

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

10/29/2020

Water Permit 72-7575

**Owner Type**      **Name and Address**  
Current Owner      SHARON K KUNKEL  
617 N 4TH ST  
ST JOSEPH, MO 64501  
(816) 671-9980

**Status:** Cancelled

**Source**

**Tributary**

**Beneficial Use**

**From**

**To**

**Diversion Rate**

**Volume**

**Source and Point(s) of Diversion**

**Place Of Use**

**Conditions of Approval:**

**Comments:**

**Dates and Other Information**

Water District Number: TBD  
Mitigation Plan: False

**Combined Use Limits**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A



MEMO

FROM: Allen Merritt *AM*

DATE: December 16, 1999

TO: Application for Permit No: 72-07575

In the Name of: Sharon Kunkel

SUBJECT: Review and Recommendation

This application proposes to develop a spring for domestic use for 1 house. The site of the development is in the impact area of the recent Wilderness Decision and Moratorium. The application was processed without protest.

In Corey's analysis (See memo 10/13/1999) he questions if there is an overlap since other rights are of record. Crane's permit 72-07541 from a spring on adjacent property for two houses was protested then approved then appealed to court. The record shows that beneficial use has been filed on this permit. It appears to me that that is a separate system which has already been developed. This application appears to be a new system.

**Recommendation**

I recommend that the permit be approved subject to the following conditions:

- Use of water is limited to in-house use and stockwater. (No irrigation of lawns or other vegetation outside of the house is authorized.)
- This permit does not authorize the trespass or grant easement on lands not owned by the applicant.

72-07575

## FILE PROGRESS SUMMARY

APPLICANT:

FILE PROGRESS

Sharon K Kunkel

WATER RIGHT NO. 72- 0 75 75

[illegible]

STATE OF IDAHO  
IDWR SOUTHERN REGION  
APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY A. SKINNER DATE 10/13/99

REQUIRED INFORMATION (Ck if OK)

- ☒ 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 &/or volume.
- ☒ County
- ☒ Quantity (flow &/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?

++++PROPOSED PRIORITY DATE AUGUST 5 1999

ADDITIONAL INFORMATION

- ☒ Overlapping place of use( Describe source & relationship to present application on the back.
- ☒ Overlapping point of diversion.
- ☒ Yes ☐ No Is Source Surface Water? SPRING SEE ENCLOSED MEMO  
If Yes Send Copy to F&G.  
If Yes Field check/memo required.  
Field check/memo by A. SKINNER
- ☒ Yes ☐ No Field report attached?
- ☐ Yes ☒ No Critical Ground water area?
- ☐ Yes ☒ No Groundwater management area?
- ☐ Yes ☒ No Measurement District or Groundwater District? .  
What District? \_\_\_\_\_
- ☐ Yes ☒ No Send Dam safety information?
- ☐ Yes ☒ No Send power requirement letter?
- ☐ Yes ☒ No Send fish farm requirement letter?
- ☐ Yes ☒ No Power residency affidavit attached?
- ☐ Yes ☒ No Power efficiency form?
- ☐ Yes ☒ No Within trustwater boundary?(If yes, attach trustwater supplementary analysis sheet.
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft? (If yes, attach large diversion supplementary analysis sheet.
- ☐ Yes ☒ No Is Application made to record Pre Nov 1987 Development?  
If Yes then request clear evidence of when use started.

• REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

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Date Requested \_\_\_\_\_

Date Sent      Comments Received

SEND COPIES TO:

<input type="checkbox"/> Idaho Dept of Health & Welfare	_____	_____
<input type="checkbox"/> USDI BLM	_____	_____
<input type="checkbox"/> Idaho Dept of Fish & Game	_____	_____
<input type="checkbox"/> USFS	_____	_____
<input type="checkbox"/> Idaho Dept of Lands	_____	_____
<input type="checkbox"/> Water Dist. No. _____	_____	_____
<input type="checkbox"/> Adjudication Bureau Unit	_____	_____
_____	_____	_____
_____	_____	_____

PROCESSING ☒ Yes ☐ No In form for Advertising?  
☐ Yes ☒ No Statewide Advertising?  
☒ Yes ☐ No Fee amount, receipt date & No. recorded?

