

09/19/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-10059

NAME AND ADDRESS: ONA N GUNNELL
BOX 615
MALTA ID 83342

FRANCIS P GUNNELL
BOX 615
MALTA ID 83342

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/01/1978

POINT OF
DIVERSION:

T13S R26E S1 NWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC

PERIOD OF USE
1/01 12/31

QUANTITY
0.040 CFS

PLACE OF USE: DOMESTIC Within CASSIA County

T13S R26E S01 NWSW

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 IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PARCEL NO. RP000120010100



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 26, 2001

RE: Water Rights in Reporting Area 7, Basin 43
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right(s) in Basin 43 for the Raft River drainage basin. We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note that you have 120 days in which to review your water rights or those of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouses in American Falls, Burley, and Malad City, and at all the Idaho Department of Water Resources offices (see addresses in enclosures).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed next year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

NOTICE OF FILING OF DIRECTOR'S REPORT FOR IDWR REPORTING AREA 7, BASIN 43 FOR IRRIGATION AND OTHER WATER RIGHTS

The Director of the Idaho Department of Water Resources (IDWR) has filed with the Snake River Basin Adjudication (SRBA) District Court the Director's Report for irrigation and other water rights in IDWR Reporting Area 7, Basin 43. A map of the area covered by this Director's Report is attached to this Notice. This Director's Report contains the Director's recommendation to the SRBA court as to how each of your claimed water rights should be decreed in the SRBA.

This Director's Report includes claims for irrigation and other uses, including some small domestic and stock water uses. The Director's Report for most small domestic and stockwater rights for IDWR Basin 43 was sent to the SRBA court and individual water users on March 2, 1998. Some small domestic and stockwater claims were withheld from the earlier report. If a claim for small domestic and stockwater was withheld from the 1998 report, it is reported in this Director's Report.

Included with this Notice is the Director's recommendation for your water rights claimed in the SRBA not previously recommended in the small domestic and stockwater report. IDWR is providing individual reports like this one to all claimants of irrigation and other water rights in your area. A complete copy of the Director's Report, listing all of these irrigation and other rights claimed under state law and "dual based" claims by the federal government, is available at the SRBA courthouse in Twin Falls and the locations listed on the third and fourth pages of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT

The description of your right which is enclosed is only the Director's recommendation to the SRBA Court on your water right. The Court will decide how it will decree your water right. You are free to agree or disagree with the Director's recommendation. If you agree with the Director's recommendation you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendation, you need to file an objection as described below.

INSTRUCTIONS FOR REVIEWING THE WATER RIGHTS OF OTHERS

The complete Director's Report contains recommendations to the SRBA Court on your water right and all other irrigation and other rights in your area. The Court will decide how it will decree all water rights. The Director's recommendations in the full report are listed in two sections of the report:

- 1) **List of Recommended Water Rights** -- Water right recommendations are listed numerically by water right number.
- 2) **List of Claims Recommended to Be Disallowed** -- Water rights recommended to be disallowed are listed numerically by

water right number. A short statement of the reason for IDWR's recommendation for disallowance is provided.

Also included in the complete Director's Report are descriptions of the United States' claims under federal law that have also been claimed under a state law basis. These are called "dual based" claims. The Director does not investigate the federal portion of these claims and makes no recommendation whether they should be granted or not.

If you want to review someone else's water right you need to look at the complete Director's Report, which is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

What if a water right is not in this report? What if a water right claim is filed late? How do I get notice of IDWR's recommendation for a late claim?

A water right for Basin 43 may not be included in this Director's Report if it was not filed in time for IDWR to investigate and report. These water rights will be reported at a later time in IDWR's *Director's Report for Late Claims*. This report may include recommendations for Basin 43 as well as other basins. This report is issued once per year, usually in February. It is the responsibility of all parties to check with the SRBA court or IDWR to see when this report is filed. It is also the responsibility of all parties to check this report carefully for water rights that they want to object to. No special notice will be sent to you.

INSTRUCTIONS FOR TAKING A WATER RIGHT CLAIM TO COURT

What do I do if I disagree with a recommendation?

If you disagree with any element of the recommendation for your water right or anyone else's water right and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA Web Site at www.srba.state.id.us.

Your **objection** must be received by the SRBA Court on or before **February 8, 2002**.

What do I do if someone else objects to my water right recommendation?

