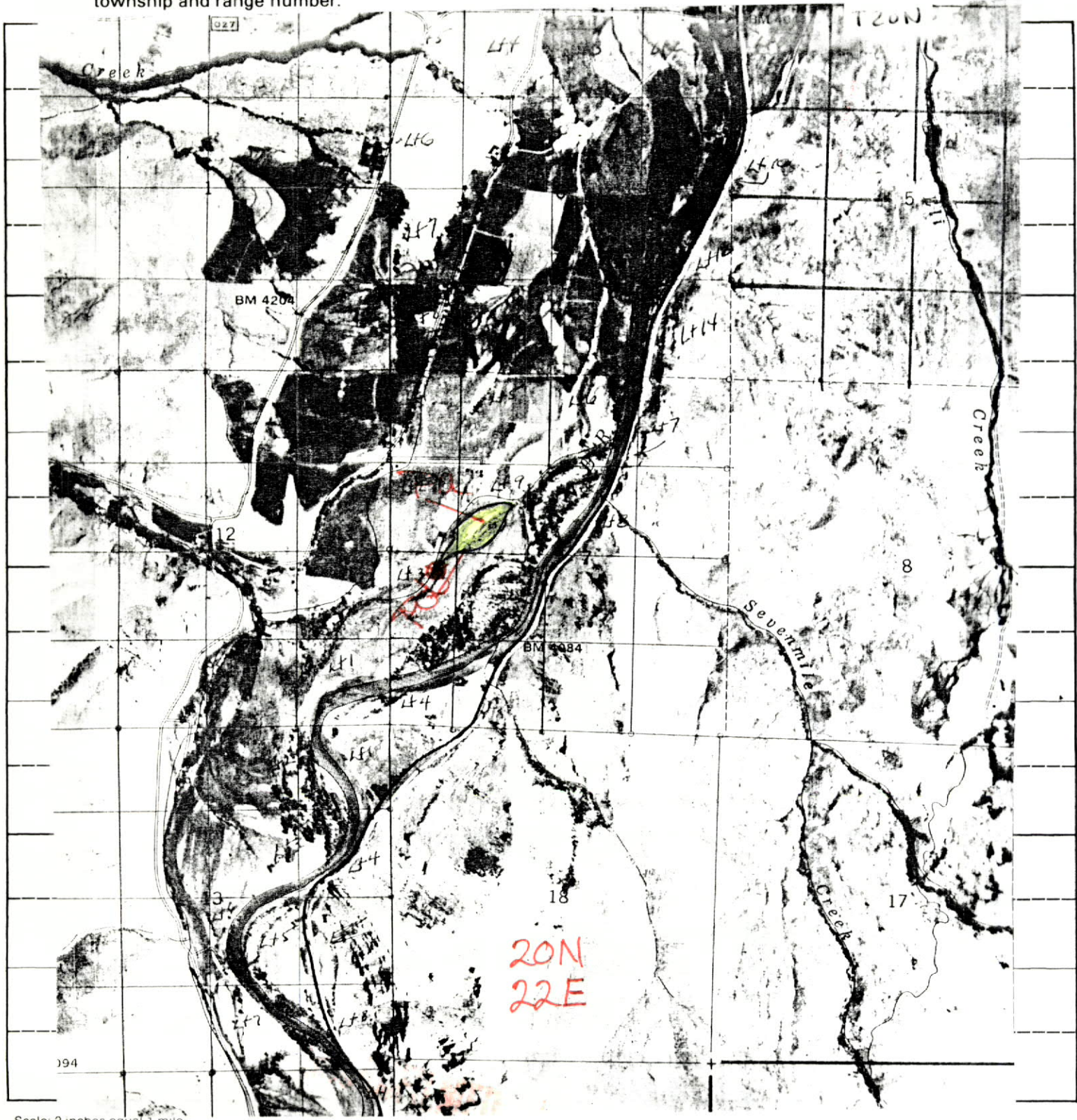


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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

Bill Gattung
(Applicant)

RECEIVED
NOV 10 1993
Department of Water Resources

OFFICE USE ONLY
Amt. of Fee \$ 100.00
Date 11-10-93
Receipt No. CO28973
Receipt by Glennant

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 75-07537 Telephone No. 208 756 3764
2. Name(s) of Permit Holder(s): Bill GATTUNG
3. Mailing Address: RT-1 BOX 243A Salmon Idaho 83467
4. Source of Water: GATTUNG Slough

If **GROUNDWATER**, Well Driller's Name: NONE Date Drilled: ✓

OPTIONAL:

Pump horsepower: NONE Pressure (psi): ✓ Dynamic pumping level (ft.): ✓

5. Extent of Use (as authorized by the permit):

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

Irrigation _____ (No. of acres) Other RECREATION

6. Total rate and/or volume for which proof is submitted 15070.00 cfs OR ✓ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ✓ Yes ✓ No Installed? ✓ Yes ✓ No

Flow Measurement Port: Required? ✓ Yes ✓ No Installed? ✓ Yes ✓ No

8. Fee Enclosed: \$ 100.00 (See License Fee Schedule on back of Instruction Sheet)

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

Bill GATTUNG 208.756.3764
Name Telephone No.