\_\_\_ Yes \_\_\_ No Has all requested additional information been received?  
If not, describe action taken: \_\_\_\_\_

FINAL REGIONAL PROCESSING REVIEW

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

☒ Yes ☐ No Publication dates and paper recorded?

Final date for protest: \_\_\_\_\_

☒ Yes ☐ No Protests received?

☒ Yes ☐ No Protested?

Describe Resolution: \_\_\_\_\_

☒ Yes ☐ No Measuring device required?

☒ Yes ☐ No Access port required?

☒ Yes ☐ No Will water be delivered by watermaster? If yes, what dist? \_\_\_\_\_

☒ Yes ☐ No Special conditions codes: \_\_\_\_\_

☒ Yes ☐ No Is Evaluation Memo Attached?

If yes; date of Memo \_\_\_\_\_

12/16/99

Date of priority recommended: \_\_\_\_\_

8/5/99

COMMENTS:

RECOMMEND

☒ Approval

☐ Denial

By

AD

Date

12/16/99



Ident. No. 72-07575

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

**RECEIVED**

AUG 05 1999

Department of Water Resources  
Southern Region

1. Name of Applicant Sharon K. Kunkel Phone (816) 671-9980  
Mailing address 617 N. 4th Street St. Joseph, MO 64501
2. Source of water supply UNNAMED Spring which is a tributary of Sinks
3. Location of point of diversion is Township 13 N Range 18 E Sec. 10, in the SW 1/4  
NE 1/4, SE 1/4, Govt. Lot \_\_\_\_\_, B.M., Custer County  
additional points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:
  - \* Amount .04 cfs for Domestic purposes from JAN 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum)
  - Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
  - Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
  - 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)
  - Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .04 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:
  - a. Describe type and size of devices used to divert water from the source We plan to put a feed box in the spring which will hold about 30 gal to supply a 1/2 Hp pump for 1
  - b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet
  - c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet
  - d. Is ground water with a temperature of greater than 85° F being sought? NO
  - e. If well is already drilled, when? \_\_\_\_\_; Drilling firm \_\_\_\_\_  
Well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
  - a. Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
  - b. Stockwatering; list number and kind of livestock. A COUPLE OF HORSES
  - c. Municipal; show name of municipality. \_\_\_\_\_
  - d. Domestic; show number of households. 1
  - 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 use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	18E	10													D				

Total number of acres to be irrigated None

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

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

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: In negotiations to purchase property from CRANE.

