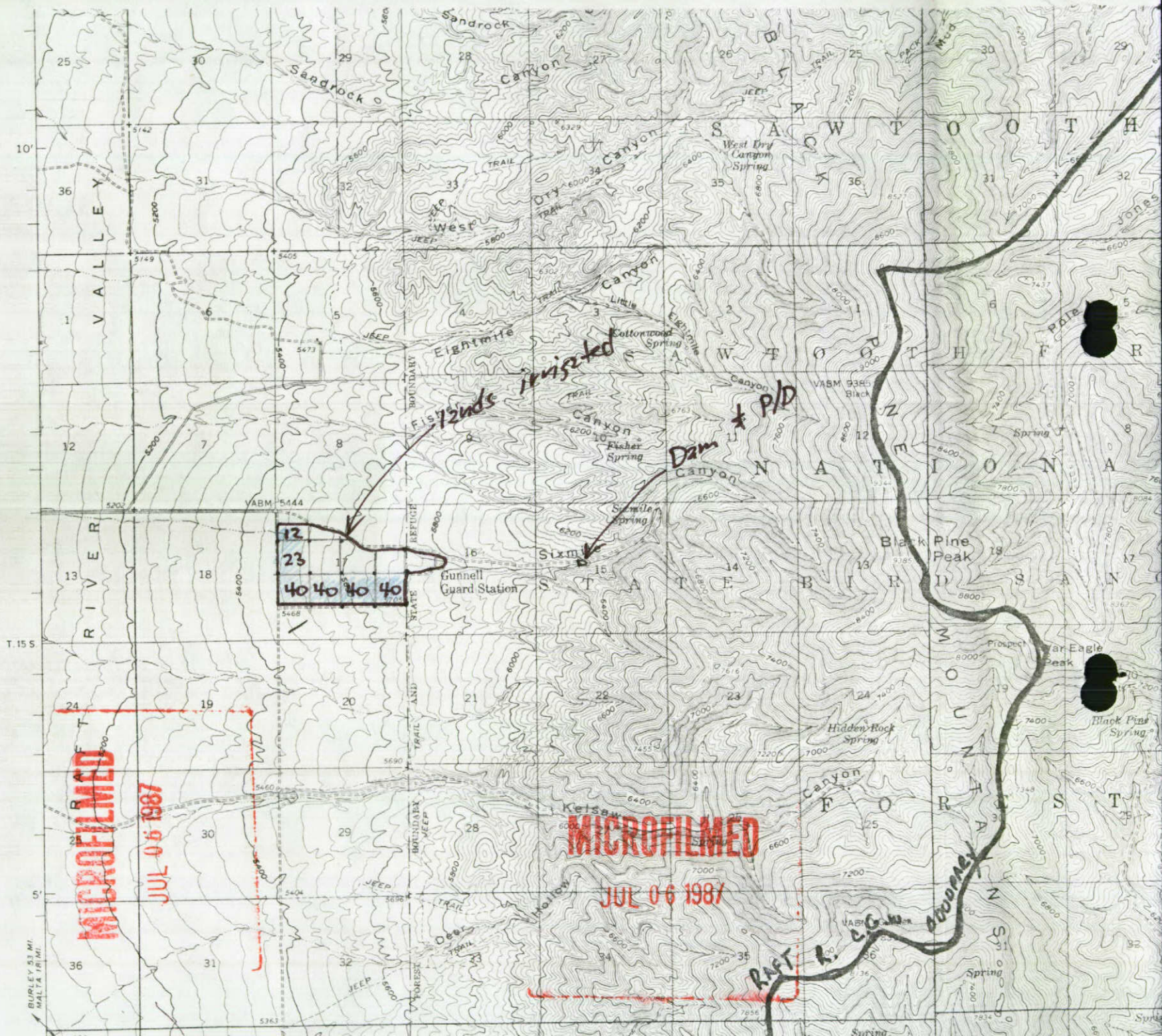




Lic. 43-2585



APR 10 1987

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Department of Water Resources
Southern Region Office

Amount Due

37.87

Account Name Dept. of Water Resources (Southern Region)			Account Number 100632		
Address 2148 4th Avenue East			City/State Twin Falls, ID		Zip 83301
Ordered By Mary Baldwin	P.O. Number	Rate NT	Run Dates 1987 April 2, 9		
Identification App: Water Permit - Gunnell			Estimated Inches		Real Inches
1 Number of Affidavits Requested					Legal Number #4946

OK MB
4/13/87

STATE OF IDAHO)
) SS.
COUNTY OF ADA)

Deborah Gregory, being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of April 2, 19 87

and ending with the issue of April 9, 19 87

Deborah Gregory

Subscribed and sworn to before me this 9th Month 1964

day of April, 1987

MICROFILMED

JUL 06 1987

Connie Blackburn 8/92

Notary Public for Idaho, Residing at Boise, Idaho

NOTICE OF APPLICATION
FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

43-7216

GUNNELL, LELAND & EDITH
P.O. Box 612
Malta, Idaho 83342

Source: Sixmile Creek trib. to
Sinks

Date Filed: 06/28/1985

Diversion Pt: SWSNW

Sec. 15 T 15S R 28E; 13 miles South & 9 miles East of Malta.

Use: Irrigation (3.00 CFS)

Use: Irrigation Storage (20.0 AF)

Use: Irrigation from Storage
20.0 AF)

In: SWNE SENE NENW

NWNW SWNW

SE NW NESW NWSW NESE

NWSE

Sec. 17 T 15S R 28E SWNW

Sec. 16 T 15S R 28E
For 354 Acres

For 354 Acres

The permit will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, Idaho 83301 on or before April 20, 1987.

KEN DUNN
Director

Pub. Apr. 2, 9, 1987

4946

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
 STATE OF IDAHO)

MARGE BARENDREFT being first

duly sworn, deposes and says that She is the

Clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for two (2) consecutive weeks, commencing with the issue

dated March 19, 1987, and ending

with the issue dated March 26, 1987

Marge Barendreft

Subscribed and sworn to before me

this 4th day of April

19 87

Notary Public

Cost of Publication 22.88

Notary Fee 50

Total Cost 23.38

OK MB
4/8/87

87-80

NOTICE OF APPLICATION FOR WATER PERMIT

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

43-7216

GUNNELL, LELAND &/or EDITH

P.O. BOX 612, MALTA, ID 83342

Source: SIXMILE CREEK trib. to SINKS

Date Filed: 06/28/1985

Diversion Pt: SWSNW Sec. 15 T 15S R 28E; 13 miles South & 9 miles East of Malta.

Use: IRRIGATION (3.00 CFS); IRRIGATION STORAGE (20.0 AF); IRRIGATION FROM STORAGE (20.0 AF)

In: SWNE SENE NENW NWNW SENW NESW NWSW NESE NWSE Sec. 17 T 15S R 28E SWNW Sec. 16 T 15S R 28E FOR 354 ACRES

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, Idaho 83301 on or before April 6, 1987.

KEN DUNN, Dir.

Published in the South Idaho Press March 19

RECEIVED

APR 8 1987

Department of Water Resources
Southern Region Office

MICROFILMED
JUL 06 1987

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 032687 INVOICE No. 100100479

Account No. 44662 BALDWIN

Description 100479NOTI

Times 2 Lines 31

Tab Lines _____

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

STATE OF IDAHO
DEPT. OF WATER RESOURCES
2148 4TH. AVE. E.
TWIN FALLS,
ID 83301

GALLEY PROOF \$ 27.13

OK
MB
4/6/87

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

J. L. Blackwell, being duly sworn,

deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF APPLIC/43-7216

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 031987, or once a WEEK for 2 consecutive WEEKS, the first publication thereof being on the 031987, and the last publication thereof being on the 032687, and said

NOTICE OF APPLIC/43-7216

was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

J. L. Blackwell

SUBSCRIBED AND SWORN BEFORE ME THIS THE 1

day of April 1987

Sheral M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

100479
**NOTICE OF APPLICATION
FOR WATER PERMIT**
The following application (s) have been filed to appropriate the public waters of the State of Idaho:
43-7216
GUNNELL, LELAND &/or EDITH
P.O. BOX 612, MALTA, ID 83342
Source: SIXMILE CREEK trib. to SINKS
Date Filed: 06/28/1985
Diversion Pt: SWSNW Sec 15 T 15S R 28E; 13 miles South & 9 miles East of Malta.
Use: IRRIGATION (3.00 CFS)
IRRIGATION STORAGE (20.0 AF)
IRRIGATION FROM STORAGE (20.0 AF)
In: SWNE SENE NENW NWNW SWNW SENW NESW NWSW NESE NWSE Sec 17 T 15S R 28E SWNW Sec 16 T 15S R 28E FOR 354 ACRES
The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, Idaho 83301 on or before April 6, 1987.

KEN DUNN, Dir.

RECEIVED

MICROFILMED
JUL 06 1987

APR 3 1987

Department of Water Resources
Southern Region Office

NOTICE OF
APPLICATION FOR
WATER PERMIT

The following applica-
tion(s) have been filed to
appropriate the public
waters of the State of
Idaho:

43-7216

GUNNELL, LELAND

&/or EDITH

P.O. BOX 612,

MALTA, ID 83342

SOURCE: SIXMILE
CREEK trib. to SINKS.

Date Filed: 06/28/85

Diversion Pt: SWSNW

Sec 15, T 15S, R 28E;

13 miles South & 9

miles East of Malta.

Use: IRRIGATION

(3.00 CFS)

IRRIGATION STORAGE

(20.0 AF)

IRRIGATION FROM

STORAGE (20.0 AF)

In: SWNE, SENE,

NENW, NWNW, SWNW,

SENW, NESW, NWSW,

NESE, NWSE, Sec. 17,

T 15S, R 28E, SWNW Sec

16, T 15S, R 28E, FOR

354 ACRES.

The permit(s) will be
subject to all prior water
rights. Protests must be
filed with the Director,
Dept. of Water
Resources, Southern
Region, 2148 Fourth
Avenue East, Twin Falls,
Idaho 83301 on or before
April 6, 1987.

KEN DUNN, Dir.

PUBLISH: Thursday,

March 19 and 26, 1987.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS

ss.

I, Pamela Flower
Princ Clerk
being first duly sworn upon
oath, depose and say that I am
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for two
consecutive weeks

March 19, 1987, and ending with the issue dated
March 26, 1987.

And I do further certify that said newspaper is a consolidation, effective February 16,
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin
Falls News, published theretofore daily except Monday, both of which newspapers prior to
consolidation had been published under said names in said city and county continuously and
uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday,
until July 31, 1978, at which time said newspaper began daily publication under said name
in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week
has been designated as the day on which legal notice by law or by order of any court of com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; and
that at the head of the editorial column of said combined newspapers, and in each issue there-
of, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 27 day of

March, 1987
Carroll J. [Signature]

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

RECEIVED

APR 1 1987 No 17247

Department of Water Resources
Southern Region Office

OK
MB
4/6/8

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JUL 10 1987

RECEIVED

MAR 27 1987

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Department of Water Resources
Southern Region Office

Amount Due

37.01

Account Name Department of Water Resources			Account Number #100632	
Address 2148 4th Avenue East		City/State Twin Falls, ID		Zip 83301
Ordered By Mary Baldwin	P.O. Number	Rate NT	Run Dates 1987 March 19 & 26	
Identification Application for Water Permit - Gunnell			Estimated Inches	Real Inches
☐ Number of Affidavits Requested 1				Legal Number #4723

*Correction 3/30/87
called 4/2 + 4/9/87
Will republish
New protest date 4/20/87*

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

43-7216

GUNNELL, LELAND & EDITH
P.O. Box 612
Malta, Idaho 83342

Source: Sixmile Creek trib. to Sinks

Date Filed: 06/28/1985

Diversion Pt: SWSENW

Sec. 15 T 155 R 28E, local Descr.

Use: Irrigation (3.00 CFS)

Use: Irrigation Storage (20.0 AF)

Use: Irrigation from Storage (20.0 AF)

In: SWNE SENE NENW

NWNW SWNW

SENW NESW NWSW NESE

NWSE

Sec. 17 T 155 R 28E SWNW

Sec. 16 T 155 R 28E

For 354 Acres

The permit will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, Idaho 83301 on or before April 6, 1987.

KENDUNN
Director

Pub. Mar. 19, 26, 1987

4723

Deborah Gregory, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip insertion(s) beginning with the issue of March 19, 19 87 and ending with the issue of March 26, 1987

Deborah Gregory

MICROFILMED
JUL 06 1987

Subscribed and sworn to before me this 26th

day of March, 19 87

4/19/91

Jeanne M Hawke

Notary Public for Idaho, Residing at Boise, Idaho

Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 19th day of March, 1987, last publication having been made on the 26th day of March, 1987, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 27th day of March, 1987.

Notary Public

My commission expires September 30, 1988.

B10

OK MB 3/30/87

NOTICE OF APPLICATION FOR WATER PERMIT
The following application (s) have been filed to appropriate the public waters of the State of Idaho:

43-7216
GUNNELL, LELAND &/or EDITH
P.O. BOX 612, MALTA, ID 83342
Source: SIXMILE CREEK trib. to SINKS
Date Filed: 06/28/1985
Diversion Pt: SWSENW Sec 15 T 15S R 28E; 13 miles South & 9 miles East of Malta.
Use: IRRIGATION (3.00 CFS); IRRIGATION STORAGE (20.0 AF); IRRIGATION FROM STORAGE (20.0 AF)
In: SWNE SENE NENW NWNW SWNW SENW NESW NWSW NESE NWSE Sec 17 T 15S R 28E SWNW Sec 16 T 15S R 28E FOR 354 ACRES
The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, Idaho 83301 on or before April 6, 1987.
KEN DUNN, Dir.
Published: March 19, 26, 1987

RECEIVED

MAR 30 1987

Department of Water Resources
Southern Region Office

MICROFILMED

JUL 06 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 29 2000
DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 43-7216
1. Owner: Leland &/or Edith Gunnell Phone No. 645-2488
Current Address: P.O. Box 612 Malta, ID 83342
2. Accompanied by: Leland Gunnell EXAM. DATE: 6/27/91
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: six-mile creek tributary to sinks

B. OVERLAP REVIEW

1. Other water rights with same place of use: 43-04085, 43-02585

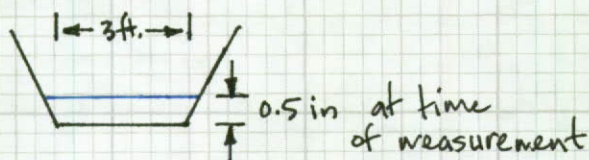
☐ Copies Attached
2. Other water rights with same point of diversion: 43,04085, 43-02585