RT-1 Box 243A Salmon Idaho 83467
Address

10. 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.

8 Nov 93 Bill Gattung 8 Nov 93
Date Signature (and title, if on behalf of a company or organization)

FEB 24 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 75-07537

Proposed Priority: May 7, 1990

Maximum Diversion Rate:

0.50 CFS

This is to certify, that **BILL GATTUNG**

RT. 1 BOX 243-A

SALMON, ID 83467

has applied for a permit to appropriate water from:

WILLIAMS CREEK

tributary of **SALMON RIVER**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION	01/01 to 12/31	0.50 CFS	
RECREATION STORAGE	11/01 to 04/01		15.0 AF
	Totals	0.50 CFS	

LOCATION OF POINT(S) OF DIVERSION: LOT 3(NWSW), Sec. 7, Township 20N, Range 22E
LEMHI County

PLACE OF USE: RECREATION

TWN RGE SEC

20N 22E 7

SWNW

SENW

NWSW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 1, 1994**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this permit is subject to control by the watermaster of State Water District No. 75B.
5. 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.
6. Applicant will provide a fish screen at both the inlet and outlet of the pond.

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

25th day of

January, 1991.

for
R. Keith Higginson, Director

NOT RECORDED

JAN 30 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Bill Gathung Phone (208) 756-3704
Post office address Route 1, Box 243-A Salmon River
2. Source of water supply William Creek which is a tributary of
3. Location of point of diversion is 1/4 of NW 1/4 of SW 1/4, Govt. Lot 3
Sec. 7 Township 20N Range 22E B.M. Lemhi County; additional
points of diversion if any:
4. Water will be used for the following purposes:
DIVERSION TO
Amount 0.50 for storage purposes from 1 November to 1 April (both dates inclusive)
(cfs or acre-feet per annum)
Amount 15 for recreation purposes from 1 Jan to 31 Dec (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .50 and/or (b) 15
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. headgate to ditch / ditch to pond
for recreation
b. Height of storage dam 2' feet; active reservoir capacity 15 acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
1 Nov to 1 April 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
5 years (minimum 1 year).

RECEIVED
JAN 30 1991

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. recreation storage

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.	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	
20N	22E	7						R	R		R								

Total number of acres to be irrigated _____

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

None

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

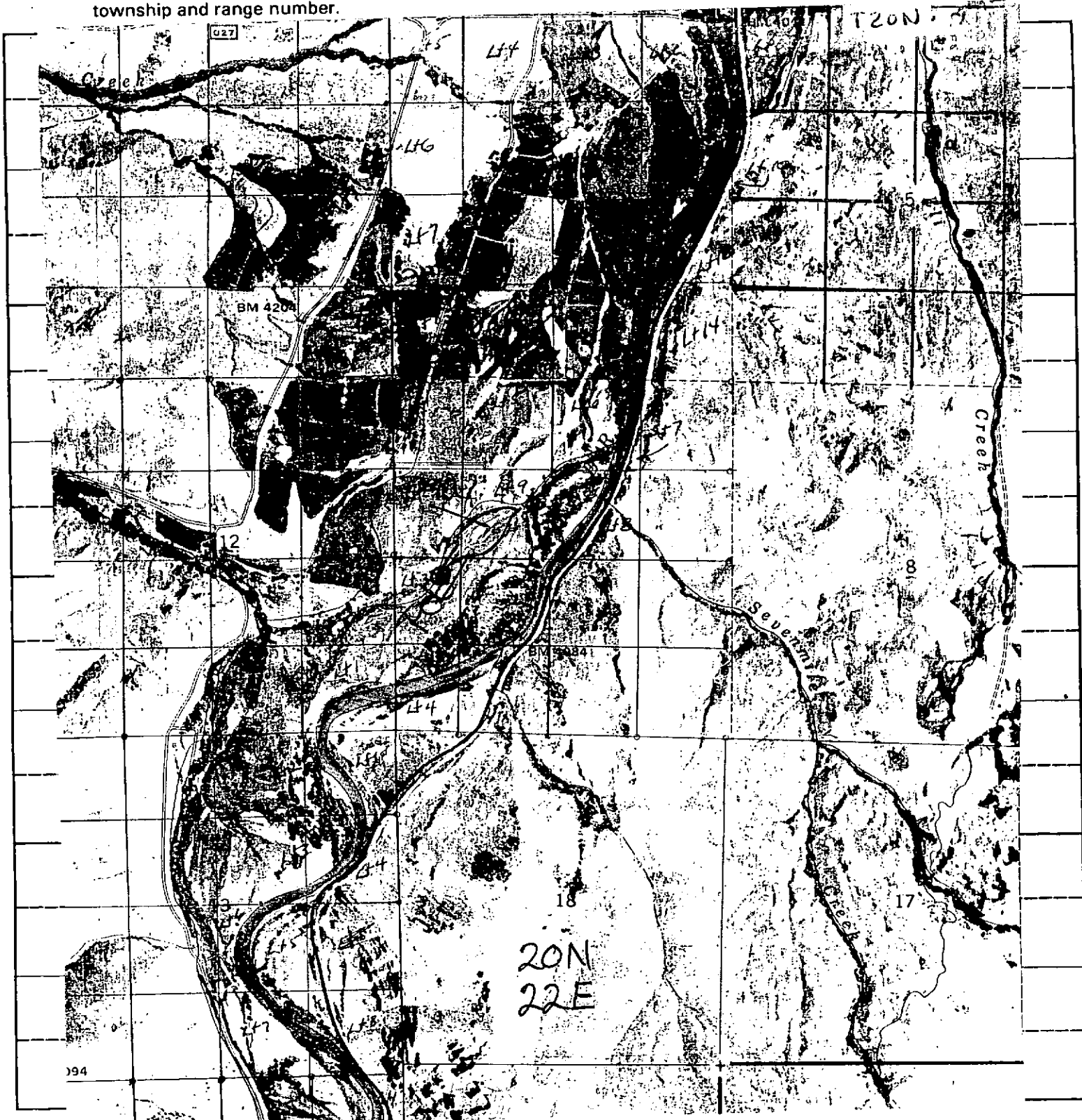
b. Who owns the land to be irrigated or place of use? applicant

