 IRRIGATION (31) CASSIA
15S 28E 16 SW NW 17.0 03 IRRIGATION FROM STORAGE (31) CASSIA
15S 28E 17 SW NW 2.0 03 IRRIGATION FROM STORAGE (31) CASSIA
15S 28E 17 SW NE 16.0 03 IRRIGATION FROM STORAGE (31) CASSIA
15S 28E 17 SE NE 30.0 03 IRRIGATION FROM STORAGE (31) CASSIA
15S 28E 17 NE NW 15.0 03 IRRIGATION FROM STORAGE (31) CASSIA
15S 28E 17 NW NW 25.0 03 IRRIGATION FROM STORAGE (31) CASSIA
15S 28E 17 SW NW 40.0 03 IRRIGATION FROM STORAGE (31) CASSIA
15S 28E 17 SE NW 40.0 03 IRRIGATION FROM STORAGE (31) CASSIA
15S 28E 17 NE SW 40.0 03 IRRIGATION FROM STORAGE (31) CASSIADepartment of Water Resources
Southern Region Office

RECEIVED

JAN 22 1992

MICROFILMED
MAR 04 1993

Prefix Translation: ADJUDICATION CLAIM

Total Acres: 563.0

+ - - Other Rights for Same Use - NONE

----- Old Water Right Numbers -----
 ----- No Old Water Right Numbers found. -----

+ - - - Decree Plaintiff - - +	+ - - - Decree Defendant - - +	+ - Decree Date - + 00/00/0000
--------------------------------	--------------------------------	-----------------------------------

-----Comments-----
No Comments Found

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	05/03/1989	Last Amended Date	-	00/00/0000	Temporary Right	-	P
Proof Due Date	-	00/00/0000	Proof Made Date	-	00/00/0000	Water District	-	
Licensed Date	-	00/00/0000	Receipt Number	-	S007012	Federal/State Indicator	-	S
Claims Tape Error Flag	-		POU Ownership flag	-	Y	Presumption Flag	-	E
Fee Exempt Flag	-		Name Connector	-	AND/OR	Notice of Error flag	-	

MICROFILMED
MAR 04 1993

Water Right Number - A43-04085

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

*** C - CURRENT OWNER ***
GUNNELL

LELAND

1 - P.O. BOX 612
2 -
3 -

State- ID Zip- 83342

GUNNELL

EDITH

City- MALTA
Phone - 208-654-2488
1 - P.O. BOX 612
2 -
3 -
City- MALTA
Phone - 208-654-2488

State- ID Zip- 83342

Priority Date - +
08/01/1884

Region - +
17 SOUTHERN

Stage - +
S - STATUTORY CLAIM

Status - +

SIXMILE CREEK

SINKS

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Stream Index (Blank if no Index Code)
15S	28E	15	SW SE NW			(31) CASSIA		

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	11/01	6.000	
43 - DOMESTIC		01/01	12/31	0.040	
04 - STOCKWATER		01/01	12/31	0.050	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
6.000 367.5

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
15S	28E	16	SW NW		17.0	01	IRRIGATION	(31) CASSIA
15S	28E	17	NW NE		2.0	01	IRRIGATION	(31) CASSIA
15S	28E	17	SW NE		36.0	01	IRRIGATION	(31) CASSIA
15S	28E	17	SE NE		30.0	01	IRRIGATION	(31) CASSIA
15S	28E	17	NE NW		15.0	01	IRRIGATION	(31) CASSIA
15S	28E	17	NW NW		2.0	01	IRRIGATION	(31) CASSIA
15S	28E	17	SW NW		5.0	01	IRRIGATION	(31) CASSIA
15S	28E	17	SE NW		40.0	01	IRRIGATION	(31) CASSIA
15S	28E	16	SW NW			04	STOCKWATER	(31) CASSIA
15S	28E	18	NW NE			04	STOCKWATER	(31) CASSIA
15S	28E	16	SW NW			43	DOMESTIC	(31) CASSIA

Total Acres: 147.0

+ - - Diversion Means - DIV. BELOW GUNNELL DAM TO PIPELINE TO SPRINKLERS.

MICROFILMED
MAR 04 1993

MICROFILMED
MAR 04 1993

Water Right Number - 43-07216

Prefix Translation:

WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
GUNNELL
Last Name - First Name - Address -

LELAND

1 - P.O. BOX 612

State- ID Zip- 83342

GUNNELL

EDITH

1 - P.O. BOX 612

State- ID Zip- 83342

City- MALTA
Phone -

City- MALTA
Phone -

Priority Date - 06/28/1985
Region - 17 SOUTHERN
Stage - P - PERMIT
Status -

Source - SIXMILE CREEK
Tributary - SINKS

Point of Diversion -
Stream Index (Blank if no Index Code)

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	11/01			
02 - IRRIGATION STORAGE		01/01	12/31		3.000	20.00
03 - IRRIGATION FROM STORAGE		04/01	11/01			20.00