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached

CIPOLLETTI WEIR



= 0.11 cfs

Scale: 1" = _____

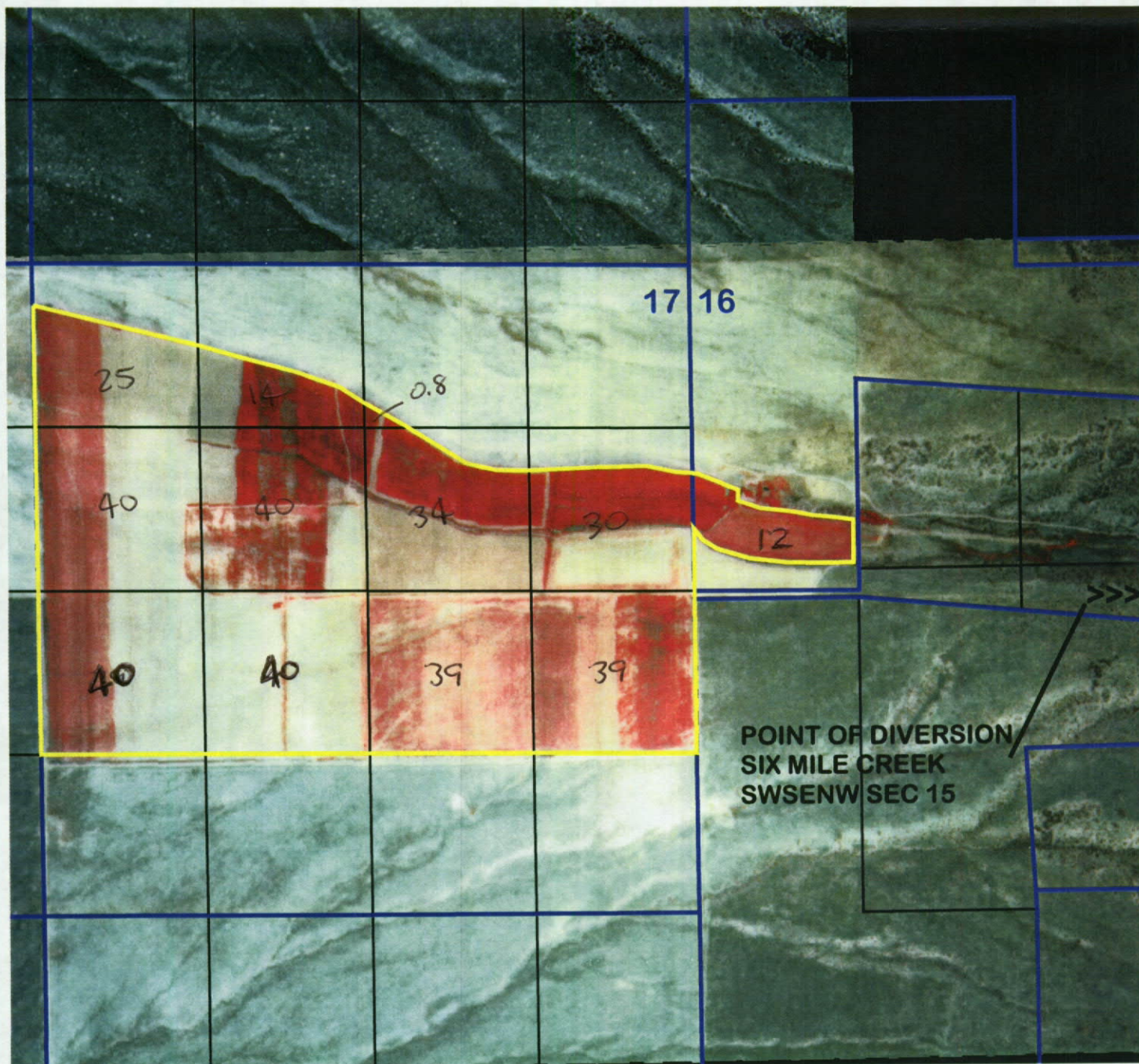
2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

MICROFILMED
MAR 29 2001

Idaho Department of Water Resources

**RIGHTS: 43-2585, 43-4085
and 43-7216**

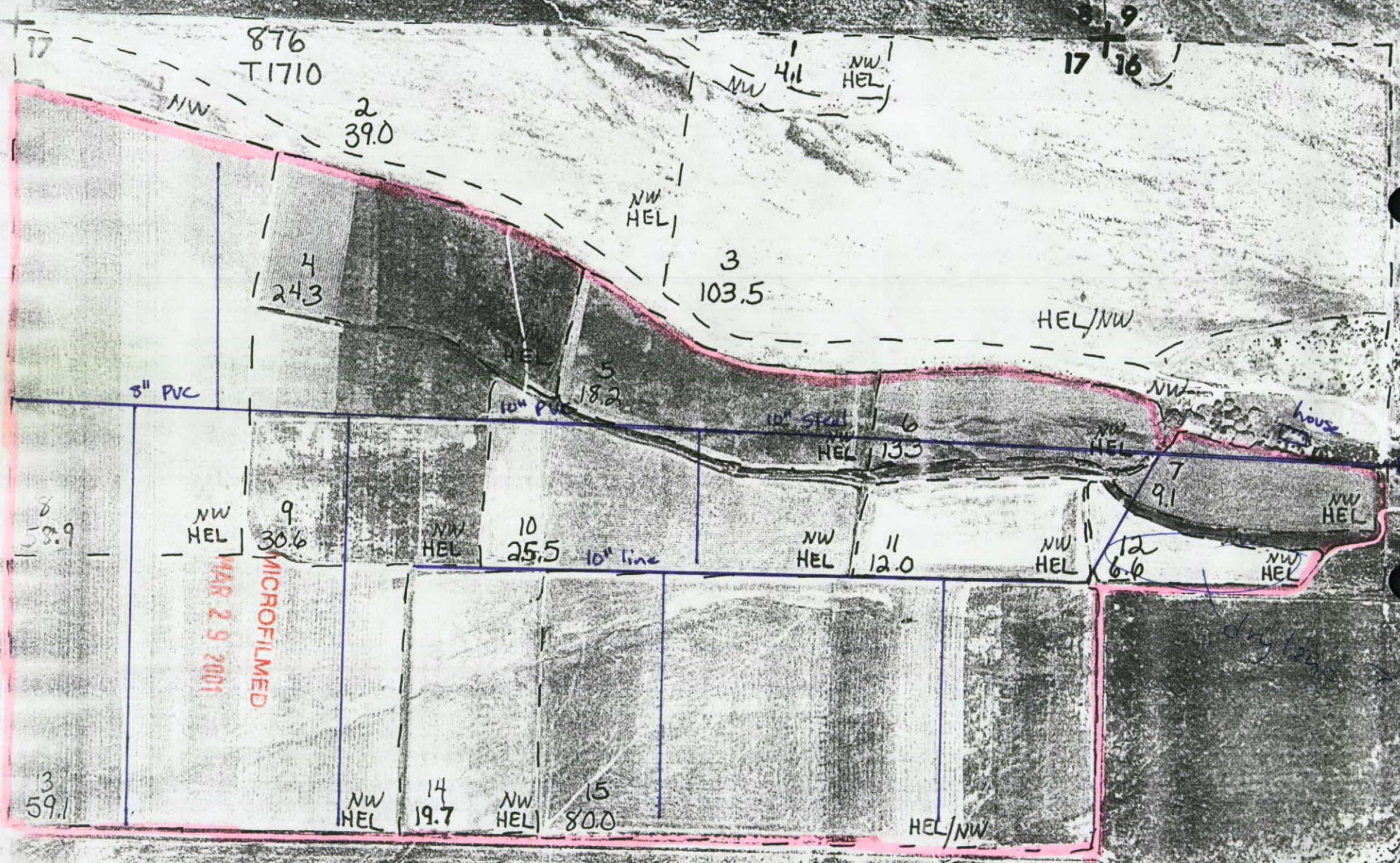
**RECOMMENDED PLACE OF USE
TWP 15S, RNG 28E, Sec 17, 16
Data entry on November 21, 2000**

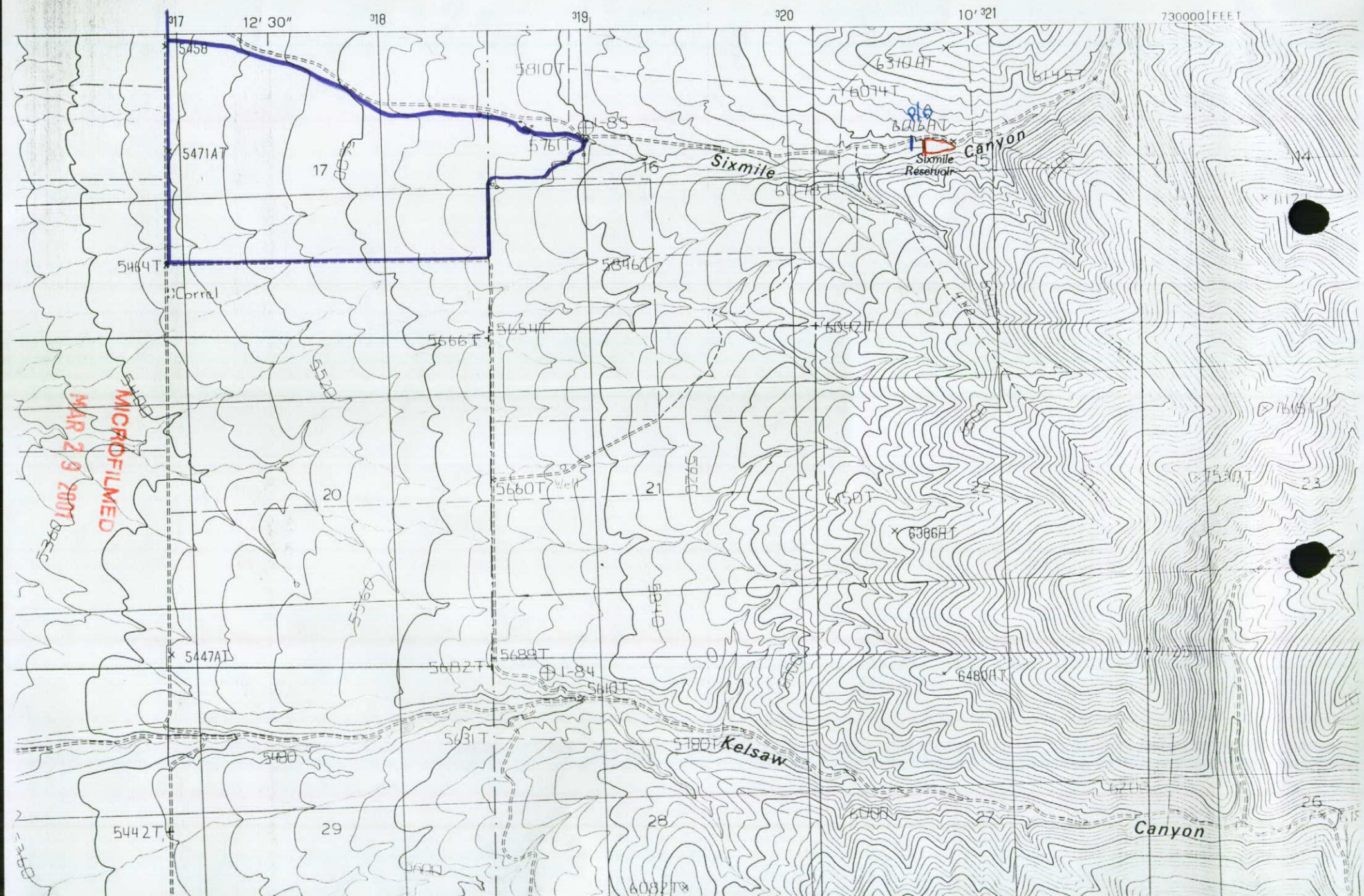


- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES

MICROFILMED
MAR 29 2001

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK

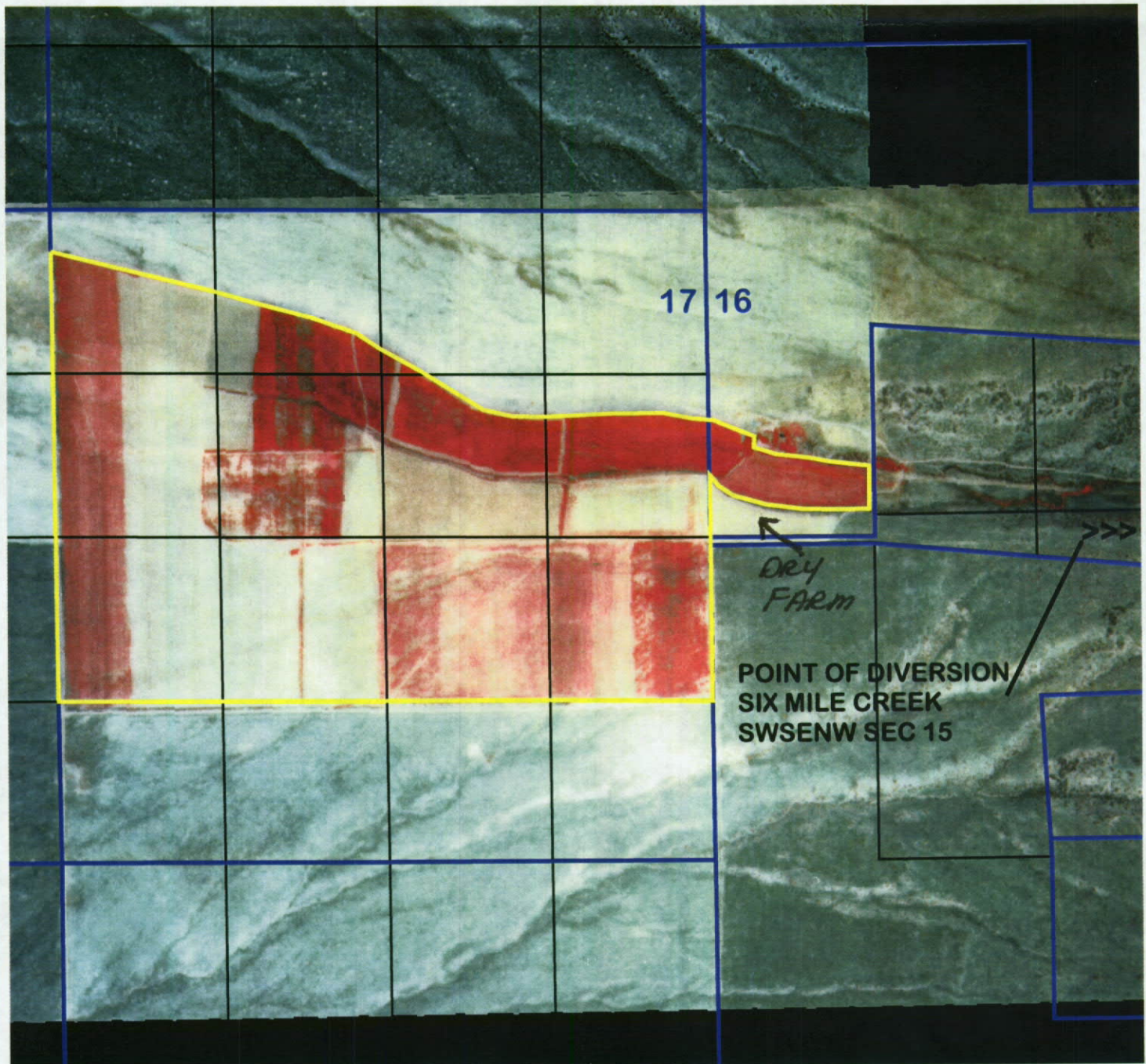




Idaho Department of Water Resources

RIGHTS: 43-2585, 43-4085
and 43-7216

RECOMMENDED PLACE OF USE
TWP 15S, RNG 28E, Sec 17, 16
Data entry on November 21, 2000



- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES

MICROFILMED
MAR 29 2001



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK



Storage Pond (Sixmile creek)



Diversion weir and overflow gate.