If someone files an objection to your water right, or anyone else's water right, you may file a response to that objection. Responses to objections must be made on the standard response form available from any IDWR office or from the SRBA Court. You may also download a copy of the response form from the SRBA Web Site at www.srba.state.id.us.

Your **response** must be received by the SRBA Court on or before **April 12, 2002**.

What do I do if I want to participate in the court case on someone else's water right?

If you want to be involved in the court case on any water right in the Director's Report, you must file either an objection or a response by the dates listed above.

What happens if there are no objections to a water right?

After the deadline for filing objections, IDWR will file a list of all water right recommendations with no objections. The SRBA Court will hear the uncontested recommendations on **June 18, 2002, at 1:30 P.M.** at the **SRBA Courthouse**. Partial decrees will be issued following this hearing.

How will I know about the proceedings on water right recommendations to which objections were filed?

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations.

Additional information regarding water right claims can be found on the SRBA Web Site at www.srba.state.id.us.

Note: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50. The Docket Sheet is also available on the SRBA Web Site at www.srba.state.id.us.

CHANGES OF ADDRESS OR OWNERSHIP DURING THE SRBA COURT CASE

You must contact your regional IDWR office with your address change or if the ownership of your water right changes. Failure to notify IDWR may result in the loss of your water rights.

ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are available at the IDWR Southern Region office in Twin Falls. You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you.

**Snake River Basin Adjudication
District Court**
253 Third Avenue North
P.O Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011

Idaho Department of Water Resources
1301 North Orchard
Box 83720
Boise, Idaho 83720-0098
(208) 327-7906
(800) 451-4129

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

Idaho Department of Water Resources
Southern Region
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380
(208) 736-3033

Idaho Department of Water Resources
Attn: Greg Taylor
1118 F. Street
Lewiston, ID 83501
(208) 743-0301

Cassia County Courthouse
1459 Overland Ave.
Burley, Idaho 83318

Power County Courthouse
543 Bannock St.
American Falls, Idaho 83211

Idaho Department of Water Resources
Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 765-1450

Idaho Department of Water Resources
Eastern Region
900 North Skyline, Suite A
Idaho Falls, Idaho 83402-3653
(208) 525-7161

Idaho Department of Water Resources
15 W. Center Street
Soda Springs, ID 83276
(208) 547-3993

Oneida County Courthouse
10 Court St.
Malad, Idaho 83252

DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

RIGHT NUMBER: Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 43.

NAME AND ADDRESS: Your name and address should appear here. IDWR will use the most recent name and address in their records for the water right.

SOURCE: The name and/or type of the source where you divert your water. For example: "groundwater," "unnamed spring," "Common Creek."

QUANTITY: The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY).

PRIORITY DATE: The date used to determine the priority of your right in relation to other rights using water from the same source.

POINT OF DIVERSION: The legal location where you divert water from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

PURPOSE OF USE: The general category of the type of use you can make of your water. Typical purposes of use include irrigation, domestic, and stock watering.

PERIOD OF USE: The period of time during the year when you can use the water for your right.

PLACE OF USE: The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

BASIS OF CLAIM: The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, permit.

DUAL BASED CLAIMS: In some cases, the federal government has claimed one right under two theories: a state basis and a federal law basis. Both theories will be reported on one form for that single water right. In most cases, the priority dates are different and will be listed separately. The federal law basis is separately indicated in a box such as this:

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*****
*                                     *
*                                     *
*****
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IDWR does not investigate or make recommendations regarding federal law based claims.

BASIN 43 GENERAL PROVISIONS

The Director of the Idaho Department of Water Resources recommends to the Snake River Basin Adjudication District Court that the following general provisions be included in the decree determining rights to water from Basin 43.

1. The following water rights from the following sources of water in Basin 43 shall be administered separately from all other water rights in Basin 43 in accordance with the prior appropriation doctrine as established by Idaho law:

See Attachment A

2. The following water rights from the following sources of water in Basin 43 shall be administered separately from all other water rights in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law:

Water Right No.

