

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 45-07659

IN THE NAME OF FRANK GILLETTE

)
) ORDER OF
) REINSTATEMENT
)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before June 1, 1993; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

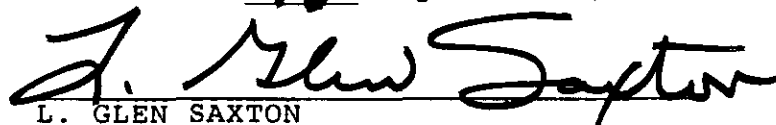
WHEREAS, the Department notified the permit holder that the permit had lapsed for failure to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on June 14, 1993;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 45-07659 be REINSTATED with an advance in priority to June 26, 1989.

Dated this 16th day of June, 1993.


L. GLEN SAXTON
Chief, Water Allocation Bureau

JUN 30 1993

RECEIVED

JUN 1 1993

Department of Water Resources

OFFICE USE ONLY
Amt. of Fee \$ 100.00
Date 6-14-93
Receipt No. 6027825
Receipt by CA

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. 45-07659 Telephone No. (208) 654-2615
2. Name(s) of Permit Holder(s): Frank Gillette
3. Mailing Address: RT 1 Box 1680 Burley, ID 83318
4. Source of Water: Springs

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ 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 30 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted .75 cfs OR _____ acre/feet

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

Measuring device: Required? _____ Yes _____ No Installed? _____ Yes ☒ No

OR

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.

Frank Gillette (208) 654-2615
Name Telephone No.

RT 1 Box 1680 Burley ID 83318
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.

6/16/93
Date

Frank Gillette
Signature (and title, if on behalf of a company or organization)

JUN 30 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 45-07659

Proposed Priority: June 13, 1989 Maximum Diversion Rate: 1.22 CFS

This is to certify, that **FRANK GILLETTE**
RT. 1 BOX 1680
BURLEY, ID 83318

has applied for a permit to appropriate water from:

SPRINGS tributary of **MARSH CREEK**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	1.20 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
	Totals	1.22 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWSWSE	Sec. 28, Township 10S, Range 24E
SESESW	Sec. 28, Township 10S, Range 24E
	CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10S	24E	28	SESW 30	SWSE 30		60

Total number of acres irrigated: 60

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1993.
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. 45F.
5. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.

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JUL 21 1991

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

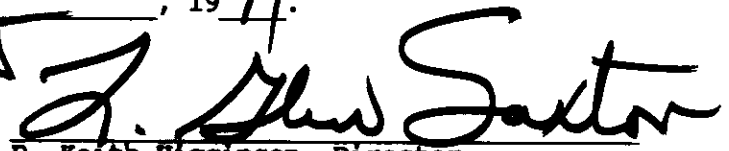
NO. 45-07659

6. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
7. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
8. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
9. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
10. Stockwater use is for 50 range cattle.
11. Single point of diversion located on or near line between SESESW and SWSWSE, S28, T10S, R24E.

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

29th day of

May, 1991.

for 
R. Keith Higginson, Director

RECORDED

JUL 21 1991

865
RECEIVED
JUN 8 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 45-07659

Department of Water Resources
Southern Region Office

To appropriate the public waters of the State of Idaho

1. Name of applicant Frank Gillette Phone 208-654-2615
Post office address Rt 1, Box 1680 Burley Id. 83718
2. Source of water supply Spring which is a tributary of Marsh Creek
3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 28 Township 10S Range 24E B.M. Cassia County; additional
points of diversion if any: SW/SW/SE S. 28 T. 10S R. 24E (P/D is close to 40 line)
4. Water will be used for the following purposes:
Amount 0.02 for Livestock purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.20 for Irrigate purposes from 4/1 to 5/1 (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) 1.22 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Springbox, pump and hand lines
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years (minimum 1 year).

MAILED
JUL 21 1991

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. up to 50 beef
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S	24E	28											30 30				30		60 80
													5/50	5/50					5/50

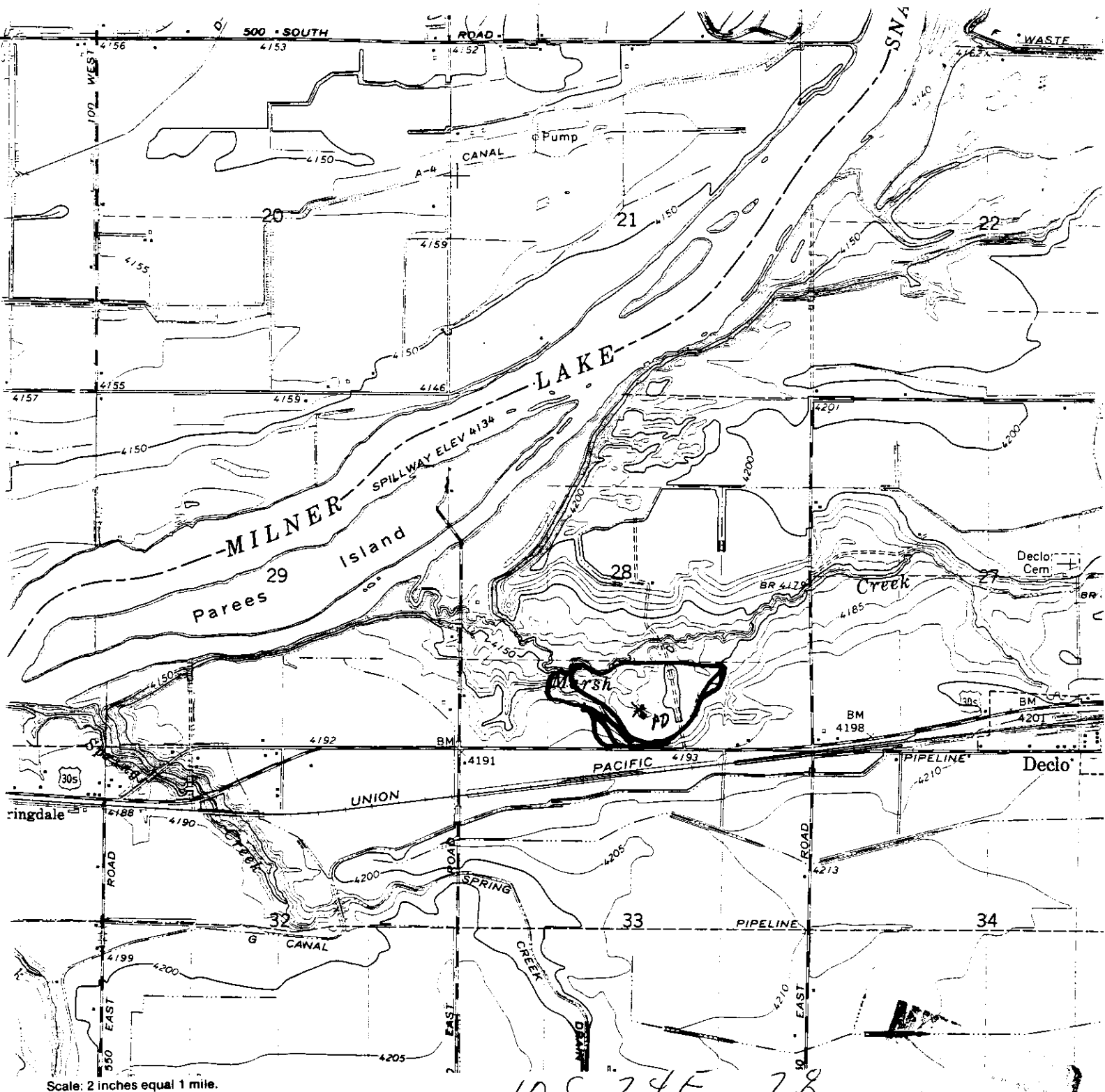
Total number of acres to be irrigated 60