MICROFILMED

MAR 29 2001



p/u

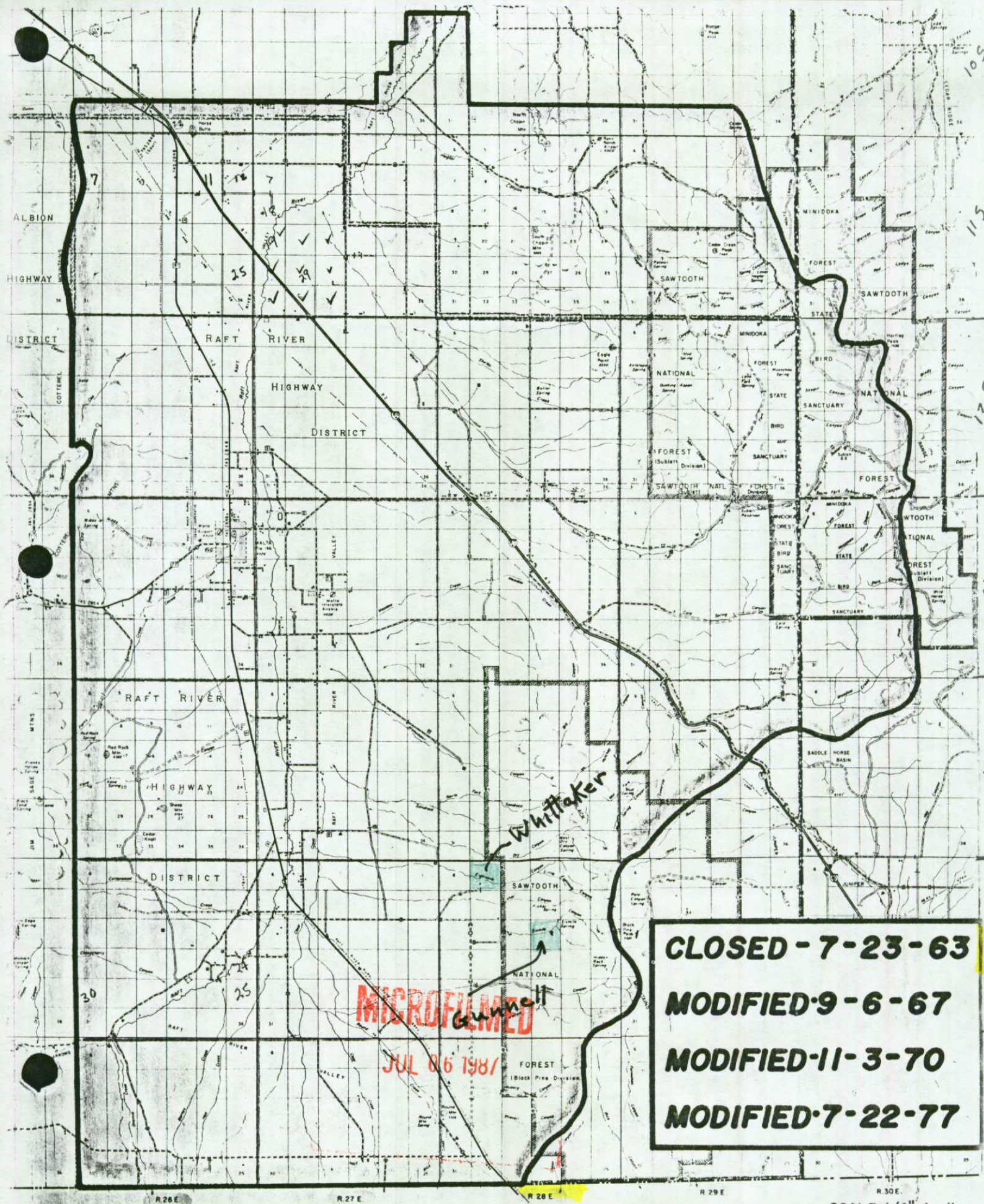


p/u

MICROFILMED

MAR 29 2001

Raft River Critical Groundwater Area



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 43-07216

Priority: June 28, 1985

Maximum Diversion Rate: 3.00 CFS

Maximum Diversion Volume: 1,291.0 AF

It is hereby certified that CONSTRUCTION INC
139 E SOUTH TEMPLE #310
SALT LAKE CITY UT 84111 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 28, 1985; and has
submitted Proof of Beneficial Use on May 16, 1988. An examination indicates that the works have a
diversion capacity of 3.57 cfs of water from:

SOURCE

SIXMILE CREEK

Tributary: SINKS

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	3.00 CFS	1,271.0 AF
IRRIGATION STORAGE	01/01 to 12/31		20.0 AF
IRRIGATION FROM STORAGE	04/01 to 10/31		20.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SIXMILE CREEK SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15, Twp 15S, Rge 28E, B.M., CASSIA 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	
15S 28E 16							12.0										12.0
15S 28E 17			.8	34.0	30.0	14.0	25.0	40.0	40.0	40.0	40.0		39.0	39.0			341.8

Total Acres: 353.8

PLACE OF USE: IRRIGATION FROM STORAGE - Same as Irrigation

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S 28E 15								X									

MICROFILMED

MAR 29 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 43-07216

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. Rights 43-02585, 43-07216, and any right confirmed in accordance with Snake River Basin Adjudication claim A43-04085 when combined shall not exceed a total diversion rate of 3.57 cfs, a total annual maximum diversion volume of 1415.2 af at the field headgate, and the irrigation of 353.8 acres.
3. Rights 43-02585 and 43-07216 when combined shall not exceed 20 afa for irrigation storage purposes.

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 26TH day of MARCH, 2001.

Acting for

KARL J. DREHER
Director

MICROFILMED
MAR 29 2001

RECEIVED**MAR 22 2001**

State of Idaho
 Department of Water Resources
APPLICATION FOR AMENDMENT

Department of Water Resources

(For Licensing Purposes)

WATER RIGHT NO. 43-07216**Date of Priority:** June 28, 1985**Maximum Diversion Rate:** 3.00 CFS**Maximum Diversion Volume:** 1,291.0 AF

Comes now CONSTRUCTION INC
 139 E SOUTH TEMPLE #310

SALT LAKE CITY UT 84111 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. 43-07216, and requests that the permit be changed as follows:

Source: SIXMILE CREEK**Tributary:** SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	3.00 CFS	1,271.0 AF
IRRIGATION STORAGE	01/01 to 12/31		20.0 AF
IRRIGATION FROM STORAGE	04/01 to 10/31		20.0 AF

LOCATION OF POINT(S) OF DIVERSION:SIXMILE CREEK SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15, Twp 15S, Rge 28E, B.M., CASSIA 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	
15S 28E 16							12.0										12.0
15S 28E 17	.8	34.0	30.0		14.0	25.0	40.0	40.0	40.0	40.0			39.0	39.0			341.8

Total Acres: 353.8

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S 28E 16							12.0										12.0
15S 28E 17	.8	34.0	30.0		14.0	25.0	40.0	40.0	40.0	40.0			39.0	39.0			341.8

Total Acres: 353.8

MICROFILMED**MAR 29 2001**

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 43-07216.

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S 28E 15								X									

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 15th day of MARCH, 2001.

CONSTRUCTION, INC.
By: Christopher J. Robinson
(Signature) *President*

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = 50.00 Received by JM # 0052333 Date 2/20/01

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 43-07216 with the following:

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. Rights 43-02585, 43-07216, and any right confirmed in accordance with Snake River Basin Adjudication claim A43-04085 when combined shall not exceed a total diversion rate of 3.57 cfs, a total annual maximum diversion volume of 1415.2 af at the field headgate, and the irrigation of 353.8 acres.
3. Rights 43-02585 and 43-07216 when combined shall not exceed 20 afa for irrigation storage purposes.

Witness my hand this 26TH day of MARCH, 2001.

Acting for *[Signature]*
KARL J. DREHER

Director
MICROFILMED

MAR 29 2001

11/99

For Office Use Only
\$25 filing fee 25.00
Receipt # 6032333
Date 2-20-01

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FEB 20 2001

Department of Water Resources

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, LELAND &/OR EDITH GUNNELL, hereby assign to CONSTRUCTION, INC., A UTAH CORPORATION
of, 139 E. SOUTH TEMPLE #310, SALT LAKE CITY, UT 84111 (801) 323-1600
(Full Address) (Phone)

* All my right, title, and interest in and to Permit No. 43-07216 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

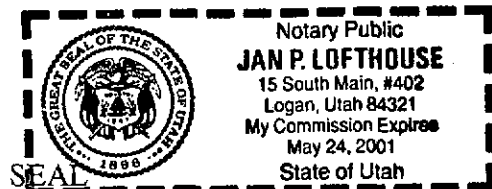
The following described portion of my right, title, and interest in and to for Permit No. NA to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 14 day of Feb, 2001

Permit Holder(s)

State of Idaho)
County of _____)ss

On this 14 day of February, 2001, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Jan P. Lofthouse
Notary Public residing at
Logan, UT

My commission expires: May 24, 2001

MICROFILMED
MAR 29 2001

RECEIVED

MAY 16 1988

Department of Water Resources
Southern Region Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Department of Water Resources
PROOF OF BENEFICIAL USE

RECEIVED

MAY 17 1988

For Office Use Only
Fee Received 150.00
Date 5/16/88
Receipt # 5000205
Receipt by ADM
Reviewed by JS
Sent to Region 5/16/
S.O.

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 43-7216 -
Name(s) of Permit Holder: Leland &/or Edith Gunnell -
Post Office Address: P.O. Box 612, Malta, Idaho 83342 -
Telephone No. 645-2488

Source of Water: Six mile Creek -

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)
Irrigation 354.2 (acres) Other/Remark Storage for Irrig. 20 A.
Irrig. from Storage 20 A.

Total rate and/or volume for which proof is submitted 3.0 cts- 20 A.F. acre-feet

Show the date water was first diverted and beneficially used under this permit: 1984

Measuring Device: Required? ☒ Yes ☐ No
Installed? ☒ Yes ☐ No
Fee enclosed \$ 150.00 -
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No
Weir below dam

Person to contact to accompany the Department representative during the field examination:
Applicant
(Name) (Telephone Number)

(Address)

The above information 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.

RECEIVED

5/16/88

Date

Leland P. Gunnell
Signature of Permit Holder (and title, if appropriate)

SEP 28 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 43-7216

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Leland & Edith Gunnell Phone 645-2488
P.O. Box 612
Post office address Moltz, Idaho, 83342

2. Source of water supply Sixmile Creek which is a tributary of Sinks

3. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 15 Township 15S. Range 28E. B.M. Cassia County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 3.0 for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 20 for Storage for irrig. purposes from 1/1 to 12/31 (both dates inclusive)
(acre-feet per annum)

Amount 20 for Irrig. from Storage purposes from 4/1 to 11/1 (both dates inclusive)
(acre-feet per annum)

Amount 20 for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 3.0 and/or (b) 20
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing dam, diversion & pipeline supplying water to sprinkler system.

b. Height of storage dam 18' feet; active reservoir capacity 20 acre-feet; total
reservoir capacity 20 acre-feet; period of year when water will be diverted to storage:
Jan. 1 to Dec. 31 inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is

1 year (maximum 1 year).

Existing since Spring of 1984.

JUL 06 1987

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	
15S.	28E.	17						12	23		40	40			40	40			195
																			(live & stored water)
								Recently developed lands											
								Lands covered by claim 43-4085 which store water											
								Supplements the live stream flows											
15S.	28E.	16							125										125
		17			36	28	153	11.4	17	39									146.7
																			(stored water only)
																			159.2 ← Old

354.2 ac
Total number of acres to be irrigated 195 ← New

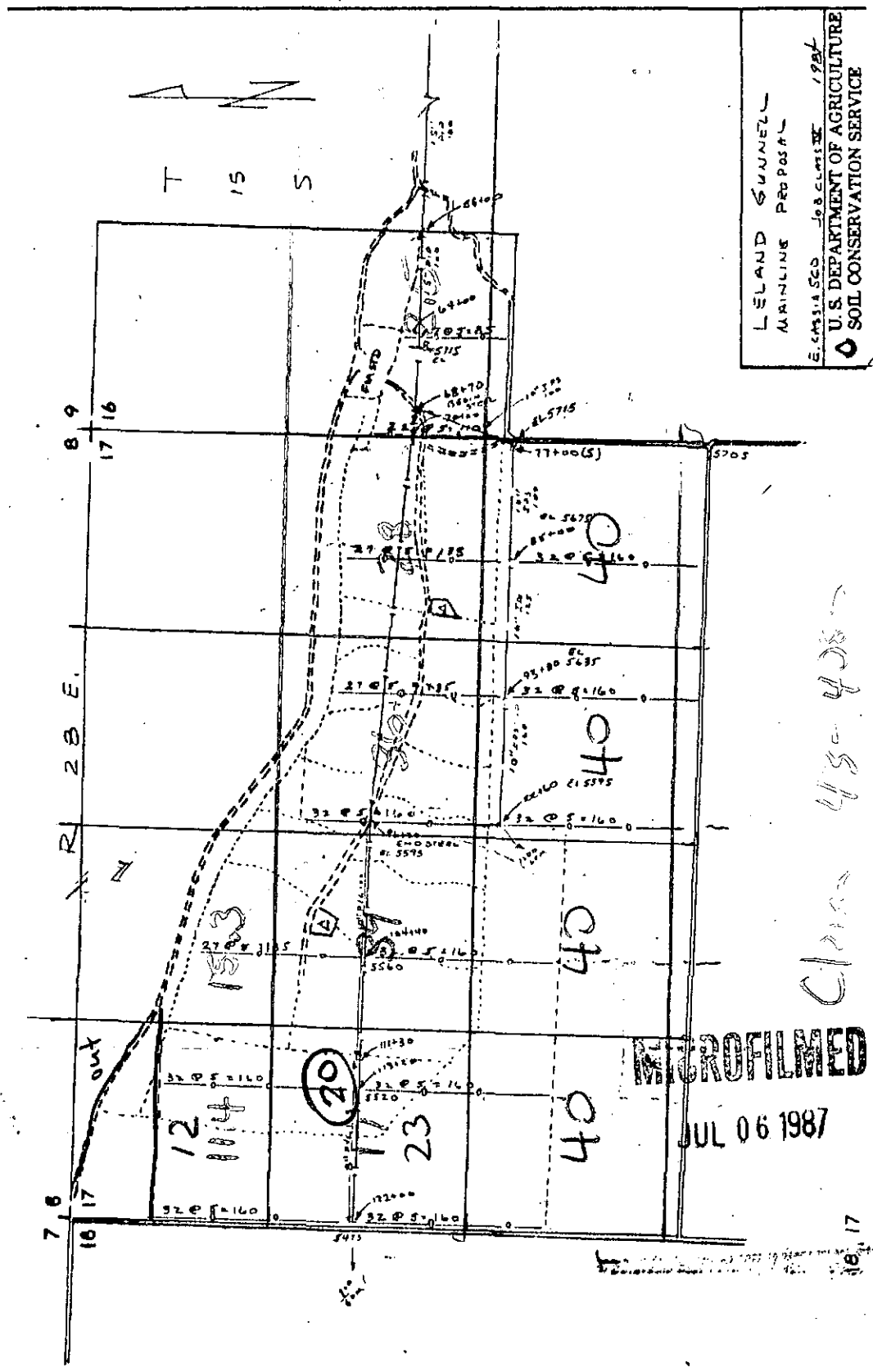
- Describe any other water rights used for the same purposes as described above. Claim 43-4085 on adjacent 159.2 acres and Lic. 43-2585 covering storage for 20 acres in SW¼ NW¼ Sec. 17, T.15S., R.28E., B.M.
- Who owns the property at the point of diversion? Applicant U.S. Forest
 - Who owns the land to be irrigated or place of use? Applicant
 - If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Existing easements

- Remarks: This application is for development already in place and is being made to insure that the benefits of subordination per the Swzen Falls Agreement are obtained. Note that the storage dam was constructed in 1946 and no additional capacity is being requested under this application however the storage is used to supplement above described lands well as those covered under claim 43-4085.

MICROFILMED

208-645-2488

T.15S. R.28E.



