



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

December 20, 1995

Craig Hobdey
PO Box 176
Gooding, ID 83330-0176

RE: Gunning Dairy

Dear Mr. Hobdey:

In response to your letter dated December 4th I was able to query our database for water rights in the NE $\frac{1}{4}$, Section 34, Twp.7S, Rge.15E, B.M. near Wendell and found that there was at one time a proposal for splitting a permit to allow for the development of a dairy by F.F. Gunning. The amendment of permit 36-08252A was filed in December of 1994 and was protested by the City of Wendell. In early 1995 the department conducted review of the permit for licensing purposes and determined that the permit was never developed so the permit was voided which on June 22, 1995 resulted in denial of the proposed amendment. No hearing was ever held regarding the city's protest.

Additionally there is a recommended right in the SRBA for a domestic well in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, Twp.07S, Rge.15E, B.M. This right is numbered 36-10815 but only appears to be for household use. Please find enclosed a printout of this record.

Please also note that on August 24, 1995 a drilling permit was issued to Andrew Gunning for a domestic well in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, Twp.07S, Rge.15E, B.M. Please find enclosed a copy of this drilling permit.

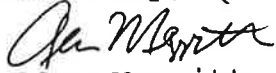
As my November 29th letter to you explained, domestic wells are exempt from the water right permit requirement but are limited to those uses which fit the definition of Domestic use found in §42-111, Idaho Code. No water right exists for development of a large dairy at the above describe location other than the limited use which may be served under the domestic definition.

By copy of this letter and my November 29th letter I will inform the Gunnings of our correspondence. Additionally I will have one of our agents inspect the new well.

If you have further questions or further comment please feel free

to contact our office.

Sincerely, c

A handwritten signature in cursive script, appearing to read "Allen Merritt".

Allen Merritt, PE
Southern Region Manager

CC: ✓ Andrew Gunning
F. F. Gunning

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

JUN 29 1995

Department of Water Resources
Southern Region

IN THE MATTER OF APPLICATION)
FOR AMENDMENT OF PERMIT NO.)
36-08252A IN THE NAME OF)
F. F. GUNNING)

ORDER DENYING APPLICATION
FOR AMENDMENT OF PERMIT

This matter having come before the Department of Water Resources (Department) as a result of an Application for Amendment of a Permit, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On December 29, 1994, F. F. Gunning and G. C. Gunning (permit holders) applied to amend Permit No. 36-08252A to change the point of diversion, place of use, and nature of use of the permit.

2. On April 3, 1995, the Department issued a Preliminary Order Voiding Permit No. 36-08252A.

3. The Department received no petition for reconsideration of the Preliminary Order Voiding Permit No. 36-08252A within fourteen (14) days of the issuance of the order.

CONCLUSIONS OF LAW

1. Under the provisions of Section 67-5245, Idaho Code, the Preliminary Order Voiding Permit No. 36-08252A has become final and Permit No. 36-08252A is void.

36-08252A

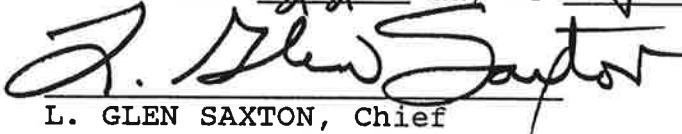
2. Under the provisions of Section 42-211, Idaho Code, the Department may reject an application for amendment of a permit.

3. The application to amend Permit No. 36-08252A submitted by F. F. Gunning and G. C. Gunning should be rejected.

ORDER

IT IS HEREBY ORDERED that the application to amend Permit No. 36-08252A submitted by F. F. Gunning and G. C. Gunning is **REJECTED** pursuant to Section 42-211, Idaho Code.

Dated this 22nd day of June, 1995.


L. GLEN SAXTON, Chief
Water Allocation Bureau

JUN 21 1995

TO: Allen Merritt

DATE: June 19, 1995

FROM: Jim Stanton

SUBJECT: App. for Amendment 36-08252A, FF & GC Gunning

Today Shelley Keen called about this protested amendment. He stated that the underlying permit has been cancelled, and asked if we would forward the amendment to Boise for denial. I said I would give this to you for consideration. If you don't want to forward the file at this time, please let Shelley know.