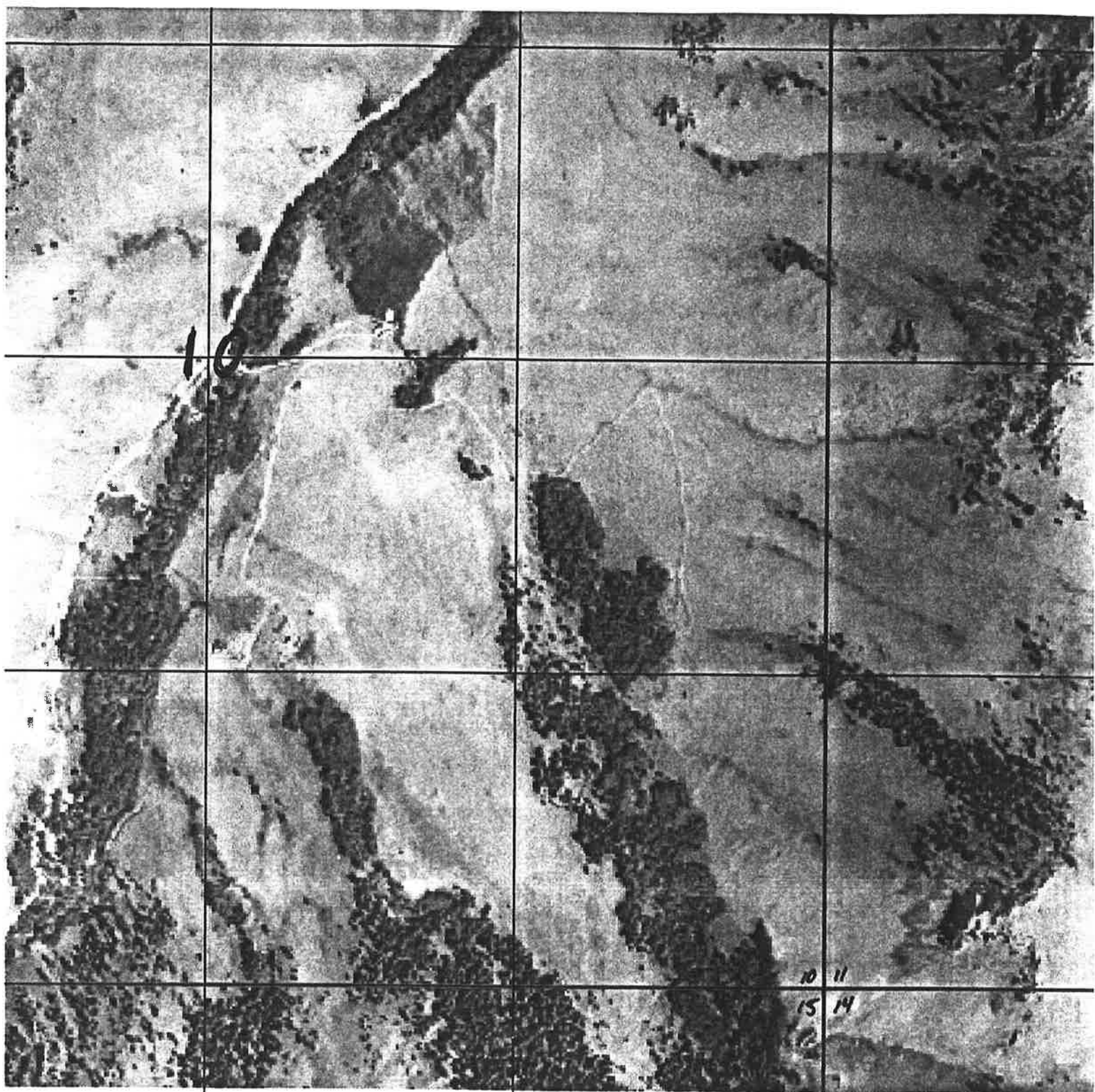
12. Remarks: The spring is on the property which I will be purchasing.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