Chas 4/30/88

Expanded lands in blue

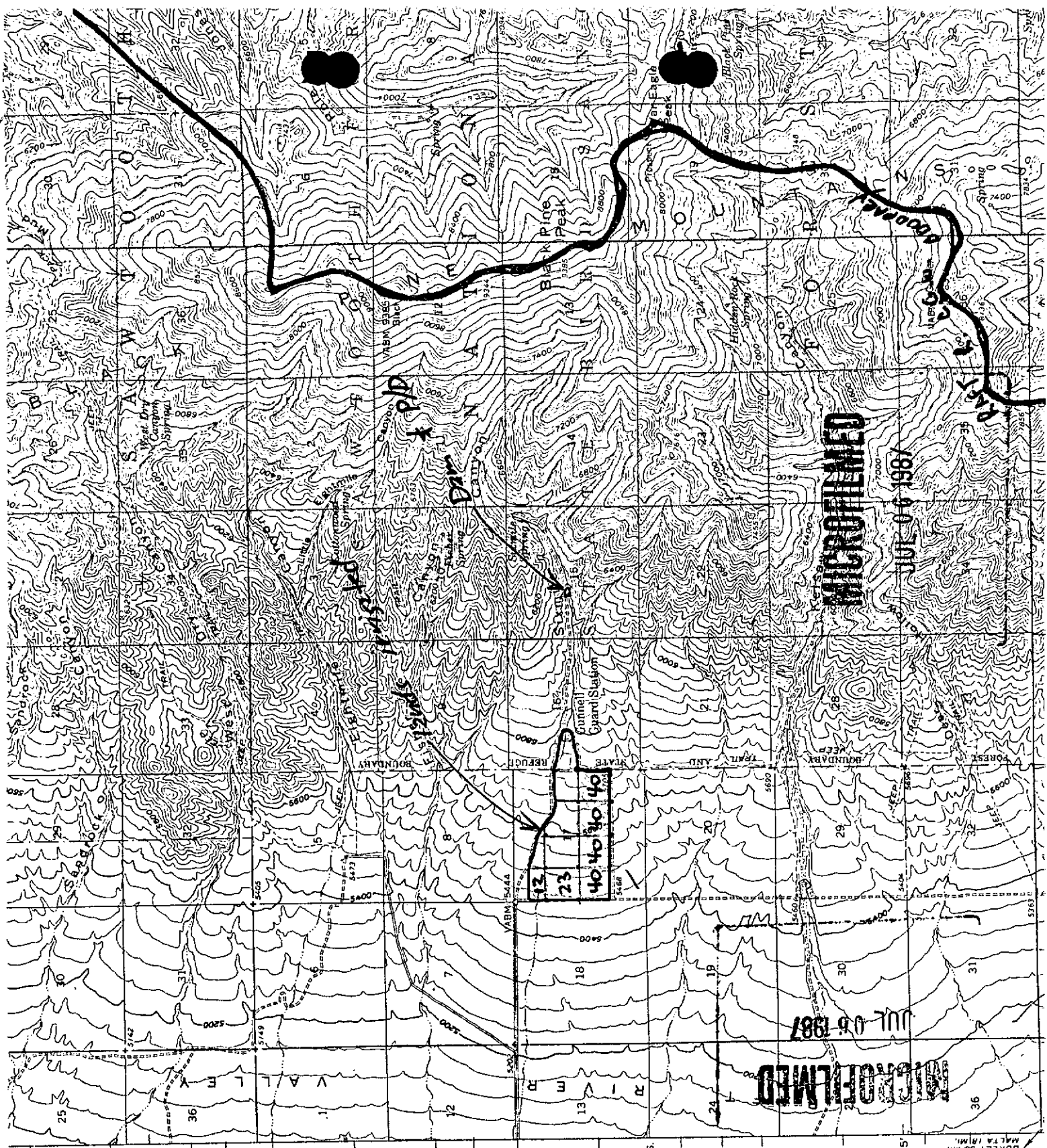
341

Lic. 43-2585

1987 9 0 700

Microfilm

1986



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

[illegible]

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.

Handwritten Signature
(Applicant)

Received by ADM Date 6/28/85 Time 4:45 p.m. Proposed Priority 6/28/85
Fee \$ 85.00 Receipted by ADM # 36658 Date 6/28/85
Publication prepared by M. Baldwin Date 3/5/87 Published in South Id. Press Idaho Statesman
Times News Post Register am. Tribune
Publication approved M. Baldwin Date 4/13/87

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. 43-7216, and said application is hereby APPROVED.

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 June 1, 19 88.
- 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: The issuance of this permit in no way grants any right-of-way or easement across the land of another.
Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
The storage of water under this permit is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

Witness my hand this 26th day of May, 1987.

J. Glen Saxton
Chief, Operations Bureau

MICROFILMED

JUL 06 1987

RECEIVED

APR 10 1987

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Department of Water Resources
Southern Region Office

Amount Due

37.87

Account Name Dept. of Water Resources (Southern Region)			Account Number 100632		
Address 2148 4th Avenue East			City/State Twin Falls, ID		Zip 83301
Ordered By Mary Baldwin	P.O. Number	Rate NT	Run Dates 1987 April 2, 9		
Identification App: Water Permit - Gunnell			Estimated Inches		Real Inches
1 Number of Affidavits Requested					Legal Number #4946

OK
mb
4/13/87

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

43-7216

GUNNELL, LELAND & EDITH
P.O. Box 612
Malta, Idaho 83342
Source: Sixmile Creek trib. to Sinks
Date Filed: 06/28/1985
Division Pt: SWSENW
Sec. 15 T 15S R 28E; 13 miles South & 9 miles East of Malta.
Use: Irrigation (3.00 CFS)
Use: Irrigation Storage (20.0 AF)
Use: Irrigation from Storage (20.0 AF)
In: SWNE SENE NENW
NWNW SWNW
SESW NESW NWSW NESE
NWSE
Sec. 17 T 15S R 28E SWNW
Sec. 16 T 15S R 28E
For 354 Acres

The permit will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, Idaho 83301 on or before April 20, 1987.

KEN DUNN
Director

Pub. Apr. 2, 9, 1987

4946

Deborah Gregory, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip insertion(s) beginning with the issue of April 2, 19 87 and ending with the issue of April 9, 19 87

Deborah Gregory

Subscribed and sworn to before me this 9th day of April, 19 87

MICROFILMED

JUL 06 1987

Connie Blackburn 8/92

Notary Public for Idaho, Residing at Boise, Idaho

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
 STATE OF IDAHO)

MARGE BARENDREFT being first

duly sworn, deposes and says that She is the

Clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for two (2) consecutive weeks, commencing with the issue dated March 19, 1987, and ending with the issue dated March 26, 1987

Marge Barendreft

Subscribed and sworn to before me

this 4th day of April

19 87

Betty Staker Notary Public

Cost of Publication 22.88

Notary Fee 50

Total Cost 23.38

OK MB
4/8/87

87-80

NOTICE OF APPLICATION FOR WATER PERMIT

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

43-7216

GUNNELL, LELAND &/or EDITH

P.O. BOX 612, MALTA, ID 83342

Source: SIXMILE CREEK trib. to SINKS

Date Filed: 06/28/1985

Diversion Pt: SWSENW Sec. 15 T 15S R 28E; 13 miles South & 9 miles East of Malta.

Use: IRRIGATION (3.00 CFS); IRRIGATION STORAGE (20.0 AF); IRRIGATION FROM STORAGE (20.0 AF)

In: SWNE SENE NENW NWNW SENW NESW NWSW NESE NWSE Sec. 17 T 15S R 28E SWNW Sec. 16 T 15S R 28E FOR 354 ACRES

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, Idaho 83301 on or before April 6, 1987.

KENDUNN Dir.
 Published in the South Idaho Press March 19

RECEIVED

APR 8 1987

Department of Water Resources
 Southern Region Office

MICROFILMED
 APR 9 06 1987

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune

505 C St., P.O. Box 957

Lewiston, Idaho 83501

(208) 743-9411

Date 032687

INVOICE No. 100100479

Account No. 44662

BALDWIN

Description 100479NOTI

Times 2

Lines 31

Tab Lines

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

STATE OF IDAHO
DEPT. OF WATER RESOURCES
2148 4TH. AVE. E.
TWIN FALLS,
ID 83301

GALLEY PROOF \$ 27.13

OK
MB
4/6/87

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

J. L. Blackwell

Legal Clerk

, being duly sworn,

deposes and says, I am the
of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF APPLIC/43-7216

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication beginning on 031987 or once a WEEK for 2 consecutive WEEKS, the first publication thereof being on the 031987, and the last publication thereof being on the 032687, and said
NOTICE OF APPLIC/43-7216

was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

J. L. Blackwell

SUBSCRIBED AND SWORN BEFORE ME THIS THE 1

day of April 1987

Sheral M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

100479
**NOTICE OF APPLICATION
FOR WATER PERMIT**
The following application (s) have been filed to appropriate the public waters of the State of Idaho:
43-7216
GUNNELL, LELAND &/or EDITH
P.O. BOX 612, MALTA, ID 83342
Source: SIXMILE CREEK trib. to SINKS
Date Filed: 06/28/1985
Diversion Pt: SWSENW Sec 15 T 15S R 28E; 13 miles South & 9 miles East of Malta.
Use: IRRIGATION (3.00 CFS)
IRRIGATION STORAGE (20.0 AF)
IRRIGATION FROM STORAGE (20.0 AF)
In: SWNE SENE NENW NWNW SWNW SENW NESW NWSW NESE NWSE Sec 17 T 15S R 28E SWNW Sec 16 T 15S R 28E FOR 354 ACRES
The permit (s) will be subject to all prior water rights: Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, Idaho 83301 on or before April 6, 1987.

KEN DUNN, Dir.

MICROFILMED

RECEIVED

APR 13 1987

Department of Water Resources
Southern Region Office

**NOTICE OF
APPLICATION FOR
WATER PERMIT**

The following applica-
tion(s) have been filed to
appropriate the public
waters of the State of
Idaho:

43-7216

GUNNELL, LELAND
&/or EDITH
P.O. BOX 612,
MALTA, ID 83342

SOURCE: SIXMILE
CREEK trib. to SINKS.

Date Filed: 06/28/85

Diversion Pt: SWSNW

Sec 15, T 15S, R 28E;

13 miles South & 9

miles East of Malta.

Use: IRRIGATION

(3.00 CFS)

IRRIGATION STORAGE
(20.0 AF)

IRRIGATION FROM
STORAGE (20.0 AF)

In: SWNE, SENE,

NENW, NWNW, SWNW,

SESW, NESW, NWSW,

NESE, NWSE, Sec. 17

T15S, R 28E, SWNW Sec

16, T 15S, R 28E, FOR

354 ACRES.

The permit(s) will be
subject to all prior water
rights. Protests must be

filed with the Director,
Dept. of Water

Resources, Southern
Region, 2148 Fourth

Avenue East, Twin Falls,
Idaho 83301 on or before

April 6, 1987.

KEN DUNN, Dir.

PUBLISH: Thursday,

March 19 and 26, 1987.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS

ss.

APR No 17247
1987

I, Pamela Sower Department of Water Resources

oath, depose and say that I am June Clark of the TIMES-NEWS,

published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and

entire issue of said newspaper, and not in any supplement thereof, for two

consecutive weeks, commencing with the issue dated

March 19, 1987, and ending with the issue dated

March 26, 1987

And I do further certify that said newspaper is a consolidation, effective February 16,
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin
Falls News, published theretofore daily except Monday, both of which newspapers prior to
consolidation had been published under said names in said city and county continuously and
uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday,
until July 31, 1978, at which time said newspaper began daily publication under said name
in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week
has been designated as the day on which legal notice by law or by order of any court of com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; and
that at the head of the editorial column of said combined newspapers, and in each issue there-
of, Thursday is announced as the day on which said legal notices will be published.

Pamela Sower
Subscribed and sworn to before me on this 27 day of

March, 1987.

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

MICROFILMED

JUL 10 1987

OK
MB
4/6/87

TWIN FALLS TIMES NEWS

132 3RD ST W.

P. O. BOX 548

TWIN FALLS

ID 83303

RECEIVED

APR 1 1987

RETURN POSTAGE GUARANTEED

INVOICE NO.		CLASS		BILLING DATE	
17247		343		03/31/87	
INDEXING TERM					
443-7216					
START DATE		TELEPHONE NO.		ORDER NO.	
3/19/87		734-3578			
LINES/WORDS	TIMES	RATE	NET AMOUNT	GROSS AMOUNT	
46	2		25.76	25.76	
OK MB 4/6/87					
PAY THIS AMOUNT			25.76	25.76	
GROSS AMT DUE AFTER C4/15					

RETURN THIS PORTION WITH YOUR REMITTANCE

Southern Region Office

17247

2576

THIS SPACE FOR ADDRESS ONLY

IDAHO WATER RESOURCES

2148 4TH AVE EAST
TWIN FALLS

ID

83301



The Times-News

P.O. Box 548 • Twin Falls, Id. 83303-0548

March 31, 1987

Idaho Water Resources
2148 4th Ave East
Twin Falls ID 83301

RECEIVED

APR 1 1987

Department of Water Resources
Southern Region Office

PERMIT #43-7216

Two Times

March 19, 1987, 46 lines @ .32- - \$14.72

March 26, 1987, 46 lines @ .24- - \$11.04

"I hereby certify that the above account is correct and just, that the supplies were actually furnished and/or that the services were actually rendered as charged, and that I/we have not received payment therefor."

WITNESSED: The Times-News - Magic Valley Newspapers, Inc.

BY: *[Signature]*

INVOICE

17247

ACE PTO.

\$25.76

MICROFILMED
JUL 06 1987

RECEIVED

MAR 27 1987

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

37.01

Department of Water Resources
Southern Region Office

Account Name Department of Water Resources			Account Number #100632	
Address 2148 4th Avenue East		City/State Twin Falls, ID		Zip 83301
Ordered By Mary Baldwin	P.O. Number	Rate NT	Run Dates 1987 March 19 & 26	
Identification Application for Water Permit - Gunnell			Estimated Inches	Real Inches
1 Number of Affidavits Requested				Legal Number #4723

*Correction 3/30/87
called republish
Will 4/2 + 4/9/87
New protest date 4/20/87*

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been
filed to appropriate the public waters
of the State of Idaho:

43-7216

GUNNELL, LELAND & EDITH
P.O. Box 612
Malta, Idaho 83342

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Sinks

Date Filed: 06/28/1985

Diversion Pt: SWSENW

Sec. 15 T15S R28E; Local Descr.

Use: Irrigation (3.00 CFS)

Use: Irrigation Storage (20.0 AF)

Use: Irrigation from Storage
20.0 AF)

In: SWNE SENE NENW

NWNW SWNW

SENW NESW NWSW NESE

NWSE

Sec. 17 T15S R28E SWNW

Sec. 16 T15S R28E

For 354 Acres

The permit will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of Water
Resources, Southern Region, 2148
Fourth Avenue East, Twin Falls,
Idaho 83301 on or before April 6, 1987.

KEN DUNN
Director

Pub. Mar. 19, 26, 1987

4723

Deborah Gregory, being duly
sworn, deposes and says: That she is the Principal Clerk of The Idaho
Statesman, a daily newspaper printed and published at Boise, Ada
County, State of Idaho, and having a general circulation therein and
which said newspaper has been continuously and uninterruptedly
published in said County during a period of twelve consecutive months
prior to the first publication of the notice, a copy of which is attached
hereto; that said notice was published in The Idaho Statesman in
conformity with Section 60-108, Idaho Code as amended, for Two (2)
☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip
insertion(s) beginning with the issue of March 19, 19 87
and ending with the issue of March 26, 1987

Subscribed and sworn to before me this

26th

day of

March

19 87

MICROFILMED
JUL 06 1987

4/19/91

Jeanne M Hawke

Notary Public for Idaho, Residing at Boise, Idaho

Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 19th day of March, 1987, last publication having been made on the 26th day of March, 1987, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 27th day of March, 1987.