Total Div. Rate - 3.000
Total Div. Volume - 20.00
Total Div. Capacity -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
15S	28E	16	SW NW		13.0	01	IRRIGATION	(31) CASSIA
15S	28E	17	SW NE		36.0	01	IRRIGATION	(31) CASSIA
15S	28E	17	SE NE		28.0	01	IRRIGATION	(31) CASSIA
15S	28E	17	NE NW		15.0	01	IRRIGATION	(31) CASSIA
15S	28E	17	NW NW		23.0	01	IRRIGATION	(31) CASSIA
15S	28E	17	SW NW		40.0	01	IRRIGATION	(31) CASSIA
15S	28E	17	SE NW		39.0	01	IRRIGATION	(31) CASSIA
15S	28E	17	NE SW		40.0	01	IRRIGATION	(31) CASSIA
15S	28E	17	NW SW		40.0	01	IRRIGATION	(31) CASSIA
15S	28E	17	NE SE		40.0	01	IRRIGATION	(31) CASSIA
15S	28E	17	NW SE		40.0	01	IRRIGATION	(31) CASSIA

Total Acres: 354.0

- - - Diversion Means - EXISTING DAM, DIVERSION, PIPELINE, SPRINKLERS

MICROFILMED
MAR 4 1993

WATER RIGHT

Proof Due Date	- 06/01/1988	Field Exam Made	- 07/26/1991	Field Exam Fee	- K
Approved/Denied	- 05/26/1988	Protested Date	- 00/00/0000	Swan Falls	- T
Proof Made Date	- 05/16/1987	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 07/08/1987	DLE/Carrey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 06/28/1985	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		

MICROFILMED
MAR 04 1993

03/27/2001

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

RIGHT NUMBER: 43-7216

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

SOURCE: SIXMILE CREEK TRIBUTARY: SINKS

QUANTITY: 3 CFS
1271 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.57 CFS AND A COMBINED
ANNUAL DIVERSION VOLUME OF 1415.2 AF. COMBINED RIGHT NOS.: 43-
4085, 43-2585.

USE OF THIS RIGHT WITH RIGHT NO. 43-2585 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 20 AF FOR IRRIGATION
STORAGE.

PRIORITY DATE: 06/28/1985

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	3.00 CFS
		1,271.00 AFY
IRRIGATION STORAGE	01-01 12-31	20.00 AFY
IRRIGATION FROM STORAGE	04-01 10-31	20.00 AFY

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

IRRIGATION STORAGE Within CASSIA
County

T15S R28E S17 SENW
IRRIGATION FROM STORAGE Within

CASSIA County

T15S R28E S16	SWNW	T15S R28E S17	NWNE
T15S R28E S17	SWNE	T15S R28E S17	SENE
T15S R28E S17	NENW	T15S R28E S17	NWNW
T15S R28E S17	SWNW	T15S R28E S17	SENW
T15S R28E S17	NESW	T15S R28E S17	NWSW
T15S R28E S17	NESE	T15S R28E S17	NWSE

353.8 ACRES TOTAL

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 AND 43-4085.

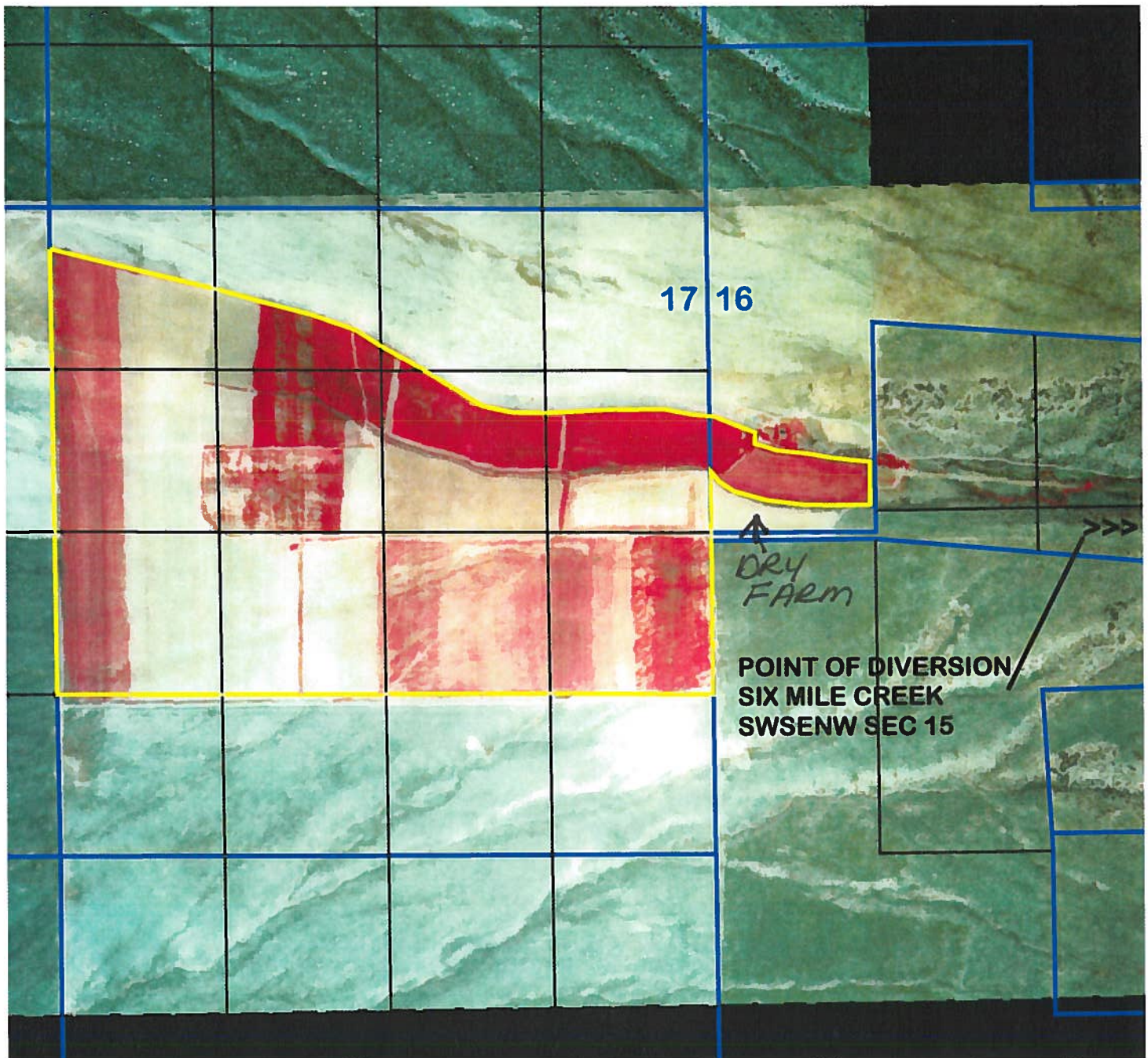
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