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

11. a. Who owns the property at the point of diversion? Charmont
- b. Who owns the land to be irrigated or place of use? Charmont
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. No.

12. Remarks: Developed in the 1970s for 40 acres in Apr-May before canal water arrives. Use will be expanded if permit is approved.

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.

Frank Little
(Applicant)

Received by LP Date 6/13/89 Time 10:30 am Preliminary check by J. Seltman
Fee \$ 65.00 Receipted by JR Payne # 500 8214 Date 6-14-89
Publication prepared by BLM Date 4-9-91 Published in South Idaho Press
Publication approved JL Date 5-6-91

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
JUL 21 1991

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia, } ss.
STATE OF IDAHO }

MONIQUE JONES 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
consecutive weeks, commencing with the
issue dated April 19 19 91, and
ending with the issue dated April 26
19 91. Monique Jones

STATE OF IDAHO }
COUNTY OF CASSIA }

On this 3 day of May in the year of 1991, before me,
a Notary Public, personally appeared Monique Jones,
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.

Drene Sanchez
Notary Public for Idaho
Residing at Burley ID
My commission expires: 10/23/96

Cost of Publication: 25.92
Notary Fee: 50
Total Cost: 26.42

MICROFILMED
JUL 21 1991

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

91-167

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

45-07659

GILLETTE, FRANK
RT. 1 BOX 1680
BURLEY, ID 83318
Source: SPRINGS
Tributary: MARSH CREEK
Diversion Pt: SESESW Sec 28 T 10S R 24E
SWSWSE Sec 28 T 10S R 24E
Use: STOCKWATER (.020 CFS)
IRRIGATION (1.200 CFS)
Total Diversion: (1.220 CFS)
Date Filed: 8/13/1989
In: T10S R24E S28 SESW SWSE
60.0 ACRES TOTAL

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before MAY 6, 1991.

/s/ R. Keith Higginson, Director
Published in the South Idaho Press on April 19 and 26, 1991.

County of Cassia, } ss.
STATE OF IDAHO }

MONIQUE JONES 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
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consecutive weeks, commencing with the
issue dated April 19 19 91, and
ending with the issue dated April 26,
19 91. Monique Jones

STATE OF IDAHO
COUNTY OF CASSIA }

On this 3 day of April in the year of 1991, before me,
a Notary Public, personally appeared Monique Jones,
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.