INTER-DEPARTMENT MEMO

TO: Shelly Keen

SUBJECT: _____

FROM: Allen MerrittDATE: 6/20/95

36-08252A
For your phone conversation with Jim Stanton,
I am sending you this file. Please issue a
denial of the amendment & also inform the
protestant of the action.

Thanks.

() For your information

() Response required

Allen
signature

RECEIVED

 Receipt No. 5017647
 Received By MTS
 Date 12-29-94

DEC 29 1994

 STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

 Department of Water Resources
 Southern Region Of:

APPLICATION FOR AMENDMENT OF A PERMIT

Applicant F.F. Gunning and/or G.C. Gunning Phone 853-5556Address P.O. Box 821; Wendell, ID 83355
 I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 36-08252A, and request that the permit and permit map be amended and/or changed as follows:

 Purpose of Amendment: ☒ Change point of diversion ☐ Add point of diversion
☒ Change place of use ☒ Change nature of use ☒ Change period of use Split Other

 1. Point of diversion: SW 1/4 NE 1/4 NE 1/4, Section 34, Township 7S, Range 15E, B.M.,
 County of Gooding. Other points of diversion

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

 Amount .02/3.2 cfs for Commercial purposes from 1-1 to 12-31 (both dates inclusive)
 (cfs or acre feet per annum) (water use) (Begin month) (End month)

 Amount .18 cfs/34.4 cfs for Stockwater purposes from 1-1 to 12-31 (both dates inclusive)
 (cfs or acre feet per annum) (water use) (Begin month) (End month)

 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre feet per annum) (water use) (Begin month) (End month)

3. Place of use or land to be irrigated:

T w p	R g e	S e c	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	15E	34	C/S																

Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? Loan Credit
- b. Who owns the land to be irrigated at the place of use? " "
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: See attached Earnest Money Agreement dated 10-27-94

 Note: See attached Dairy Water System Design dated 12-23-94

Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)

Scale: 2 inches equal 1 mile

Signed this 29 day of Dec, 1994

Permit Holder

Preliminary check by J.F. Stanton Publication prepared by MB Date 1/19/95

Published in Gooding Co. Leader Publication dates 2/1 & 2/18/95

I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 19_____

SIGNATURE

8.0
HEL

568
71.2

2.4
786
75
105
E

4.8
HEL

700
T-951
34
35

2
33.8

2
CORR. 15
HEL

3
62
HEL

3
10.8
HEL

4
13.5
HEL

T-1131

2
11.4
HEL

1572
T-959
1
19.2
HEL

3
0.2

Proposed Split tree

36-08252 A

Div. rate: .38 cfs.

P/D: 7S, 15E, S24, SESE

S25, SWNE.

P/U: 7S, 15E, S24, SENE - 14 ac.

SWSW - 1 ac.

NWSE - 4 ac.

36-08252 G

Div. rate: .18 cfs.

P/D: 7S, 15E, S24, SESE

S25, SWNE

P/U: 7S, 15E, S24, SENE - 4 ac

SWSW - 1 ac

NWSE - 4 ac

36-08252 H

Div. rate: Commercial = .02 cfs.

Stockwater = .18 cfs.

P/D: 7S, 15E, S34, SWNE NE

P/U: 7S, 15E, S34, NE NE - Stockwater
Commercial

E. NARRATIVE/REMARKS/COMMENTS

Yesterday I called the ASCS office in Gooding. They stated that their 1994 Flight showed that the land under this permit is not irrigated.

Today I called the Gooding County assessor, and was told that permitted land is under control of the Idaho Dept. of Lands.

I then called the Idaho Dept. of Lands in Gooding. They confirmed that this is state land and that it is not irrigated.

Permit holders are in Arizona for the winter, so can't be reached by phone.

There is a pending application for amendment of this permit that proposes to convert a portion of the permit to dairy use. There is therefore some urgency in clarifying the status of this permit. The above evidence clearly indicates that there is presently no development under this permit. The permit should be cancelled and the pending amendment should be denied. I am placing a copy of this exam in the amendment file.

