

State of Idaho
Department of Water Resources

CORRECTED**Water Right License****CORRECTED**

WATER RIGHT NO. 75-07588

Priority: May 30, 1992

Maximum Diversion Rate: 1.00 CFS

It is hereby certified that BILL GATTUNG
88 LOIS LN
SALMON ID 83467 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated May 28, 1992; and has submitted Proof of
Beneficial Use on December 03, 2010. An examination confirms water is diverted from:

SOURCE

GATTUNG SLOUGH

Tributary: SALMON RIVER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/01 to 10/31

DIVERSION RATE

1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GATTUNG SLOUGH

L1 (SE1/4SE1/4)

Sec. 12, Twp 20N, Rge 21E, B.M., LEMHI County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N 21E 12													9.6			13.0	22.6
																L 1	
20N 22E 7									2.1	25.0	.3						27.4
									L 9	L 3	L 3						

Total Acres: 50

CONDITIONS OF APPROVAL

1. Rights 75-7588 and 75-14736 when combined shall not exceed a total diversion rate of 3.43 cfs, a total annual maximum diversion volume of 600.6 af at the field headgate, and the irrigation of 171.6 acres.
2. Rights 75-4062 and 75-7588 when combined shall not exceed the irrigation of 473 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Upon specific notification by the Department, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.

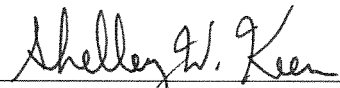
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 75-07588

5. The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.
6. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
7. Place of use does not include federal public lands.

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 13th day of October, 2015.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 75-07588

RECEIVED
OCT 13 2015
DEPARTMENT OF
WATER RESOURCES

Date of Priority: May 30, 1992

Maximum Diversion Rate: 1.00 CFS

Comes now BILL GATTUNG
88 LOIS LN

SALMON ID 83467 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 75-07588, and requests that the permit be changed as follows:

Source: GATTUNG SLOUGH

Tributary: SALMON RIVER

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/01 to 10/31

1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GATTUNG SLOUGH
LEMHI County

L1 (SE1/4SE1/4)

Sec. 12, Twp 20N, Rge 21E, B.M.

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N 21E 12													9.6			13.0	22.6
20N 22E 7									2.1	23.0	2.3					L 1	27.4
									L 9	L 3	L 3						

Total Acres: 50

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 30th day of September, 2015.

Janas Lee Gattung P.R.
(Signature)
for William Gene Gattung

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 75-07588

FOR DEPARTMENT USE ONLY

Preliminary check by gmh Fee = N/A Received by _____ # _____ Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 75-07588 with the following:

CONDITIONS OF APPROVAL

1. Rights 75-7588 and 75-14736 when combined shall not exceed a total diversion rate of 3.43 cfs, a total annual maximum diversion volume of 600.6 af at the field headgate, and the irrigation of 171.6 acres.
2. Rights 75-4062 and 75-7588 when combined shall not exceed the irrigation of 473 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Upon specific notification by the Department, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
5. The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.
6. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
7. Place of use does not include federal public lands.

Witness my hand this 13th day of ~~Nov~~ October, 2015.

for Shelley W. Keen
GARY SPACKMAN
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 13, 2015

BILL GATTUNG
88 LOIS LN
SALMON ID 83467

RE: Water Right License 75-7588

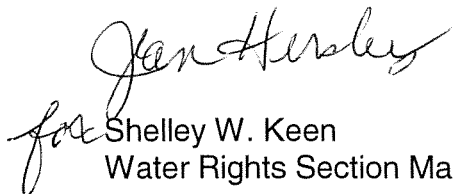
Dear Water Right Holder:

The Department of Water Resources (IDWR) has issued the enclosed Amended Water Right License amending Water Right License 75-7588. The license confirms that a water right has been established in accordance with your permit. This license supersedes the license document issued on November 20, 2013. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The Amended License is **PRELIMINARY ORDER** issued by the Department pursuant to Rule 730.02.a of the Department's Rules of Procedure (IDAPA 37.01.01). It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the change.

If you have questions, please contact me at (208) 287-4947.

Sincerely,


for Shelley W. Keen
Water Rights Section Manager

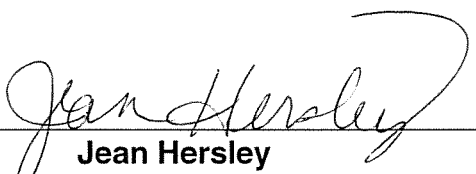
Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on the **14TH** day of **October, 2015**, I mailed a true and correct copy, postage prepaid, of the foregoing **AMENDED LICENSE** to the person(s) listed below:

Water Right No. 75-7588

**BILL GATTUNG
88 LOIS LN
SALMON ID 83467**



Jean Hersley
Technical Records Specialist II

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: October 13, 2015
To: Water Right File 75-7588
From: jhersley
Re: corrected license

A corrected license was issued to correct the distribution of acres. On the original license, in T20N, R22E, Section 7, 0.3 acres were listed in the NWSW and 25 acres in L3 (SWSW). The corrected license will read 25.0 acres in L3 (NWSW) and 0.3 acres in L3 (SWSW).



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 13, 2015

BILL GATTUNG
C/O JANA GATTUNG
88 LOIS LN
SALMON ID 83467

2ND NOTICE

RE: Water Right License No. 75-07588

Dear License Holder(s):

On April 20, 2015, the Department of Water Resources sent a letter and an Application for Amendment to correct a clerical error that was made during the licensing of this water right. As of the date of this letter, the amendment has not been returned to the Department.

The error is in the number of acres in Township 20N, Range 22E, Section 7, NWSW and SWSW. The total number of acres remains the same as does the diversion rate. Before the Department licensed this right, an Application for Amendment was signed and submitted to the Department. The Department will require another amendment to be signed and returned. The Department will reissue a corrected license when the amendment is received and also complete the ownership change. I am enclosing a copy of the license as it is now.

The enclosed Application for Amendment form and map depicts the elements of the water right as they will appear on the license when it is reissued. Please review the amendment form carefully. If you concur with the information presented, please sign the form within 14 days.

If you have any questions, please call me at 208-287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 20, 2015

BILL GATTUNG
C/O JANA GATTUNG
88 LOIS LN
SALMON ID 83467

License
RE: Water Right ~~Permit~~ No. 75-07588

License
Dear ~~Permit~~ Holder(s):

The Department of Water Resources acknowledges received a Notice of Change in Water Right Ownership on September 18, 2014 from you and two others. During the review of this request, it was determined a clerical error was made in the licensing of this water right.

The total number of acres remains the same as does the diversion rate. The error is in the number of acres in Township 20N, Range 22E, Section 7, NWSW and SWSW. Before the Department licensed this right, an Application for Amendment was signed and submitted to the Department. The Department will require another amendment to be signed and returned. The Department will reissue a corrected license when the amendment is received. I am enclosing a copy of the license as it is now.

The enclosed Application for Amendment form and map depicts the elements of the water right as they will appear on the license when it is reissued. Please review the amendment form carefully. If you concur with the information presented, please sign the form within 14 days.

If you have any questions, please call me at 208-287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)