

No Color
Documents
In File

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 98-7128 Priority Dec. 18, 1974 Amount 0.02 cfs

THIS IS TO CERTIFY, that DONALD J. SCULLY

of Moyie Springs, Idaho, has complied with the terms and conditions of Permit No. 98-7128 issued pursuant to Application for Permit dated December 18, 1974, and has submitted proof to the Department of Water Resources on January 29, 1976, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 0.02 cfs of water from an unnamed spring, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u>	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.02</u> cfs and	<u>1.2 acre feet</u>
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 1.2 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 20,
Twp. 62 N, Rge. 3 E, B.M. in the County of Boundary

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
62 N	3 E	20												X					

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 15 day of July, 19 76.

Director

Identification No. 98-7128

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

LICENSE ISSUED FOR 0.02 SEC. FT.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant DONALD J. SCULLY
post office address Star Rt. Moyie Springs ID. 83845

2. Source of water supply Sub-surface (spring) which is a tributary of _____

3. a. Location of point of diversion is E 1/2 of the S 1/4 of SW 1/4 of Section 20 Township 62 N
Range 3 E B.M. Boundary County; additional points of diversion if any: _____
(FOR CLARIFICATION PURPOSES ONLY, The point of Diversion is within the E 1/2 of the S 1/2 of the SW 1/4, Sec. 20, T. 62N, R. 3E, B.M.)

b. If water is not consumed, it will be discharged into _____ at a point in _____ 1/4 of _____ 1/4 of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Amount .02 cfs for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated:

a. .02 cfs cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 36" x 12' Culvert with Rock filter bed at spring site, with 1 1/4" plastic line (700') to place of use.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

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

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 6 years months

b. Estimated construction cost is \$ 2,000

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: E 1/2 of S 1/4 of SW 1/4 of Section 20 Township 62 N
Range 3 E B.M. _____

(2) Amount of power to be generated: _____ hp under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 1

(5) If water is to be used for other purposes describe: _____

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b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

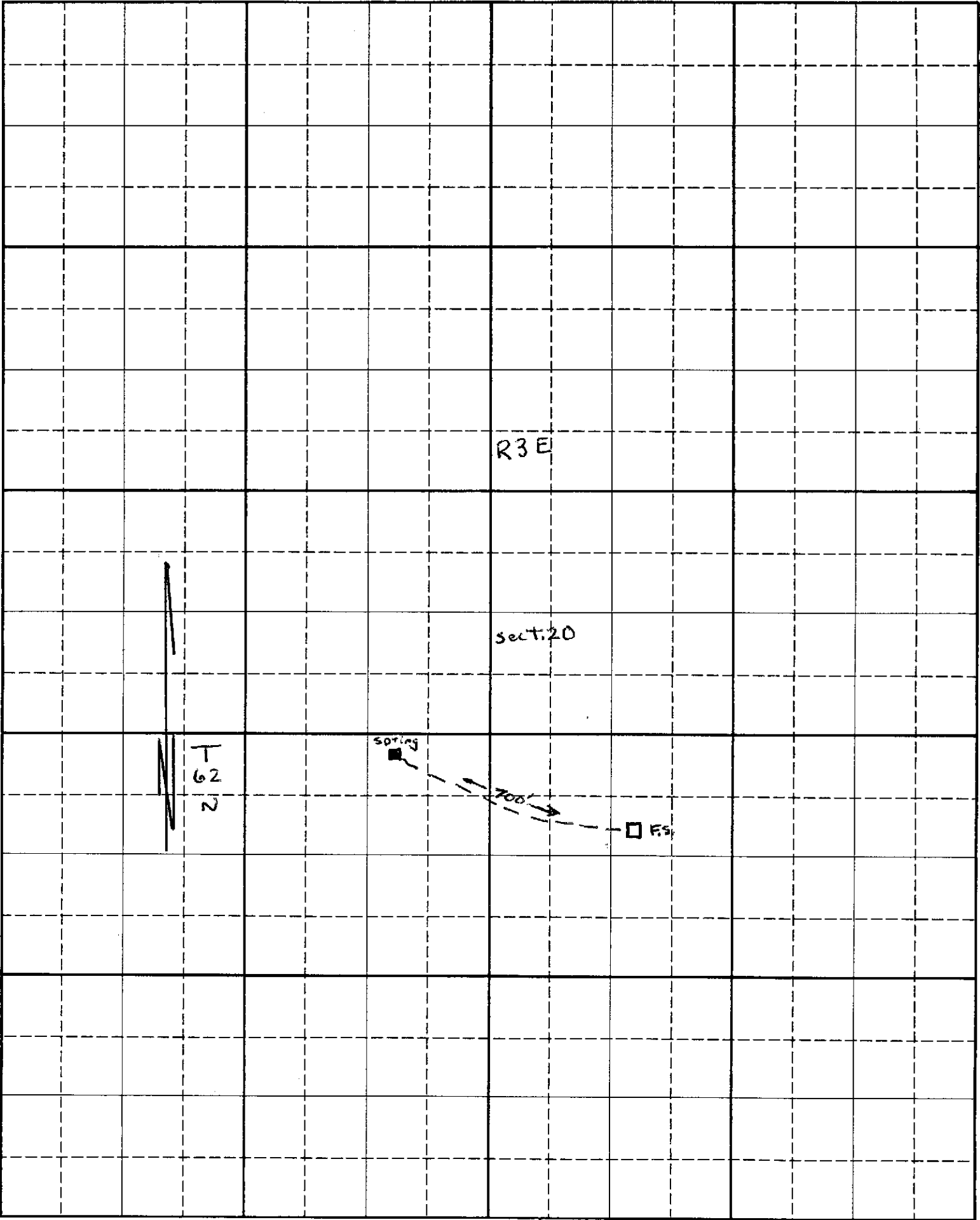
Total number of acres to be irrigated_____