Source

None

None

3. Except as otherwise specified above, all other water rights within Basin 43 will be administered as connected sources of water in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

Attachment A

Graham Creek and Tributaries

43-10

Grape Creek and Tributaries

43-402	43-403A	43-404	43-405	43-406
43-407	43-2215	43-2247	43-13026	

Stines Creek and Tributaries

43-11	43-12	43-14	43-10013	43-13024
43-13025	43-13106	43-13107		

Almo Creek and Tributaries (except Stines Creek, Grape Creek and Graham Creek)

43-375	43-376	43-379	43-380A	43-380B
43-381	43-382	43-383	43-384	43-385
43-386	43-419	43-2148	43-2186	43-2232A
43-2594	43-10356	43-10545	43-10797	43-10823
43-11198	43-11207	43-11208	43-11227	43-13106
43-13107				

Clear Creek and Tributaries

43-37	43-43	43-45	43-84	43-85
43-116	43-117	43-118	43-119	43-206
43-286A	43-286B	43-286D	43-286E	43-314
43-347	43-415B	43-10116	43-10813	43-10814
43-10824	43-11201	43-13119	43-13120	

Cassia Creek and Tributaries

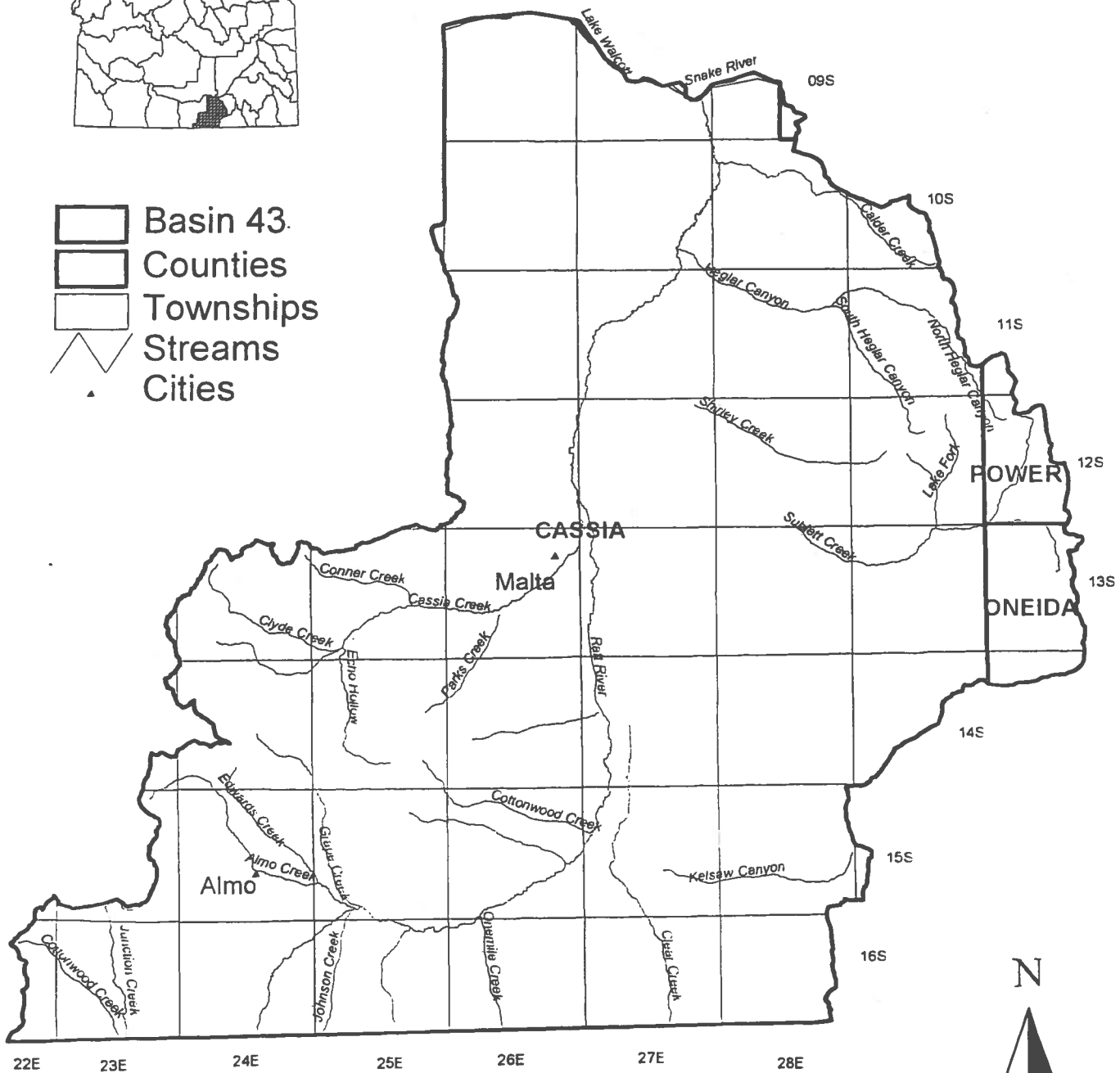
43-31	43-51	43-52	43-53	43-62
43-63	43-64	43-65	43-66	43-67
43-68	43-70A	43-70B	43-71A	43-71B
43-72	43-73A	43-73B	43-74A	43-74B
43-80	43-86	43-87	43-88	43-91
43-92	43-93	43-94	43-95	43-96B