Have conditions of permit approval been met? ☐ yes ☐ no

F. AUTHENTICATION

Field Examiner's Name J E Stanton Date 1-19-95

Reviewer _____ Date _____

SEAL

36-08252A

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE
STATE OF IDAHO

RECEIVED

APR 06 1995

Department of Water Resources
Southern Region

IN THE MATTER OF PERMIT)
)
NO. 36-08252A IN THE NAME)
)
OF F. F. GUNNING)
)
_____)

PRELIMINARY ORDER
VOIDING PERMIT

This matter having come before the Department of Water Resources (Department) a result of an examination by the Department to determine the extent of beneficial use of water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On October 17, 1984, F. F. Gunning applied to the Department for a permit to appropriate 2.40 cubic feet per second of ground water within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, and the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, Twp. 07S, Rge. 15E, B.M., Gooding County, to be used for the purpose of irrigation.

2. On August 16, 1990, the Department approved the Application for Permit.

3. On May 3, 1994, the Department received an Assignment of Permit removing a portion of the original permit and splitting the water right.

4. On September 28, 1994, the Department received Proof of Beneficial use for part A of the permit.

36-08252A

5. On January 4, 1995, the department conducted a field examination in which the examiner found that water had not been diverted and put to a beneficial use.

6. The provisions of Section 42-219, Idaho Code, authorize the Director of Water Resources to void permits for which the applicant has not fully complied with the law and the conditions of the permit.

CONCLUSIONS OF LAW

1. Section 42-219, Idaho Code, states:

In the event that the Department shall find that the applicant has not fully complied with the law and the conditions of the permit, it may issue a license for that portion of use which is in accordance with the permit, or may refuse issuance of a license and void the permit.

2. Permit No. 36-08252A required diversion of the water and application to the beneficial use authorized by the permit.

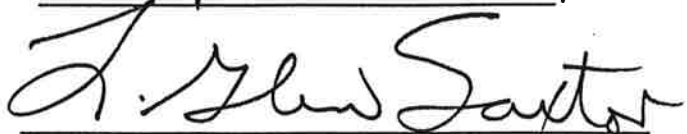
3. Examination by the Department revealed that water has not been applied to a beneficial use as required by the permit and by Section 42-219, Idaho Code.

4. The Department should void the permit as authorized in Section 42-219, Idaho Code.

ORDER

IT IS HEREBY ORDERED that Permit No. 36-08252A is VOIDED and issuance of a license thereon is REFUSED under Section 42-219, Idaho Code.

Dated this 3rd day of April, 1995.



L. GLEN SAXTON
Chief, Water Allocation Bureau

Date Sent to S.O. JAN 19 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 36-08252A

1. Owner: FF Gunning Phone No. 536-6370

Current Address: PO Box 716, Wendell, ID 83355

2. Accompanied by: - EXAM DATE: 1-4-95

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: None tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

36-08252A

E. NARRATIVE/REMARKS/COMMENTS

Yesterday I called the ASCS office in Gooding. They stated that their 1994 Flight showed that the land under this permit is not irrigated.

Today I called the Gooding County assessor, and was told that permitted land is under control of the Idaho Dept. of Lands. I then called the Idaho Dept. of Lands in Gooding. They confirmed that this is state land and that it is not irrigated.

Permit holders are in Arizona for the winter, so can't be reached by phone.

There is a pending application for amendment of this permit that proposes to convert a portion of the permit to dairy use. There is therefore some urgency in clarifying the status of this permit. The above evidence clearly indicates that there is presently no development under this permit. The permit should be cancelled and the pending amendment should be denied. I am placing a copy of this exam in the amendment file.

Have conditions of permit approval been met? ☐ yes ☐ no

F. FLOW CALCULATIONS

Measured Method:

_____ Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>None</u>	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			_____	_____

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

I. AUTHENTICATIONField Examiner's Name J E Stanton Date 1-19-95

Reviewer _____ Date _____

SEAL



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 28, 1994

FF GUNNING / GC GUNNING
P O BOX 716
WENDELL ID 83355

15 OCT 11 1994

NOV 01 1994

PROOF ACKNOWLEDGEMENT LETTER

Department of Water Resources
Southern Region Office

RE: PERMIT NO. 36-08252A

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls, at (208) 736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

SEP 28 1994

Department of Water Resources
Southern Region OfficeSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 36-08252A Telephone No. 536-63902. Name(s) of Permit Holder(s): FF Gunning - G.C. Gunning3. Mailing Address: P.O. Box 716, Wendell, ID 833554. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____a. Well Driller: Unknown Drilling Permit Number: ____ - ____ - ____

b. OPTIONAL:

Pump Horsepower: ____ Pressure (psi): ____ Dynamic pumping level (ft): ____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): ____ Stockwater (No. and type of stock): ____

Irrigation (No. of acres): 19 Other: ____6. Total rate of diversion and/or volume for which proof is submitted: .38 cfs OR ____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes ____ or No ✓

Has the measuring device been installed?

