



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

November 25, 2013

BILL GATTUNG
88 LOIS LN
SALMON ID 83467

RE: License No. 75-7588

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application for amendment.

The license 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4916.

Sincerely,

Craig L. Saxton
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 26, 2013, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

75-7588

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



**Darla Block
Technical Records Specialist**

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.

State of Idaho
Department of Water Resources
Water Right License

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
20N 22E 7									2.1	.3	25.0					L 1	27.4
									L 9		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.

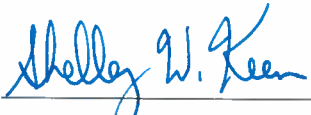
State of Idaho
Department of Water Resources
Water Right License

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.

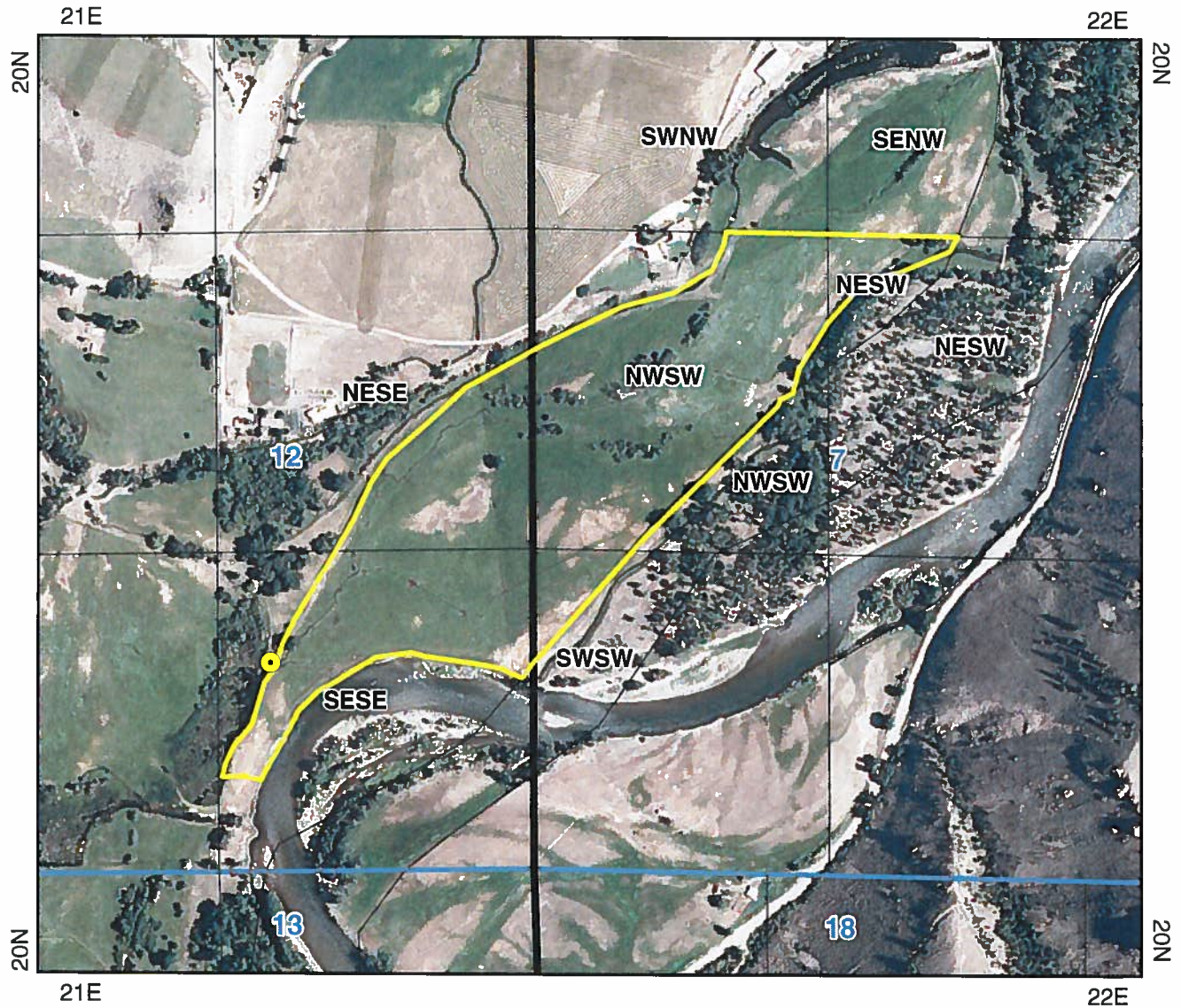
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 20th day of November, 2013.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Water Right License
75-7588

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters



0 0.25 0.5 Miles

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

RECEIVED

APR 08 2013

DEPARTMENT OF
WATER RESOURCES

Date of Priority: May 30, 1992

Maximum Diversion Rate: 1.00 CFS

Maximum Diversion Volume:

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****ANNUAL VOLUME**

IRRIGATION

04/01 to 10/31

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
20N 22E 7									2.1	.3	25.0					L 1	27.4
									L 9		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 22 day of March, 2013 (2013) JJA

Bill Gattung by
(Signature)

Jana Lee Gattung, P.R.