**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**

[illegible]

Page 2

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 43-07216

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. Rights 43-02585, 43-07216, and any right confirmed in accordance with Snake River Basin Adjudication claim A43-04085 when combined shall not exceed a total diversion rate of 3.57 cfs, a total annual maximum diversion volume of 1415.2 af at the field headgate, and the irrigation of 353.8 acres.
3. Rights 43-02585 and 43-07216 when combined shall not exceed 20 afa for irrigation storage purposes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 26TH day of MARCH, 2001.

Acting for


KARL J. DREHER
Director

CLAIM NUMBER: A43-07216

TOTAL DIVERSION:	3.00 CFS	20.00 AFA
CONSUMPTIVE USE:		~~545.00 AFA~~

Tributary to: SINKS

SUSENA

Stage: **BENEFICIAL USE**
CASSIA County

TOTAL ACRES

IRRIGATION FROM STORAGE

17.0
28.0

Non-Irrigation Uses: NONE

Other Rights: NONE

Conditions of Approval:

- Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
- The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

Remarks:

APPROVED PERMIT 43-07216 WAS FILED TO COVER THIS EXPANSION WHICH WAS COMPLETED IN 05/01/1984. THIS CLAIM IS BASED ON EXPANSION OF A43-04085 WHICH COVERS THE ENTIRE FLOW OF SIXMILE CREEK AND A43-02585 WHICH COVERS THE ORIGINAL DEVELOP. OF GUNNELL RESERVOIR.

Comments

See Lic
Rec'd
3-26-01

MEMO

From: Vikie Hancock

11/27/00

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

The above claims were filed by Leland Gunnell. The place of use has subsequently been purchased by Construction, Inc. 139 East South Temple #310, Salt Lake City, Utah 84111. Phone 801-328-1600.

GIS analysis of the place of use using 1987 NAPP aerial photography shows 353.8 irrigated acres. A visit to the farm on June 6, 1999 confirmed that, except for a small field to the south of Sixmile creek in SWSW Section 16 which is dry farmed, the entire property is now under sprinkler irrigation from a pipeline which originates at the outflow of Sixmile Reservoir at Gunnell Dam in the SWSENW Section 15 T15S, R28E.

SRBA claim 43-7216 is based upon a corresponding permit and will be recommended subject to IDWR licensing review.

Claim 43-4085, with a priority date of 1884, was filed for domestic, stockwater and the irrigation of 147 acres. The number of acres allowed under this right will be limited to the 100 acres documented to have been developed with that priority date, within a permissible place of use of 353.8 acres. The diversion rate for 43-4085 will be limited to 2 cfs.

Claim 43-2585 will be recommended as licensed for 20 AFA of irrigation storage and 20 AFA of irrigation from storage appurtenant to 20 acres within the permissible place of use.

Based upon the high water mark observed by Brian Block, and Bureau of Reclamation Water Measurement Manual calculation table for 3 ft cipolletti weir (see enclosed), I would recommend that the combined diversion amount of the three rights be limited to 3.57 cfs.

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 5-1-1884. 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 N $\frac{1}{2}$ SW Sec 17 and S $\frac{1}{2}$ NW 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
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

61C F.E.