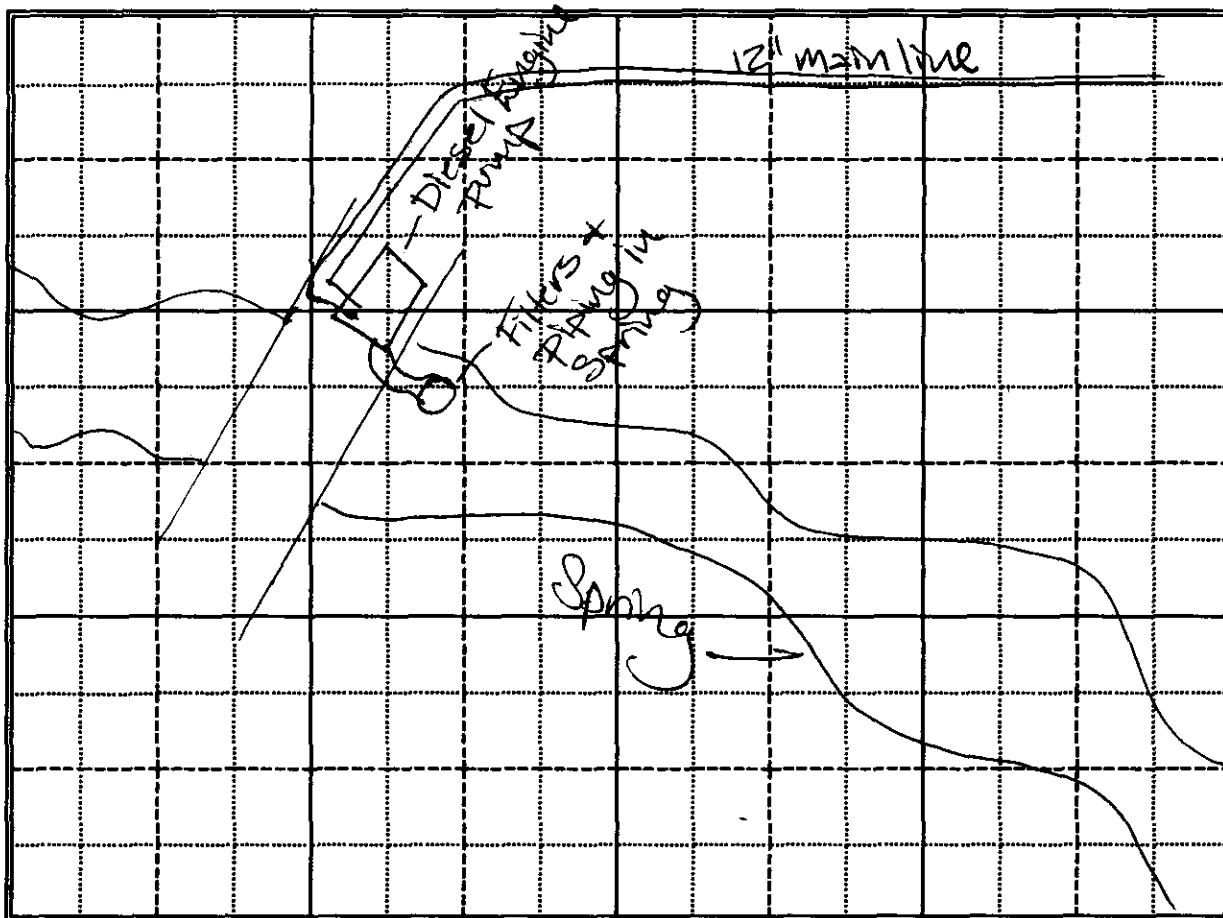
[Signature]
Notary Public for Idaho

Residing at [Address]

My commission expires: [Date]

Cost of Publication: 25.92
Notary Fee: 50
Total Cost: 26.42

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS 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)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Diesel Engine	John Deere		104037D570657		

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Fuji						

2. Measurements: Measurement taken with Fuji on a twelve inch Aluminum pipe. Measured 530 gpm or 1.8 cfs

E. NARRATIVE/ REMARKS/ COMMENTS

FILE: 45-07659

FROM: AMANDA FOLSOM

DATE: June 2, 2000

Georgia Satterlee and I met with Lawrence Gillette on August 5, 1999. According to Lawrence, Frank Gillette, the father, still owns the land and Lawrence along with his brother Carey rent and farm it.

The point of diversion for this permit is a spring that runs through Section 28, Twn 10S, Rng 24E. To divert the water for irrigation, a head gate is in place along with filters and piping in the spring. The pump observed during the exam had been rented from Rain for Rent. At the time there was no permanent pump used at the spring. The Gillette's primary source of water is canal shares. The pump was connected to a 12" main line running east.

The water from the spring is used as a secondary source to the canal shares. Lawrence informed us that the spring water is used before the canal shares are available, when the shares are not enough, and at the end of the season. At the time of the exam, the claimant was not irrigating ground that this source was intending to be for. The ground was basically bare (little vegetation, mostly dirt). The claimant did say that they had plans of using this land for production sometime in the future. During the exam, however, no beneficial use was observed. Portable main lines and hand lines would allow the Gillette's the freedom to irrigate the permitted land easily; however, the Gillettes use canal shares as their primary source of water.

I took a measurement with the Fuji on the twelve-inch aluminum pipe running east from the pump. The measurement averaged to 530gpm or a capacity of 1.18cfs. The water was being pumped to approximately 90 Rainbirds located on a dirt mound to the east of the beet fields (please see pictures).

I am basing my recommendation on what I saw and documented, along with what Lawrence told Georgia and I. However, I feel that it should be noted that during the exam the water did not appear to be beneficially used, and that the horses on the pasture had free access to the water from the spring. Therefore, my recommendation is as follows with restrictions as a secondary use to the canal shares:

Irrigation	1.18cfs	169.2afa
Stockwater	0.01cfs	0.1afa
Total	1.18cfs	169.3afa

10.02
LOG NAME: GIL1
START : 08-05 10:18
END : 08-05 10:27
INTERVAL: 00:01:00

08-05 10:18:00
+1.641E+0 ft/s
+5.333E+2 gal/m
+TOTAL 0000035 gal
-TOTAL 0000000 gal
NORMAL

08-05 10:19:00
+1.638E+0 ft/s
+5.324E+2 gal/m
+TOTAL 0000445 gal
-TOTAL 0000000 gal
NORMAL

08-05 10:20:00
+1.607E+0 ft/s
+5.223E+2 gal/m
+TOTAL 0000972 gal
-TOTAL 0000000 gal
NORMAL

08-05 10:21:00
+1.636E+0 ft/s
+5.316E+2 gal/m
+TOTAL 0001504 gal
-TOTAL 0000000 gal
NORMAL

08-05 10:22:00
+1.627E+0 ft/s
+5.288E+2 gal/m
+TOTAL 0002034 gal
-TOTAL 0000000 gal
NORMAL

08-05 10:23:00
+1.627E+0 ft/s
+5.286E+2 gal/m
+TOTAL 0002562 gal
-TOTAL 0000000 gal
NORMAL

08-05 10:24:00
+1.635E+0 ft/s
+5.313E+2 gal/m
+TOTAL 0003092 gal
-TOTAL 0000000 gal
NORMAL

08-05 10:25:00
+1.638E+0 ft/s
+5.323E+2 gal/m
+TOTAL 0003623 gal
-TOTAL 0000000 gal
NORMAL