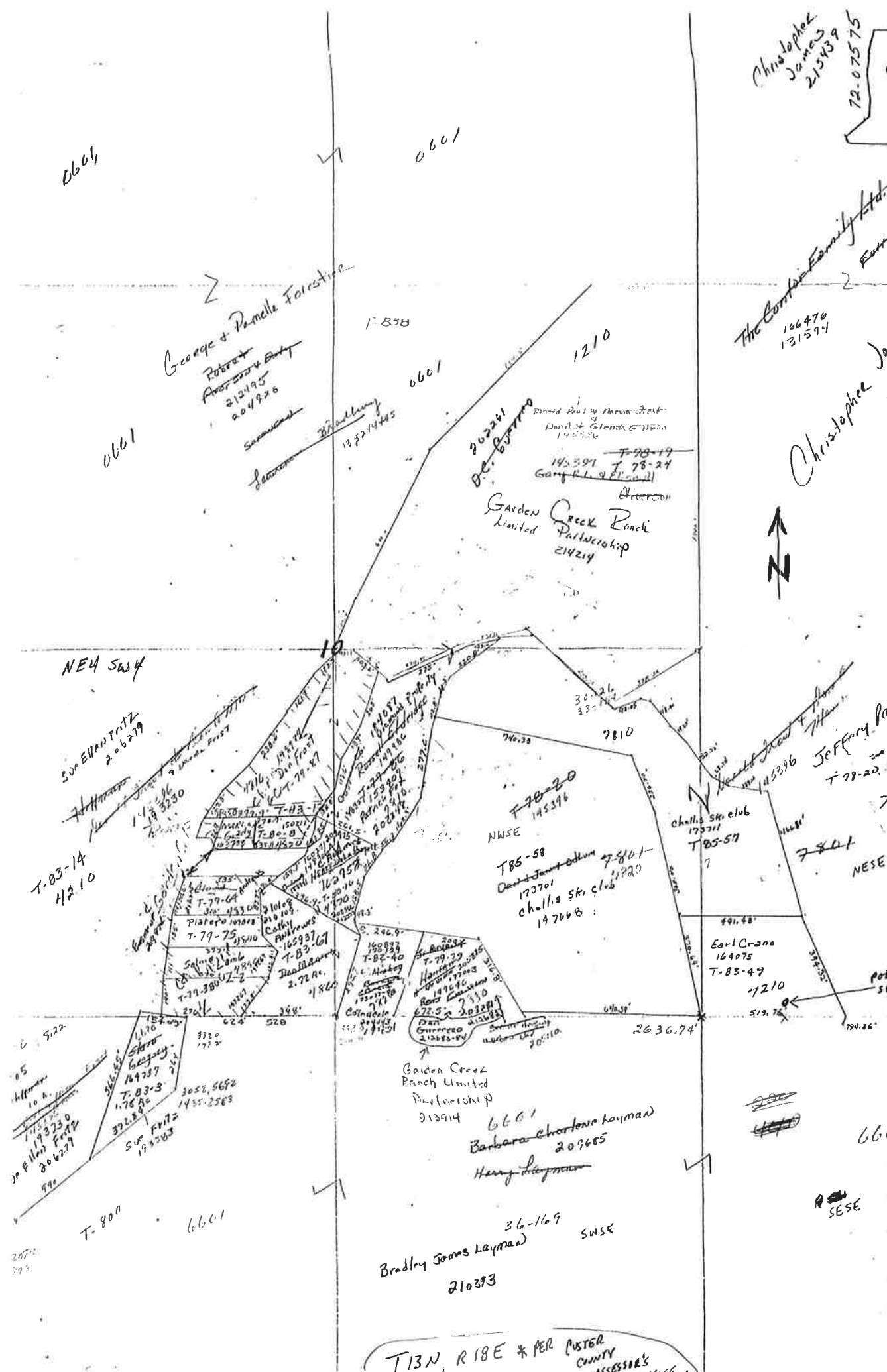
Sharon K. Kunkel  
Signature of Applicant (and title, if applicable)

Received by P. SKINNER Date 8/5/1999 Time 1:00 PM Preliminary check by Challie Messenger  
Fee \$ 50.00 Received by P. SKINNER # 5022429 Date 8/5/1999  
Publication prepared by TMB Date 11/8/99 Published in Challie Messenger  
Publication approved \_\_\_\_\_ Date \_\_\_\_\_



T13N  
R18E





Christopher James  
215439  
72-07575

The Combs Family Ltd.  
106470  
131574

Christopher James



Jeffrey Pad  
T-78-20  
72  
NESE

challis sk. club  
175711  
T-85-57  
7  
Earl Crano  
164075  
T-83-49  
1210  
519.76  
74.26

Donna Paul & Thomas Frank  
David & Glenda & Brian  
145396  
T-78-19  
145397 T-78-24  
Gard Creek Ranch  
Partnership  
214214

T-78-20  
145396  
NWSE  
T-85-58  
Donna Paul & Thomas Frank  
175701  
challis sk. club  
197668

Garden Creek Ranch Limited  
Partnership  
313914  
6601  
Barbara Charlotte Layman  
209685  
Henry Layman

Bradley James Layman  
210393  
36-169  
SWSE

T13N, R18E \* PER POSTER  
COUNTY  
ASSESSOR'S  
16106

George & Pamela Forrester  
Robert  
Averett & Barry  
212195  
204926  
Sawmills  
Bradley  
138214445

NE 1/4 S44  
Sue Ellen T-72  
206279  
T-83-14  
H210

T-83-3  
178800  
149337  
3058, 5682  
1435, 2583  
Sue Ellen  
194383  
T-800  
6601



## 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

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

October 13, 1999

Sharon K. Kunkel  
617 N. 4<sup>th</sup> Street  
St. Joseph, MO 64501

Dear Ms. Kunkel:

On August 5<sup>th</sup>, you submitted an Application for Permit to our office to develop an unnamed spring for domestic water uses for property located up Garden Creek, west of Challis. As you recall, on August 5<sup>th</sup> we had a telephone conversation regarding the application. Your application states that the property involved with the proposed water development is currently owned by Earl Crane, and that you are in the process of attempting to purchase the property from Mr. Crane. During our telephone conversation, you suggested that I contact Mr. Crane to view the spring and the property. Unfortunately, I have been unable to contact Mr. Crane to discuss your proposal. However, while in the Challis area on August 31<sup>st</sup>, I was able to visit the property and observe the general area of the water development. I observed evidence of a high water table in the area, and some existing development of at least one spring in the area. There were also two log cabins (one with a green roof, and one with a blue roof) on Mr. Crane's property.

Examination of the Department's records indicate that Mr. Crane has an existing water right permit, 72-07541, for the development of a spring located on adjoining property for domestic use for two homes to be located on his property. I request that you submit information regarding the relationship of this development with the development that you are proposing through the Application for Permit that you submitted on August 5<sup>th</sup>. In particular, is your proposed development for a third home that is not covered under Mr. Crane's permit, or is your application for one of the same homes covered under Mr. Crane's Permit, but for the development of water from a different source (spring).

I will continue the processing of your application, but our Department will need clarification regarding the relationship between your proposal, and the development covered under Mr. Crane's permit. The submittal of this information in a timely manner, will help to prevent further delays in the processing of your application.

If you have any questions, or if you need any assistance, feel free to contact me at your convenience.

Sincerely,

Corey Skinner, P.E.  
Water Resource Engineer

## MEMORANDUM

**TO:** Sharon Kunkel Application for Permit File

**FROM:** Corey Skinner */s*

**DATE:** October 13, 1999

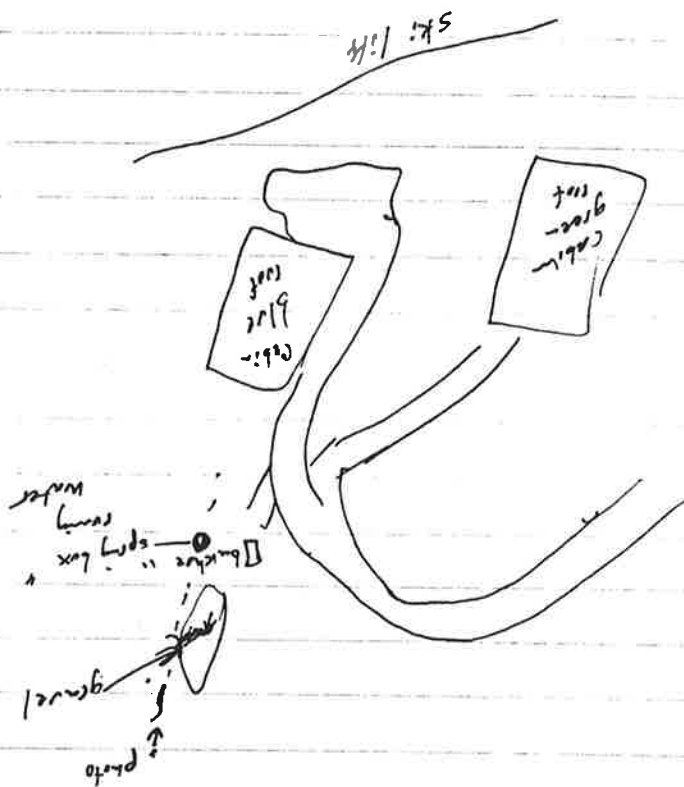
**SUBJECT:** Staff Review

The enclosed Application for Permit, filed by Sharon Kunkel, seeks to develop an unnamed spring for domestic uses. The property involved with the application is located near the ski lift, up the Garden Creek drainage, west of Challis. The application should be relatively straight forward, but there are some issues that probably need further consideration.

The application involves property that is owned by Earl Crane. The applicant, Sharon Kunkel, indicates on the application that she is attempting to purchase the property from Mr. Crane. I visited the property on August 31<sup>st</sup>, and observed that the property sits on the side of a hill, with a fairly steep gradient, on the south side of the Garden Creek drainage. I observed signs of a fairly high water table on the property such as quaken aspen groves, willows, and lush grasses. In addition, there were some visible signs of water on the property. I also observed two cabins constructed on Mr. Crane's property, and at least one developed spring in the area.