43-99C	43-100C	43-101C	43-102C	43-103B
	43-104B	43-105	43-106	43-107
43-113	43-114	43-115	43-124	43-125
43-135	43-136	43-139	43-140	43-144A
43-144B	43-145	43-146A	43-146B	43-147A
43-147B	43-149	43-150	43-151A	43-151B
43-152	43-153A	43-153B	43-154	43-155
43-156	43-158	43-159	43-160	43-186
43-187	43-190	43-193	43-194	43-195
43-205	43-208	43-209	43-213	43-214
43-217	43-218	43-219	43-220	43-221
43-228	43-230	43-231	43-232A	43-233
43-236	43-238	43-239A	43-239B	43-240A
43-240B	43-242	43-243	43-244A	43-244B
43-245A	43-245B	43-246	43-247	43-248
43-249	43-250	43-251A	43-263	43-264
43-266	43-267	43-268	43-269	43-271
43-272	43-273	43-274	43-275	43-276
43-277	43-283	43-284	43-285	43-288
43-289	43-290	43-291	43-292	43-293A
43-294	43-295	43-296A	43-296B	43-297A
43-297B	43-298B	43-299B	43-300	43-301
43-302	43-319	43-320	43-321	43-323A
43-323B	43-323C	43-328	43-329	43-330
43-331	43-332	43-333	43-334	43-335
43-338	43-339	43-340	43-341	43-342
43-344	43-345	43-346	43-353	43-361
43-361A	43-366	43-369A	43-370	43-408
43-411	43-412	43-413	43-441	43-473B
43-476	43-2002	43-2060	43-2271	43-4082
43-4115	43-4191	43-4232	43-4240	43-7139
43-10259	43-10261	43-10268	43-10277	43-10279
43-10547	43-10564	43-10591	43-10592	43-10618
43-10631	43-10793	43-10815	43-10816	43-10817
43-10818	43-11135	43-11136	43-11137	43-11138
43-11142	43-11202	43-11221	43-11223	43-11234
43-11239	43-11240	43-11263	43-11275	43-11276
43-11277	43-11278	43-11279	43-11280	43-11281
43-11282	43-11293	43-11298	43-12913	43-12948
43-12949	43-12951	43-12968	43-12969	43-12970
43-12971	43-12972	43-12973	43-12992	43-12994
43-13031	43-13032	43-13127		

Basin 43



-  Basin 43
-  Counties
-  Townships
-  Streams
-  Cities



5 0 5 10 15 Miles



**NOTICE OF FILING
FEDERAL RESERVED RIGHTS CLAIMS
IN BASIN 43**

INTRODUCTION

The United States of America (USA) has filed with the Snake River Basin Adjudication (SRBA) District Court claim 43-11113 to a federal reserved right in Basin 43.

Complete copies of the claim to a federal reserved right in Basin 43 are available at the SRBA courthouse in Twin Falls and the locations listed at the end of this notice. You may review the claim to a federal reserved right at those locations. Copies of the claim can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR TAKING A CLAIM TO COURT

What do I do if I disagree with a federal reserved water right claim?

If you disagree with any element of the claim to a federal reserved water right in Basin 43 and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA Web Site at www.srba.state.id.us.

Your **objection** to the federal reserved water right in Basin 43 must be **received** by the SRBA Court on or before **February 8, 2002**.

What do I do if I want to participate in the court case on a claim to a federal reserved right?

If you want to be involved in the court case on the claim to a federal reserved right, you must file either an objection or a response by the dates provided in this notice. You may also download a copy of the response form from the SRBA Web Site at www.srba.state.id.us.