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

9. a. Who owns the property at the point of diversion Applicant
b. Who owns the land to be irrigated or place of use Same
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

11. 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.

X Donald J. Scully
(Applicant)

Proposed Priority 12-18-1974

Received by CP Date 12-18-74 Time 1:00 p.m.

Preliminary check by FP Fee \$ 10.00

Receipted by FP Date 12-18-74 # 15158

Publication prepared by CP Date 12-20-74

Published in Bommers Ferry Herald

Publication dates 12-26-74 & 1-2-75

Publication approved CP Date 1-20-75

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by W DF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 98-7128, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 19 76.
- c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 29 day of January 19 75.


Director

RECEIVED

AFFIDAVIT OF PUBLICATION

JAN 20 1975

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that Donald J. Scully, Star Route, Moyie Springs, Idaho has on Dec. 18, 1974 submitted Application No. 98-7128 for a permit to appropriate 0.02 cubic feet per second of water from a Spring by means of culvert and pipeline within the E 1/4 S 1/4 SW 1/4, Sec. 20, T. 62N, R. 3E, B.M., Boundary County to be used from Jan. 1 to Dec. 31 for domestic purposes within the E 1/4 S 1/4 SW 1/4, Sec. 20, T. 62N, R. 3E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before Jan. 13, 1975.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on Dec. 26, 1974 and Jan. 2, 1975. jdw

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STATE OF IDAHO }
County of Boundary } ss.

E cho Turnbull, bkpr. for W. H. Chubb Department of Water Resources being first duly sworn upon his oath, deposes and says that he is the Publisher (or for the Bonners Ferry District Office

Publisher
of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that the advertisement of Idaho Dept. of Water Resources

a Notice of Application #98-7128

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated Dec. 26, 1974, 196, and ending with the issue dated Jan. 2, 1975, 196.

Echo Turnbull, bkpr.

Subscribed and sworn to before me this 16th day of Jan, 1975.

Notary Public in and for the County of Boundary, State of Idaho, residing at Bonners Ferry, Idaho.