Examination of the Department's records indicate that there are existing diversions from springs in the same 40 acre tract as the proposed diversion on the enclosed Application for Permit. These other diversions consist of water right 72-04117 (in the name of Guerrero), water right 72-07425 (in the name of Pederson), and water right permit 72-07541 (in the name of Crane). Judging by information from the enclosed application, and the respective water right files for these three other rights, it does not appear that there is a point of diversion overlap. This is because the enclosed application describes a point of diversion located on the Earl Crane property, and the other rights describe points of diversion on surrounding properties.

There may be a possible place of use overlap with the enclosed application and permit 72-07541 (Crane). Permit 72-07541 is for domestic use for two homes located on the Crane property. I am not sure if the enclosed application is for one of these homes, or a separate, new home. This day, I wrote a letter (copy enclosed) to the applicant requesting further information regarding this potential overlap. The enclosed application can be advertised, but the relationship with 72-07541, if any, needs to be determined before final action can be taken on the application.



8/31/99  
FIELD  
NOTES  
E. S.  
OK → 879-2397  
House for Sale  
draw to the east quarters etc.  
willows and green grass on  
property  
(high water  
table)



CLAIM  
INIT RKC  
T. R. S. O/Q PREP DATE 6-19-96  
P/D 18E 10 SE 1/4  
PHOTO SCS 241-161  
DT & ID 8-29-84  
150%

POINT OF DIVERSION COMPARISON  
FOR:  
TNS 13N; RNG 18E; SEC 10; SE 1/4 B.M.  
FOUND DURING A FIELD VISIT ON  
6-18-1996 BY KKC AND ADM

72-07509  
GUERRERO P/D  
BRYANT P/D  
(DAM WELL)  
72-10105 (WELL)  
COLE P/D (DAM)  
ANDREWS (WELL)  
72-04117  
GUERRERO P/D  
72-07425  
PEDERSON P/D  
CRANE P/D  
(2)

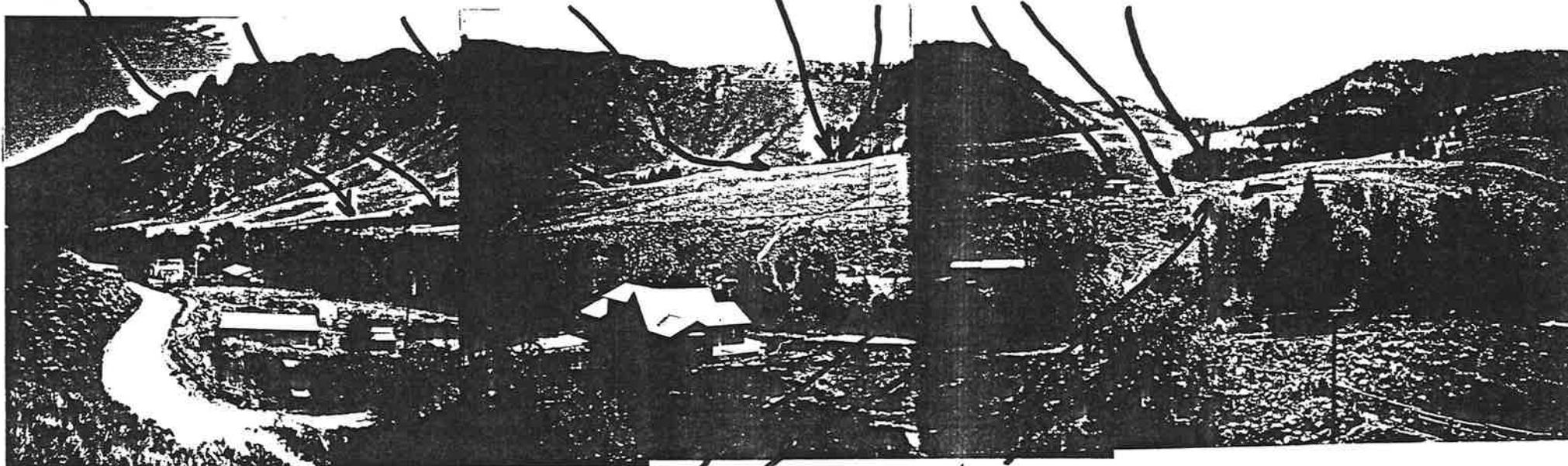
CLAIM # MULTIPLE USERS AND RIGHTS NEAR GARDEN CREEK  
PRIMARILY PICTURED, TNS 13N; RNG 18E; SEC 10; B.M.