Yes ____ or No ✓

Flow Measurement Port: Is a flow measurement port required?

Yes ____ or No ✓

Has the measurement port been installed?

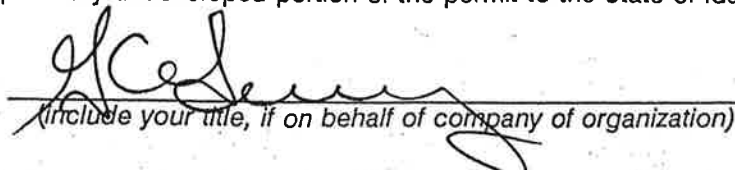
Yes ____ or No ✓8. Fee Enclosed: \$ 100 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: G.C. Gunning Telephone Number: 536-6390Address: same as above

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder:



(include your title, if on behalf of company or organization)

Date: 9-28-94



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 13, 1992

RECEIVED

AUG 17 1992

Department of Water Resources
Southern Region Office

F. F. Gunning
P.O. Box 716
Wendell, ID 83355

Re: Permit No. 36-08252

Dear Permit Holder:

Enclosed is a copy of your approved Request for Extension of Time submitted in connection with the above referenced permit. The time within which to submit proof of beneficial use is extended to October 1, 1994.

Please note that the department has granted this extension based upon governmental agency delay. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson

Karen L. Gustafson
Secretary/Records Manager

Enclosure

c: IDWR-Regional Office

36-8252

RECEIVED

MAY 06 1994

MAY 03 1994

ASSIGNMENT OF PERMIT

To change the ownership of a permit

De. Resources
Southern Region Office

I, F.F. Gunning, hereby assign to Mike Branchflower
 of PO Box 392, Wendell, ID 83355
(Permit Holder)
(Full Address)

All my right, title, and interest in and to Permit No. _____
 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
 Permit No. 36-08252 to appropriate the public waters of the State of Idaho.

(Part B)

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.

2.02 cfs (101") of water from the following:

75, 15E, 524, SWNE - 3 acres, 5ESW - 35 acres,
NESE - 36 acres, SWSE - 27 acres.

Made this 3rd day of May, 19 94.

F.F. Gunning
 Permit Holder(s)

State of Idaho)

ss

County of Twin Falls

On this 3rd day of May, 199 4, personally appeared before me
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

JUDY GIVENS

Judy Givens
 Notary Public

SEAL

Twin Falls, Idaho

Signature

My commission expires: July 18, 1995

database updated 5/12/94 czj.

36-08252

MAY 20 1994

Department of Water Resources
Southern Region Office

J 5 6 5 1 1

SEP 28 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Southern Region Office

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 36-08252A Telephone No. 536-6390
2. Name(s) of Permit Holder(s): FF Gunning - G.C. Gunning
3. Mailing Address: P.O. Box 716, Wendell, ID 83355
4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____
- a. Well Driller: Unknown Drilling Permit Number: ____ - ____ - ____ - ____

b. OPTIONAL:

Pump Horsepower: ____ Pressure (psi): ____ Dynamic pumping level (ft): ____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): ____ Stockwater (No. and type of stock): ____

Irrigation (No. of acres): 19 Other: ____

6. Total rate of diversion and/or volume for which proof is submitted: .38 cfs OR ____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes ____ or No ✓

Has the measuring device been installed?

Yes ____ or No ✓

Flow Measurement Port: Is a flow measurement port required?

Yes ____ or No ✓

Has the measurement port been installed?