July 15, 1976

Re: Permit No. 98-7128

Donald J. Scully
Star Route
Moyie Springs, ID 83845

Dear Mr. Scully:

Enclosed herewith is a copy of the water right license issued on the above referenced permit.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:mef

Enclosure

RECEIVED
FEB 5

FEB 5 1976

Department of Water Resources
Phone Northern District Office
Phone

Phone

Phone

(name spring, stream, etc)

name spring, stream, etc

RECEIVED

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Department of Water Resources

Permit No. 98-7128
Examination for b/u

b/u

98-7128

98-7128

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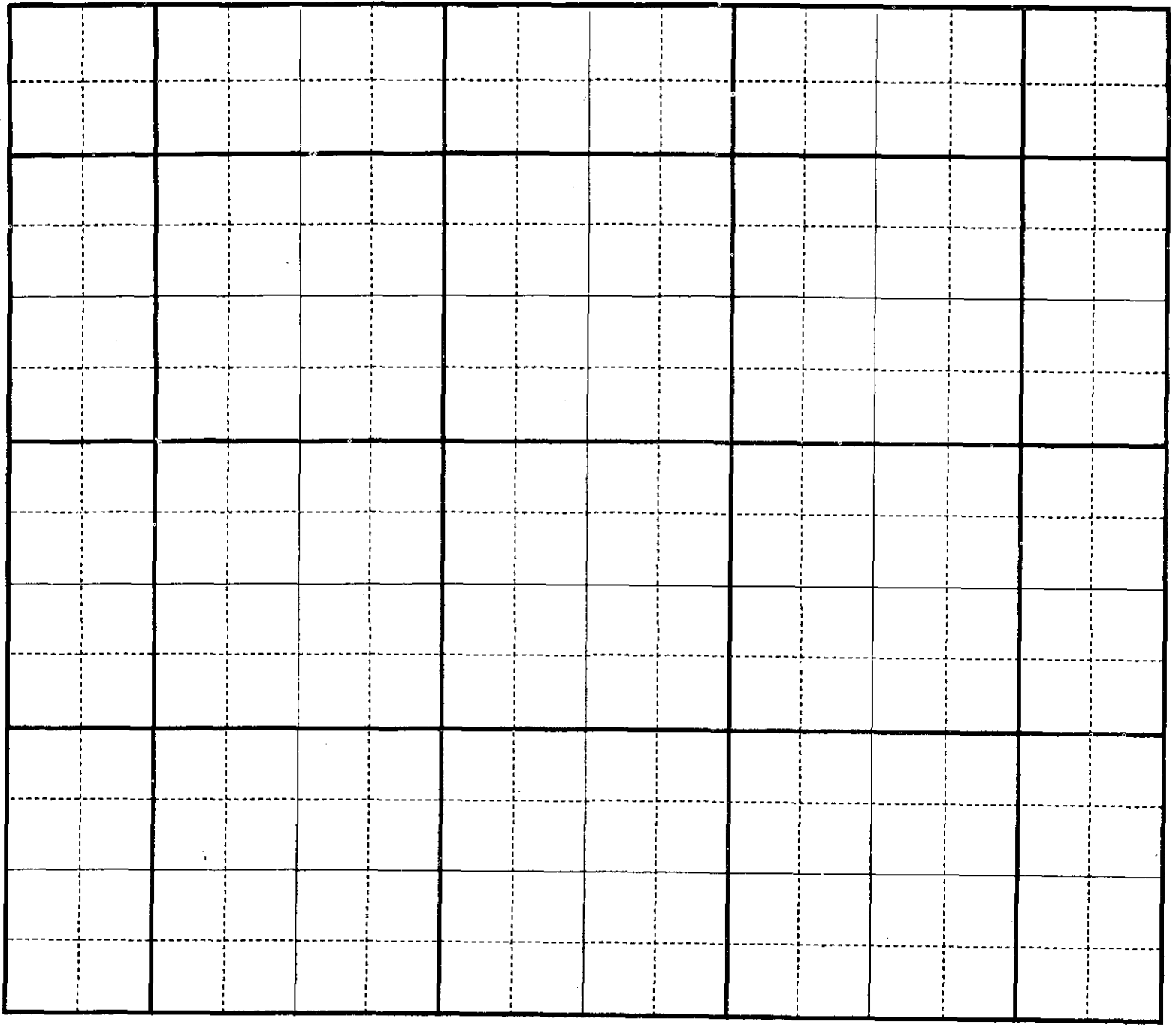


Diagram of System

DATE OF EXAM 6-27-76

ACREAGE

Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE

Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= 0.02 c.f.s. V= _____ AF/Ann. from Jan 1 to Dec 31
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no _____

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 0.02 cfs Method of measurement calc

Total Q recommended 0.02 cfs Meter No. _____ Type _____ Condition _____

Total V recommended _____

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:

(1) house hold @ 0.02 cfs
3/4 hp pump (subm) TK

SYSTEM DESCRIPTION:

in 36" casing 13' long and with 1 1/4"
3/4 hp pump (sub) with pipe line to place of use TK
pipe to place of use

REMARKS:

Examiner's Signature Jan D. King Date 6-27-76

Checked by Bob Haynes Date 7-8-76

Approved by _____ Date _____

February 4, 1976

Re: Permit No. 98-7128

Donald J. Scully
Star Route
Moyie Springs, Idaho 83845

Dear Mr. Scully:

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

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

If you have any questions regarding the field examination, please contact our District Office in **Coeur d'Alene.**

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG



RECEIVED RECEIVED

JAN 20 1976

ok je

JAN 17 1976

Department of Water Resources

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Identification No. _____

Permit No. _____

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Donald J. Scully
 b) Post Office Address Star Route, MOYLE SPRINGS ID 83845
2. Permit Number 98-7128
3. Date of Priority that you are prepared to establish 1 Feb 1973
4. a) Source from which water was appropriated Spring
 b) Location of the point of diversion: SW₂ of SW $\frac{1}{4}$, Section 20
 Township 62, Range 3E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
 Amount .02 for domestic Household purposes from Jan 1 to Dec 31 incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 Amount _____ for _____ purposes from _____ to _____ incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 Amount _____ for _____ purposes from _____ to _____ incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 b) Total amount appropriated (72,000 gal) ? cfs and/or acre-feet per annum
 c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Self measured, storage amount varies according to season from 250 to 500 gal
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder: N/A
 a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
 b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 36" casement 13' long, subterranean 1 1/4" line 690' from spring to house. Pump is a 3/4 hp submersible. Water level varies according to season from 5' to 10". (1" = 52 gal)
 b) Describe the type and size of measuring device which you have installed at your point of diversion: Rod measuring stick (1 foot equals 52 gal)
 c) Give well driller's name and address and the date the well was completed: Self (not a drilled well)
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Garden same location primarily for household use.

Exam typed 1-30-76 by jj

RECEIVED

MKB

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

N/A

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres irrigated _____

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

26 Jan 1976 (Date) Donald G. Scully (Signature)

State of _____)
County of _____) ss.

On this 26th day of January, 19 76, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Sharon Lyvande
Notary Public residing at Bonners Ferry
Boundary County, Idaho

My commission expires 1979

- **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ **RESTRICTED DELIVERY.**
 Show to whom and date delivered..... 65¢
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery 85¢

2. **ARTICLE ADDRESSED TO:**

3. **ARTICLE DESCRIPTION:**

REGISTERED NO. | CERTIFIED NO. | INSURED NO.

138161

(Always obtain signature of addressee or agent)

I have received the article described above.

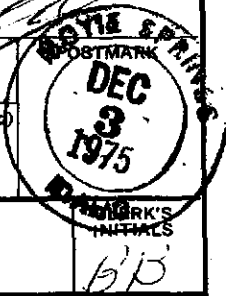
SIGNATURE ☐ Addressee ☐ Authorized agent

4.

DATE OF DELIVERY

5. **ADDRESS** (Complete only if requested)

6. **UNABLE TO DELIVER BECAUSE:**



UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.