08-05 10:26:00
+1.620E+0 ft/s
+5.263E+2 gal/m
+TOTAL 0004152 gal
-TOTAL 0000000 gal
NORMAL

08-05 10:27:00
+1.634E+0 ft/s
+5.311E+2 gal/m
+TOTAL 0004682 gal
-TOTAL 0000000 gal
NORMAL

533

532

522

532

529

529

531

532

526

531

529.7 →

530 gpm

448.83

= 1.18 cfs

Sugar Beets

45-01601

12" Main line

□ - Headgate
GPS Tag # A0007885

Sprinklers set up on
dirt mound for spring
water discharge
approx. 92 Rainbirds

Spring

Pasture
&
Horses

Road to Irrigated Acres

↑
N

Recommendation for Permit 45-07659

Frank Gillette



©



45.0

+

T1888

1
36.0

33.6

T1090

2

46.9

T1986

2

16.3

13

52.5

28

26.0

33





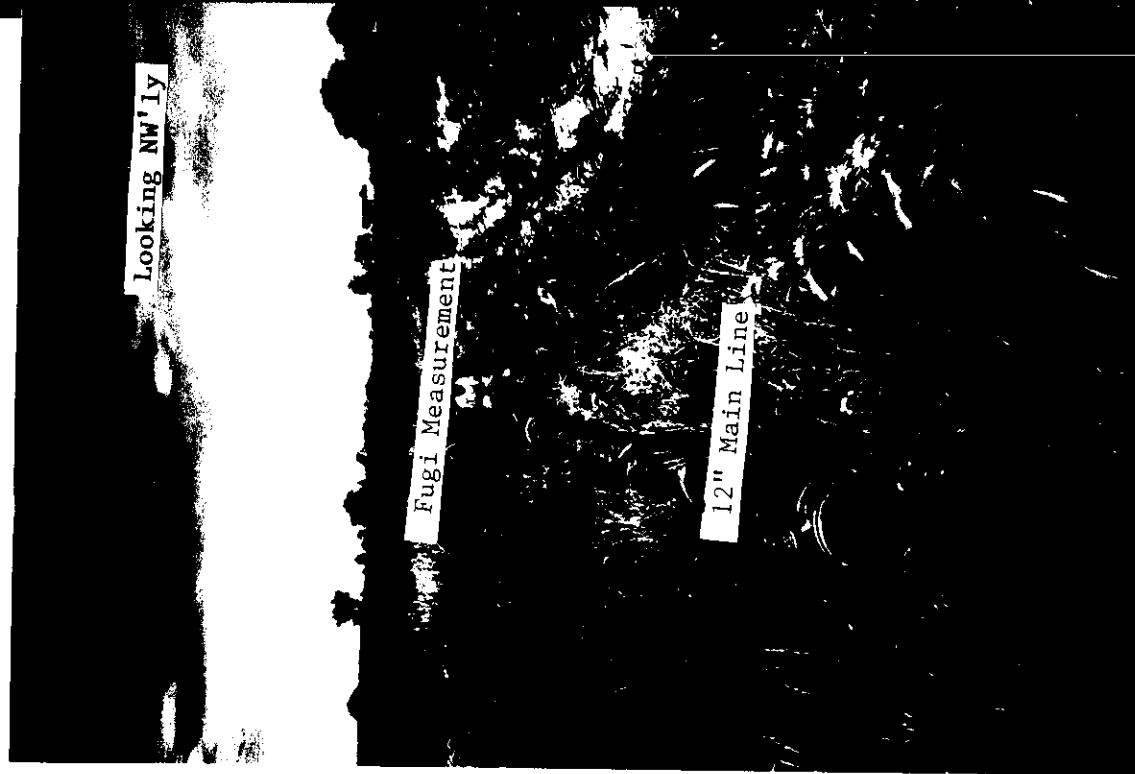
Frank Gillette
FE: Georgia Satterlee & Amanda Folsom
5 August 99