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

12. Remarks: The pond will be created by excavating a low place. a two foot high concrete spillway will be placed at the outflow. The size of the pond is 2000' X 200' X 10'. Once the pond is filled releases will equal the in flow.

RECEIVED
JAN 30 1991

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



Scale: 2 inches equal 1 mile.

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

Bill Gething
(Applicant)

Prepared
Received by Dmd Date 7 May 1990 Time 14:30 Preliminary check by _____
Fee \$ 45⁰⁰ Received by Dmd # E014774 Date 7 May 90
Publication prepared by LB Date 9-6-90 Published in Recorder Herald
Publication approved OCW Date 9/19/90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

MICROFILMED

JAN 30 1991

NOTICE OF APPLICATION

75-07534
SALMON RIVER PROPERTIES
C/O MC CARTY CO.
P.O. BOX 4005
STOCKTON, CA 95204
Source: GROUNDWATER
Diversion Pt: LOT 6 (SWSWNE)
Sec 3 T 18N R 21E
Use: IRRIGATION (.540 CFS)
Total Diversion: (.540 CFS)
Date Filed: 5/8/1990
In: T18N R21E S03 Lot 6 (SWNE)
Lot 3 (NENW) Lot 5 (SENE)
27.0 ACRES TOTAL

75-07535
BLACK, TOM
RILEY, RON
RILEY, TOM
P.O. BOX 845
NORTH FORK, ID 83466
Source: SPRING
Tributary: INDIAN CREEK
Diversion Pt: SWNW Sec 29 T 25N
R 20E
Use: DOMESTIC (.020 CFS)
Total Diversion: (.020 CFS)
Date Filed: 5/11/1990
In: T25N R20E S29 SWNW NWSW

75-07536
MARTINSON, BETTY K.
RT. 2 BOX 108
NORTH FORK, ID 83466
Source: SALMON RIVER
Tributary: SNAKE RIVER
Diversion Pt: SWNE Sec 28 T 24N
R 19E
Use: IRRIGATION (.020 CFS)
Total Diversion: (.020 CFS)
Date Filed: 6/18/1990
In: T24N R19E S28 SWN
0.5 ACRES TOTAL

75-07537
GATTUNG, BILL
RT. 1 BOX 243-A
SALMON, ID 83467
Source: WILLIAM CREEK
Tributary: SALMON RIVER
Diversion Pt: LOT 3 (NWSW) Sec 7
T 20N R 22E
Use: RECREATION (15.00 AF)
RECREATION STORAGE (.500
CFS)
Total Diversion: (.500 CFS)
Date Filed: 5/7/1990
In: T20N R22E S07 SWNW SENW
NWSW

75-07538
LANNI, ELBRIDGE
LANNI, TERRENA
P.O. BOX 836
NORTH FORK, ID 83466
Source: DITCH CREEK
Tributary: HUGHES CREEK
Diversion Pt: NWNESE Sec 8 T
25N R 21E
Use: IRRIGATION (.060 CFS)
DOMESTIC (.030 CFS)
Total Diversion: (.090 CFS)
Date Filed: 5/28/1990
In: T25N R21E S08 NWSE
2.0 ACRES TOTAL

The permit(s) will be subject to
all prior water rights. Protests must
be filed with the Director, Dept. of
Water Resources, Eastern Region,
150 Shoup Avenue, Suite 15, Idaho
Falls, Idaho 83402 on or before SEP-
TEMBER 24, 1990.