Notary Public

My commission expires September 30, 1988.

B10

NOTICE OF APPLICATION FOR WATER PERMIT

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

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GUNNELL, LELAND &/or EDITH
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13 miles South & 9 miles East of Malta.
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STORAGE (20.0 AF); IRRIGATION FROM
STORAGE (20.0 AF)
In: SWNE SENE NENW NWNW SWNW
SESW NESW NWSW NESE NWSE Sec 17 T
15S R 28E SWNW Sec 16 T 15S R 28E FOR
354 ACRES

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, Idaho 83301 on or before April 6, 1987.

Published: March 19, 26, 1987
KEN DUNN, Dir.

OK MB
3/30/87
RECEIVED

MAR 30 1987

Department of Water Resources
Southern Region Office

MICROFILMED

JUL 06 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 27, 2001

CONSTRUCTION INC
139 E SOUTH TEMPLE #310
SALT LAKE CITY UT 84111

RE: License No. 43-7216 - 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.

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 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

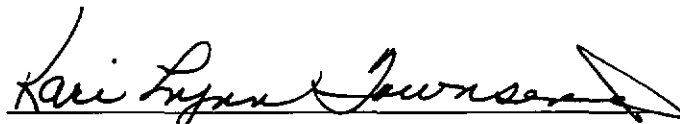
MAR 29 2001

CERTIFICATE OF MAILING

I hereby certify that on March 27, 2001 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. 43-7216

**CONSTRUCTION INC
139 E SOUTH TEMPLE #310
SALT LAKE CITY UT 84111**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

MAR 29 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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).

MICROFILMED
MAR 29 2001

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 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.

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.

RECEIVED

MAR 22 2001

Department of Water Resources

CONSTRUCTION, INC.

139 EAST SOUTH TEMPLE, SUITE 310

SALT LAKE CITY, UTAH 84111

801/328-1600

FAX: 801/328-1616

March 19, 2001

State of Idaho
Department of Water Resources
1301 N Orchard Street
Boise, Idaho 83706

ATTN: Kay Walker, Sr. Water Resource Agent

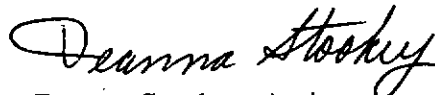
RE: Permit No. 43-07216--Application for Amendment

Dear Ms. Walker:

Pursuant to instructions in your letter to us dated March 13, 2001, we are returning the above referenced Application which has been signed by Christopher F. Robinson. We previously paid the amendment fee of \$50.00.

Please advise if you need anything further from us regarding this Application.

Sincerely,



Deanna Stookey, Assistant to
Christopher F. Robinson

Enclosure



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

March 13, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CONSTRUCTION INC
139 E. SOUTH TEMPLE #310
SALT LAKE CITY UT 84111

RE: Permit No. 43-07216

Gentlemen:

In an additional review of the above referenced permit we find that we need to amend our previous licensing amendment so we are enclosing another amendment form for your signature. Please note that we have added irrigation storage and irrigation from storage components to the proposed license to allow use of the 20-acre feet of storage water on any of the lands described under the place of use. Please note that you have already paid the \$50.00 amendment fee so you just need to sign the form and return it to our office at your earliest convenience.

Enclosed, is Receipt No. C052333 in the amount of \$50.00 which you sent with the first amendment form. If you have any questions concerning the revised amendment, please do not hesitate to contact me at (208)327-7944.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is written in a cursive, flowing style.

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

RECEIVED

FEB 20 2001

Department of Water Resources

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 43-07216

Date of Priority: June 28, 1985

Maximum Diversion Rate: 3.00 CFS

Comes ~~LELAND AND/OR EDITH GUNNELL~~
~~PO BOX 612~~
~~MALTA ID 83342~~

Construction, Inc.
139 E. South Temple #310
Salt Lake City, UT 84111
and represents to the Director of the

Idaho Department of Water Resources:

That they are the owners and holders of Permit to Appropriate the Public Waters of the State of Idaho No. 43-07216, and requests that the permit be changed as follows:

Source **SIXMILE CREEK**

tributary to **SINKS**

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/01 to 10/31

RATE OF DIVERSION

3.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

SIXMILE CREEK SW1/4SE1/4NW1/4 Sec. 15, Twp 15S, Rge 28E, B.M. CASSIA 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	
15S 28E 16							12.0										12.0
15S 28E 17		.8	34.0	30.0	14.0	25.0	40.0	40.0	40.0	40.0			39.0	39.0			341.8

Total Acres: 353.8

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 at Salt Lake City, Utah, this 15th day of FEBRUARY, 2001.

CONSTRUCTION, INC.

By: Christopher F. Robinson
(Signature) Pres

MICROFILMED

MAR 29 2001

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 43-07216

FOR DEPARTMENT USE ONLY

Preliminary check by gk Fee = 50⁰⁰ Received by JM # 6052333 Date 2/20/01

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 43-07216 with the following:

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. Rights 43-02585, 43-07216, and any right confirmed in accordance with Snake River Basin Adjudication claim A43-04085 when combined shall not exceed a total diversion rate of 3.57 cfs, a total annual maximum diversion volume of 1415.2 af at the field headgate, and the irrigation of 353.8 acres.

Witness my hand this _____ day of _____, 2001.

KARL J. DREHER
Director

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6

MAR 29 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

February 21, 2001

CONSTRUCTION INC
139 E SOUTH TEMPLE #310
SALT LAKE CITY UT 84111

RE: Assignment of Permit for Water Right 43-7216

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right permit to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

MAR 29 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

January 17, 2001

CHRIS ROBINSON
C/O DOUGLAS FREESTONE
MALTA ID 83342

Re: Permit No. 43-07216

Dear Mr. Robinson:

We have been advised that you have purchased the property under the above referenced permit from Leland and Edith Gunnell. The Gunnell's contacted us to let us know they had sold the property because we are in the process of trying to license this permit. In order for us to change the name of the permit holder we require an "Assignment of Permit" form be submitted. I have enclosed the form for your convenience. The Gunnell's are willing to assign the permit to you; however, they did not feel they needed to pay the \$25.00 filing fee to submit the form to the Department.

Please advise me if there is a problem in submitting the assignment of permit form. We are prepared to proceed with licensing this permit as soon as we receive the assignment form. The permit will require a licensing amendment to change the place of use and this form requires a signature of the permit holder along with a \$50.00 amendment fee. The amendment request is what prompted the Gunnell's to contact me with the new owner information.

If you have any questions, please do not hesitate to contact me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosure

*talked to
Deena Freestone
@ 801-328-1600 -
assignment will
be submitted
along with fee -
KW
1/29/2001*

MICROFILMED

MAR 29 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

January 17, 2001

CHRIS ROBINSON
C/O DOUGLAS FREESTONE
MALTA ID 83342

Re: Permit No. 43-07216

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If you have any questions, please do not hesitate to contact me at 208-327-7944.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker".

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosure

MICROFILMED

MAR 29 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

RECEIVED

JAN - 8 2001

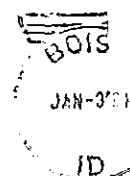
Department of Water Resources

GUNN 612

GUNN612 833422005 1200 08 01/05/01
RETURN TO SENDER
GUNNELL
3053 W 5800 S
WELLSVILLE UT 84339-9334
RETURN TO SENDER

AUG 15 2003
83720-4098

NOTE



U.S. POSTAGE

0.24

MICROFILMED

MAR 29 2001

WR 43-07216
mail present on
1-8-01
net



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

January 3, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LELAND GUNNELL &/OR
EDITH GUNNELL
PO BOX 612
MALTA ID 83342

RE: Water Right Permit No. 43-7216

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than what was described on your permit. Therefore, before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than what was described on your permit:

 Point(s) of Diversion

✓ Place(s) of Use

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

MICROFILMED

MAR 29 2001

RECEIVED

NOV 29 2000

Department of Water Resources

MEMO

FROM: Allen Merritt

DATE: November 27, 2000

TO: Kay Walker
File 43-07216 Field Exam File

SUBJECT: Review and Recommendation

This permit was first field examined by Brian Block, a summer aide, in 1991. It was never finalized. Recently Vikie Hancock has revisited the site during her SRBA review of the associated water rights. She needs this permit licensed to correspond with her SRBA efforts.

I have reviewed the file and had Vikie augment the file with a memo. Hopefully it is complete enough the license the permit. Note that I have changed the acres/tract to conform with Vikies GIS work. Attached is also a recommendation of right 43-02585 prepared by Vikie to show how she splits out the acres/tract.

There has never been a measurement of the total flow of the creek since it is greatly influenced by runoff. Based on the high water marks observed on the 3' cipolletti weir a limit of 3.57 cfs was determined.

MICROFILMED

MAR 29 2001

LICENSE REVIEW CHECKLIST

Permit No. 43-07216 Date: 12/7/2000 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use change

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): 43-04085, 43-02585
File reviewed Profile reports printed

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 3.0 cfs
Fee Limit 3.0 cfs
Measured 3.57 cfs
Theoretical cfs

Recommended Total Diversion Rate 3.0

Water Uses

reduced Change (P46)

Season of Use per new Standards

4-1 10-31

Irrigation 3.0 cfs 1273 af
Stockwater cfs af
Domestic cfs af
 cfs af
 cfs af
Total 3.0 cfs 1273 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

> 1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (081/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

$3.57 \times 1.9835 \times 214 = 1515.3$
 $3.0 \text{ cfs} \times 1.9835 \times 214 \text{ days} = 1273.4 \text{ af (vs) } 353.8 \text{ acres} \times 4.0 \text{ (FHR)} = 1415.2 \text{ af}$

Remarks:

R64, R40, W35

3.0 (con)

Additional Conditions 43B

Watermaster Control
GW Measurement/Measuring Device
Other
Trust (052/R55 - remove 051)
Non-trust (048/049)

GW Dist?

Water Msmt. Dist?

Crit. GWMA? yes - Raft River

GWMA?

Government Lots?

Advance Priority? yes

If yes, explain why below.

no

SRBA Claim?

yes - pending

Adjust memo

Amend Letters P41

P87, S06

Second Amendment Notice P49

S06

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
L4307216	T15S R28E S16 SIXMILE CREEK																	
	:								13									13
4304085	SIXMILE CR :								12									12
A4304085	SIXMILE CR :								17									17
R4304085	SIXMILE CR :								17									17
4307216	SIXMILE CR :								13									13
A4307216	SIXMILE CR :								17									17
R4307216	SIXMILE CR :								17									17
L4307216	T15S R28E S17 SIXMILE CREEK																	
	:			36	28		15	23	40	39		40	40			40	40	341
4302585	SIXMILE CR :								20									20
A4302585	SIX MILE C :								20									20
R4302585	SIX MILE C :								20									20
4304085	SIXMILE CR :			36	28		15	11	17	39								146
A4304085	SIXMILE CR :		02	36	30		15	02	05	40								130
R4304085	SIXMILE CR :		02	36	30		15	02	05	40								130
4307216	SIXMILE CR :			36	28		15	23	40	39		40	40			40	40	341
A4307216	SIXMILE CR :		02	16	30		15	25	40	40		40	40			40	40	546
R4307216	SIXMILE CR :		02	16	30		15	25	40	40		40	40			40	40	546

03/09/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 43-2585

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CONSTRUCTION INC 139 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111
Original Owner	EDITH GUNNELL
Original Owner	LELAND GUNNELL PO BOX 612 MALTA, ID 83342 (208)654-2488

Priority Date: 12/10/1946
Basis: License
Status: Active

<u>Source</u>	<u>Tributary to</u>
SIXMILE CREEK	CLEAR CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION STORAGE	01/01	12/31		20 AFA	
IRRIGATION FROM STORAGE	04/01	10/31		20 AFA	
Total Diversion				20 AFA	

Location of Point(s) of Diversion:

SIXMILE CREEK	SWSENW	Sec. 15	Township 15S	Range 28E	CASSIA County
---------------	--------	---------	--------------	-----------	---------------

IRRIGATION STORAGE Use:
Acre Limit: 20

IRRIGATION FROM STORAGE Use:
Acre Limit: 20

Place(s) of use:

Place of Use Legal Description: IRRIGATION FROM STORAGE CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
15S	28E	16		SWNW	12									
		17		NWNE	0.8		SWNE	34		SENE	30			
				NENW	14		NWNW	25		SWNW	40		SENE	40
				NESW	40		NWSW	40					SENE	40
				NESE	39		NWSE	39						

Total Acres: 353.8

Conditions of Approval:

- C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates:

Licensed Date: 07/03/1979
Claim Received Date: 05/03/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates: No dates found

Other Information:

Receipt Number(s): S007012
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 43-4085

Owner Type Name and Address
Current Owner CONSTRUCTION INC
 139 EAST SOUTH TEMPLE
 SALT LAKE CITY, UT 84111

Original Owner EDITH GUNNELL
Original Owner LELAND GUNNELL
 PO BOX 612
 MALTA, ID 83342
 (208)654-2488

Priority Date: 08/01/1884
Basis: Beneficial Use
Status: Active

Source Tributary to
SIXMILE CREEK SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	2 CFS		
STOCKWATER	01/01	12/31	0.05 CFS		
DOMESTIC	01/01	12/31	0.04 CFS		
Total Diversion			2 CFS		

Location of Point(s) of Diversion:

SIXMILE CREEK SWSENW Sec. 15 Township 15S Range 28E CASSIA County

IRRIGATION Use:
Acre Limit: 100

DOMESTIC Use:
Number of homes: 2

Place(s) of use:

Place of Use Legal Description: IRRIGATION

CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
15S	28E	16		SWNW	12									
		17		NWNE	0.8		SWNE	34		SENE	30			
				NENW	14		NWNW	25		SWNW	40		SENE	40
				NESW	40		NWSW	40					SENE	40
				NESE	39		NWSE	39						

Place of Use Legal Description: STOCKWATER

CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
15S	28E	16		SWNW										
		18		NWNE										

Place of Use Legal Description: DOMESTIC

CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
15S	28E	16		SWNW										

Total Acres: 353.8

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.57 CFS. COMBINED RIGHT NOS.: 43-7216, 43-2585.