Permit No. 43-7216

A. GENERAL INFORMATION

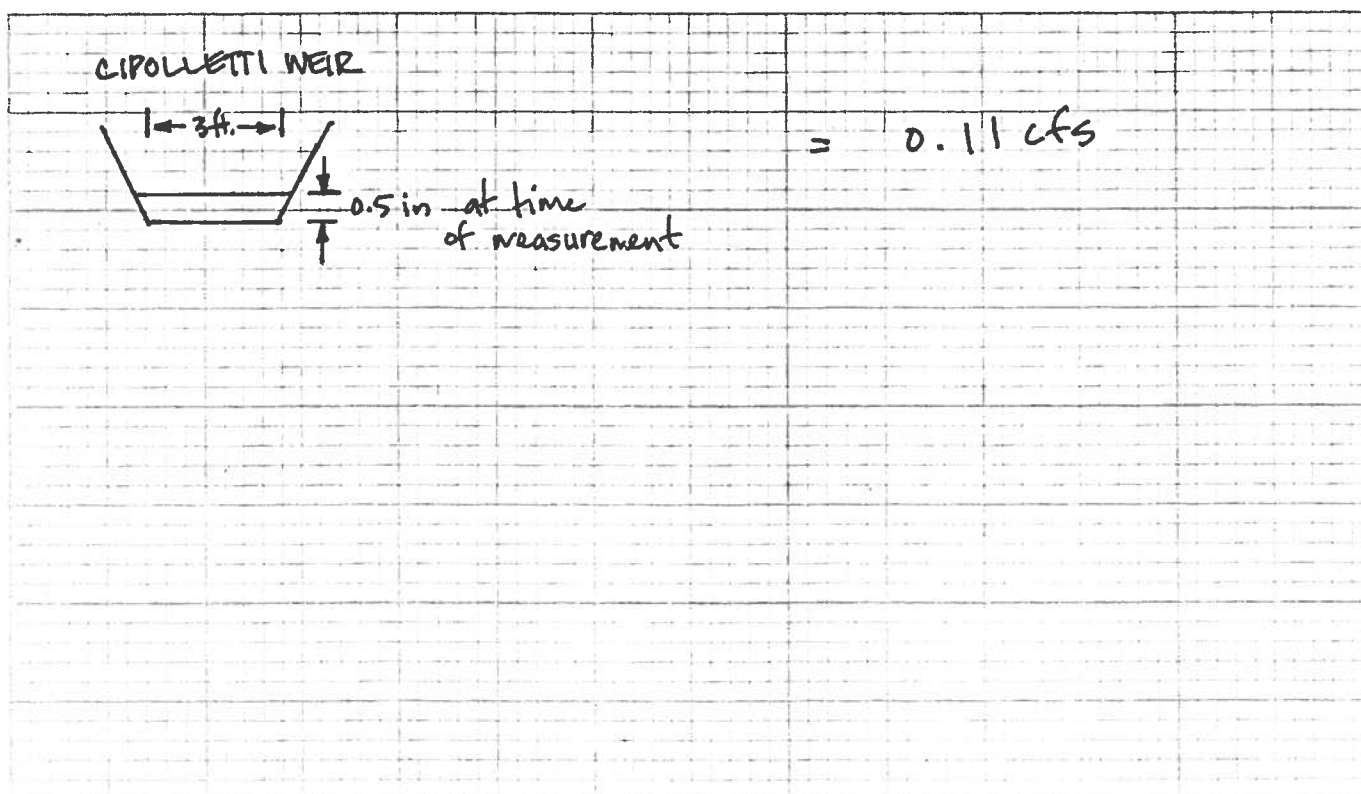
1. Owner: Leland &/or Edith Gunnell Phone No. 645-2488
Current Address: P.O. Box 612 Malta, ID 83342
2. Accompanied by: Leland Gunnell EXAM. DATE: 6/27/91
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Six-mile creek tributary to Sinks

B. OVERLAP REVIEW

1. Other water rights with same place of use: 43-04085, 43-02585
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: 43,04085, 43-02585
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached



Scale: 1" = _____.

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and place(s) of use (required).
☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Irrigation system took water from storage pond ~~from~~ on sixmile creek. Water distributed by two 10' mainlines. Weir was located at diversion point.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	N/A				

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	SE	NW	15	15S	28E	Cassia	Topo map / inspection

6. Place(s) of Use:

Indicate Method of Determination _____

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	28E	16							13										13
15S	28E	17			36	28	15	23	40	39	40	40			40	40			261
																			354

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Cippolletti Weir					3'	

2. Measurements:

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

3 ft. Cippolletti weir can range up to 6" head
= 3.57 cfs.