Yes ____ or No ✓

8. Fee Enclosed: \$ 100 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: G.C. Gunning Telephone Number: 536-6390

Address: same as above

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: G.C. Gunning

(include your title, if on behalf of company or organization)

Date: 9-28-94

36-08252A

RECEIVED

Form 204
11-91

AUG 05 1992

For Office Use Only
\$15 Fee Received by M+S
Date 8-5-92
Receipt No. SD14811

Department of Water Resources
Southern Region Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 36-08252

Name(s) of Permit Holder: F.F. Stunnenberg

Mailing Address: P.O. Box 716 Wendell Idaho 83355

Date Proof is Due September 1/1992 Telephone No. 536-6390

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

None - because we are working with the state land board on an exchange of land. This exchange is not completed but is in the process. Documentation can be obtained from the state land department if needed - We are working on a 320 acres of private land which the state of Idaho will exchange.

Costing \$ 90,000 total.

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

The delay to this point is because the State of B.L.M. has been making exchanges of different parcels of land. The land being my present property has been exchanged as of now. The state land board has assured me that we can lease or exchange other land for the parcel. We have this water will be used. This will take a reasonable amount of time. The land board prefers to exchange property if possible.

Permit holder(s) request an extension to Oct 1/1992, 1992.

FEE: \$15.00

F.F. Stunnenberg
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

Signed this _____ day _____, 19____

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 36-08252

RECEIVED

AUG 20 1990

Department of Water Resources
Southern Region Office

Proposed Priority: October 17, 1984 Maximum Diversion Rate:
This is to certify, that **F. F. GUNNING**

P.O. BOX 716
WENDELL, ID 83355

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	2.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWNE	Sec. 25, Township 07S, Range 15E
SESE	Sec. 24, Township 07S, Range 15E
	GOODING County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S 15E 24	SWNE 3	SENE 14	SWSW 1	
	SESW 35	NESE 36	NWSE 4	
	SWSE 27			120

Total number of acres irrigated: 120

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1992.**
2. Subject to all prior water rights.
3. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
4. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
5. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
6. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
8. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
9. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

36-8252

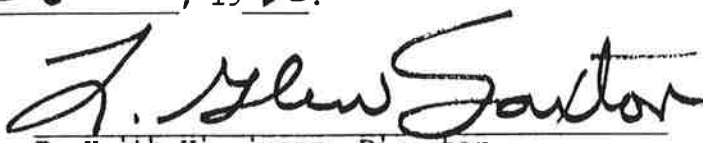
State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 36-08252

CONDITIONS/REMARKS:

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

16th day of August, 1990

for 
R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED APPLICATION FOR PERMIT

RECEIVED
JUN 19 1990

To appropriate the public waters of the State of Idaho

Department of Water Resources
Phone 536-6390

1. Name of applicant F.F. Gunning
Post office address P.O. Box 716, Wendell, ID 83355
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____
Sec. 24 Township 7S Range 15E B.M. Gooding County; additional
points of diversion if any: SWNE S25 7S 15E (Gooding)
4. Water will be used for the following purposes:
Amount 2.40 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 2.40 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. well, motor, pump
 - b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - * c. Proposed well diameter is #2 20 inches; proposed depth of well is 300 feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? NO
- * 7. Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years (minimum 1 year).

8. Description of proposed uses (if 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	
7S	15E	24			3	14							1	35	36	4	27		120
~~7S~~	~~16E~~	~~19~~																	