45-07659

Looking SW'ly



Looking NW'ly



Frank Gillette
FE: Georgia Satterlee & Amanda Folsom
5 August 99

45-07659

Looking SE'ly



Looking SW'ly

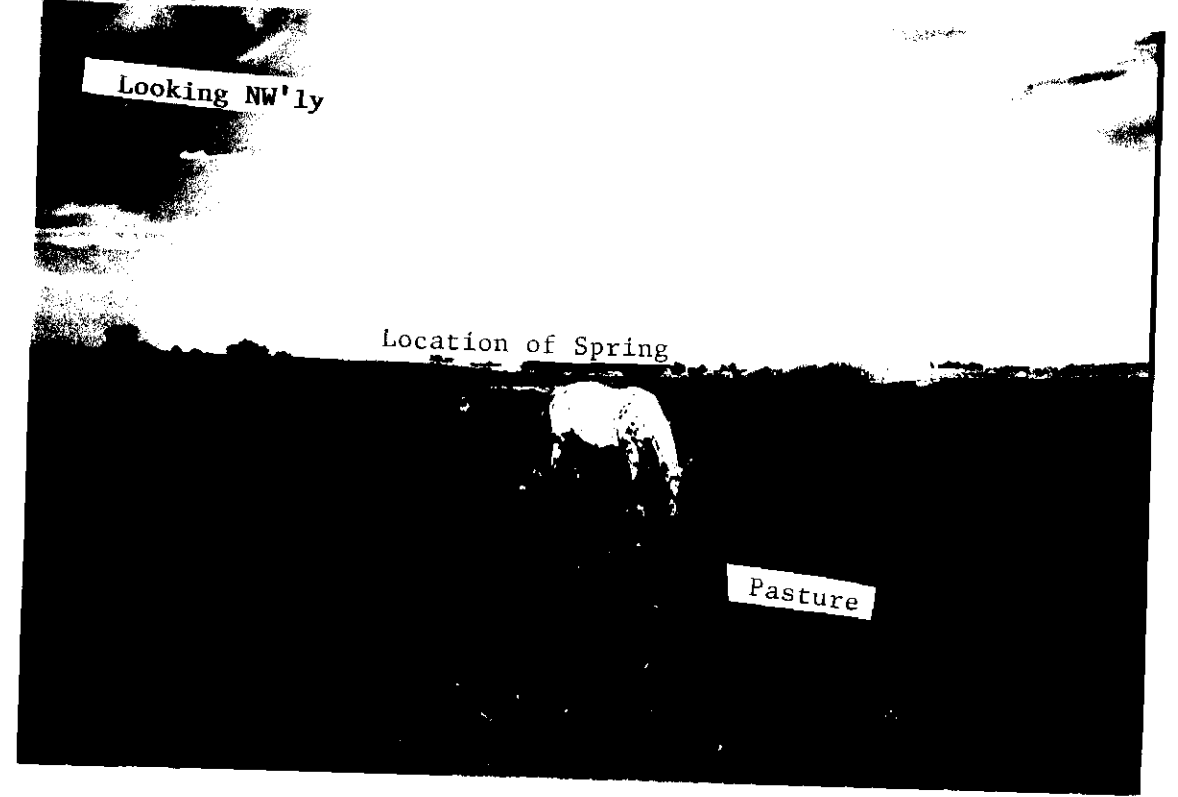


Frank Gillette

FE: Amanda Folsom

Date: 5 August 1999

45-07659



Frank Gillette
FE: Amanda Folsom
Date: 5 August 1999
45-07659

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS☒ Additional Computation Sheets Attached

Measured Method:

$$\text{Fuji} \rightarrow \frac{530 \text{ gpm}}{448.83} = \boxed{1.18 \text{ cfs}}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{56.4(3)} = \underline{169.2}$$
$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{(1.18)(215)(1.9835)} = \underline{503.2}$$
$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{169.2}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4-1	11-1	1.18	169.2
Stockwater	1-1	12-31	0.01	0.1
Totals:			1.18	169.3