R. KEITH HIGGINSON,
Director
Published 9/6/1990 and 9/13/1990
9-6-21c

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

SEP 14 1990

Department of Water Resources
Eastern District Office

RICKY G. HODGES

being first duly sworn, deposes
and says he is one of the printers (publishers) of the RECORDER-HERALD, a newspaper published
weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

That the Notice of Application for Water Rights 74-07282,
74-07307 thru 74-07309, 75-07522, 75-07534 thru 75-07538
printed copy of which is attached to the margin hereof, has been and was correctly printed and pub-
lished in the regular and entire issue of every number of said newspaper and not in any supplement
thereof or thereto for 2 consecutive issues, commencing with the issue
dated Sept. 6, 1990 and ending with the issue dated Sept. 13
1990.

STATE OF IDAHO

COUNTY OF LEMHI

On this thirteenth day of September in the year of 1990
before me, A Notary Public, personally appeared
known or identified to me to be the person whose name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he
executed the same.

Sheila K. Hodges
Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 9-21-95

Publication Fee \$ 186.84

RECORDED
JAN 30 1991

RECEIVED

JAN 06 1994

Department of Water Resources

January 1994

State of Idaho
Department of Water Resources
1301 North Orchard Street - Statehouse Mail
Boise, Idaho 83720-9000

Attention: Julie Yarbrough

Re: Permit No. 75-07537

Dear Ms. Yarbrough:

This is to inform you that I have completed this project and have all all of the necessary inlet and out measuring devices in place and ready for whatever inspection is required.

Sincerely,


Bill Gattung

cc: Harold Jones
L. Glen Saxton
Ralph Swift, S.C.S

RECORDED

FEB 24 1994

RECEIVED

4 January 1994

JAN 06 1994

Department of Water Resources

State of Idaho
Department of Water Resources
1301 North Orchard Street - Statehouse Mail
Boise, Idaho 83720-9000

Attention: Julie Yarbrough

Re: Permit No. 75-07537

Dear Ms. Yarbrough:

This is to inform you that I have completed this project and have all all of the necessary inlet and out measuring devices in place and ready for whatever inspection is required.

Sincerely,



Bill Gattung

cc: Harold Jones
L. Glen Saxton
Ralph Swift, S.C.S

MICROFILMED

FEB 24 1994

16 December 1993

State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

RECEIVED

DEC 23 1993

Department of Water Resources

RE: PERMIT NO. 75-07537

ATTENTION: L. Glen Saxton

Dear Mr. Saxton:

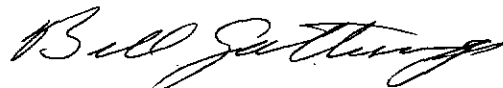
This is in answer to your letter of 3 December 1993. I have a water right permit for a pond which I have completed except for the inflow structure. The outflow structure is in place whereby water can be measured.

At this time I am meeting with the S.C.S. to get a design for the inflow structure and the design should be completed by late January 1994.

In talking with Mr. Harold Jones, in your Idaho Falls office, he states it will be some time next summer before their department can inspect my project and that is fine because it gives me ample time to get my structure in place.

I hope this meets with your approval.

Sincerely,



Bill Gattung

RECEIVED

FEB 24 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 3, 1993

Bill Gattung
Rt 1, Box 243-A
Salmon, ID 83467

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 75-07537

Dear Mr. Gattung:

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

The proof which you submitted does not show that you have installed measuring devices. Condition of approval no. 5 on your permit reads as follows:

"Permanent measuring devices shall 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."

These devices must be installed when the department's field agent examines your use of water. If the devices are not installed and operational, the validity of the permit will be in jeopardy.

If you have questions, concerning this matter, please feel free to contact our EASTERN Regional Office in Idaho Falls at (208) 525-7161.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - E. Region

RECEIVED
FEB 24 1994

FEB 24 1994

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 73-7537 Reviewed by WJ Date 11-15-93

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Recreation
Correct Uses? yes

SOURCE OF WATER

✓ Surface water source
 Ground water source

/ Drilling permit required?
/ Copy in the file? Drilling Permit No.
/ Amount paid for permit Correct?
/ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
100 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
? Installed?
NO Waiver requested?

PRIORITY CALCULATION

Date proof received / - /
Date proof due / - /
No. of days late / = /
Priority Date / + /
New Priority Date / /

DEFICIENCIES OR ACTION ITEMS

- need to advise that permanent measuring devices are needed,

DATA ENTRY
New Address

N/A

Proof Made 11-10-93

October 31, 1993

BILL GATTUNG
RT. 1 BOX 243-A
SALMON ID 83467

PROOF DUE NOTICE

RE: PERMIT NO. 75-07537

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 January 1, 1994. (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 complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

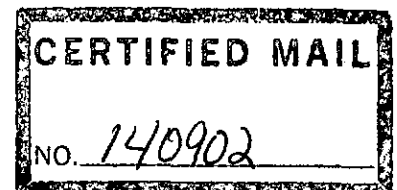
SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

RECEIVED

FEB 24 1994





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 29, 1991

BILL GATTUNG
RT. 1 BOX 243-A
SALMON, ID 83467

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 75-07537

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

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. Please contact the regional office nearest you for details.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

MICROFILMED

JAN 30 1991

APPLICATION FOR PERMIT REVIEW

Application #: 75-7537
Date: 1-11-91

Reviewer: Pam Skaggs ²⁸

- ✓ Existing:
- ✓ No - 26A-P17
 - Complete in 1 year - P16
 - Yes
 - Proof not submitted - P16
 - Proof submitted - N/A
 - Groundwater:
 - GT. 0.7 cfs - 01G-P03, 01C-P03(existing well)
 - LT. 0.7 cfs - N/A
 - Drilling Permit:
 - Approved w/permit - P99
 - Not included - 046-P23(All GW, even existing wells)
 - ✓ Location:
 - ✓ Water Districts - WD No. 75B
 - ✓ Surface water - 005, 005-01H-P01(LT.7 w/pump)
005-01J-P08(GT.7)
 - Groundwater - P05
 - Irrigation Districts - 023
 - Canal Co. Areas - 023
 - Drainage Districts - 024
 - Boise Front (63) - 058 (Groundwater)
 - ✓ Swan Falls Flag - (1 or Blank)
 - Trust - 051-052-053-P74(Cons.), 041(DCMI, w/Irr
 - Non Trust - 048-049 or Irr & Dom)
 - River Basins:
 - (Surface Water) Water District Control Condition &....
 - Boise (63) - 11D-P72
 - Payette (65) - 047-P04, 059-P71
 - Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)
 - ✓ Use:
 - Fish Propagation - 002-P06, 06A, 007, 09E-P10, 010, 042, 044
 - Power - (less than 25cfs P18), 01F-P19, 08A(Req.),
17K, 17G-17M(Choose One), 025
 - Mining - 06A, 006, 09E-P10, 010, 54
 - ✓ Storage - 18A-P09(In W.D.), 18B-P09(Size)
 - Domestic - 021(restricted areas)
 - Ownership:
 - Non land owner - 004
 - Protested:
 - Agreement - 020
 - Minimum Stream Flow:
 - Overlapping uses - 029-P20
 - ✓ Beneficial Use Due Date: - 01-01-1994

✓ Other Conditions Recommended F & S Concerns -

* *Applicant will provide a fish screen at both the inlet and outlet of the pond.*

MICROFILMED

JAN 30 1991

December 7, 1990

RE: Application for Permit No. 75-07537

Bill Gattung
Rt. 1, Box 243-A
Salmon, ID 83467

Dear Mr. Gattung:

This letter is to advise you that the protest filed against approval of the above referenced application has been withdrawn. The Department has resumed the processing of this application.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Right Supervisor

HWJ:CW

RECEIVED
JAN 3 0 1991

December 7, 1990

RE: Application for Permit No. 75-07537 BILL GATTUNG

Roger Rife
Rich Rodgers
Rt. 1, Box 235B
Salmon, ID 83467

Gentlemen:

This letter is to acknowledge receipt of the withdrawal of protest against the above referenced application. The Department has now resumed processing of this application.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

RECEIVED

JAN 30 1991

RECEIVED

DEC - 6 1990

Department of Water Resources
Eastern District Office

November 30, 1990

Mr. Harold W. Jones
Department of Water Resources
Eastern Region
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Dear Mr. Jones:

Ref. Protest Letter on
Water Right Application
75-07537, Bill Gattung

After your phone call informing me that Mr. Gattung's application was for a non-consumptive use and would not effect upstream water right holders on Williams Creek I received a visit from Mr. Gattung.

He gave me a map and explained that although during the irrigation season all water is diverted from Williams Creek upstream from where he has applied for a non consumptive permit, his plan is to gather irrigation waste water from his land and seepage water from the "Rainbow Ditch" back into Williams Creek and through his planned pond.

In view of the above, the intent of this letter is to cancel our letter of protest that was filed on September 17, 1990.

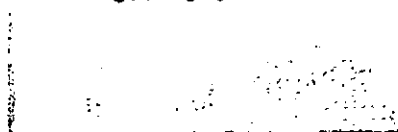
Sincerely,


Roger Rife/Rich Rogers

cc: Mr. Bill Gattung

MICROFILMED

JAN 30 1991



November 14, 1990

RE: APPLICATION FOR PERMIT NO. 75-07537 GATTUNG

Mr. Bill Gattung
Rt. 1, Box 243-A
Salmon, ID 83467

Dear Mr. Gattung:

This department has received a letter from the Bureau of Land Management withdrawing their request for intervention against approval of the above referenced application.

Therefore, we will take no further action on the intervention.

Very truly yours,

HAROLD W. JONES
Water Resource Supervisor

pc: IDWR - State Office

RECEIVED

JAN 30 1991

November 14, 1990

RE: Application for Permit No. 75-07537 GATTUNG

Mr. Roy S. Jackson
District Manager
Bureau of Land Management
PO Box 430
Salmon, ID 83467

Dear Mr. Jackson:

The department has received your intervention withdrawal against approval of the above referenced application. Therefore, the department will take no further action in this matter.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:cw

pc: IDWR - State Office

MICROFILMED

NOV 1991



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
SALMON DISTRICT OFFICE
P.O. BOX 430
SALMON, IDAHO 83467



IN REPLY REFER TO:
7250

November 1, 1990

Director, Dept. of Water Resources
Eastern Region
Attn: Mr. Higginson
150 Shoup Avenue, Suite 15
Idaho Falls, ID 83402

RECEIVED

NOV - 2 1990

Department of Water Resources
Eastern District Office

Dear Mr. Higginson:

I have met with Mr. Bill Gattung concerning his water right filing No. 75-07537. After looking at his property and his plans, we would like to drop our request to intervene in this matter. Thank you for your attention to this.

Sincerely,

Roy S. Jackson
District Manager

MICROFILMED

JAN 30 1991

30 October 1990

Department of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

Attention: Harold W. Jones

RECEIVED

NOV - 1 1990

Department of Water Resources
Eastern District Office

Dear Mr. Jones:

This is in answer to your letter dated 26 October 1990.

I have met with Mr. Roy Jackson from the BLM, Salmon District office on Tuesday morning, 30 October 1990, at the pond site. Mr. Jackson stated he had no interest in the property at the pond site and said he would write you a letter to that effect.

As for Mr. Rife and Mr. Rogers, I will do nothing about their protest because I find it of no value. Neither Mr. Rife or Mr. Rogers has ever been to the pond site and know nothing of the conditions there.

Mr. Mullans from your department, visited the site in August 1990 and found more than the 25 inches of water needed to maintain the pond.

Mr. Rife and Mr. Rogers live approximately 1½ miles upstream from the pond site and know nothing of what happens to Williams Creek or any other water condition that exists on the last mile of the creek, from Williams Lake Road to the Salmon River - through the Gattung ranch.

In answer to your six questions in your letter the answers are: 1. No, 2. No, 3. 4. Yes, 5. No, 6. ?

If you would like to set up a meeting with them at your office, let me know and I will attend.

Sincerely,

Bill Gattung

Bill Gattung

MICROFILMED

JAN 30 1991



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
SALMON DISTRICT OFFICE
P.O. BOX 430
SALMON, IDAHO 83467



IN REPLY REFER TO:

7250

October 23, 1990

RECEIVED

OCT 24 1990

Department of Water Resources
Eastern District Office

Director, Dept. of Water Resources
Eastern Region
Attn: Mr. Higginson
150 Shoup Avenue, Suite 15
Idaho Falls, ID 83402

Dear Mr. Higginson:

I would like to intervene on a water right filing (No. 75-07537) since we have missed the deadline in which to protest. We did not receive a notice of Bill Gattung's water filing and did not see it in the newspaper.

I request that we be allowed to intervene in this matter because the ownership of the land Mr. Gattung has filed for water rights on is questionable and may be public land. The tract of land lying in Section 7, T. 20N., R. 22E., B.M., Idaho has not had an official cadastral survey. I believe that Mr. Gattung assumes he owns the property since he received a Quit Claim Deed from the State of Idaho. This may or may not be correct.

I would also like to request that you not approve Mr. Gattung's water right application until we can determine who is the rightful owner of this property. Thank you for your consideration in this matter. If you have any questions concerning this matter, please call me at 756-5400.

Sincerely,

Roy S. Jackson
District Manager

MICROFILMED

JAN 30 1991

October 26, 1990

RE: Application for Permit No. 75-7537

Mr. Bill Gattung
Rt 1 Box 243A
Salmon ID 83467

Dear Mr. Gattung:

Enclosed is a copy of a petition to intervene in the matter of protest filed against the above referenced application for permit.

This petition has been filed in accordance with Department of Water Resources Rules of Practice and Procedure, Rule 6, a copy of which is also enclosed.

Before a decision is made whether or not to grant leave to intervene, you will be allowed ten (10) days from the date of this letter to respond to the petition.

If the request to intervene is granted, the intervenor will be allowed to participate in any conference or hearing before the Department, but will not, by the Department's granting leave to intervene, become party to the matter for the purpose of court review or appeal.

If this office can be of further assistance, please contact us.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

Enclosure

MICROFILMED

JAN 30 1991

October 26, 1990

RE: Application for Permit No. 75-7537 BILL GATTUNG

Mr Roy S Jackson
District Manager
Bureau of Land Management
PO Box 430
Salmon ID 83467

Dear Mr. Jackson:

Your petition to intervene in the matter of protest against the above referenced application for permit has been received and a copy has been sent to the applicant.

The applicant will be allowed ten (10) days to respond before action is taken to grant or deny leave to intervene.

If the request is granted, intervenors will be allowed to participate in any conference or hearing before the Department, but will not, by this action, become parties to the matter for purposes of court review or appeal.

If this office can be of any further assistance, please contact us.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

MICROFILMED

JAN 30 1991

October 26, 1990

Bill Gattung
Rt 1 Box 243A
Salmon ID 83467

Dear Mr. Gattung:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to application No. 75-7537. The Department suggests you contact the protestants directly in an effort to determine the nature of the protests and to attempt to resolve the protests.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. That it is contrary to conservation of water resources within the State of Idaho.