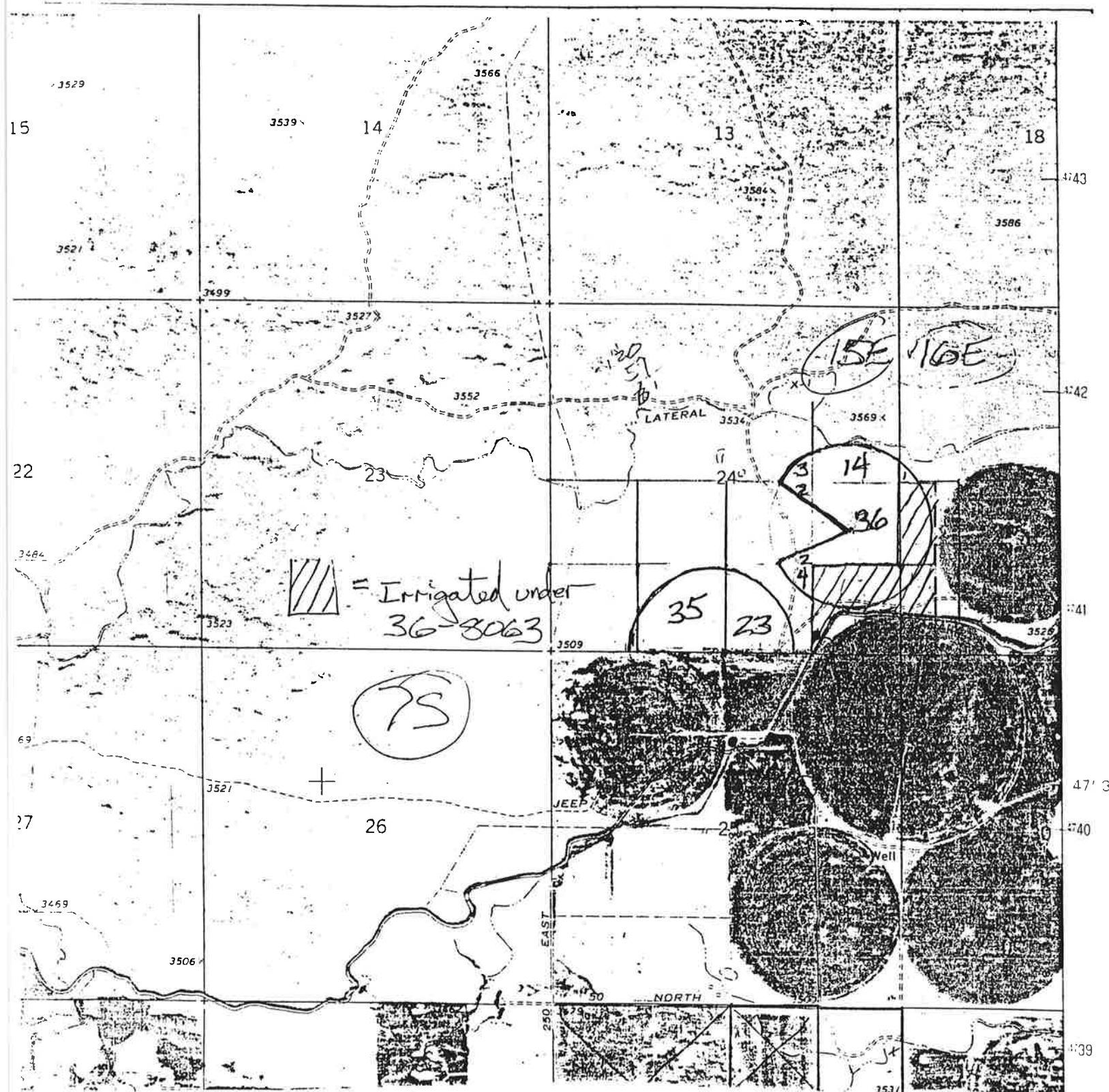
Total number of acres to be irrigated 120

10. Describe any other water rights used for the same purposes as described above. _____

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

12. Remarks: _____

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

F. F. Manning
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant G.C. Gunning Phone 324-5886
Post office address Rt 5 Bx 5277 Jerome IDA 83338
2. Source of water supply groundwater which is a tributary of L
3. Location of point of diversion is SE ²⁴/_{16E} of SE ²⁴/_{16E} of Section 2725 Township 7 S
Range 15E B.M. Jerome Goodings County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.40 for Irrigation purposes from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

- a. 2.40 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. well motor & Pump
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____
Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)
- c. Proposed well diameter is 12 inches; proposed depth of well is 300 feet.