Your **responses** must be **received** by the SRBA Court on or before **April 12, 2002**.

What happens if there are no objections to the federal reserved water right claim?

An evidentiary hearing on the uncontested federal reserved water right in Basin 43 will be held. Partial decrees will be issued following this hearing.

How will I know about the proceedings on claims to federal reserved water rights to which objections were filed?

A notice will be mailed to you for court dates on those claims where you filed an objection or a response. You will not receive notice of court dates on any other claims to federal reserved rights for which you did not file an objection or response.

Additional information regarding federal reserved water right claims can be found on the SRBA Web Site at www.srba.state.id.us.

Note: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50. The Docket Sheet is also available on the SRBA Web Site at www.srba.state.id.us.

ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office. You may also want to consider contacting an attorney to assist you if you have questions regarding water rights claimed under federal law.

LOCATION OF COPIES OF FEDERAL CLAIMS IN BASIN 43 FOR REVIEW

Snake River Basin Adjudication

District Court

253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011

Idaho Department of Water Resources

1301 North Orchard
Box 83720
Boise, Idaho 83720-0098
(208) 327-7906
(800) 451-4129

Idaho Department of Water Resources

Western Region

2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

Idaho Department of Water Resources

Northern Region

1910 Northwest Blvd., Suite 210
Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Idaho Department of Water Resources

Southern Region

1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380
(208) 736-3033

Idaho Department of Water Resources

Eastern Region

900 North Skyline, Suite A
Idaho Falls, Idaho 83402-1718
(208) 525-7161

Idaho Department of Water Resources

Attn: Greg Taylor
1118 F. Street
Lewiston, Idaho 83501
(208) 743-0301

Idaho Department of Water Resources

15 W. Center Street
Soda Springs, Idaho 83276
(208) 547-3993

Cassia County Courthouse

1459 Overland Ave.
Burley, Idaho 83318

Oneida County Courthouse

10 Court St.
Malad, Idaho 83252

Power County Courthouse

543 Bannock St.
American Falls, Idaho 83211

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Tulase, ID 83720-0098



RECEIVED
OCT 5 - 2001

Department of Water Resources



AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-18-1997

PAGE: A-30

RIGHT NUMBER:

43-10059

NAME & ADDRESS:

FRANCIS P GUNNELL
ONA N GUNNELL
BOX 615
MALTA ID 83342

SOURCE:

GROUNDWATER

QUANTITY:

0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE:

06/01/1978

POINT OF DIVERSION:

T13S R26E S01

NWSW

Within CASSIA County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
DOMESTIC 1 HOME

PERIOD OF USE
01-01 12-31

QUANTITY
0.04 CFS

PLACE OF USE:

DOMESTIC
T13S R26E S01

Within CASSIA County
NWSW

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

PARCEL NO. RP000120010100

Claim proofread by:

KT

Date:

9-4

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-8-1997

PAGE: A-34

RIGHT NUMBER: 43-10059

NAME & ADDRESS: FRANCIS P GUNNELL
ONA N GUNNELL
BOX 615
MALTA ID 83342

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

PRIORITY DATE: 06/01/1978

POINT OF DIVERSION: T13S R26E S01 NWSW Within CASSIA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC DOMESTIC, 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within CASSIA County
T13S R26E S01 NWSW

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

PARCEL NO. RP000120010100

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

Claim data entry by: KS T

Date: 8/13/97

Data entry verified by: [Signature]

Date: 8-15-97

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: A43-10059
Date Received: 3/22/1989
Receipt No: 5006626
Received By: R. V. M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANCIS P. GUNNELL 208-645-2469
Address: BOX 615
MALTA, ID 83342

AND/OR

Name: ONA N. GUNNELL 208-645-2469
Address: BOX 615
MALTA, ID 83342

2. Date of Priority: JUN 01, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	26E	1	NW	SW			CASSIA

5. Description of diverting works:
8" X 108' WELL, 3/4 HP PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	26E	1	NW SW		DOMEST	

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:

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): *Francis R. Hummel* Date: *3/22/89*

Date: _____

State of Idaho)
County of *Twin Falls*) SS.