MICROFILMED

JAN 30 1991

Bill Gattung
October 26, 1990
Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

pc: IDWR - State Office

Enclosure

MICROFILMED

JAN 30 1991

October 26, 1990

RE: Application for Permit No. 75-7537 GATTUNG

Richard Rodgers
Rt 1 Box 239A
Salmon ID 83467

Dear Mr. Rodgers:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the applications and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

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2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. That it is contrary to conservation of water resources within the State of Idaho.

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JAN 30 1991

Richard Rodgers
October 26, 1990
Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

If this office can be of further assistance, please contact us.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

pc: IDWR - State Office

Enclosure

MICROFILMED

JAN 30 1991

October 26, 1990

RE: Application for Permit No. 75-7537 GATTUNG

Roger K Rife
Rt 1 Box 235B
Salmon ID 83467

Dear Mr. Rife:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the applications and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

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2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. That it is contrary to conservation of water resources within the State of Idaho.

MICROFILMED

JAN 30 1991

Roger K. Rife
October 26, 1990
Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

If this office can be of further assistance, please contact us.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

pc: IDWR - State Office

Enclosure

MICROFILMED

JAN 30 1991

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

ADP

INITIAL REVIEW BY Bill Gattung DATE 8/7/90 APPLICATION NUMBER 75-7537

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
☒ Overlapping point of diversion
☐ Yes ☒ No Field check required
☐ Yes ☒ No Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Power efficiency form
☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
☐ See reverse side for additional information

RECEIVED
DEC 24 1990

Department of Water Resources

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested

RECEIVED
OCT 09 1990
Department of Water Resources

PROCESSING ☒ Yes ☒ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☒ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☒ Water District 75-B
☐ Adjudication Bureau Unit ☐ Other

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☒ Yes ☒ No Protests received *Withdrawn*
Final date for protest *9-24-90*
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☐ No Recommendations attached
☐ Yes ☐ No Measuring device required
☐ Yes ☐ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. *75-B*
☒ Yes ☐ No Special conditions of approval or cover letter below.

See below for additional information
Date of priority recommended *5-07-1990*
By *HWS* Date *10-03-90*

STATE OFFICE REVIEW

See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

POSSIBLE P/D OVERLAP w/ 74-07285

Conditions; Applicant will provide a Fish screen at both the inlet and outlet of his pond.

<057 75-B Williams Creek

LOCAL PUBLIC INTEREST

Comments received from:

☐ City	☒ Idaho Fish & Game	☐ Irrigation District
☐ County	☐ Idaho Health & Welfare	☐ Canal Company
☐ Reservations	☐ Division of Environment	☐ Other _____

Project impacts/implications report

COMMENTS

October 5, 1990

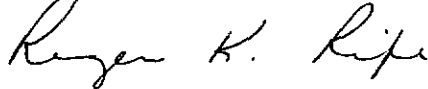
Mr. Harold W. Jones
Department of Water Resources
Eastern Region
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Dear Mr. Jones:

On September 17, 1990, myself and Mr. Rich Rodgers filed a "Protest Letter" regarding a water rights application filed by Mr. Bill Gattung to appropriate waters from Williams Creek, tributary to the Salmon River.

In that letter of protest the application number referenced was 75-07536. That was in error and should have been 75-07537. Please correct the records to show the proper application number that is being protested.

Sincerely,



Roger K. Rife
Rt. 1 Box 235B
Salmon, Idaho 83467

MICROFILMED

JAN 30 1991

RECEIVED

OCT 9 1990

Department of Water Resources
Eastern District Office

RECEIVED

SEP 21 1990

Department of Water Resources
Eastern District Office

September 17, 1990

Director
Department of Water Resources,
Eastern Region
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Dear Mr. Director

This letter is a "Protest Letter" regarding Application Number 75-07536⁷ filed by Bill Gattung to appropriate and divert .500 CFS for recreation Storage of 15 AF.

Currently there is an 1886 right for 760 inches that is shared by several land owners including Mr. Gattung that is diverted from Williams Creek approximately one mile upstream from the diversion point requested in the new application. During the critical irrigation period from mid-July to mid-September there is considerably less than 760 inches total in Williams Creek at this diversion point. Below this diversion the creek is dry for some distance until natural regeneration in the creek along with waste water spillage does create some flow again however it is quite minimal until the water users stop irrigating in late September.

As application 75-07536 names a point of diversion in Lot 3, Sec 7, T20N R22E and there is not 25 inches of water at that location during much of the year, we feel that the application should be denied.