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 354(3.5) = 1239 \text{ a.f.}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 3(245)(1.9835) = 1458 \text{ a.f.}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 1239 \text{ a.f.}$

2. Volume Calculations for Other Uses:

H. REMARKS AND OVERLAY REVIEW ANALYSIS

By nature, system capacity exceeds
permit rate.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
irrigation	3/15	11/15	3.0	1239
Totals:			3.0	1239

2. Recommended Amendments

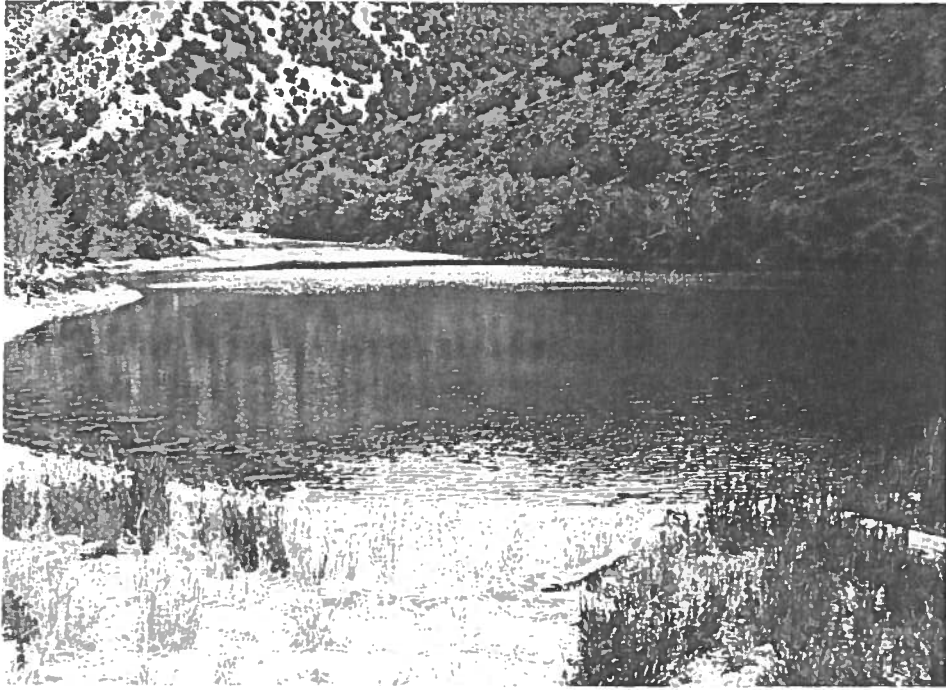
- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

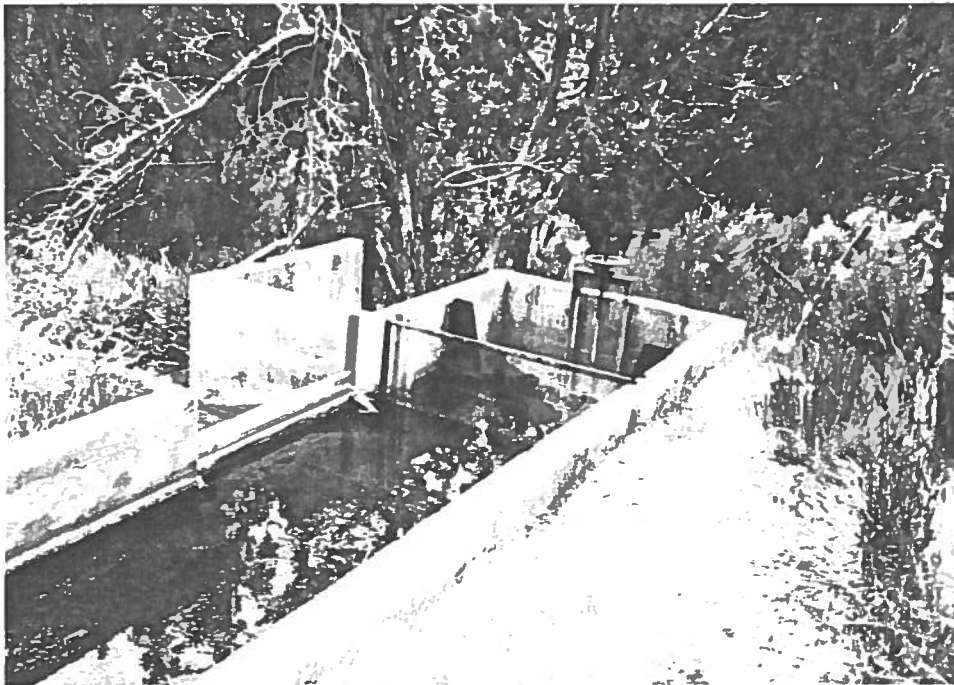
Field Examiner's Name Brian Block
Signature Brian Block
Certification Date _____
Field Report Preparation Date 7/26/91