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

I. AUTHENTICATION

Field Examiner's Name

Amanda Plante Date June 2, 2000

Reviewer

Date

SEAL

RECEIVED

MAY 08 2000

Idaho Department of Water Resource
Southern Region

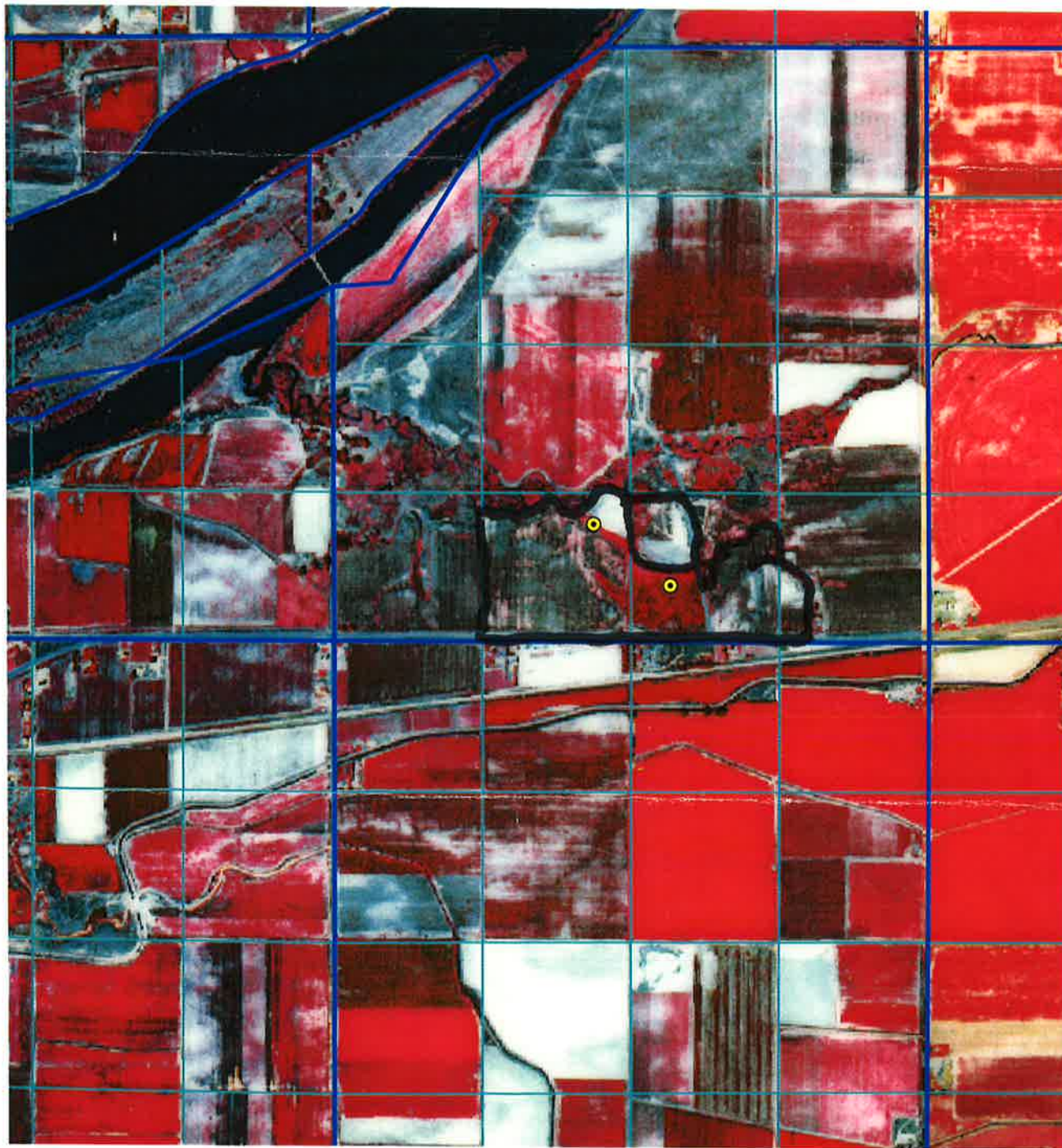
Idaho Department of Water Resource

Recommendation for Permit 45-07659

Frank Gillette

T10S

R24E



Points of Diversion



Quarter-quarter Lines



Section Lines



Place of Use



Points of Diversion

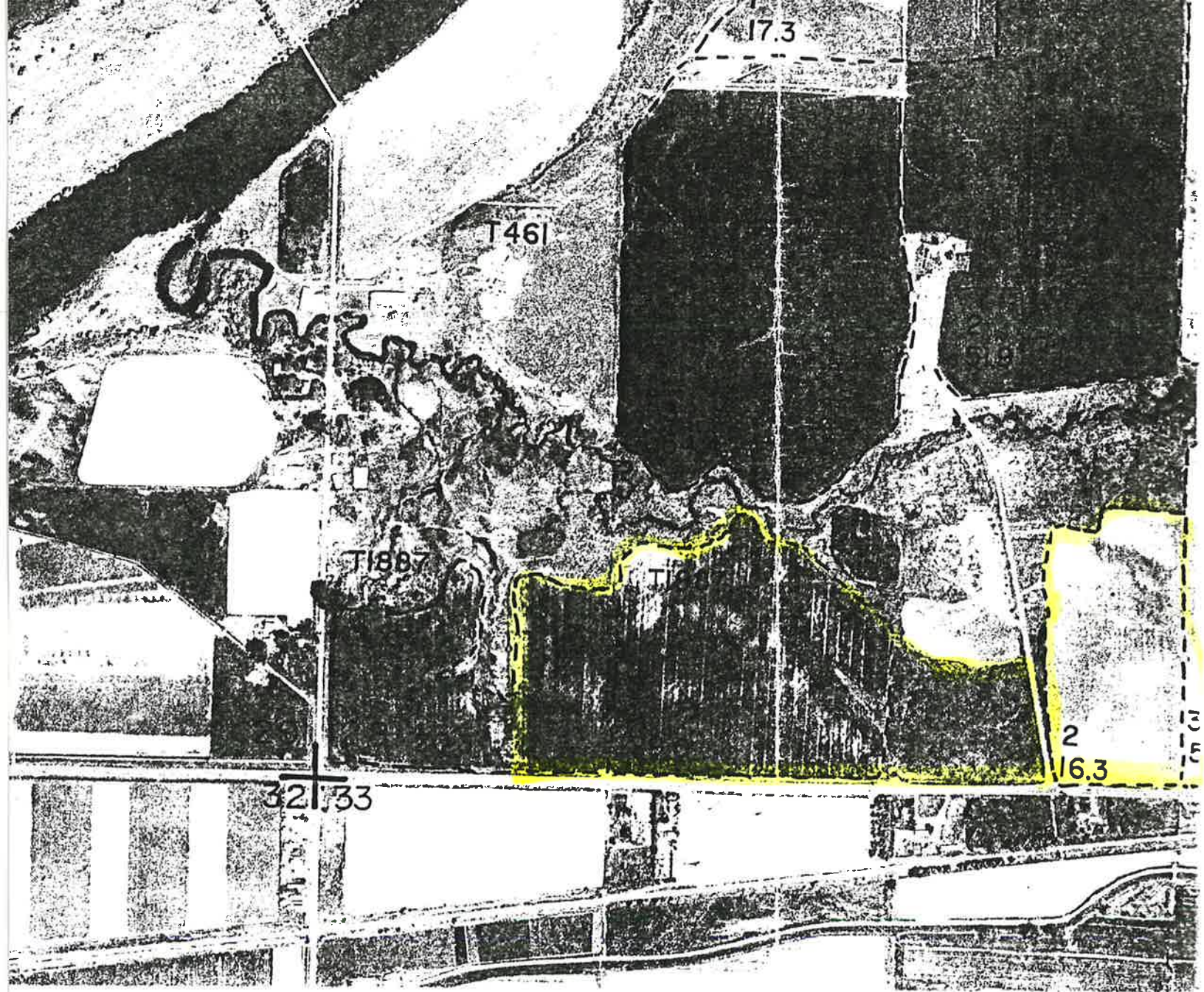
T10S R24E S28

Data entry on March 21, 2000

Point of Diversion Presentation

1987/1988 NAPP Photography

Data Entry By: Amanda Folsom



Burley Irr

How many shares & to whom
on Gillette quarter quarter
678-2511

420 share total

74.4 acres - NESE SESE

~~40~~ ~~NWNE~~

77.9 SESW SWSE

Frank Gillette

Gillette Frank
R080516A
H0007885

John Deere
Engine Serial # T040390570659
~~Des~~ Diesel Engine
60-70 PSI
Roin For Rent
1-800-672-6898

Lance
Gillette

no cattle - possible in future
5 horses & have had in past

90-91 spk 3 hand lines

ADD 7685

D.24 thickness

$$\begin{array}{r} 12 - D \\ 3 \overline{) 38} \\ \underline{3} \\ 8 \end{array}$$

Totalizer on fog - 5314

1/4 nozzle Rainbird

Days & hours
Tape 3 1/2
1992
INEL
ISDT
Forest Service
Closed
Macall

Gillette

15-07659

Mixture of Rainbird 30
Weather Tec 10-30

9/64" nozzle

7-8 sprinklers/handline

11 handlines operating
per Lawrence

SW SE 1/4 9 acres
SE SW 1/4 32 acres
SW SW 1/4 9 acres
~~50 acres~~

Carey
654-2026

$$9.19 = 9.2$$

$$31.6 = 32 \quad 49.$$

$$8.9 = 9$$

450 ft *channel
*spring

Canal shares
delivered?