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 _____ Fee = 50 Received by HP # C096894 Date 4/18/2013
" " " C097548 7/30/2013

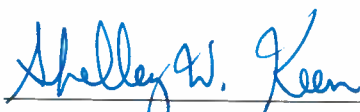
ACTION OF THE DEPARTMENT OF WATER RESOURCES

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 20th day of November, 2013.


for GARY SPACKMAN
Director

MEMORANDUM

TO: Water Rights Files 75-7492 and 75-7588
FROM: Sandra Thiel
DATE: November 19, 2013
SUBJECT: Water master comments

Water master Kevin Rice responded to my November 8, 2013 request for more information. Both 75-7492 and 75-7588 can receive water from the Rainbow Ditch Company. The aerial photography received November 18, 2013 includes a note about irrigation shares. The note indicates that 23 shares are available for 75-7492 and 50 shares are allowed for 75-7588.



75-7492-23 Shares
75-7588-50 Shares

RECEIVED

NOV 18 2013

DEPARTMENT OF
WATER RESOURCES







State of Idaho

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

November 8, 2013

KEVIN RICE
127 CORBETT LN
SALMON ID 83467

RE: Water Right Permit No. 75-07492 and 75-7588

Dear Mr. Rice:

I am in the process of licensing the two water rights mentioned above and need a little more information. We talked on October 24 about shares from the Rainbow Ditch Company that are used on the Gattung property. The enclosed aerial photography shows the place of use for water rights 75-7492 and 75-7588. I've included two copies, one showing just the aerial photography and one with ownership boundaries, and the place of use for both water rights. Can you draw on the photos to show where Rainbow Farms Ditch Company shares are used? I've enclosed a self addressed stamped envelope for you to return the photos. Any information you can provide on where the shares are used will be useful in helping me license these rights.

If you have any questions, please call me at (208) 287-4879

Sincerely,

Sandra Thiel
Water Resource Planner

MEMORANDUM

TO: Water Right Files 75-7492 and 75-7588
FROM: Sandra Thiel
DATE: October 18, 2013
SUBJECT: Phone conversation with Jana Gattung

I sent Jana a letter on September 26, 2013 requesting more information about water from Rainbow Ditch company that is diverted into Gattung Slough. Jana said she has been out of town. She gave a copy of the letter to the water master, Kevin Rice, and asked him to talk to me. According to Jana the ditch water has very rarely been diverted into the slough. However, she was able to provide the number of shares from Rainbow Ditch when they are available.

The Gattung ranch receives a total of 180 shares from the Rainbow Ditch. Gene Gattung, who has water right 75-7492, receives 45 share for 60 acres. Jana's sister has 61 acres and 10 shares. Jana, 75-7588, has 40 acres for 55.4 acres. There is also a trust that receives 85 shares for 177.5 acres.

October 24, 2013

I talked to Kevin Rice, the water mater for water district 75B. He said that each share from Rainbow Ditch is for an acre.



State of Idaho

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

July 15, 2013

JANA GATTUNG
88 LOIS LN
SALMON ID 83467

RE: Water Right Permit No. 75-7588 & 75-7537

Dear Jana(s):

I wanted to remind you of the filing fee still required for two amendments. You submitted the amendment forms with the requested \$50 a piece fee. Unfortunately the fee is \$100 each. In order for me to license water right 75-7588 and 75-7537 the required fee must be submitted. I am sending you this letter to let you know the Department has still not received the additional \$50 for 75-7588 and \$50 for 75-7537. Please respond within 30 days.

If you have any questions, please call me at (208)287-4879.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sandra Thiel'.

Sandra Thiel
Water Resource Planner



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

July 12⁵, 2013

JANA GATTUNG
88 LOIS LN
SALMON ID 83467

RE: Water Right Permit No. 75-7588 & 75-7537

Dear Jana(s):

I wanted to remind you of the filing fee still required for two amendments. You submitted the amendment forms with the requested \$50 a piece fee. Unfortunately the fee is \$100 each. In order for me to license water right 75-7588 and 75-7537 the required fee must be submitted. I am sending you this letter to let you know the Department has still not received the additional \$50 for 75-7588 and \$50 for 75-7537. Thank you for your consideration.

If you have any questions, please call me at (208)287-4879.

Sincerely,

Sandra Thiel
Water Resource Planner