CONSULTANT SEAL

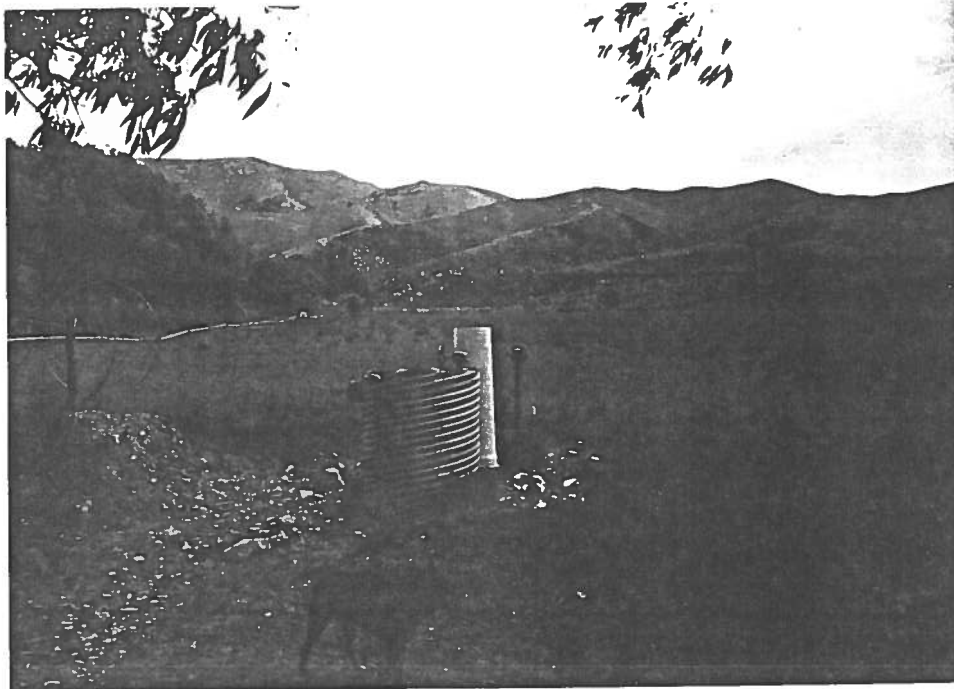
- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.



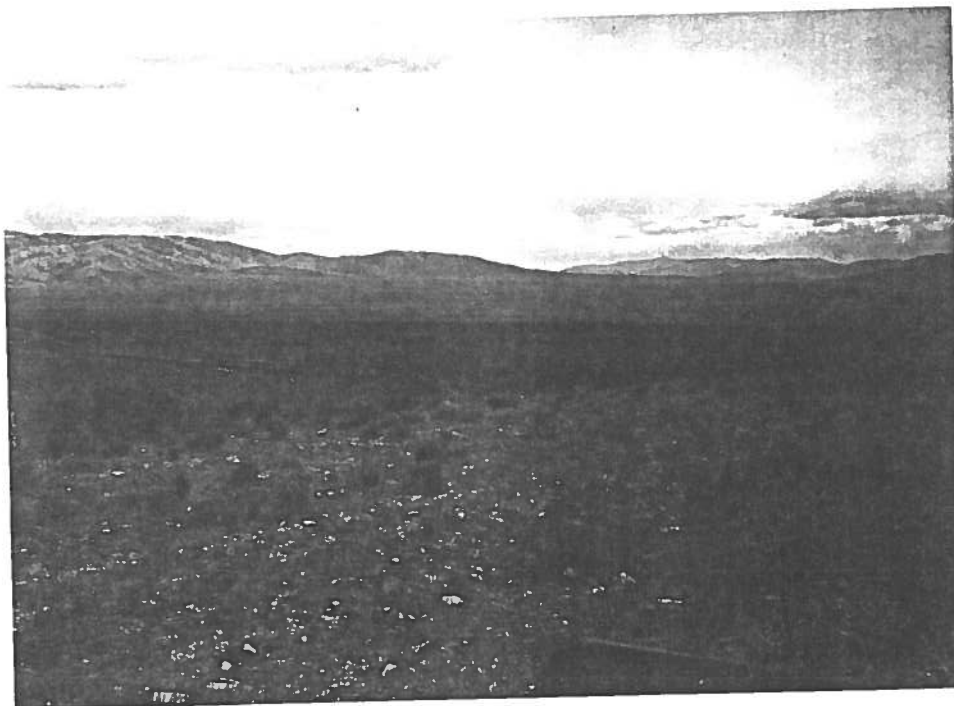
Storage Pond (Sixmile creek)