5 Aug 1999 09:30 am
~~5 Aug 1999~~

Exit 216 to Declo,

Right @ Hwy 81, 1 1/2 mile
to 756 Hwy 81 (building)

Frank Gillette 654-2615

Use spring in early spring
Didn't use this year

Step son taking over
Carey Bullion 654-2026
cell 431-2026

No pump set up.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

May 27, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Frank Gillette
RT. 1 Box 1680
Burley, ID 83318

FIELD EXAM NOTICE

RE: Permit Number 45-07659

Dear Permit Holder:

We are planning to conduct water right examinations in the vicinity of the above-referenced permit beginning June 28, 1999. An examination is needed to verify your water use in order to issue a water right license.

Please be advised that you will need to operate your system under normal conditions during the examination.

In order to conduct your exam as efficiently as possible, we ask that you call this office to schedule a day and time convenient for you.

If there is a problem with scheduling or conducting the examination at this time, please call and other arrangements can be made.

Sincerely,

A handwritten signature in cursive script that reads 'Amanda Folsom'.

Amanda Folsom
Summer Field Aid

enclosure

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 45-07659)
IN THE NAME OF FRANK GILLETTE) ORDER OF
REINSTATEMENT)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before June 1, 1993; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

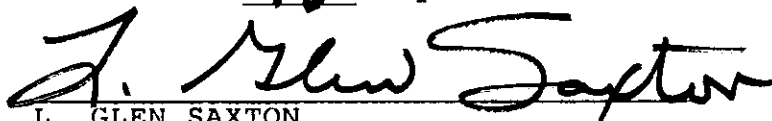
WHEREAS, the Department notified the permit holder that the permit had lapsed for failure to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on June 14, 1993;

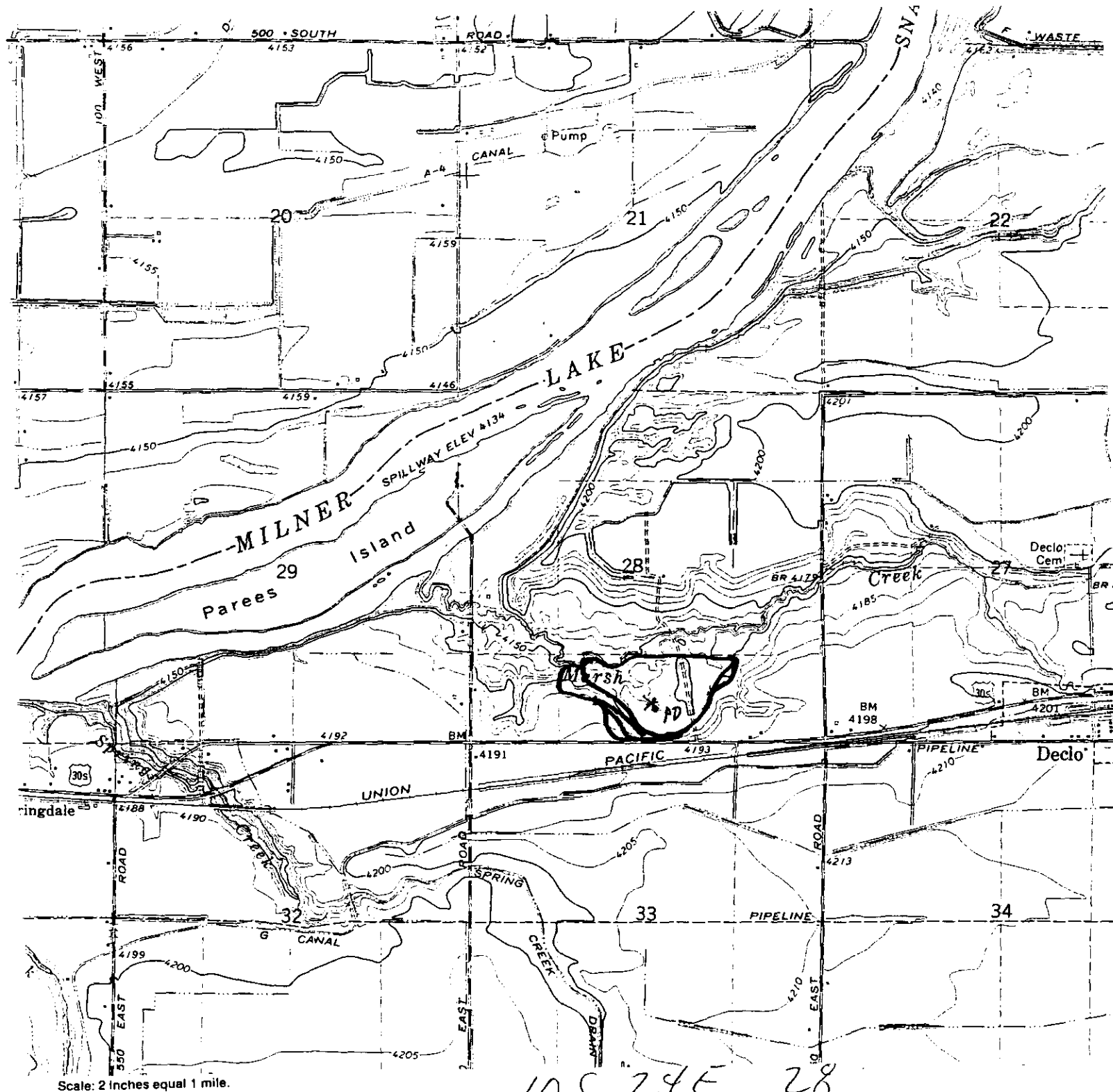
IT IS, THEREFORE, HEREBY ORDERED that Permit No. 45-07659 be REINSTATED with an advance in priority to June 26, 1989.

Dated this 16th day of June, 1993.


L. GLEN SAXTON
Chief, Water Allocation Bureau



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



105 24E 28

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.