DATE PHOTOS TAKEN; 06-18-96

PICTURE SET #

You are looking east on the right to north on the left. The photo set was taken to capture the location of various property/claimant locations within this area.

GUERRERO P/U GUERRERO P/D PEDERSON GUERRERO P/D PEDERSON P/D CRANE BRYANT GUERRERO P/D  
P/U A72-04117 P/U A72-04117 P/D (2) P/U P/D 72-07509



ANDREWS  
P/D P/U

COLE P/D P/U  
A72-10105 GW

WATER USERS NEAR EARL CRANE  
PER KKC.

WR5808NP  
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF READING REPORT

10/13/99 14:59:10  
Page 1

Water Right Number - 72-07541

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
CRANE

EARL

1 - PO BOX 11

2 -

3 -

City- CHALLIS

Phone - 208-879-2397

State- ID Zip- 832260011

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +  
01/02/1996 17 SOUTHERN P - PERMIT

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +  
SPRING SINKS

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.  
13N 18E 10 SW NE SE (37) CUSTER

+ - - - - - - - - - - - - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
43 - DOMESTIC 01/01 12/31 0.040

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +  
0.040 0.0

+ - - - - - - - - - - - - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County  
13N 18E 10 NE SE 43 DOMESTIC (37) CUSTER

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - - - - - - - - - - - Remarks - - - - - +

GEN Domestic use is for 2 homes.  
Approval of the application does not supercede any contractual  
obligations of the applicant or protestant which obligations may  
exist.

+ - - - - - - - - - - - - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers found.

+ - - - - - - - - - - - - - - - Conditions of Approval - - - - - +  
004 - The issuance of this right does not grant any right-of-way  
- or easement across the land of another.

OVERLAPPING  
P.O.V.?





| OWNER            |   | PRIORITY   | USE PERIOD |             | DIVERSION | DIVERSION |
|------------------|---|------------|------------|-------------|-----------|-----------|
| CODE             | NAME & ADDRESS  | DATE       | WATER USE  | FROM TO     | RATE      | VOLUME    |
| C                | SHARON K KUNKEL<br>617 NORTH 4TH STREET<br>ST JOSEPH MO 64501<br>(816) 671-9980 | 08/05/1999 | DOMESTIC   | 01/01 12/31 | 0.040 CFS |           |
| TOTAL DIVERSION: |   |            |            |             | 0.040 CFS |           |

Water Source: UNNAMED SPRING  
 Point(s) of Diversion: T13N R18E S10

Tributary to: SINKS  
 SWNESE

Stage: APPLICATION  
 CUSTER County

Place of use Legal Description for: DOMESTIC

| NE           |      |      |                           | NW                        |                           |                           |                           | SW                        |                           |                           |                           | SE                        |                           |                           |                           |
|--------------|------|------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| NENE         | NWNE | SWNE | SENE                      | NENW                      | NWNW                      | SWNW                      | SENW                      | NESW                      | NWSW                      | SWSW                      | SESW                      | NESE                      | NWSE                      | SWSE                      | SESE                      |
| T            | R    | S    | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac |
| 13N 18E 10 : |      |      |                           | :                         | :                         | :                         | :                         | :                         | :                         | :                         | :                         | :                         | :                         | :                         | :                         |

Pou County: CUSTER

Remarks: GEN Domestic use is for 1 home.

Dates: App. Received: 08/05/1999 Priority Date: 08/05/1999  
 Proof Due Date: Proof Made Date:  
 Exam Made Date: Exam Sent to S.O.:  
 Licensed Date:

Misc: Water District Number: Field Exam Fee:

Audit: 11/05/99 MBALDWIN