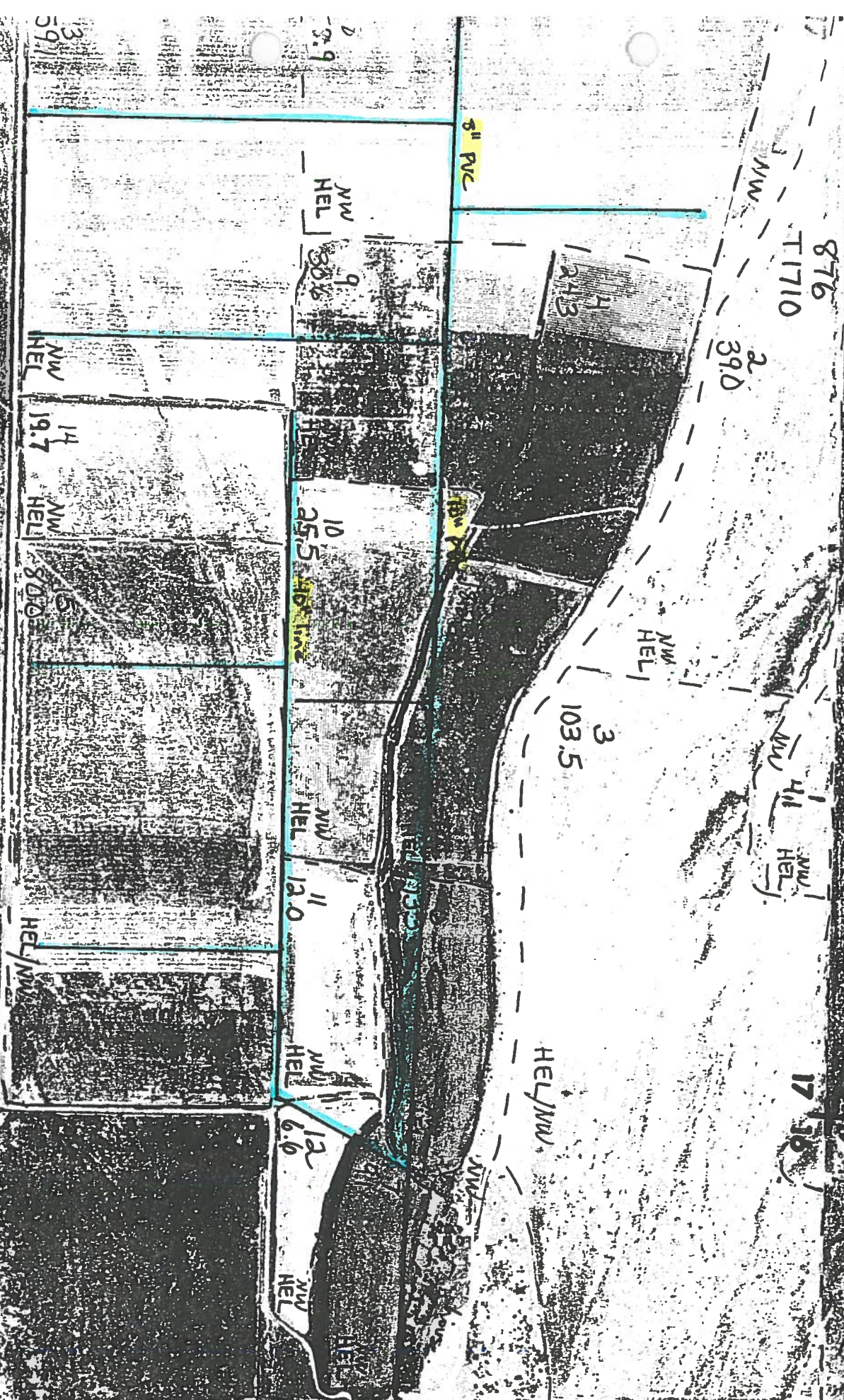
Diversion weir and overflow gate.



P/u



P/u





State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

May 29, 1987

RE: Permit No. 43-7216

Leland &/or Edith Gunnell
Box 612
Malta, ID 83342

Dear Permit Holder(s):

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. If you plan to enlarge the dam, plans and specifications must again be prepared by a registered professional engineer and submitted to the Department for review and approval before construction to enlarge the dam starts.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is the statement of beneficial use that must be submitted when your project is completed.

Sincerely,

GARY SPACKMAN
Supervisor, Water Allocation Section

GS:sc
Enclosures

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

RECEIVED

JUN 2 1987

Department of Water Resources
Southern Region Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 43-7216

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Leland & Edith Gunnell Phone 645-2488
P.O. Box 612
Post office address Maltz, Idaho, 83342
2. Source of water supply Sixmile Creek which is a tributary of Sinks
3. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 15 Township 15S. Range 28E. B.M. Cassia County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 3.0 for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 20 for Storage for irrig. purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 20 for Irrig. from Storage purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 20 for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 3.0 and/or (b) 20
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Existing dam, diversion & pipeline supplying water to sprinkler system.
 - b. Height of storage dam 18' feet; active reservoir capacity 20 acre-feet; total reservoir capacity 20 acre-feet; period of year when water will be diverted to storage: Jan. 1 to Dec. 31 inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year). Existing since Spring of 1984