Frank Little
(Applicant)

June 18, 1993

FRANK GILLETTE
RT. 1 BOX 1680
BURLEY ID 83318

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 45-07659

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. 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.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

Enclosure

RECEIVED

JUN 30 1993

June 8, 1993

FRANK GILLETTE
RT. 1 BOX 1680
BURLEY ID 83318

LAPSE NOTICE

RE: PERMIT NO. 45-07659

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated March 31, 1993. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 6/8/93
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

JUN 8 1993

March 31, 1993

FRANK GILLETTE
RT. 1 BOX 1680
BURLEY ID 83318

PROOF DUE NOTICE

RE: PERMIT NO. 45-07659

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, 1993. (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.

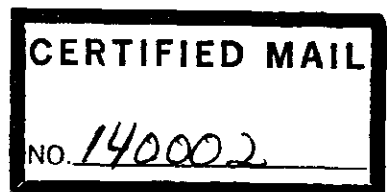
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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



JUN 80



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

June 3, 1991

FRANK GILLETTE
RT. 1 BOX 1680
BURLEY, ID 83318

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 45-07659

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.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of

MICROFILMED

JUL 21 1991

Idaho for the use and benefit of the people within the state.
Conditions pertaining to a term review, annual use fee and
jurisdiction of the permit are trust water conditions.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

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JUL 21 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

APRIL 9, 1991

South Idaho Press
Box 190
Burley, ID 83318

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before MAY 6, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

RECORDED

JUL 21 1991

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

45-07659

GILLETTE, FRANK
RT. 1 BOX 1680
BURLEY, ID 83318

Source: SPRINGS

Tributary: MARSH CREEK

Diversion Pt: SESESW Sec 28 T 10S R 24E
 SWSWSE Sec 28 T 10S R 24E

Use: STOCKWATER (.020 CFS)
 IRRIGATION (1.200 CFS)
 Total Diversion: (1.220 CFS)

Date Filed: 6/13/ 1989

In: T10S R24E S28 SESW SWSE

60.0 ACRES TOTAL

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before MAY 6, 1991.

R. KEITH HIGGINSON, Director

Published 4/19/1991 & 4/26/1991

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JUL 21 1991

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO. 45-7659/Trust Water Processing

DATE: 3-28-91

The above application has come up for sequential trust water processing. The applicant returned the trust water questionnaire and stated that the source of water under this filing (unnamed springs) has been used since the 1970's for irrigating 40 acres of his land in the early spring before receiving canal deliveries.

On this date I reviewed a 1984 aerial photo on file at the SCS office in Boise. The 60 acre parcel under this application appeared to be pasture irrigated in 1984. The attached place of use overlap report shows that the land was classified as irrigated by IDWR for the 1986 irrigation season. From review of other maps in our office the lands are clearly within the Burley Irrigation District.

Based on the above review and comments by the applicant, there is sufficient evidence that this application would constitute a supplemental filing. The acreage under the application will not be counted as trust acreage since there is evidence that all of the land has been irrigated with a different source of water prior to 1984.

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JUL 21 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED
MAR 25 1991

Application No. 45-7659

Department of Water Resources

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes ☒ No ☐

b. If you are not the property owner, please describe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes ☒ No ☐

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain conditions. You may be asked to verify uses established prior to October, 1984.)

40 Acres during Spring before water comes in
The Canal. Yrs or rain crop mostly - Also for cattle watering

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. _____

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. _____

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

BID - water rights on the same ground.

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant Frank Sillitto

Date 3/19/91

MICROFILMED

JUL 21 1991



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

February 26, 1991

RE: APPLICATION FOR PERMIT NO. _____

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development, if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, or if the application proposes diversion of more than 5.0 cfs, the department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (copy enclosed). In particular, rules 4,5,3. through 4,5,3,5. apply to your project if it is more than 200 acres. If necessary, the rule 4,5. notice will be sent to you after you return the questionnaire.

RECEIVED

JUL 21 1991

Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Spec.

Enclosures

MICROFILMED

JUL 21 1991

17-Jul-1989

Frank Gillette
Rt. 1 Box 1680
Burley, ID 83318

Re: Application for permit No. 45-07659

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

Because your application proposes to appropriate water which has been identified as "trust water" in the Swan Falls agreement, it will be processed under rules and regulations for water appropriation that have been adopted as required by law.

Under the rules, applications will be processed at a rate which allows development of 20,000 acres per year. The oldest applications will be processed first, provided that applicants are willing and able to proceed.

For this reason, it is not possible to estimate at this time when action will be taken on your application.

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

RECEIVED

JUL 21 1991

SEND COPIES TO _____ Idaho Dept. of Health & Welfare _____ U.S. BLM
 _____ Idaho Dept. of Fish & Game _____ U.S. Forest Service
 _____ Idaho Dept. of Lands _____ O/ Water District
 _____ Adjudication Bureau Unit _____ Other _____

<u> </u>	Yes	<u> </u>	No	Affidavit of publication received
<u> </u>	Yes	<u> </u>	No	Application published correctly. If not, record action taken.
<u> </u>	Yes	<u> </u>	No	Publication dates & paper, recorded on application
<u> </u>	Yes	<u> </u>	No	Protests received
				Final date for protest _____
<u> </u>	Yes	<u> </u>	No	Protests, dates, resolution of protest, recorded on application
<u> </u>	Yes	<u> </u>	No	Recommendations attached
<u> </u>	Yes	<u> </u>	No	Measuring device required
<u> </u>	Yes	<u> </u>	No	Access port required
<u> </u>	Yes	<u> </u>	No	Will water be delivered by watermaster? If yes, what Dist. _____
<u> </u>	Yes	<u> </u>	No	Special conditions of approval or cover letter below. _____

_____ See below for additional information

Date of priority recommended _____

By _____ Date _____

By _____ See below for additional information
Date _____

7

LOCAL PUBLIC INTEREST

Comments received from:

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other _____

Project impacts/implications report

COMMENTS