Comments:

Author	Date	Subject	Comment
vhancock	11/21/00	COPIED FROM REMARKS	This filing is for entire flow of Sixmile creek. The attached deed records that the original ditches could carry 300 inches of water.
vhancock	11/22/00	USE	Stockwater - 200 cattle

Dates:

Licensed Date:
 Claim Received Date: 05/03/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Other Information:

Receipt Number(s): S007012
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:NONE RECEIVED
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 43-7216

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CONSTRUCTION INC 139 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111
Original Owner	EDITH GUNNELL
Original Owner	LELAND GUNNELL PO BOX 612 MALTA, ID 83342 (208)654-2488

Priority Date: 05/01/1984
Basis: Permit
Status: Active

<u>Source</u>	<u>Tributary to</u>
SIXMILE CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	3 CFS		
IRRIGATION STORAGE	01/01	12/31		20 AFA	
IRRIGATION FROM STORAGE	04/01	10/31		20 AFA	
Total Diversion			3 CFS	20 AFA	

Location of Point(s) of Diversion:

SIXMILE CREEK SWSENW Sec. 15 Township 15S Range 28E CASSIA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
15S	28E	16		SWNW	12									
		17		NWNE	0.8		SWNE	34		SENE	30			
				NENW	14		NWNW	25		SWNW	40		SENE	40
				NESW	40		NWSW	40						
				NESE	39		NWSE	39						

Place of Use Legal Description: IRRIGATION FROM STORAGE CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
15S	28E	16		SWNW										
		17		NWNE			SWNE			SENE				
				NENW			NWNW			SWNW			SENE	
				NESW			NWSW							
				NESE			NWSE							

Total Acres: 353.8

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED

BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

2. A01 THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.57 CFS. COMBINED RIGHT NOS.: 43-4085, 43-2585.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
vhancock	11/22/00	COPIED FROM REMARKS	Approved permit 43-7216 was filed to cover this expansion which was completed in 5-01-84. This claim is based on expansion of A43-04085 which covers the entire flow of Sixmile Creek and A43-02585 which covers the original development of Gunnell reservoir

Dates:

Licensed Date:
Claim Received Date: 05/03/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates: No dates found

Other Information:

Receipt Number(s): S007012
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
POD	11/22/00 12:12:47 PM	vhancock	Edited PLS
POD	11/22/00 12:12:31 PM	vhancock	Edited point location

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 29 2000
DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

1. Owner: Leland &/or Edith Gunnell Permit No. 43-7216
Current Address: P.O. Box 612 Malta, ID 83342 Phone No. 645-2488
2. Accompanied by: Leland Gunnell EXAM. DATE: 6/27/91
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Six-mile Creek tributary to Sinks

B. OVERLAP REVIEW

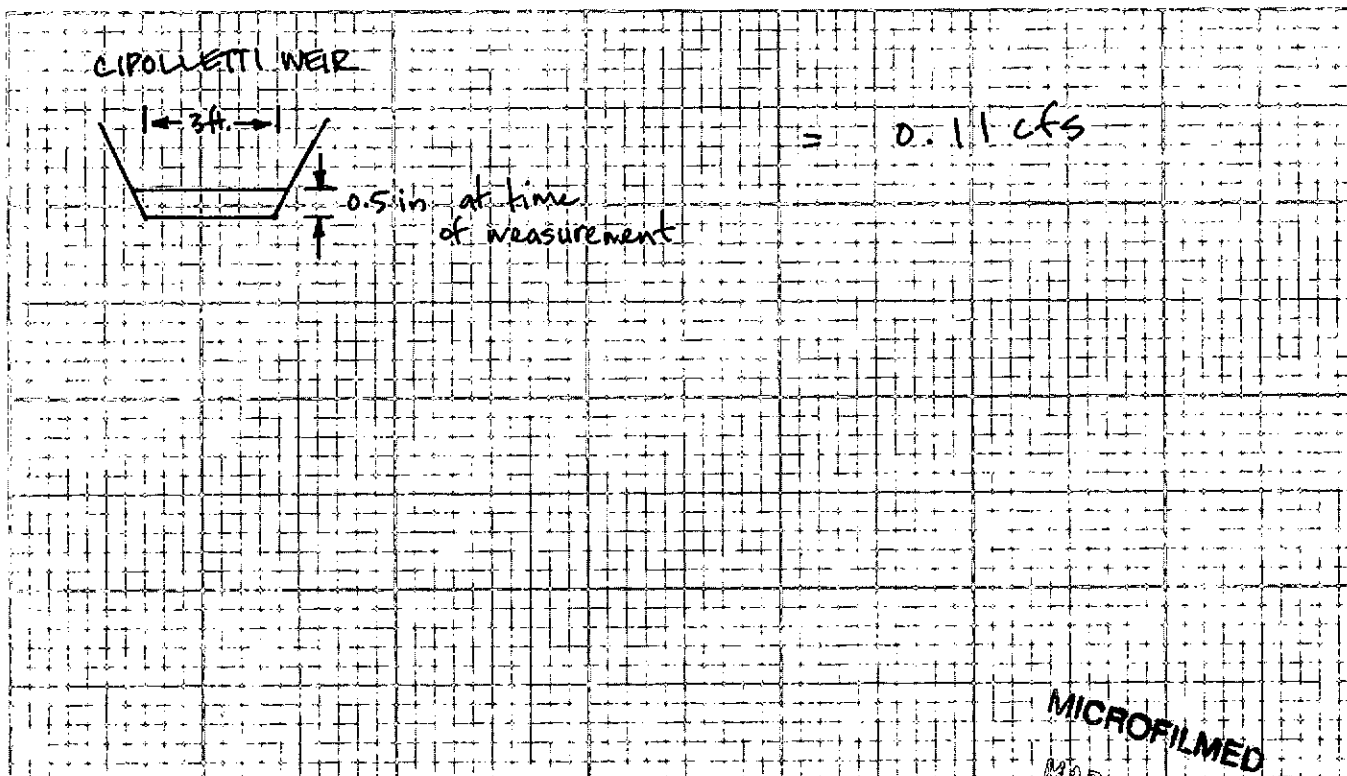
1. Other water rights with same place of use: 43-04085, 43-02585

☐ Copies Attached
2. Other water rights with same point of diversion: 43,04085, 43-02585

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).
☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Irrigation system took water from storage pond ~~from~~ on sixmile creek. Water distributed by two 10' mainlines. Weir was located at diversion point.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	N/A				

*Code to correspond with No. on map and aerial photo

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	SE	NW	15	15S	28E	Cassia	Topo map / inspection

6. **Place(s) of Use:**

Indicate Method of Determination _____

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	28E	16																	13
15S	28E	17		0.8	34	30	14	25	13	40	39	40	40			39	39		261.8
																			354
																			353.8

* Corrected 11/27/2007
AOM

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Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Cippolletti Weir					3'	

2. Measurements:

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

3 ft. Cippolletti weir can range up to 6" head
= 3.57 cfs.

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 354(3.5) = 1239 \text{ a.f.}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 3(245)(1.9835) = 1458 \text{ a.f.}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 1239 \text{ a.f.}$

2. Volume Calculations for Other Uses:

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

By nature, system capacity exceeds permit rate.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
irrigation	3/15	11/15	3.0	1239
Totals:			3.0	1239

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

J. AUTHENTICATION

Field Examiner's Name Brian Block
Signature Brian Block
Certification Date _____
Field Report Preparation Date 7/26/91

CONSULTANT SEAL

- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

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MEMO

From: Vikie Hancock

11/27/00

Regarding: SRBA Claims 43-2585, 43-4085, 43-7216

The above claims were filed by Leland Gunnell. The place of use has subsequently been purchased by Construction, Inc. 139 East South Temple #310, Salt Lake City, Utah 84111. Phone 801-328-1600.

GIS analysis of the place of use using 1987 NAPP aerial photography shows 353.8 irrigated acres. A visit to the farm on June 6, 1999 confirmed that, except for a small field to the south of Sixmile creek in SWSW Section 16 which is dry farmed, the entire property is now under sprinkler irrigation from a pipeline which originates at the outflow of Sixmile Reservoir at Gunnell Dam in the SWSNW Section 15 T15S, R28E.

SRBA claim 43-7216 is based upon a corresponding permit and will be recommended subject to IDWR licensing review.

Claim 43-4085, with a priority date of 1884, was filed for domestic, stockwater and the irrigation of 147 acres. The number of acres allowed under this right will be limited to the 100 acres documented to have been developed with that priority date, within a permissible place of use of 353.8 acres. The diversion rate for 43-4085 will be limited to 2 cfs.

Claim 43-2585 will be recommended as licensed for 20 AFA of irrigation storage and 20 AFA of irrigation from storage appurtenant to 20 acres within the permissible place of use.

Based upon the high water mark observed by Brian Block, and Bureau of Reclamation Water Measurement Manual calculation table for 3 ft cipolletti weir (see enclosed), I would recommend that the combined diversion amount of the three rights be limited to 3.57 cfs.

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Table 10.—Discharge of standard Cipolletti weirs in second-feet. Values below and to the left of heavy lines determined experimentally, others computed from the formula $Q=3.367LH^{3/2}$. (See sec. 19.)—Continued

Head H , feet	Length of weir, L , feet					
	1.0	1.5	2.0	3.0	4.0	5.0
0.36	0.727	1.09	1.45	2.18	2.91	3.64
.37	.758	1.14	1.52	2.27	3.03	3.79
.38	.789	1.18	1.58	2.37	3.16	3.94
.39	.820	1.23	1.64	2.46	3.28	4.10
.40	.852	1.28	1.70	2.56	3.41	4.26
.41	.884	1.33	1.77	2.65	3.54	4.42
.42	.916	1.38	1.83	2.75	3.66	4.58
.43	.949	1.42	1.90	2.85	3.80	4.75
.44	.983	1.47	1.98	2.95	3.93	4.91
.45	1.02	1.52	2.03	3.05	4.06	5.08
.46	1.05	1.58	2.10	3.15	4.20	5.25
.47	1.08	1.63	2.17	3.25	4.34	5.42
.48	1.12	1.68	2.24	3.36	4.48	5.60
.49	1.16	1.73	2.31	3.46	4.62	5.77
.50	1.20	1.78	2.38	3.57	4.76	5.95
.51	-----	1.84	2.45	-----	-----	-----
.52	-----	1.89	2.52	-----	-----	-----
.53	-----	1.95	2.60	-----	-----	-----
.54	-----	2.00	2.67	-----	-----	-----
.55	-----	2.06	2.75	-----	-----	-----
.56	-----	2.12	2.82	-----	-----	-----
.57	-----	2.17	2.90	-----	-----	-----
.58	-----	2.23	2.97	-----	-----	-----
.59	-----	2.29	3.05	-----	-----	-----
.60	-----	2.35	3.13	-----	-----	-----
.61	-----	2.41	3.21	-----	-----	-----
.62	-----	2.46	3.29	-----	-----	-----
.63	-----	2.52	3.37	-----	-----	-----
.64	-----	2.59	3.45	-----	-----	-----
.65	-----	2.65	3.53	-----	-----	-----
.66	-----	2.71	3.61	-----	-----	-----
.67	-----	2.77	3.69	-----	-----	-----
.68	-----	2.83	3.81	-----	-----	-----
.69	-----	2.89	3.90	-----	-----	-----
.70	-----	2.96	3.98	-----	-----	-----

Head H , feet	Length of weir, L , feet		Head H , feet	Length of weir, L , feet	
	1.5	2.0		1.5	2.0
0.71	3.02	4.06	0.86	-----	5.44
.72	3.08	4.15	.87	-----	5.54
.73	3.15	4.24	.88	-----	5.64
.74	3.22	4.33	.89	-----	5.74
.75	3.28	4.42	.90	-----	5.84
.76	-----	4.51	.91	-----	5.94
.77	-----	4.60	.92	-----	6.04
.78	-----	4.69	.93	-----	6.14
.79	-----	4.78	.94	-----	6.25
.80	-----	4.87	.95	-----	6.36
.81	-----	4.96	.96	-----	6.47
.82	-----	5.05	.97	-----	6.58
.83	-----	5.14	.98	-----	6.69
.84	-----	5.24	.99	-----	6.80
.85	-----	5.34	1.00	-----	6.91

Table 10.—Discharge of standard Cipolletti weirs in second-feet. Values below and to the left of heavy lines determined experimentally, others computed from the formula $Q=3.367LH^{3/2}$. (See sec. 19.)—Continued

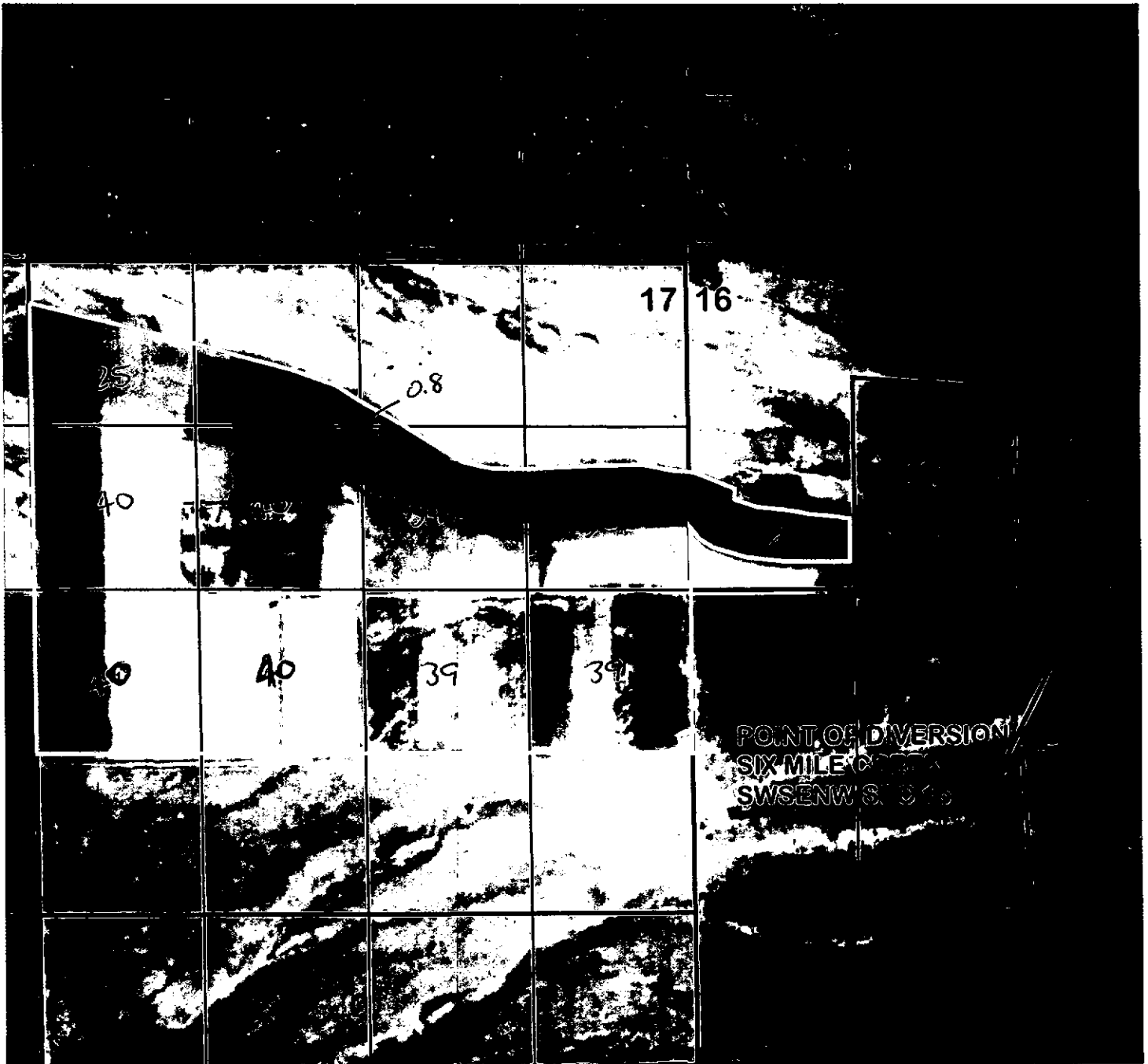
Head H , feet	Length of weir, L , feet			Head H , feet	Length of weir, L , feet		
	3.0	4.0	5.0		3.0	4.0	5.0
0.51	3.68	4.90	6.13	0.91	8.77	11.7	14.6
.52	3.79	5.05	6.31	.92	8.91	11.9	14.9
.53	3.90	5.20	6.50	.93	9.06	12.1	15.1
.54	4.01	5.34	6.68	.94	9.20	12.3	15.3
.55	4.12	5.49	6.87	.95	9.35	12.5	15.6
.56	4.23	5.64	7.05	.96	9.50	12.7	15.8
.57	4.35	5.80	7.24	.97	9.65	12.9	16.1
.58	4.46	5.95	7.44	.98	9.80	13.1	16.3
.59	4.58	6.10	7.63	.99	9.95	13.3	16.6
.60	4.69	6.26	7.82	1.00	10.1	13.5	16.8
.61	4.81	6.42	8.02	1.01	10.5	13.7	17.1
.62	4.93	6.57	8.22	1.02	10.6	13.9	17.3
.63	5.05	6.73	8.42	1.03	10.8	14.1	17.6
.64	5.17	6.90	8.62	1.04	10.9	14.3	17.9
.65	5.29	7.06	8.82	1.05	11.1	14.5	18.1
.66	5.42	7.22	9.03	1.06	11.3	14.7	18.4
.67	5.54	7.38	9.23	1.07	11.4	14.9	18.6
.68	5.66	7.55	9.44	1.08	11.6	15.1	18.9
.69	5.79	7.72	9.65	1.09	11.7	15.3	19.2
.70	5.92	7.89	9.86	1.10	11.9	15.5	19.4
.71	6.04	8.06	10.1	1.11	12.1	15.8	19.7
.72	6.17	8.23	10.3	1.12	12.2	16.0	20.0
.73	6.30	8.40	10.5	1.13	12.4	16.2	20.2
.74	6.43	8.57	10.7	1.14	12.5	16.4	20.5
.75	6.56	8.75	10.9	1.15	12.7	16.6	20.8
.76	6.69	8.92	11.2	1.16	12.9	16.8	21.0
.77	6.82	9.10	11.4	1.17	13.0	17.0	21.3
.78	6.96	9.28	11.6	1.18	13.2	17.3	21.6
.79	7.09	9.46	11.8	1.19	13.4	17.5	21.9
.80	7.23	9.64	12.0	1.20	13.6	17.7	22.1
.81	7.36	9.82	12.3	1.21	13.7	17.9	22.4
.82	7.50	10.0	12.5	1.22	13.9	18.1	22.7
.83	7.64	10.2	12.7	1.23	14.1	18.4	23.0
.84	7.78	10.4	13.0	1.24	14.3	18.6	23.2
.85	7.92	10.6	13.2	1.25	14.4	18.8	23.5
.86	8.06	10.7	13.4	1.26	14.6	19.0	23.8
.87	8.20	10.9	13.7	1.27	14.8	19.3	24.1
.88	8.34	11.1	13.9	1.28	15.0	19.5	24.4
.89	8.48	11.3	14.1	1.29	15.2	19.7	24.7
.90	8.62	11.5	14.4	1.30	15.4	20.0	25.0

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 MAR 29 2001

Idaho Department of Water Resources

**RIGHTS: 43-2585, 43-4085
and 43-7216**

**RECOMMENDED PLACE OF USE
TWP 15S, RNG 28E, Sec 17, 16
Data entry on November 21, 2000**

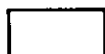


⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE



SECTION LINES

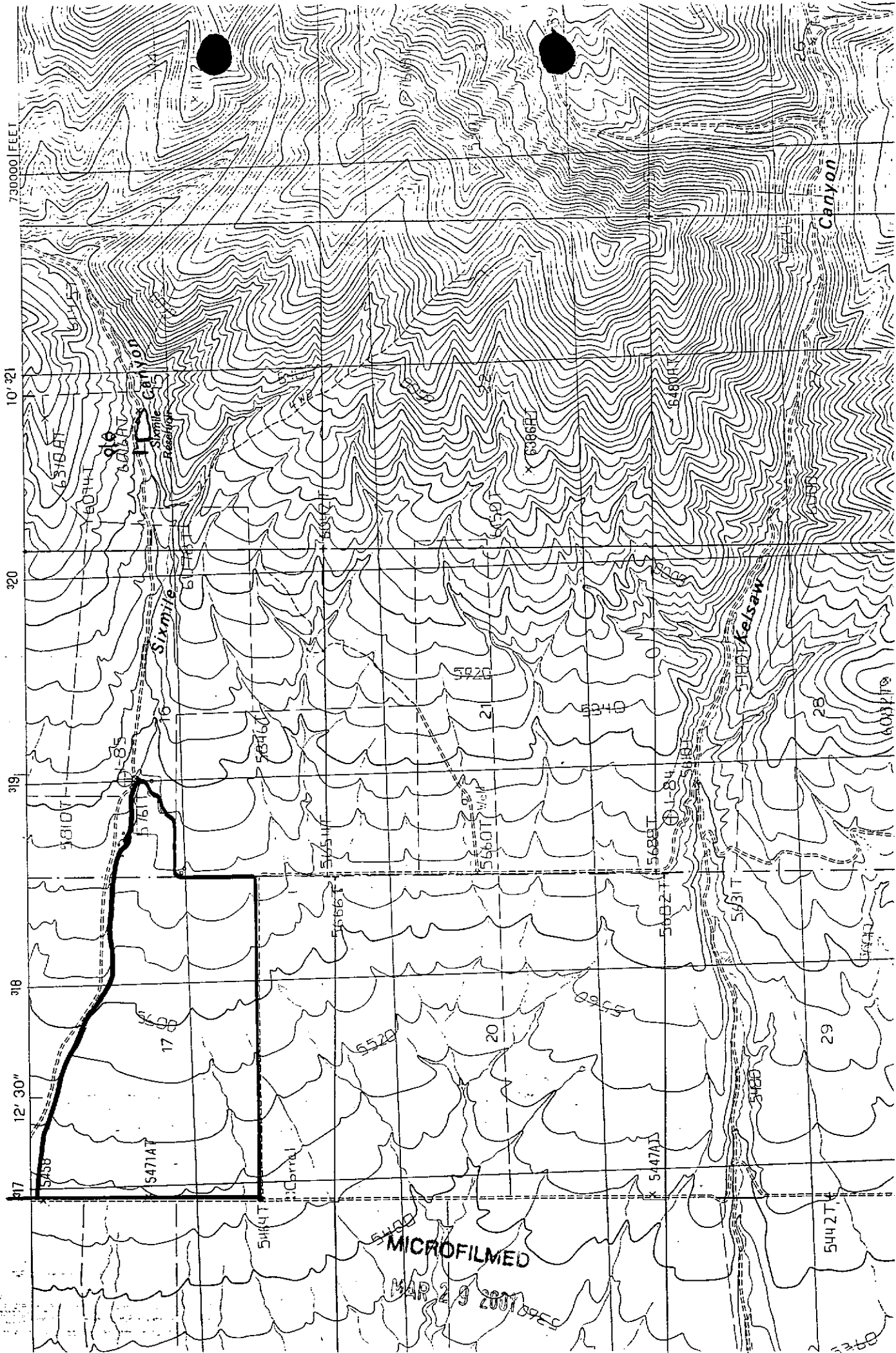


QUARTER/QUARTER LINES

N
MICROFILMED
MAR 29 2001

**GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK**

STRE
II
7.5 MINUTI



Idaho Department of Water Resources

**RIGHTS: 43-2585, 43-4085
and 43-7216**

**RECOMMENDED PLACE OF USE
TWP 15S, RNG 28E, Sec 17, 16
Data entry on November 21, 2000**

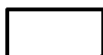


⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE



SECTION LINES



QUARTER/QUARTER LINES

MICROFILMED

MAR 29 2001



**GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK**

11/22/2000

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-2585

NAME AND ADDRESS: CONSTRUCTION INC
139 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

SOURCE: SIXMILE CREEK TRIBUTARY: CLEAR CREEK
20 AFY

PRIORITY DATE: 12/10/1946

POINT OF DIVERSION: T15S R28E S15 SWSNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION STORAGE	01-01 12-31	20.0 AFY
IRRIGATION FROM STORAGE	04-01 10-31	20.0 AFY

PLACE OF USE:

IRRIGATION FROM STORAGE Within					
CASSIA County					
T15S R28E S16	SWNW	12	T15S R28E S17	NWNE	0.8
T15S R28E S17	SWNE	34	T15S R28E S17	SENE	30
T15S R28E S17	NENW	14	T15S R28E S17	NWNW	25
T15S R28E S17	SWNW	40	T15S R28E S17	SENE	40
T15S R28E S17	NESW	40	T15S R28E S17	NWSW	40
T15S R28E S17	NESE	39	T15S R28E S17	NWSE	39

353.8 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

MICROFILMED
MAR 29 2001



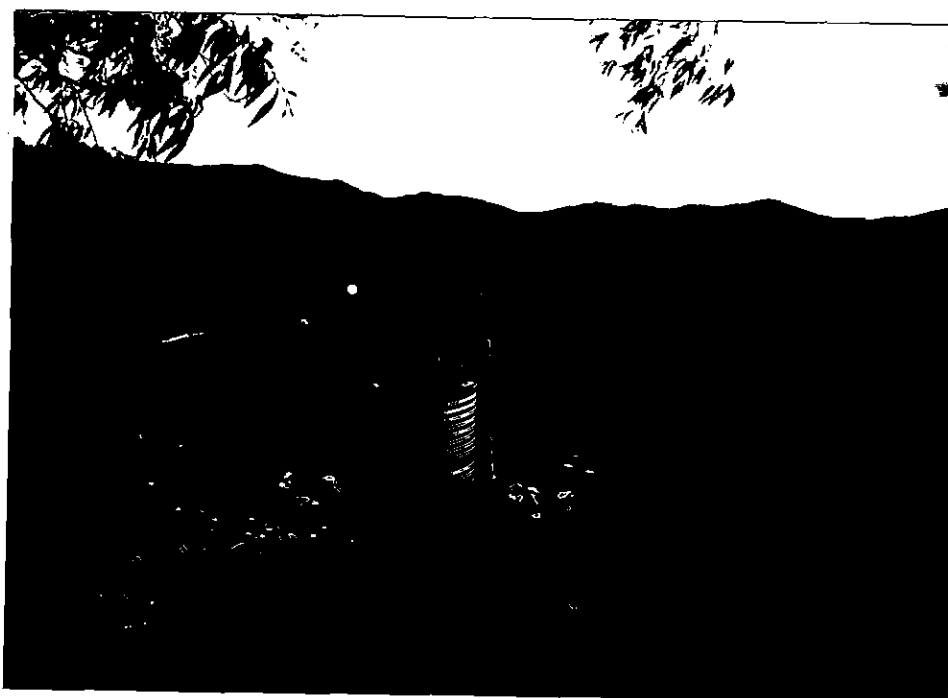
Storage Pond (Sixmile creek)



Diversion weir and overflow gate.

MICROFILMED

MAR 29 2001



P/U



P/U
MICROFILMED

MAR 29 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

43-7216
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

RECEIVED

NOV 29 2000

DEPARTMENT OF WATER RESOURCES

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
☒ Copy of Permit
☒ Copies of any Amendments/Orders with conditions of approval
☒ Computer Data Proof Report
☒ Copy of U.S.G.S. Quad
☐ Check for Government Lots. If so, make a copy of Government Plat
Check of P/D index π 6/1/88 (Initial and date)
Overlap? ☐ yes ☐ no If yes: ☐ copy of exam(s) attached?
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____
Check of P/U index π 6/1/88 (Initial and date)
Overlap? ☐ yes ☐ no If yes: ☐ copy of water right(s) attached?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____
Aerial Photo
Required? ☒ yes ☐ no If yes: ☒ copy attached?
Scheduling Letter sent? _____ (Initial and date)
☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
☒ Photographs of Point of Diversion and Place of Use
☒ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed 7/26/91 Brian Black (Signature of examiner and date)
Exam Reviewed by Senior Water Resource Agent _____ (Initial and date)
Exam Reviewed by Manager of Regional Office AD 11/27/00 (Initial and date)
Exam Date Entered in Computer _____ (Initial and date)
Exam sent to State Office _____ (Initial and date)
Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

01-Jun-1988

Leland &/or Edith Gunnell
P.O.Box 612
Malta, ID. 83342

RE: 43-7216

Dear Mr. and Mrs. Gunnell:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

Field examinations must be done while the system is in operation. For this reason we concentrate on irrigation permits during the summer months and do examinations on permits for other uses during the non-irrigating months.

If you have any questions regarding the field examination, please contact our office.

Very truly yours,

Twylla Jasper
Clerk

MICROFILMED

MAR 29 2001

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 43-7214

Date: 2/15/88

General Considerations:

Y Name same as permit
Y Signature the same as permit holder
N Address change _____ If yes, prepare a data entry
Y Proof received timely
_____ Reinstated

Source of Water:

Y Surface water
_____ Groundwater
_____ 1. well log in file
_____ 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

Y Rate of diversion appropriate for uses
Y Is rate or volume and fee appropriate?
Y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

Y Is a measuring device or access port required?
Y Has one been installed?
N/A Waiver or modification of measuring device requested

Remarks:

Proof Acceptable

N/A Priority Calculation:

Date proof received	_____	_____
Date proof due	_____	_____
No. of days late	_____	= _____
Priority date	_____	+ _____
NEW PRIORITY DATE	_____	= _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

138435
CERTIFIED MAIL
March 31, 1988

GUNNELL, LELAND & EDITH
P.O. BOX 612
MALTA, ID 83342

PROOF DUE NOTICE

RE: Permit No. 43-7216

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 June 1, 1988. (See last page of your approved 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.

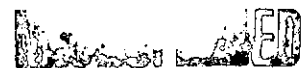
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures



SEP 28 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

May 29, 1987

RE: Permit No. 43-7216

Leland &/or Edith Gunnell
Box 612
Malta, ID 83342

Dear Permit Holder(s):

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. If you plan to enlarge the dam, plans and specifications must again be prepared by a registered professional engineer and submitted to the Department for review and approval before construction to enlarge the dam starts.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is the statement of beneficial use that must be submitted when your project is completed.

Sincerely,

GARY SPACKMAN
Supervisor, Water Allocation Section

GS:sc
Enclosures

MICROFILMED

JUL 06 1987

MEMORANDUM

Date: May 26, 1987
To: Files 43-7213, 43-7215 and 43-7216
From: L. Glen Saxton *LS*
RE: ANALYSIS OF APPLICATIONS

The above referenced applications propose to appropriate and store surface water for irrigation purposes within the boundaries of the Raft River critical groundwater area. The applications are also located within the trust water boundaries of the Swan Falls controversy.

Idaho Power Company has released its protest against the applications with respect to the Swan Falls matter. The appropriation is for surface water rather than groundwater which eliminates most of the concerns with respect to the critical groundwater area. The matter of recharge to the groundwater system by the surface water, however, needs to be considered particularly with respect to prior groundwater rights.

Surface water availability for filling the referenced applications will generally occur during the spring run-off and would be considered "high-water". During those times when the surface flow is available to fill the storage rights, the surface water flow many times flows on the surface out of the critical area and likely would not provide any more groundwater recharge than from being impounded in storage reservoirs and applied to the land over a longer period of time.

Based on this logic, I recommend the applications be approved.

INDEXED

JUL 06 1987

MEMO

May 18, 1987

TO: Kay Walker, Water Rights

SUBJECT: Review of Water Right Applications 43-7215 & 43-7216

BY: David LePard, Dam Safety

I have review the two referenced applications, and have the following comments, the text within the quotation marks should be included in the letter sent to the Gunnell's.

43-7215

The dam proposed for this right would fall within the Departments intermediate size range under our new rules and regulations. "Before construction can commence on the dam associated with this right, plans and specifications prepared by a professional engineer, must be submitted to the Department for review and approval."

★

43-7216

The existing dam referred to in the application appears to be too small (10 acre-feet) to allow for the proposed storage. " If you plan to enlarge the dam, plans and specifications must again be prepared by a registered professional engineer and submitted to the Department for review and approval before construction to enlarge the dam starts.

