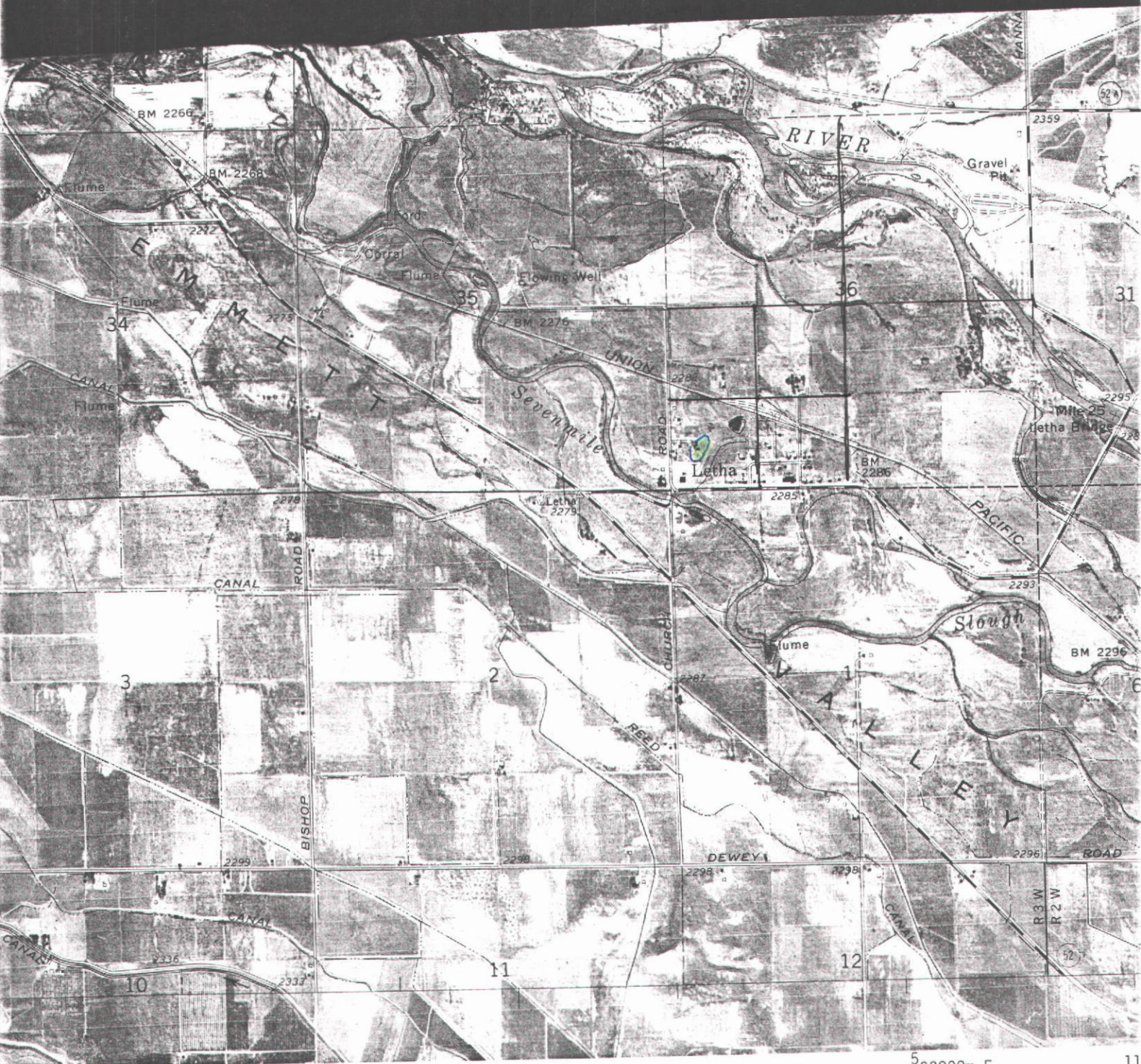
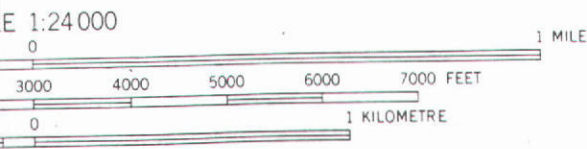




529000m. E.