Subscribed and sworn (or affirmed) before me this *22nd* day
of *March* 19 *89*

Robert V. Horatell
Notary Public

Seal

Residing at *Twin Falls, Idaho*
My Commission Expires *1/16/1995*

A43-10059

Page 2

Date: 03/22/89

MICROFILMED

MAR 05 1993

WATER RIGHT NUMBER - A43-10059
PREFIX TRANSLATION: ADJUDICATION CLAIM
OLD (C) NUMBER -

[illegible]

*** C - CURRENT OWNER ***
GUNNELL

FRANCIS P.

1 - BOX 615

12

12

CITY- MALTA

PHONE - 208-645-2469

1 - BOX 615

21

3

CITY- MALTA

PHONE - 208-645-2469

STATE- ID ZIP- 83342

STATE- ID 7TP- 83342

GUNNELL

2
4
2
2

```

+ - - PRIORITY DATE - - + + - - REGION - - + - - STAGE - - + - - STATUS - - +
06/01/1978
ERROR IN REGION
J - BENEFICIAL USE

```

[illegible]

GROUNDWATER

[illegible]

13S	26E	1	NW SW	(E1)	CASSIA

[illegible]

43 - DOMESTIC

01/01

12/31

0.040

[illegible]

0.040

TWN	RNG	SEC	TRACT	LOT	ACRES	PLACE	OF USE	DESCRIPTION	COUNTY
-----	-----	-----	-------	-----	-------	-------	--------	-------------	--------

135	26E	1	NW SW	43	DOMESTIC
135	26E	1	NW SW	43	DOMESTIC

+ - - DIVERSION MEANS - 8" X 103' WELL, 3/4 HP PUMP.

+ - - NON-IRRIGATION USE - D/L HOUSE.

+ - - OTHER RIGHTS FOR SAME USE - NONE

[illegible]

NO OLD WATER RIGHT NUMBERS FOUND.

```

+-----+-----+-----+-----+-----+-----+-----+-----+-----+
- - - - - CONDITIONS OF APPROVAL - - - - -
+-----+-----+-----+-----+-----+-----+-----+-----+-----+
- - - - - NO CONDITIONS OF APPROVAL FOUND - - - - -
+-----+-----+-----+-----+-----+-----+-----+-----+-----+

```

MICROFILMED

১৯৮৩



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 22, 2001

ATTN LYLE A LAWTON
CONSTRUCTION INC
139 E SOUTH TEMPLE #310
SALT LAKE CITY UT 84111

RE: SRBA Claim(s) 43-10059

Dear Mr. Lawton:

Thank you for submitting the Notice of Change in Water Right Ownership for the above adjudication claim. The deeds submitted with the Notice of Change in Water Right Ownership form, however, do not convey the property appurtenant to claim 43-10059. The deeds describe property in township 15 south, while the land described in the claim is located in township 13 south. Since the deeds submitted do not prove Construction Inc. owns this property, our records cannot be changed.

I am returning your original Notice of Change in Water Right Ownership form. If you have a deed that does convey the property in township 13 south, please send it and along with the signed ownership change form to me and I will make the changes to our records. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

Form 42-242/43-1409(6) July, 2000

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

RECEIVED
JUN 18 2001
 Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>43-10059</u>	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Francis P. Gunnell
4. New Owner/Claimant(s) Construction, Inc.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 139 E. South Temple #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

Form 42-20042-1409(6) July, 2000

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) CONSTRUCTION, INC.
 (include title if applicable) By: Christopher F. Robinson, President

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

#32741

268936

For Value Received

LELAND P. GUNNELL and EDITH GUNNELL, husband and wife

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

BEAVER CREEK INVESTMENTS, L.C., a Utah limited liability company
Address: 139 East South Temple, Suite 310
Salt Lake City, Utah 84111

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

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 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, 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.

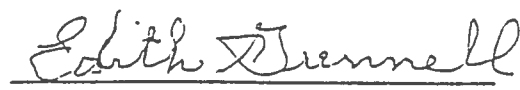
Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Leland Gunnell and Edith Gunnell, Consumer, dated March 25, 1999 and recorded April 12, 1999 as Instrument No. 262066, records of Cassia County, Idaho.