RETURN
TO



December 1, 1975

CERTIFIED MAIL

13816261

Re: Permit No. 98-7128

Donald J. Scully
Star Route
Moyie Springs, Idaho 83845

Dear Mr. Scully:

One of the conditions of approval of your water Permit No. 98-7128 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before February 1, 1976. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

R. Keith Higginson

R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

January 30, 1975

Re: Permit No. 98-7128

Mr. Donald J. Scully
Star Route
Moyie Springs, Idaho 83845

Dear Mr. Scully:

Enclosed is a copy of your approved Application for Permit No. 98-7128. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

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DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 98-7128

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

- (1) FLP 12/20/74 In form to receipt
- (2) _____ Send Copies to:
_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management
- (3) _____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
- (4) FLP 12/20/74 In form for advertising
- (5) _____ Platted on Map No. _____
- (6) _____ Located within Water District No. _____
- (7) FLP 1/20/75 Critical groundwater area: yes _____ no ☒
- (8) _____ Groundwater levels:
_____ Declining, _____ Stable, _____ Increasing
(comment) _____
- (9) _____ Other rights on the same place of use
- (10) _____ Comments: _____
- (11) CP 1/20 Affidavit of Publication received(date) JAN. 20, 1975
- (12) CP 12/20 Final date for protests JANUARY 13, 1975
Protests received: yes _____ no ☒
- (13) FLP 1/20/75 All requested information received from agencies or applicant: yes ☒ no _____
- (14) FLP 1/20/75 Action recommended:
☒ Approve _____ Deny
12/18/74 Proposed Priority
_____ Reason for Reduction _____
No Measuring device required
_____ See attached sheet for other conditions of approval
☒ No special conditions for approval

(15) District Northern Michael J. [Signature] Date 1/20/75

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January 14, 1975

Re: Application No. 98-7128 - Donald J. Scully

Bonnors Ferry Herald
P.O. Box 539
Bonnors Ferry, ID 83805

Gentlemen:

Could you please submit the affidavit of publication and bill in connection with the above referenced item. The legal notice was to have been published in your newspaper on December 26, 1974, and January 2, 1975.

Your assistance in this matter would be appreciated.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Room 209
401 Front Avenue
Coeur d'Alene, Idaho 83814
(208) 667-6484

December 20, 1974

Re: Application No. 98-7128 - Donald J. Scully

Bonner Ferry Herald
P.O. Box 539
Bonners Ferry, ID 83805

Gentlemen:

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

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

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enc: Legal Notice(s)

BILL SUBMITTED 1-20-75.40

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STATEMENT

BONNERS FERRY HERALD

Complete Newspaper Coverage of Boundary County

P. O. Box 539

BONNERS FERRY, IDAHO — 83805

Idaho Dept. of Water Resources
401 Front Ave.
Coeur d'Alene, Idaho 83814

RECEIVED

JAN 20 1975

Department of Water Resources
Northern District Office

Jan. 2 Notice of Application #98-7123
32 lines 2 times

\$12.48

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Donald J. Scully,
Star Route, Moyle Springs, Idaho
has on Dec. 18, 1974 submitted Application No. 98-7128
for a permit to appropriate 0.02 cubic feet per second ~~xxxxxx feet per second~~
of water from a Spring
by means of culvert and pipeline
within the E $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 20, T. 62N, R. 3E, B.M., Boundary County

to be used from Jan. 1 to Dec. 31
for domestic purposes

within the E $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 20, T. 62N, R. 3E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before Jan. 13, 1975.

R. KEITH HIGGINSON

Director

Published in the Bonnors Ferry Herald, Bonnors Ferry, Idaho
on Dec. 26, 1974 and Jan. 2, 1975

MICROFILMED

December 20, 1974

Re: Application for Permit No. 98-7128

Mr. Donald J. Scully
Star Route
Moyle Springs, ID 83845

Dear Mr. Scully:

Attached is your receipt No. 15158 in the amount of \$10 for the filing fee on the above referenced application which was received in this office.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Attachment

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