8. Description of proposed uses (irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

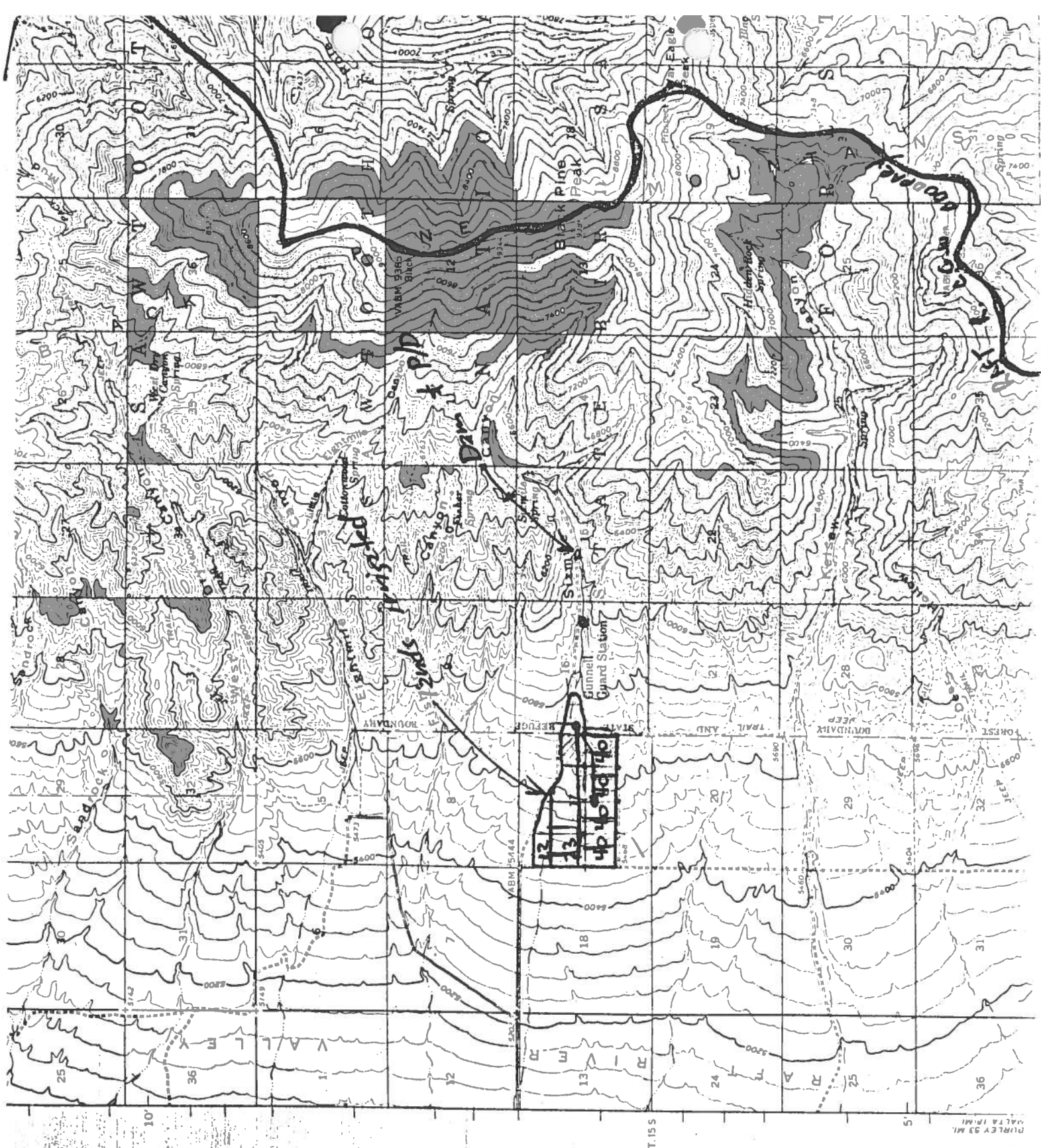
TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS					
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼						
15S.	28E.	17						12	23			40	40			40	40		195					
																			(live & stored water)					
								Recently developed lands																
								Lands covered by claim 43-4085 which storage water supplements the live stream flows																
15S.	28E.	16								125									125					
		17			36	28	153	11.4	17	39									146.7					
																			(stored water only)					
																			159.2 ← Old					

354.2 ac
Total number of acres to be irrigated 195 ← New

10. Describe any other water rights used for the same purposes as described above. Claim 43-4085 on adjacent 159.2 acres and Lic. 43-2585 covering storage for 20 acres in SW¼ NW¼ Sec. 17, T15S., R.28E., B.M.

- Who owns the property at the point of diversion? Applicant U.S. Forest
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Existing easements

12. Remarks: This application is for development already in place and is being made to insure that the benefits of subordination per the Swzen Falls Agreement are obtained. Note that the storage dam was constructed in 1946 and no additional capacity is being requested under this application however the storage is used to supplement the above described lands as well as those covered under claim 43-4085.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Shary Rummel
(Applicant)

Received by ADM Date 6/28/85 Time 4:45 p.m. Proposed Priority Y
Fee \$ 85.00 Receipted by ADM # 36658 Date 6/28/85
Publication prepared by M. Baldwin Date 3/5/87 Published in South Id. Press Id. Sta
Times News Remington
Publication approved M. Baldwin Date 4/13/87

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of
Idaho No. 43-7216, and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before
June 1, 19 88.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.

The storage of water under this permit is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

Witness my hand this 26th day of May, 1987.

J. Glen Saxton
Chief, Operations Bureau