If you have any questions please let me know.

MICROFILMED

JUL 06 1987

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: JS

GUNNELL, Leland
APPLICATION NUMBER: 43-7216

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.

Field check by: ADN

Date: 5/6/87

Comments: I am familiar with the area. The water sinks on applicant's property.

- N/A ☒ Yes ☐ No Field check required.
☐ Yes ☐ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☒ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☒ U.S. Forest Service.
☐ Other _____

Copies sent by: _____

Date: _____

mb 3/4/87

MB 5/7/87

PROCESSING:

- ☐ Yes ☒ No
☒ Yes ☐ No

Platted by: JS

Map No. DD-33

Other rights on same place of use.

43-4085 43-2585

- ☒ Yes ☐ No*

In form for advertising.

Final date for protests:

- ☐ Yes ☒ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- Statewide** ☒ Affidavit of publication received. Date: _____
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.

- ☒ Yes ☐ No

Measuring device required.

- ☒ Yes ☐ No

Access port required.

- ☐ Yes ☒ No

Will water be delivered by watermaster? If yes, what district? _____

6/28/85

Date of priority recommended.

Special conditions of approval or cover letter.

OIC, 04, 18, 18A

(Swan Falls Area) - Note letter 2/18/87 from IPCO's attorney.

MICROFILMED

JUL 06 1987

By: ADN

Date: 5/7/87

STATE OFFICE REVIEW:

04 18A 48B

RECEIVED

MAY 11 1987

- ☐ See attached sheet for more information.

By: KW

Date: 5/19/87

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

May 7, 1987

U.S. Department of Agriculture
Forest Service
2647 Kimberly Rd., East
Twin Falls, ID 83301

RE: Applications for Water Permit Nos. 43-7215, 43-7216

Gentlemen:

Enclosed for your information is a copy of an application for water permit which has been filed with this office.

If you have any questions or need additional information regarding this application, please feel free to contact this office.

Very truly yours,

Mary A. Baldwin
Secretary/Office Coordinator

Enclosures

MICROFILMED
JUL 06 1987



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 9, 1987

Leland Gunnell
P.O. Box 612
Malta, ID 83342

Re: Applications for Permit Nos. 43-7215, 43-7216

Dear Mr. Gunnell:

This office will be advertising the applications in the South Idaho Press, Times News, Idaho Statesman, Post Register and Lewiston Morning Tribune on 3/19 & 3/26/87.

The advertisements will be published correctly for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the applications are protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Loren O. Holmes, P. E.
Southern Region Supervisor

LOH:mb

RECORDED

JUL 06 1987



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 4, 1987

William E. Webb, Supervisor
Idaho Dept. of Fish & Game
P.O. Box 428
Jerome, ID 83338

RE: Application for Water Permit No. 43-7215, 43-7216

Dear Mr. Webb:

Enclosed for your information are copies of applications for water permit which have been filed with this office.

If you have any questions or need additional information regarding these applications, please feel free to contact this office.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:MB

Enclosures

MICROFILMED

JUL 06 1987



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 4, 1987

South Idaho Press
Box 190
Burley, Idaho 83318

Re: 43-7215, 43-7216

Gentlemen:

Enclosed you will find legal notices which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notices are correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notices on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Baldwin
Sec/Office Coord.

Encl:

MICROFILMED

JUL 06 1987

Off Rec. 4/8/87



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 4, 1987

Idaho Statesman
Box 40
Boise, ID 83707

Re: 43-7215, 43-7216

Gentlemen:

Enclosed you will find legal notices which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

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Very truly yours,

Mary A. Baldwin
Sec/Office Coord.

Encl:

MICROFILMED

JUL 06 1987

Aff Rec. 4/10/87



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 4, 1987

Lewiston Morning Tribune
505 C Street
Lewiston, ID 83501

Re: 43-7215, 43-7216

Gentlemen:

Enclosed you will find legal notices which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notices are correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notices on the proposed dates, please contact us immediately.

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Very truly yours,

Mary A. Baldwin
Sec/Office Coord.

Encl:

MICROFILMED

JUL 06 1987

aff Rec 4/3/87



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2143 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 4, 1987

Post Register
P.O. Box 1800
Idaho Falls, ID 83402

Re: 43-7215, 43-7216

Gentlemen:

Enclosed you will find legal notices which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notices are correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notices on the proposed dates, please contact us immediately.

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Very truly yours,

Mary A. Baldwin
Sec/Office Coord.

Encl:

MICROFILMED

JUL 06 1987

off Rec 3/30/87



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

March 4, 1987

Times News
P. O. Box 548
Twin Falls, Idaho 83301

Re: 43-7215, 43-7216

Gentlemen:

Enclosed you will find legal notices which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notices are correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notices on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Baldwin
Sec/Office Coord.

Encl:

MICROFILMED
JUL 06 1987

Off Rec 4/1/87

NOTICE OF APPLICATION FOR WATER PERMIT

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

43-7216-

GUNNELL, LELAND &/or EDITH

P.O. BOX 612, MALTA, ID 83342

Source: SIXMILE CREEK trib. to SINKS

Date Filed: 06/28/1985

Diversion Pt: SWSENW Sec 15 T 155 R 28E ; 13 miles South & 9 miles East of Malta.

Use: IRRIGATION (3.00 CFS)
IRRIGATION STORAGE (20.0 AF)
IRRIGATION FROM STORAGE (20.0 AF)

In: SWNE SENE NENW NWNW SWNW SENW NESW NWSW NESE NWSE Sec 17 T 155 R 28E SWNW
Sec 16 T 155 R 28E FOR 354 ACRES

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, Idaho 83301 on or before April 6, 1987.

KEN DUNN, Dir.

Published 3/19 & 3/26/87.

MICROFILMED

JUL 06 1987

¾4391 legl Water Resources¾
 Gunnell-180-3768 006.2 IN
 0 3 ¾
 11 11:12

NOTICE OF
 APPLICATION FOR
 WATER PERMIT

The following applica-
 tion(s) have been filed to
 appropriate the public
 waters of the State of
 Idaho:

43-7216
 GUNNELL, LELAND
 &/or EDITH
 P.O. BOX 612,
 MALTA, ID 83342
 SOURCE: SIXMILE
 CREEK trib. to SINKS.
 Date Filed: 06/28/85
 Diversion Pt: SWSNW
 Sec 15, T 15S, R 28E;
 13 miles South & 9
 miles East of Malta.

Use: IRRIGATION
 (3.00 CFS)
 IRRIGATION STORAGE
 (20.0 AF)
 IRRIGATION FROM
 STORAGE (20.0 AF)

In: SWNE, SENE,
 NENW, NWNW, SWNW,
 SENW, NESW, NWSW,
 NESE, NWSE, Sec. 17,
 T15S, R 28E, SWNW Sec
 16, T 15S, R 28E, FOR
 354 ACRES.

The permit(s) will be
 subject to all prior water
 rights. Protests must be
 filed with the Director,
 Dept. of Water
 Resources, Southern
 Region, 2148 Fourth
 Avenue East, Twin Falls,
 Idaho 83301 on or before
 April 6, 1987.

KEN DUNN, Dir.

PUBLISH: Thursday,
 March 19 and 26, 1987.

Twin Falls News

RECEIVED

MAR 12 1987

Department of Water Resources
 Southern Region Office

OK
 MB
 3/12/87

IDAHO NOTICE OF
 APPLICATION
 FOR WATER PERMIT

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

43-7216
 GUNNELL, LELAND &/or EDITH
 P.O. BOX 612, MALTA, ID 83342
 Source: SIXMILE CREEK trib. to
 SINKS

Date Filed: 06/28/1985
 Diversion Pt: SWSNW Sec 15 T 15S
 R 28E; 13 miles South & 9 miles East
 of Malta.

Use: IRRIGATION (3.00 CFS)
 IRRIGATION STORAGE (20.0
 AF)
 IRRIGATION FROM STOR-
 AGE (20.0 AF)

In: SWNE SENE NENW NWNW
 SWNW SENW NESW NWSW NESE
 NWSE Sec 17 T 15S R 28E SWNW
 Sec 16 T 15S R 28E FOR 354 ACRES

The permit (s) will be subject to
 all prior water rights. Protests must
 be filed with the Director, Dept. of
 Water Resources, Southern Region,
 2148 Fourth Avenue East., Twin
 Falls, Idaho 83301 on or before April
 6, 1987.

KEN DUNN, Dir.

Lewiston am. Tribune

OK
 MB
 3/16/87

RECEIVED

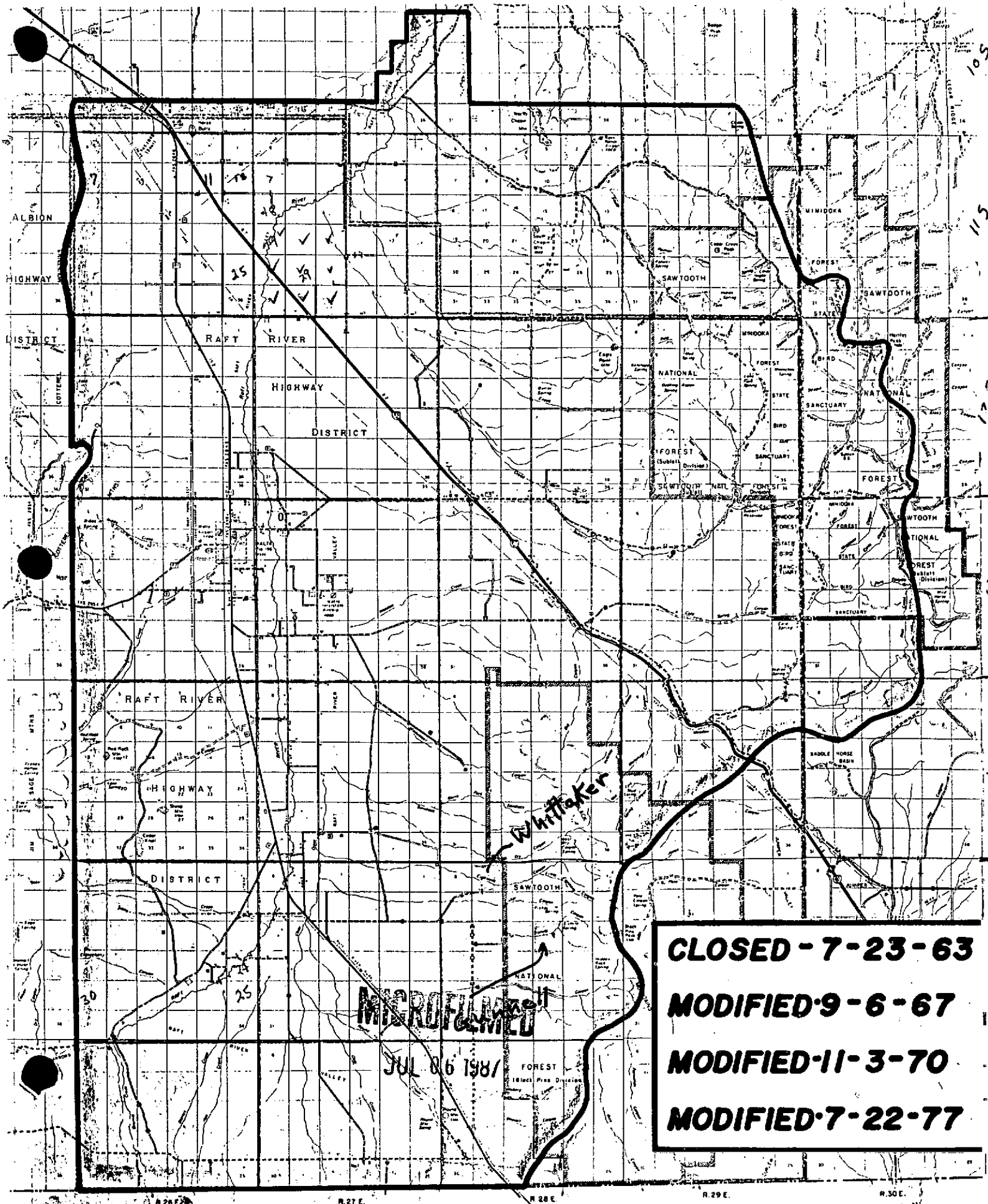
MAR 16 1987

Department of Water Resources
 Southern Region Office

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JUL 06 1987

Raft River Critical Groundwater Area



NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW

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GARY D. SLETTE
CAROLYN M. MINDER
RUTH D. SIMPSON

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FEB 23 1987

Department of Water Resources
Southern Region Office

February 18, 1987

Idaho Department of Water Resources
Statehouse
Boise ID 83720

RE: Application for Permit Nos. 43-7215 and 43-7216
by Leland and/or Edith Gunnell

Gentlemen:

Mr. and Mrs. Leland Gunnell have consulted with me concerning the above-referenced Applications. They apparently are proposing to construct a second small dam and reservoir below an existing dam and reservoir. The stored water would utilize an existing pipeline.

The purpose of Mr. Gunnell's consultation with me was to find out if Idaho Power Company would withdraw its objection and protest to the processing of his Applications for Permit. His situation is similar to that of Art Whitaker who was the subject of our letter dated January 7, 1987. Mr. Gunnell is on Six Mile Creek, and Mr. Whitaker is on Eight Mile Creek.

Based on the information furnished by Mr. Gunnell, it appears that the impact of his proposed project will be negligible, if there is any impact at all. Therefore, Idaho Power Company has no objection to the granting of his Applications for Permit, so long as the water is applied to the acreage described in Applications for Permit Nos. 43-7215 and 43-7216. Therefore, Idaho Power Company withdraws its protest

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Idaho Department of Water Resources
February 18, 1987
Page - 2

to the Applications, and has no objection to the further processing of the filings.

Yours very truly,



Thomas G. Nelson

TGN:dcb
31441

cc: Mr. and Mrs. Leland Gunnell
✓ Idaho Department of Water
Resources, Twin Falls Office

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JUL 06 1987

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

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February 17, 1987

FFR 17 1987

Department of Water Resources
Southern Region Office

Idaho Department of Water Resources
2148 Fourth Avenue East
Twin Falls ID 83301

ATTENTION: Lorin Holmes

RE: Application Nos. 43-7215 & 43-7216
Leland and/or Edith Gunnell

Dear Mr. Holmes:

This firm represents the Twin Falls Canal Company which holds a 3,000 cfs right in the Snake River and its tributaries with a priority date of October 11, 1900.

We have received copies of the above-referenced Applications and wish that this letter be placed in the file for both Applications.

We do not intend this letter as an official protest. We have not made a study of the Raft River Basin rights. However, if the surface water to be diverted in Six Mile Creek is tributary to surface or subsurface flows of the Raft River Basin (and consequently tributary to Snake River above Milner Dam), the flow rights requested in these Applications cannot be filled unless water is spilling over Milner Dam. If the surface flows are tributary to groundwater which is not tributary above Milner Dam, obviously we have no concern.

It seems to us as the Swan Falls Moratorium comes off, and until the adjudication decree is in place which would facilitate basin wide water distribution and management, that we must voice our concern about proposed diversions which could impact preexisting rights. We cannot afford to waive any rights against those who would divert waters otherwise tributary and available for senior right holders from the Snake River.

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JUL 06 1987

Respectfully submitted,

John A. Rosholt
JOHN A. ROSHOLT

JAR:dcB
31291

STAFF ANALYSIS SUPPLEMENT

43-7216

1) Water District None Basin # 43

2) Local Description: (of one P/D)

☐

At the above street address

☐13 miles N/S South and 9 miles E/W East
of Malta (City or landmark).☐

Other (describe) _____

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