11



Maps Can Be Obtained
 Due Print, Boise Idaho

T7N
 R3W
 Sec 36
 SWSW

No Gov Lts
 in SWSW

MICROFILMED
 OCT 12 2000

LETHA, IDAHO
 N4352.5-W11637.5/7
 1974
 ADVANCE PRINT

RECEIVED

MAR 26 2001

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY
Amt of Fee \$ 50.00
Receipt No. 052903
Receipt By [Signature]
Date Received 3-26-01

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.

1 Permit No. 65-13935 Telephone No. 208 365 7145

2. Name of Permit Holder(s): BEVERLY GULLEY

3. Mailing Address: Box 143

City LETHA State ID Zip 83636

4 Source of Water: DOMESTIC WELL If GROUNDWATER (well), Date Drilled: mo. 8 yr. 97

a Well Driller: ROCKY MT WELL DRILLING Drilling Permit Number: - - -

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

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

Irrigation (No. of acres): 4 Other:

6. Total rate of diversion and/or volume for which proof is submitted: 0.03 cfs OR 4.5 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 X

8. Fee Enclosed: \$ 50.00 (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: BEVERLY GULLEY Telephone Number Home 208-365-7145
Work 208-365-6311

Address: Box 143 LETHA, ID 83636

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

Signature of permit holder: Beverly Gulley Date: Mar. 7, 2001
(include your title, or on behalf of company of organization)

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MAR 23 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13935

Priority: March 13, 2000

Maximum Diversion Rate:

0.14 CFS

This is to certify, that BEVERLY GULLEY
PO BOX 143
LETHA ID 83636

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	03/01 to 11/15	0.12 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
Totals		0.14 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 36, Township 07N, Range 03W
GEM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	03W	36	SWSW	4.0		4.0

Total number of acres irrigated: 4.0

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before May 1, 2001.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
6. Stockwater use is for 10 range cattle.
7. Two points of diversion are located within the SWSW, S36, T7N, R3W.

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JUL 1 / 2000

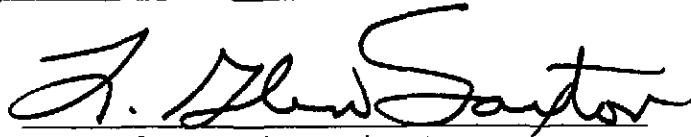
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13935

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

18 th day of May, 2000.



Karl J. Dreher, Director

for

MICROFILMED

OCT 17 2000

Ident. No. 65-13935

RECEIVED

MAY 5 - 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

MAR 13 2000

WATER RESOURCES
WESTERN REGION

1. Name of Applicant BEVERLY GULLEY Phone 208-365-7145
Post Office address BOX 143 LETHA ID 83636
2. Source of water supply GROUND WATER which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of SW 1/4 of SW 1/4, Govt. Lot _____
Sec. 36 Township 7N Range 3W B.M. GEM County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .12 for IRR purposes from 3/1 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 for STOCK WATER purposes from 1/1 to 12/31 (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) .14 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 2 artesian wells, portable hoses, stock troughs, sprinklers
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive, " 5 " 16 "
c. Proposed well diameter is existing inches; proposed depth of well is 88' feet.
d. Is ground water with a temperature of greater than 85° F being sought? N
e. If well is already drilled, when? UNKNOWN; Drilling firm Phipps UNKNOWN:
Well was drilled for (well owner) Applicant
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity if KW. _____
b. Stockwatering; list number and kind of livestock. 10 beef
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

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9. Description of place of use:

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

b. 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	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	3W	36											4						4
													5						

Total number of acres to be irrigated 4

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

11. a. Who owns the property at the point of diversion? applicant

b. Who owns the land to be irrigated or place of use? _____

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: _____

12. Remarks: _____

13. MAP OF PROPOSED PROJECT ATTACHED _____ Show clearly the proposed point of diversion, place of use, section number, township and range number.

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

Beverly Mulley
(Applicant)

Received by lg Date 3/12/00 Time 2:30 PM Preliminary check by lg
 Fee \$ 50 Receipted by lg # W026207 Date 3/13/00
 Publication prepared by dt Date 4-5-12-00 Published in MESSANGER INDEX
 Publication approved dt Date 4-29-00

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OCT 12 2000



E 1 24 000
0
3000 4000 5000 6000 7000 FEET
0 1 KILOMETRE

Maps Can Be Obtained
due Print, Boise Idaho

NATIONAL MAP ACCURACY STANDARDS
SURVEY, MENLO PARK, CALIF. 94025

T7N
R3W No Gov Lts
Sec 36 in SWSW
SWSW

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OCT 12 2000

LETHA, IDAHO
N4352.5-W11637.5/7
1974
ADVANCE PRINT

SD-0420-2
MODIFY RECORD

Idaho Department of Water Resources
Modify Comment

Date: 05/03/00
Time: 13:28:15

Water Right Number: 65-13935

Comment Date: 3/13/2000 User ID: LGRAVES

Subject: OTHER INFO

Per Applicant: P/D is for existing artesian well. Stockwater use is for 10 beef stock.