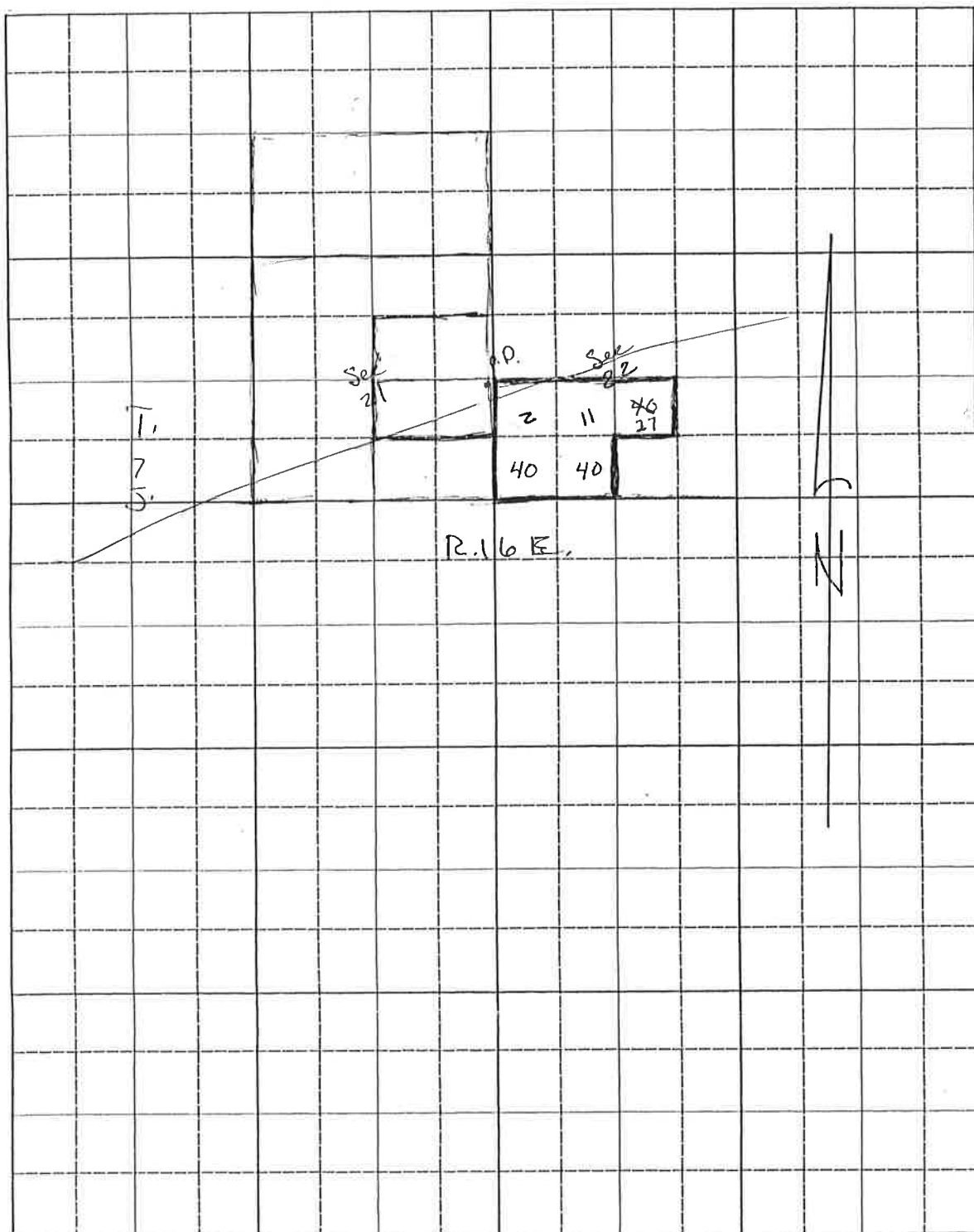
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

- a. If water is **not** for irrigation:
- (1) Give the place of use of water: _____ ¹/₄ of _____ ¹/₄ of Section _____ Township _____
Range _____ B.M.
- (2) Amount of power to be generated: _____ horsepower under _____ feet of head.
- (3) List number of each kind of livestock to be watered _____
- (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
- (5) If water is to be used for other purposes describe: _____

36-8252

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Lois Henning
(Applicant)

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	15E	23									11	2	40	40		27			120
	16E	34																	
7S	15E	24													40			30	70
7S	16E	19									30	20							50

Total number of acres to be irrigated 120

c. Describe any other water rights used for the same purposes as described above.

9. a. Who owns the property at the point of diversion App.

b. Who owns the land to be irrigated or place of use App & Gov't (NESE 71SE24)

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Exchange between State & BLM in process, state would lease to applicant. see remarks

10. Remarks I have recently moved another groundwater permit to the land in Sec. 22, not realizing that this application was still on file. I have a chance to lease some government land about 3 miles west of Sec. 22 later this year, and will move this filing to that land once the lease is signed. Exact description of the new land is uncertain at this time.

Received by DRS Date 6/15/90 Time 2:50 Preliminary check by _____
Fee \$ _____ Received by _____ # _____ Date _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

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. _____, and said application is hereby _____.

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 _____, 19 ____.

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:

