

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

RECEIVED

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

MAY 18 2001

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 29-8146
Name(s) of Permit Holder: Lance F Gunnell
Address: 1320 N. 600 E #2 City Logan State UT Zip 84341
Telephone No. 435-752-1747 Date Proof is Due: _____

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

cultivation of spring and bying of some
pipe.

Costing \$ 20,000

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Family health problems (daughter)
Contracted person unable to proof, I thought an
attention had already been filed by contracted
person.

Permit holder(s) request an extension to 10/10/, 2007

(Signature)

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be
REINSTATED with the priority advanced to August 21, 1994. IT IS FURTHER
ORDERED that the time within which to submit proof of beneficial use is
extended to May 1, 2003.

Signed this 22nd day of May, 2001

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
INSTRUCTIONS FOR EXTENSION OF TIME REQUEST
TO SUBMIT PROOF OF BENEFICIAL USE

If the water right development authorized by your permit is not complete and you need more time to submit proof of beneficial use of water under your permit, please read the following:

Under the provisions of Section 42-204, Idaho Code, the department can extend the proof due date of your permit only once, and then only if you can demonstrate that you have been pursuing development of the permit with due diligence.

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. **Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.**

EXCEPTIONS TO ONLY ONE EXTENSION

The proof due date for a permit that has not been developed for one of the following reasons may be granted one or more extensions of time even though no work has been accomplished:

- When there is a lack of a required consent or final approval from a federal government agency (**evidence of delay must be submitted with the request**), i.e. right-of-way easement or land classification such as Desert Land Entry or Carey Act.
- When litigation related to title of the water has prevented development of the permit (**evidence must be submitted with the request**).
- When the water project is of a large scale -- storage of more than 10,000 acre-feet or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres.
- When the water right permit is held by the United States of America (**reason for request must be submitted**).

A non-refundable filing fee of \$50.00 must accompany the Request for Extension of Time form.

NOTE that in no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has not been initiated and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force nor effect.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 27 1998

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 29-08146

✓ # 3116

Name(s) of Permit Holder: LANCE F. Gunnell

Mailing Address: 1320 N 600 E Logan Utah 84341

Date Proof is Due: ? May 1, 1998 Telephone No. (435) 752-1747

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

NONE

Costing \$ _____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Finances (\$\$) are only part of it trying to
get a permit for a septic tank.

Permit holder(s) request an extension to 1998 2002

FEE: \$50.00

(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to May 1, 2001.

MICROFILMED

JUN 08 1998

Signed this 21st day of May, 19 98

J. Glen Sawyer
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-08146

Proposed Priority: August 1, 1994

Maximum Diversion Rate:

0.02 CFS

This is to certify, that **LANCE F GUNNELL**
1320 N 600 E
LOGAN UT 84321

has applied for a permit to appropriate water from:
SPRING tributary of **SINKS**

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

04/01 to 11/01

0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWSWE , Sec. 23, Township 12S, Range 36E
BANNOCK County

PLACE OF USE: DOMESTIC

TWN RGE SEC

12S 36E 23

SWSE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 1998**.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. 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.
5. Use of water under this right is subject to control by the watermaster of State Water District No. 29H.
6. The issuance of this right in no way grants any right-of-way or easement across the land of another.
7. Domestic use is for 1 home.
8. Domestic use does not include lawn, garden, landscape, or other types of irrigation.

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

24 day of April, 1995

[Signature]
for R. Keith Higginson, Director

APR 25 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant LANCE E. GUNNELL Phone 245-6870

Post office address 1320 N 600 E Logan UT 84321

2. Source of water supply Spring which is a tributary of Sinks to Birch Creek

3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____

Sec. 23 Township 12 S Range 36 E B.M. Bannock County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

~~Amount .05 cfs for Irrigation purposes from April 1 to Nov. 1 (both dates inclusive)~~
(cfs or acre-feet per annum)

~~Amount .02 cfs for Stock Watering purposes from April 1 to Nov. 1 (both dates inclusive)~~
(cfs or acre-feet per annum)

Amount .04 cfs for Domestic, 1 purposes from April 1 to Nov. 1 (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) .11 .06 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. ~~Portable Pump and Generator with~~
~~Pipeline Sprinkling System.~~ And Gravity Flow

b. Height of storage dam n/a 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? n/a

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

5 (five) years (minimum 1 year).

APR 25 1995

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. 7 Horses, 18 Cattle
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 1
- e. Other; describe fully. Irrigation

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	
~~12S~~	~~36E~~	~~23~~															~~3~~	~~3~~	
12S	36E	23															~~5~~	~~5~~	~~2~~
12S	36E	23															D		X
~~12S~~	~~36E~~	~~24~~											~~5~~	~~5~~					~~2~~
12S	36E	24											~~5~~	~~5~~					

* Stockwater
Remand as
per Conf. agreement

Total number of acres to be irrigated 21

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? AIDEN Comish

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

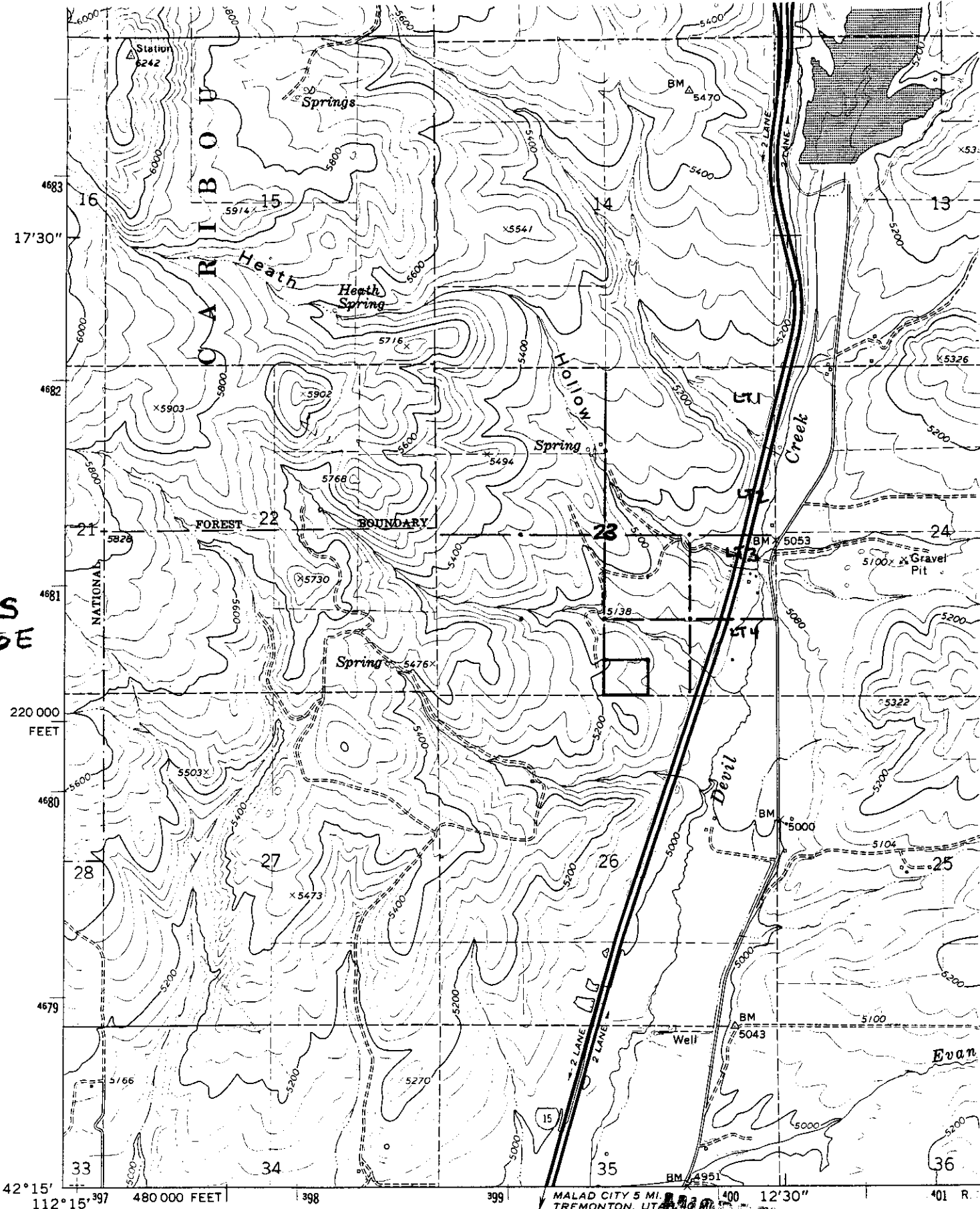
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. AIDEN Comish is my Grandfather My Dad Bought it from him and when He died I Bought it from Mom

12. Remarks: My Father is Edanny Gunnell we are in the process of trying to get Recorded in My NAME.

~~FILED~~

APR 25 1997

T12S
R36E

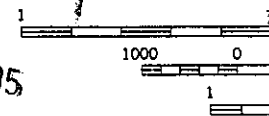


(MALAD CITY WEST)
3668 III NE

Mapped, edited, and published by the Geological Survey
Control by USGS and NOS/NOAA
Topography by photogrammetric methods from aerial
photographs taken 1966. Field checked 1968
Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
east zone
1000-meter Universal Transverse Mercator grid ticks,
zone 12, shown in blue

29-8146
4/21/95

APR 25 1995
16°
0°48'
14 MILS
284 MILS

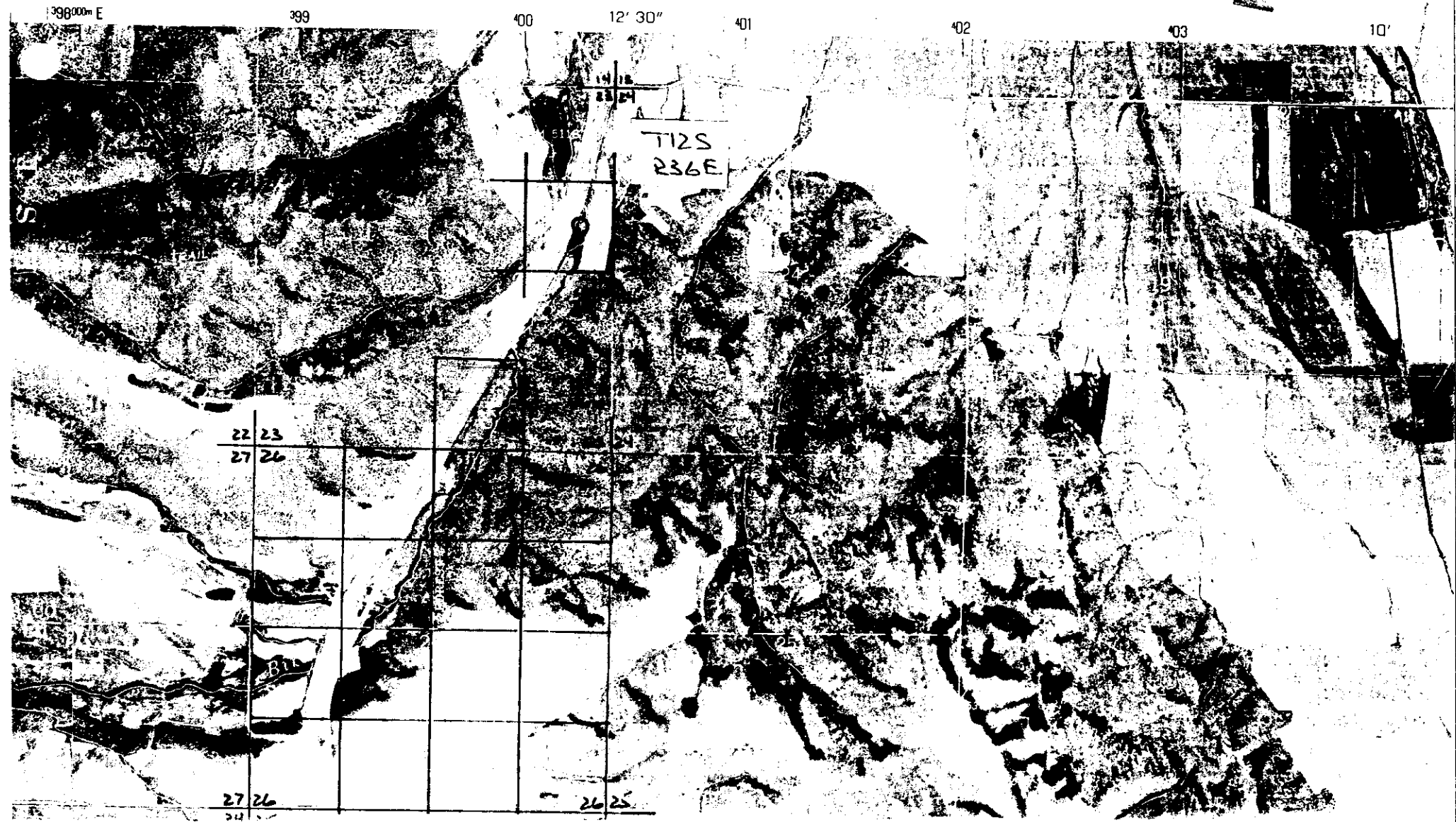


SOURCES

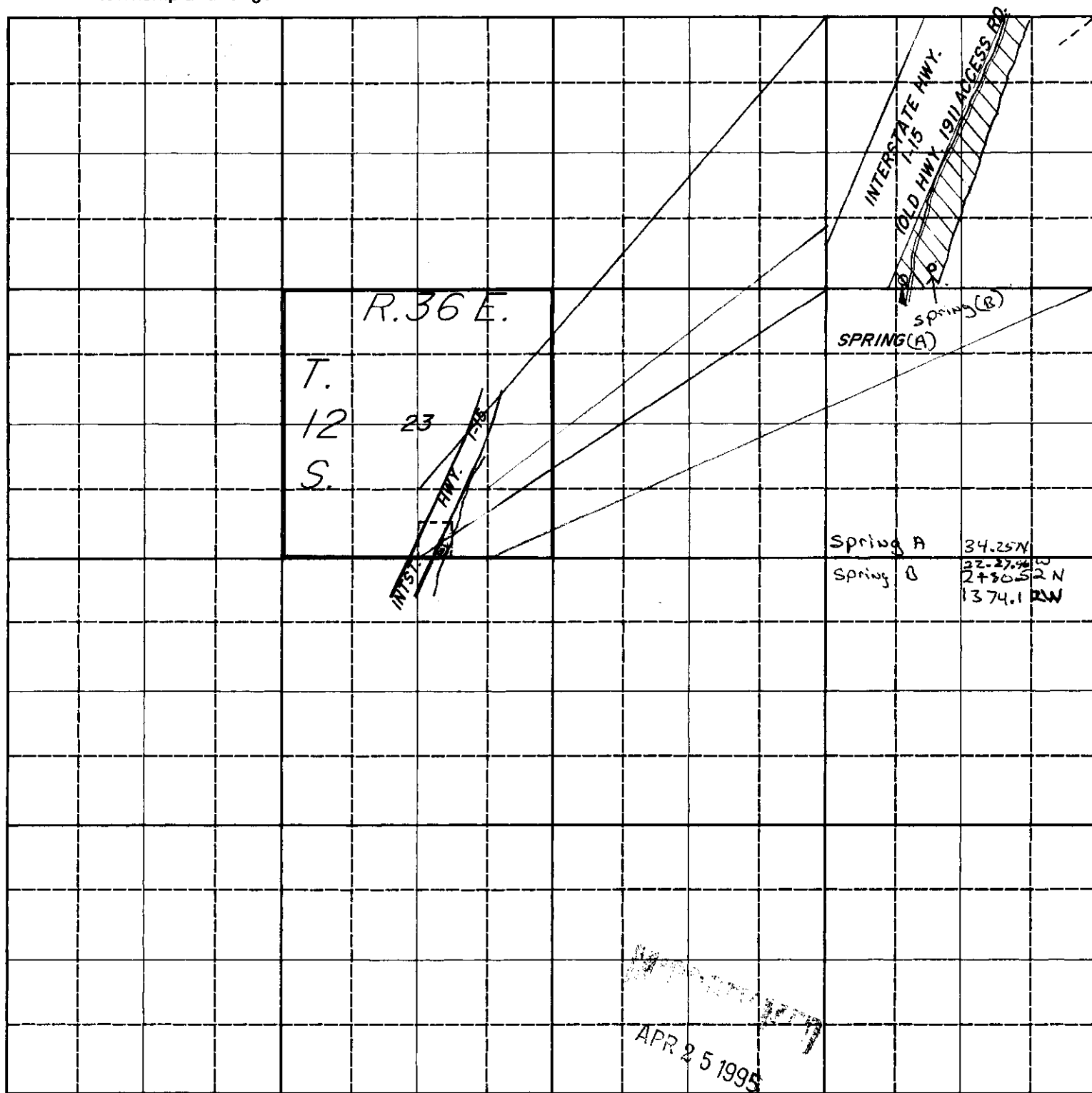
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

R36E R37E

APR 25 1995



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.

Jane F. Hinnell
(Applicant)



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

May 22, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LANCE F GUNNELL
1320 N 600 E #2
LOGAN UT 84341

RE: PERMIT NO. 29-08146

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use of water to **May 1, 2003**. Please note that the department granted the extension due to circumstances beyond your control, which kept you from completion of the development of the permit. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extension requests based on due diligence or circumstances beyond your control.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

If you have any questions regarding this matter, please feel free to contact the department.

Sincerely,

Deborah J. Gibson
Administrative Assistant I
Water Allocation Bureau

Enclosures

c: IDWR - Regional Office

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No.: 29-8146

Reviewed By: dgibson

Date: May 21, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Request received timely?		X	Is delay by a government agency?		X
Appropriate fee	X		Is supporting documentation needed to support the file?		
Additional Amount Due:					
Receipt No.:	C053830		Has the permit been involved in litigation?		X
Name and signature same as permit?	X		Is supporting documentation needed to support the file?		
Is address same as permit?	X		Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?		X
Has adequate work been completed to demonstrate due diligence?	X				

Priority Calculation

Extension request received	05/21/2001	New proof due date	05/01/2003
Date proof due	- 05/01/2001		
Lapse notice sent	- 05/11/2001		
No. of days late	= 20		
Holiday allowance	+		
Priority date	+ 08/01/1994		
New priority date	= 08/21/1994		

Action Taken

Previous Extension for Due Diligence granted extending proof deadline 3 years. This extension, if granted, will extend the proof another 2 years. ~~If this extension is granted, update the Ad Hoc site to extend the proof deadline to 5/1/2003.~~

Advance priority to 8/21/94. (Saved to permit 5/21/01) Extended proof to 5/1/03.

May 11, 2001

LANCE F GUNNELL
1320 N 600 E
LOGAN, UT 84321

LAPSE NOTICE

RE: PERMIT NO. 29-8146

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 the proof due notice dated February 28, 2001. 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 fifty dollar (\$50.00) 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.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 5/11/01
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

dg

February 28, 2001

LANCE F GUNNELL
1320 N 600 E
LOGAN, UT 84321

PROOF DUE NOTICE

RE: PERMIT NO. 29-8146

Dear Permit Holder:

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

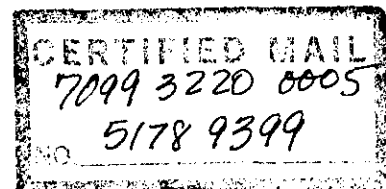
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures





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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 22, 1998

Lance F Gunnell
1320 N 600 E
Logan UT 84341

RE: Permit No. 29-08146

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit, which extends the time within which to submit proof of beneficial use to **May 1, 2001**. Please note that the department granted the extension based on due diligence. It is important that you work diligently towards completion of this project since the department **will not** be able to grant additional extension requests based on due diligence.

Section 42-248, Idaho Code, which became effective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact this office or any regional office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact me at (208)327-7953, if you have any questions regarding this matter.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED

JUN 08 1998

February 28, 1998

LANCE F GUNNELL
1320 N 600 E
LOGAN UT 84321

PROOF DUE NOTICE

RE: PERMIT NO. 29-08146

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 1998.

(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.

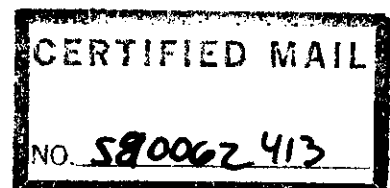
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
JUN 08 1998





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

April 24, 1995

LANCE F GUNNELL
1320 N 600 E
LOGAN UT 84321

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-08146

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Sincerely,

A handwritten signature in cursive script that reads 'Shelley W. Keen'.

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

A faint, rectangular stamp or mark, possibly a date stamp, located in the bottom right area of the page.

APR 25 1995

IN THE MATTER OF)
APPLICATION FOR PERMIT) STIPULATION
NO 29-081486 IN THE) §
NAME OF LANCE F GUNNELL) WITHDRAWAL
OF PROTEST

The waterusers of Birch creek are very concerned about development that will impact the water supply ~~in~~ the Birch creek drainage. The applicant, Lance F. Gunnell has agreed to develop a spring that has no visible connection to Birch creek. Such development will be limited to typical domestic uses. In addition the applicant agrees that his development will be limited to a single family residence and further subdividing will not be done.

With this understanding the protestants agree to withdraw their protests against approval of application 29-081486.

Signed at Pocatello Idaho April 12, 1995.

APR 25 1995

William Phyllis By Henri Phyllis P.O.A.

William T. Evans By J. Morgan Evans - Son

J. Morgan Evans

Walter Evans Branch By

Joe A. Evans

*Applicant Lance F. Ginnell

Elizabeth Vaughan

Raymond E. Morgan

Richard A. Ginnell

Grand Witness FOR JACK FRANK

William O. Hard

Kenneth Williams not in attendance.

NOTED

APR 25 1995

PREHEARING
FOR
LANCE F. GUNNELL

10:00 A.M.
WEDNESDAY, APRIL 12, 1995
POCATELLO AIRPORT
POCATELLO, ID

NAME

REPRESENTING

ADDRESS

Dennis Phillips	William Phillips	Downey Idaho
J. Morgan Evans	Self	W.T. Evans
Jane Gunnell	Self	1320 N 600 E Logan UT 84391
Farrell Jenkins	Treasure Ranch	Malad Ida
Rich Vaughan	Treasure Ranch	McCammish St.
Bonnie Jenkins	Treasure Ranch	Malad Ida
Elizabeth Vaughan	Treasure Ranch	McCammish St. 83250
Raymond E. Mader	SELF	Downey, Ida.
Richard D. Gardner	Self	Richard's Cattle
Frank Woodward	JACK FRANK	3968 SO 12275 W Box UT 84067
Barbara Woodward	"	Roy Utah
Sharon Hansen	"	Roy Utah
R. Wayne Hansen	"	3673 SO 1900 West Roy, Utah
William D. Haul	Self	23810 S. Mark Valley Downey Idaho
Robert Haul	"	Downey Idaho
John Haul	W.H. Haul Ranch	Malad Idaho 315 Harrison Rd

RECEIVED

APR 25 1995

INTER-DEPARTMENT MEMO

TO: Tim Lyker-Dove

SUBJECT: _____

FROM: H.W. JONES-Eastern

DATE: _____

At a preliminary conf. for Protected applic. 29-8146, the water users of Birchcreek (Trib to Marsh creek) in Basin 29 requested that a water District be formed. Attached is their request.

The main contact person is Bill Ward who lives at
23010 South Marsh Valley Rd
Downey, ID 85234
Phone # 897-5140

☒ For your information

☐ Response required

H.W. Jones
signature

APR 25 1995

IN THE MATTER OF)
CREATING A WATER) PETITION
DISTRICT ON BIRCH)
CREEK TRIBUTARY)
TO MARSH CREEK)

Birch creek has been adjudicated by the district court in the case of wakely vs wakely. The water users of Birch creek are being impacted by upstream development and recognize the need for a water master as authorized by chapter 6 of Title 42 Idaho Code. The water right holders of Birch creek hereby petition the director of IDWR to create water district 29 — for the purpose of providing for a state watermaster to regulate the diversion of water signed at Pocatello Idaho this 12th day of April 1995.

APR 25 1995

William O Paul
Frank W. [unclear] FOR JACK FIBONK
Richard [unclear]
Raymond E. [unclear]
Elizabeth [unclear]
William R. Evans By J. Morgan E.
J. Morgan Evans
William Phillips By Dennis Phillips

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 29-08146	)	NOTICE OF PREHEARING
<u>IN THE NAME OF LANCE F. GUNNELL</u>	)	CONFERENCE

On July 21, 1994, Lance F. Gunnell filed with the Department of Water Resources an application for permit of right No. 29-08146. The application was protested by William D. Ward acting as contact person for protestants: Davis Ranch, Jack Frank, William T. Evans, Morgan Evans, Treasure Ranch, Phillips Ranch, Richard Gardner, Ray Marler, Kenneth Williams.

The Department has scheduled the matter for a prehearing conference at 10:00 a.m. on Wednesday, April 12, 1995, in Pocatello, ID, at the Pocatello Airport.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

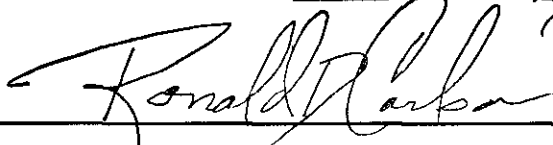
The conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the Department within (10) days prior to the conference.

APR 12 1995

APR 25 1995

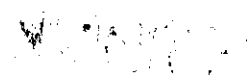
All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 10th day of March, 1995.

A handwritten signature in cursive script, appearing to read "Ronald D. Carlson", is written over a horizontal line.

RONALD D. CARLSON

Eastern Regional Manager

A faint, circular stamp or seal is visible in the lower right quadrant of the page, containing illegible text.

APR 25 1995

I hereby certify that on the 10th day of March, 1995, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestants(s) listed below:

CERTIFIED MAIL

WILLIAM D. WARD
23010 S. MARSH VALLEY RD.
DOWNEY, ID 83234

LANCE F. GUNNELL
1320 N. 600 E.
LOGAN, UT 84321

Lita Bodell
Secretary

APR 25 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: LANCE F GUNNELL 1320 N 600 E LOGAN UT 84321		4a. Article Number 1268	
5. Signature (Addressee) <i>Nick Anderson</i>		4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise	
		7. Date of Delivery APR 25 1995	
6. Signature (Agent)		8. Addressee's Address (Only if requested and fee is paid)	

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: WILLIAM D WARD 23010 S MARSH VALLEY RD DOWNEY ID 83234		4a. Article Number 1269	
5. Signature (Addressee) <i>William D Ward</i>		4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise	
		7. Date of Delivery 3-15-95	
6. Signature (Agent)		8. Addressee's Address (Only if requested and fee is paid)	

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business
RECEIVED

MAR 16 1995

Department of Water Resources
Eastern District Office

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



xxB01 TR2
UNITED STATES POSTAL SERVICE

Official Business

RECEIVED

MAR 23 1995

Department of Water Resources
Eastern District Office

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

APR 25 1995

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402



DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

900 N. SKYLINE DR.

IDAHO FALLS, IDAHO 83402

Indicate type of mail

☐ Registered ☐ Return Receipt
☐ Insured ☐ For Merchandise
☐ COD ☐ Express Mail
☒ Certified

Check appropriate block for

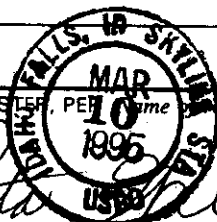
Registered Mail:

☐ With Postal Insurance
☐ Without Postal Insurance
Affix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

inc	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee	Remarks
1	1268	LANCE F. GUNNELL 1320 N. 800 E. LOGAN, UT 84321	.32	1.10					1.10				Gunnell Prehearing
2	1269	William D. Ward 23010 S. Marsh Valley Downey, ID 83234	.32	1.10					1.10				
3													
4													
5													
6													
7													
8													
9													
10													
11													
12													
13													
14													
15													

APR 25 1995



POSTMASTER, PER (Name of receiving employee)

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$500 for COD and \$500 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN



Lance F. Gunnell, D.D.S.

General Dentistry

RECEIVED

FEB 23 1995

Department of Water Resources
Salt Lake District Office

1320 North 600 East, Suite 2
Logan, UT 84321
(801) 752-1747

26 West Main
Hyrum, UT 84319
(801) 752-1747

Dear Mr Higginson:

2/17/95

Would you please help me with My Application
29-08146. I have been waiting for my
hearing. ANY thing you could do to
help speed up this process would be
greatly appreciated. I have been working
on this 1 year plus.

Thanks

Lance

P.S. If any Question please call

Thanks Again

APR 25 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 5, 1994

LANCE F GUNNELL
1320 N 600 E
LOGAN UT 84321

RE: Application for Permit No. 29-08146

Dear Mr. Gunnell:

Enclosed is a copy of a protest filed against the issuance of the above referenced permit. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for transfer (Idaho Code § 42-203):

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 conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

APR 25 1995

Lance Gunnell
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:rb

pc: IDWR - State Office
Enc.

APR 25 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 5, 1994

WILLIAM D WARD
23010 S MARSH VALLEY RD
DOWNEY ID 83234

RE: Applications for Permit No. 29-08146

Dear Mr. Ward:

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 application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application (Idaho Code § 42-203) the following are the principle items the Department can consider in either approving or denying the applications for (Idaho Code § 42-203):

1. Will the proposed use reduce the quantity of water under existing 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?

RECEIVED

APR 25 1995

William D. Ward

Page 2

5. Will the proposed use under this permit conflict with the local public interest?

6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

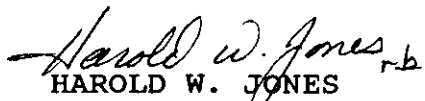
The protestant must be prepared to present proof of allegations involving one or more of the six items.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question. The address is as follows:

LANCE F. GUNNELL
1320 N. 600 E.
LOGAN UT 84321

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

Sincerely,


HAROLD W. JONES^{rb}
Water Rights Supervisor

HWJ:rb
pc: IDWR - State Office

RECEIVED

NOV 15 1995

September 13, 1994

R Keith Higginson
Director
Idaho Dept. of Water Resources
Eastern Region, 900 N. Skyline
Idaho Falls, Idaho 83401

RECEIVED

SEP 16 1994

Department of Water Resources
Eastern District Office

Re: Legal notice LN 222 Idaho State Journal
Application 29-08146 dated Sept. 1 and Sept 8

Mr Higginson,

We the undersigned protest the application of Lance F. Gunnell to an unnamed spring, tributary to Birch Creek. We are holders of decreed water rights to Birch Creek in the amounts as shown by the signatures.

These decrees were issued in 1904 and again recorded in your office for the adjudication during 1990. Birch Creek is already subject to a substantial reduced flow due to the drought, beaver activity, and continued unauthorized use upstream.

There have been prior occasions where spring tributaries or Birch Creek have been filed on. In all cases the applications were either turned down or withdrawn prior to a hearing but unfortunately they continue to use the water.

On two other occasion small ponds have been built which in turn also reduces the flow. There has been approximate 38 lots sold adjacent too or around Birch Creek and its tributaries.

It seems that as each of these lots are developed they each would like a small part of Birch Creek and in some cases they just simply start using water.

The flow for 1994 has been less than 50 % of normal thus greatly reducing the ability for us to irrigate our crops.

Receipt # E020300

Thank you,

RECEIVED

APR 25 1995

Davis Ranch	2/24	flow	<i>Salvador Ranch By Jack Davis</i>
Jack Frank	2/24	flow	<i>Jack Frank by H.H.</i>
William T. Evans	5/24	flow	<i>William T. Evans</i>
Morgan Evans	2/24	flow	<i>Morgan Evans</i>
Treasure Ranch	4/24	flow	<i>Elizabeth M. Vaughan</i>
Phillips Ranch	2/24	flow	<i>William D. Phillips By ^{POA.} Dominic Phillips</i>
Richard Gardner/ Ray Marler	2/24	flow	<i>Richard Gardner</i>
Kenneth Williams	1/24	flow	<i>Kenneth M. Williams</i>
William D. Ward	4/24	flow	<i>William D. Ward</i>

C.C. Lome F. Sunnell

APR 25 1995

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

LORI A SEKOT

GUNNELL, LANCE F
1320 N 800 B
LOGAN, UT 84321

Source: SPRING Tributary: BIRCH CREEK
Diversion Pt: SWSWSE Sec 23 T 12S R 36E In BANNOCK COUNTY.

Use: STOCKWATER (.020 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.060 CFS)

Date Filed: 7/21/1994

In: BANNOCK County
T12S R36E S23 SWSE SESE
S24 SWSW SESW

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before SEPTEMBER 19, 1994.
R. KEITH HIGGINSON, Director
Published: 9/1/1994 & 9/8/1994
Sept 1, 8, 1994
LN 222

being first duly sworn on oath deposes and says: That she was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

SEPTEMBER 1	19 94	19
SEPTEMBER 8	19 94	19
	19	19
	19	19
	19	19

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Lori A. Sekot

STATE OF IDAHO

COUNTY OF Bannock

On this 8TH day of SEPTEMBER in the year of 1994, before me, a Notary Public, personally appeared LORI A SEKOT, 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.

Jeri L. Larsen
Notary Public for Idaho

Residing at POCATELLO

My commission expires JULY 1997

APR 25 1995

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

LORI A SEKOT

29-08146

GUNNELL, LANCE F
1320 N 600 E
LOGAN, UT 84321

Source: SPRING Tributary: BIRCH CREEK
Diversion Pt: SWSWSE Sec 23 T 12S R 36E in BANNOCK COUNTY.

Use: STOCKWATER (.020 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.060 CFS)

Date Filed: 7/21/1994

In: BANNOCK County
T12S R36E S23 SWSE SESE
S24 SWSW SESW

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before SEPTEMBER 19, 1994.
R. KEITH HIGGINSON, Director
Published: 9/1/1994 & 9/8/1994
Sept 1, 8, 1994
LN 222

being first duly sworn on oath deposes and says: That she was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

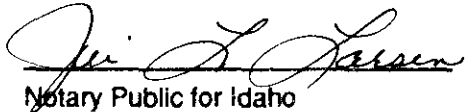
SEPTEMBER 1	19 94	19
SEPTEMBER 8	19 94	19
	19	19
	19	19
	19	19

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

STATE OF IDAHO

COUNTY OF Bannock

On this 8TH day of SEPTEMBER in the year of 1994, before me, a Notary Public, personally appeared LORI A SEKOT, 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.


Notary Public for Idaho

Residing at POCATELLO

My commission expires JULY 1997

APR 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
900 N Skyline

Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 24, 1994

IDAHO STATE JOURNAL
P.O. BOX 431
POCATELLO, ID 83204

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 19, 1994.

Yours truly,


Rita Bodell
Secretary

Encl.



APR 25 1995

NOTICE OF APPLICATION FOR WATER RIGHT

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

APR 25 1995

29-08146

GUNNELL, LANCE F
1320 N 600 E
LOGAN, UT 84321

Source: SPRING

Tributary: BIRCH CREEK

Diversion Pt: SWSWSE Sec 23 T 12S R 36E in BANNOCK County.

Use: STOCKWATER (.020 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.060 CFS)

Date Filed: 7/21/1994

In: BANNOCK County
T12S R36E S23
S24

SWSE
SWSW

SESE
SESW

APR 25 1995

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before SEPTEMBER 19, 1994.

R. KEITH HIGGINSON, Director

Published: 9/ 1/1994 & 9/ 8/1994

APR 25 1995

29-Aug-1994

LANCE F GUNNELL
1320 N 600 E
LOGAN UT 84321

RE: Application No. 29-08146

Dear Water Right Applicant:

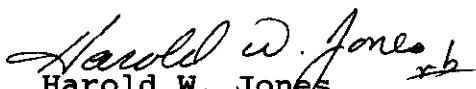
The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the ID STATE JOURNAL on 9-1 & 8-1994. The advertisement will be published for two consecutive weeks, and a period of ten days following the second 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 Right Supervisor

HWJ:rb

APR 25 1995