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

23


Leland P. Gunnell


Edith Gunnell

STATE OF UTAH

COUNTY OF

Cache

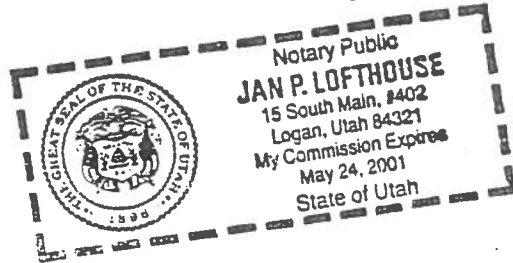
)
) ss.
)

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

Jan P. Lofthouse
Notary Public

Residing at: ~~Burien, ID~~ *Logan, UT*

My Commission expires: ~~6-22-03~~ *May 24, 2001*



RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

'00 JULY 1 PM 1 40

FEE *7.00* DEPUTY *JPM*

269911

269911

SPECIAL WARRANTY DEEDCASSIA COUNTY, IDAHO
DARRELL H. ROCKELLEY REC1071
RECORDERFEE 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
RECEIVED AT THE REQUEST OF
LAND TITLE & ESCROW

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

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**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 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.

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Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Leland Gunnell and Edith Gunnell, Consumer, dated March 25, 1999 and recorded April 12, 1999 as Instrument No. 262066, records of Cassia County, Idaho, covering the SE¼NW¼ of Section 17, Township 15 South, Range 28 East of the Boise Meridian.

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

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

Dated: June 26, 2000

BEAVER CREEK INVESTMENTS, L.C.

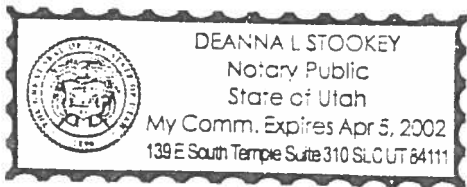
BY: Christopher F. Robinson
CHRISTOPHER F. ROBINSON, Manager

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

BY: Victoria A. Robinson
VICTORIA A. 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: 4-5-03

CONSTRUCTION INCORPORATED

139 EAST SOUTH TEMPLE, SUITE 310

SALT LAKE CITY, UTAH 84111

(801) 328-1600

June 13, 2001

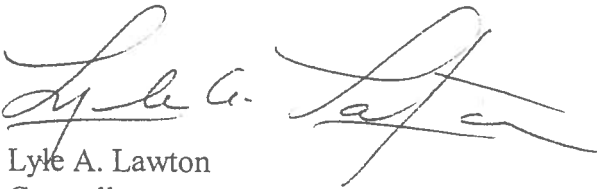
RECEIVED
JUN 18 2001
Department of Water Resources
Southern Region

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

Enclosed please find a "NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP" signed by Christopher F. Robinson as President of Construction, Inc. along with copies of the warranty deed from Leland P. Gunnell and Edith Gunnell to Beaver Creek Investments, L.C. and the special warranty from Beaver Creek Investments, L.C. to Construction, Inc. transferring the underlying property to the ceuuren owner, Construction, Inc.

If you have any questions, please contact me at the above address or telephone number.

Sincerely,



Lyle A. Lawton
Controller



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 29, 2001

Francis P. Gunnell
3053 W 6800 S
Wellsville, Ut 84339

RE: Snake River Basin Adjudication (SRBA)
Claim No.: 43-10059

Dear Mr. Gunnell:

The enclosed documents were returned to us by the post office in Malta with the new address information noted above. If you still own the property associated with this water right, please complete and return the Change of Address form provided in this packet, so that all subsequent information regarding this claim will be sent to the proper address.

If you no longer own this property, the Department would appreciate your informing the current owner (if known to you) that the Department of Water Resources has not yet been advised of any change of water right ownership, and that it is the new owner's responsibility to inform the Department of any such changes.

Lacking any updated information, all future correspondence will continue to be sent to the address of record in Malta.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent

Dept. of Water Resources
Adjudication Bureau
P.O. Box 83720
Phoenix, ID 83720-0098

ADDRESS SERVICE
REQUESTED



RECEIVED

MAY 22 2001

Department of Water Resources

GUNN612 833422221 1200 04 05/20/01
FORWARD TIME EXP RTN TO SEND
GUNNELL
3053 W 6800 S
WELLSVILLE UT 84339-9334
RETURN TO SENDER

Gunn 612

43-10059
FRANCIS P GUNNELL
BOX 615
MALTA, ID-83342

RECEIVED

MAY 25 2001

Department of Water Resources
Southern Region

*Delivered May 25
Director's*

Francis P Gunnell