Per IDWR: Application is filed as a result of irrigation complaint filed by neighbor Cathy Burgland.

No records were found for the well. There is also a 6" existing well used for stockwater.

(Enter=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

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OCT 12 2000



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

April 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BEVERLY GULLEY
BOX 143
LETHA ID 83636

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13935

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 contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Western** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c. IDWR - Regional Office

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MAR 23 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No. 65-13935

Reviewed By. dgibson

Date: April 4, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		C052903	Well driller's report filed?	X	
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		03/26/2001
Date proof due	-	05/01/2001
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	03/13/2000
New priority date	=	03/13/2000

Deficiencies of Actions Items

Acknowledge proof.

February 28, 2001

BEVERLY GULLEY
PO BOX 143
LETHA, ID 83636

PROOF DUE NOTICE

RE: PERMIT NO. 65-13935

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

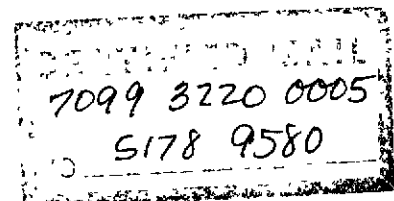
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED
MAR 23 2001





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 19, 2000

BEVERLY GULLEY
PO BOX 143
LETHA ID 83636

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13935

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure

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JUL 12 2000

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 reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

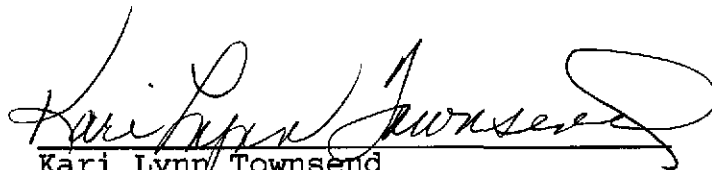
MICROFILMED
OCT 12 2000

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of May, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 65-13935

BEVERLY GULLEY
PO BOX 143
LETHA ID 83636


Kari Lynn Townsend
Secretary

MICROFILMED
OCT 12 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. **A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the order. 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

CERTIFICATE OF SERVICE

All documents intended to be part of the Department record in connection with a preliminary order shall be served upon the representatives of each party of record. Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate

I HEREBY CERTIFY (swear or affirm) that I have this day of _____, served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy thereof in person: (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to: (list names))
(Signature)

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OCT 12 2000

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case.

FINAL ORDER

The Department 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 Department 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.

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance 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.

RIGHT TO HEARING

Pursuant to Section 42-1701A(3), Idaho Code, unless the right to a hearing before the Department is otherwise provided by statute, any person aggrieved by any decision, determination, order, or action of the Department or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the Department, who is aggrieved by a denial or conditional approval ordered by the Department, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Department to contest the denial or conditional approval upon filing with the Department, within fifteen (15) days after receipt of the denial or conditional approval, a written permission stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

If a preliminary order becomes final, any party aggrieved by the final order or orders previously issued in the 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 (a) a hearing was held, or (b) the final agency action was taken, or (c) the party seeking review of the order resides, or (d) 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. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Sections 67-5270 through 67-5273, Idaho Code.

MEMORANDUM

To: File 65-13935

FROM: Sharla

DATE: May 16, 2000

RE: Telecon

On this date I spoke with the applicant concerning any surface water that may have been or is being used on the property. She told me that surface water has never been used on the property nor does she pay any assessment to a surface water delivery organization.

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DEC 12 2000

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 5/8/00

No. 65-13935 Name: Gulley Corp. Officers N/A Ad ok ✓ Govt Lots _____

AREA OF CONCERN: No/Yes _____ Moratorium _____ GWMA _____ TRUST/NON-TRUST _____

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 084
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
≥ 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
≥ 0.24 cfs/5 acres - 01M

LOCATION:

~~Boise Front LoGeo~~ - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag - _____
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons > 1.0 cfs)

USES:

~~STORAGE~~ - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
→ 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT - 077

BENEFICIAL USE DUE: 5/01/2001

MISC CONDITIONS/REMARKS:

~~Protested~~ - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

IRRIGATION SEASON 3/1 - 11/15 (Per updated map)

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response _____
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE _____
In-stream development - P52
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

SNAKE R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32 (2)
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: DAN DATE: 3-23-00 APPLICATION: 65-13935

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

Gov't. Lots:

NO P/D
NO P/U

RECEIVED

MAY 5 - 2000

Department of Water Resources

ADDITIONAL INFORMATION

yes ADVERTISE REMARK(S)
(Reviewer identify which remarks)

X T FLAG CHANGED TO P FLAG

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ Overlapping point of diversion.
- ☒ Critical groundwater area:
- ☒ Groundwater management area:
- ☒ 1992 moratorium:
- ☒ Surface water source, IDFG letter needed.
- ☒ Protected river or minimum flow reach, notify water planning bureau.
- ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ E-mail to Dam Safety staff: (for any storage)
- ☒ Mitigation plan: Check any that apply.
_____ immediate = acceptable plan required and submitted.
☒ future = open areas, acceptance of condition of approval is in file.
- ☒ Send power requirement letter &/or fish farm requirement letter.
- ☒ Power residency affidavit:
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO. 5-13935

YES NO

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. #
☐ ☒ Water Planning Bureau
☒ ☐ Other Cathy Burglund
P.O. Box 32
Letha, ID 83636

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:
☒ ☐ Final date for protest 4-24-00
☐ ☒ Protests received.
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Water delivered by water master? District #
☐ ☒ Special conditions of approval or cover letter: STANDARD CONDITIONS

See below for additional information

Recommended Date or Priority 3
 Recommended by: David A. Nelson Date: 5-3-00

ADDITIONAL INFORMATION:

This application is located in the small
Town of Letha. There are a number of
overlapping rights none of which seem
significant. See Lori Graves memo for
previous complaint.

The home use comes from same well
BUT Lori Graves stated that since the domestic use
was exempt they did not want to add it to the water right.

RECEIVED

APR 14 2000

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
SS.
COUNTY OF GEM,

Dixie L. Thome, being first
duly sworn, on her oath deposes and
says that she is the clerk of the Mes-
senger Index, a legal weekly news-
paper published at Emmett, in Gem
County, Idaho; that said newspaper
is in general circulation in said
county and has been published unin-
terruptedly and continuously for
more than 78 weeks prior to the
first publication of the annexed
document; and that the document
notice, process, or advertisement
hereunto annexed was published in
the regular edition of Messenger
Index for Two

consecutive weekly issues thereof,
beginning with the issue of
April 5, 2000,
and ending with the issue of
April 12, 2000

Dixie L. Thome
Subscribed and sworn to me this

April 12 day of
April 2000
Notary Public
Residing at Emmett, Idaho

My Commission Expires 2-4-2005

Legal Notices

NOTICE OF APPLICATION FOR WATER RIGHT

Following application(s) have been filed to appropriate the public waters of the
State of Idaho:

65-13934

CITY TRANSFER READY MIX, DBA
J B PARSON CO
PO BOX 247
EMMETT, ID 83617

Source: GROUNDWATER
Diversión Pt: NENE Sec 24 T 06N R 02W in GEM County.
Use: COMMERCIAL { 0.200 CFS)
INDUSTRIAL { 0.200 CFS)
Total Diversión: { 0.200 CFS)

Date Filed: 2/8/2000

In: GEM County
T06N R02W S24 NENE

Applicant agrees to mitigate consumptive use in the future as needed.

65-13935

GULLEY, BEVERLY
BOX 143
LETHA, ID 83636

Source: GROUNDWATER
Diversión Pt: SWSW Sec 36 T 07N R 03W in GEM County.
Use: IRRIGATION { 0.120 CFS)
STOCKWATER { 0.020 CFS)
Total Diversión: { 0.140 CFS)

Date Filed 3/13/2000

In: GEM County
T07N R03W S36 SWSW

4.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed. Permits will
be subject to all prior water rights. Protests may be submitted based on the criteria
of Sec. 42-203A, Idaho Code. Any protest against the approval of this application
must be filed with the Director, Dept. of Water Resources, Western Region, 2735
Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each
application on or before APRIL 24, 2000. The protestant must also send a copy of
the protest to the applicant.

KARL J. DREHER, Director

Pub.. 4 - 5, 12, 2000

Legal Notice No. 3908
Published in the Messenger Index

MICROFILMED

APR 17 2000

To: Department of Water Resources
Western Region
Boise, Idaho 83705-5082

4-19-00

From: Cathy Berglund
P.O. Box 32
Letha, Id 83636-0032

Re: Water Rights Application #65-13935

RECEIVED

APR 20 2000

WATER RESOURCES
WESTERN REGION

To Whom this may Concern:

Please be advised that we are not opposed to the application for Water Right No. 65-13935 in the name of Beverly Gulley. Our main concern is the overuse and run-off of the excess water that has occurred in the past.

Mr. Gene Gulley and Mr. Richard Berglund have verbally agreed to jointly install a collection ditch between the properties and that the sprinklers for irrigation will be used in accordance with the requirements of the Department of Water Resources. (that being the hours of use and months allowed by the applicant) As long as these conditions are met, there will be no problem.

We regret that this issue had to come to this extent to be solved.

Thank you for your help and quick actions in this matter.

Sincerely,

Cathy Berglund
Cathy Berglund

MICROFILMED

OCT 12 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 4, 2000

CATHY BURGLAND
PO BOX 32
LETHA ID 83636

Re: Application for Water Right No. 65-13935 in the Name of Beverly Gulley

Dear Ms Burgland:

Enclosed is a copy of the above-referenced application for permit which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by April 24, 2000.

If you have any questions regarding the application, please contact this office.

Sincerely,

A handwritten signature in black ink that reads "Gary Spackman". The signature is fluid and cursive, with the first name "Gary" and last name "Spackman" clearly distinguishable.

Gary Spackman

GS:st

Encl: Copy of Application

MICROFILMED

OCT 12 2000

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant

BEVERLY GULLEY

Mailing Address

Box 143

LEHA ID 83636

Application No.
(if known)

___ IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

___ PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

✓ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Beverly Gulley

Date

3-12-2000

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

MICROFILMED

OCT 12 2000

MEMORANDUM

DATE: 3/13/00

FROM: Lori Graves

TO: Complaint File

RE: Burgland Complaint

Cathy Burgland notified IDWR per telecon 3/7/00 that her neighbor, Beverly Gulley, was continuously pumping her artesian well year around for irrigation of ~4 acres pasture behind the school in Letha. As a result, complainant's corrals were being flooded.

I met with Beverly Gulley and her Mother at the site 3/12/00. Beverly was running 2 rainbird sprinklers via 1" portable hose off her 6" domestic artesian well. She stated that she ran the sprinklers continuously to keep the pipes from freezing. I informed her that without a water right, she was limited to 1/2 acre of irrigation in association with her home. During the investigation, she filed an application for permit, 65-13935, for the additional irrigation.

Cathy Burgland's property is SW of Beverly Gulley's acreage. Cathy's corrals were obviously muddy, however there was no surface water connection between the two properties. If there was a relationship between Beverly's irrigation and Cathy's mud, it would have to be sub-surface.

After discussing the issue with Gary Spackman and Rob Whitney, I called Beverly 3/13/00 and informed her that she could not irrigate over 1/2 acre until her application was approved and that she was allowed 1" of flow from her well for stockwater, which would prevent her pipes from freezing. With Beverly filling troughs rather than running sprinklers, the complainant's corrals should dry out if, in fact, there was a direct relationship between the two properties.

Cathy Burgland's address: PO Box 32
Letha ID 83636
208-365-2647

Beverly Gulley's address: PO Box 143
Letha ID 83636
208-365-7145

MICROFILMED

OCT 12 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MARCH 30, 2000

Legal Notices Department
Messenger-Index
P.O. Box 577
Emmett, ID 83617

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 24, 2000.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MICROFILMED

APR 12 2000

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

MICROFILMED.

OCT 12 2000

65-13935

GULLEY, BEVERLY
BOX 143
LETHA, ID 83636

Source: GROUNDWATER

Diversion Pt: SWSW Sec 36 T 07N R 03W in GEM County.

Use: IRRIGATION	(	0.120 CFS)
STOCKWATER	(	0.020 CFS)
Total Diversion:	(	0.140 CFS)

Date Filed: 3/13/2000

In: GEM County
T07N R03W S36 SWSW

4.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed.

MICROFILMED

2001 12 2000

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before APRIL 24, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 4/ 5/2000 & 4/12/2000

MICROFILM

OCT 12 2000