Roger K. Rife

Rich Rodgers

MICROFILMED

JAN 30 1991

(ROGER K. RIFE)
RT. 1 BOX 235 B
SALMON, IDAHO 83467

(RICHARD RODGERS)
RT. 1 BOX 239 A
SALMON, IDAHO 83467

756-6123 - Century 21
Cook
756-2524
-4291
756-4278
768-2371

IDAHO DEPARTMENT OF FISH AND GAME
REGION 6
1515 Lincoln Road
Idaho Falls • Idaho • 83401

RECEIVED

AUG 26 1990

Department of Water Resources
Eastern District Office

August 27, 1990

Mr. Harold W. Jones
Water Rights Supervisor
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

RE: 75-7538-Lanni; 75-7537-Gattung;
75-7522-Amacher

Dear Skip:

Department personnel have reviewed the Lanni application to divert 0.09 cfs from Ditch Creek (tributary of Hughes Creek) for domestic and irrigation; the Gattung application to divert 0.5 cfs of Williams Creek into a pond; and the Amacher application to divert 0.11 cfs from a spring which is a tributary to Pollard Creek for irrigation and domestic use. We have no objections to the issuance of these permits. In reference to Mr. Gattung's application, please refer to our comment letter sent to Charlie Mullins on June 28 which I have enclosed.

Thank you for the opportunity to comment on these matters.

Sincerely,



Herbert A. Pollard, II
Regional Supervisor
Region 6

HAP:JRL:dk

Enclosure

cc: U.S. Fish & Wildlife Service
Bureau of Program Coordination
Bureau of Fisheries
Jim Lukens

MICROFILMED

JAN 30 1991

• EQUAL OPPORTUNITY EMPLOYER •



IDAHO DEPARTMENT OF FISH AND GAME
REGION 6
1515 Lincoln Road
Idaho Falls • Idaho • 83401

RECEIVED

AUG 28 1990

Department of Water Resources
Eastern District Office

June 28, 1990

Charles Mullins
Stream Channel Protection Specialist
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

RE: 75-S-233 - Bill Gattung

Dear Charlie:

Department personnel have reviewed Mr. Gattung's application to construct a pond on Williams Creek and have inspected the site with the applicant. We have no objection to the issuance of the permit with the following conditions:

- 1.) Steelhead spawn and rear in Williams Creek and Mr. Gattung must provide adequate passage, either through his pond or around his pond, in the Williams Creek channel.
- 2.) If he chooses to pass fish through his pond he will have to provide a fish ladder with adequate flows for year-round passage. Also, from the point of diversion into the pond and above he must maintain a minimum flow in Williams Creek of 1.5 cfs. We would like to delay the issuance of this permit, if Mr. Gattung plans to construct a fish ladder into his pond, so that one of our engineers can review his plan. As designed, we doubt his ladder will pass adult steelhead.
- 3.) If Mr. Gattung chooses to pass fish around his pond he must screen both the outlet and inlet of his pond and maintain a minimum flow in Williams Creek of 1.5 cfs year-round. During the spring spawning and migration period (April and May), flows should be greater.
- 4.) Unless we are notified otherwise by your Department, we consider the Williams Creek channel on Mr. Gattung's property to be a live stream channel and remind him that he cannot continue altering the stream channel without a 404 permit. The alterations he has already performed have had significant deleterious impacts to fish habitat.

Thank you for the opportunity to comment on this matter.

RECEIVED

JAN 30 1991

June 28, 1990
Page 2.

RECEIVED

AUG 26 1990

Department of Water Resources
Eastern District Office

Sincerely,

Herbert A. Pollard, II
Regional Supervisor
Region 6

HAP:JRL:vh

cc: U.S. Fish and Wildlife Service
Bureau of Program Coordination
Bureau of Fisheries
James Lukens
Mike Scott
Steve Schmidt

RECEIVED
JAN 30 1991

14-Aug-1990

DEPT. OF FISH & GAME
REGION 6
HERBERT POLLARD
1515 LINCOLN RD.
IDAHO FALLS, ID 83401

RE: Application for PERMIT NO. 75-7538, 75-7537, & 75-7522

Dear Sir:

We are enclosing a copy of the applications that may be of interest to your department. Please review the applications and submit any comments you may have to our Department as soon as possible. The last date of protest is SEPTEMBER 24, 1990, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb
enc.

MICROFILMED

JAN 30 1991

75-07537

GATTUNG, BILL
RT. 1 BOX 243-A
SALMON, ID 83467

Source: WILLIAM CREEK

Tributary: SALMON RIVER

Diversion Pt: LOT 3 (NWSW) Sec 7 T 20N R 22E

Use: RECREATION (15.00 AF)
RECREATION STORAGE (.500 CFS)
Total Diversion: (.500 CFS)

Date Filed: 5/ 7/ 1990

In: T20N R22E S07

SWNW

SENW

NWSW

RECORDED

JAN 30 1991

14-Aug-1990

BILL GATTUNG
RT. 1, BOX 243-A
SALMON, ID 83467

RE: Application for Permit No. 75-7537

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Recorder-Herald on SEPTEMBER 6 & 13, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is 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.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

RECEIVED
JAN 30 1991

14-Aug-1990

RANDY CAPPS
RT. 1, BOX 246
SALMON, ID 83467

RE: Application for PERMIT No. 75-7537

Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is SEPTEMBER 24, 1990, and we are required to take action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold Jones
Water Rights Supervisor

HJ/rb
Enclosure

MICROFILMED

JAN 30 1991