

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO]
]ss.
County of Valley]

Michael Parfit, being first duly sworn, deposes and says: That he is the publisher of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began October 26, 1978, and ended November 2, 1978.

Subscribed and sworn to before me a Notary Public in and for the County of Valley, and the State of Idaho, this 2 day of November, 1978.

Michael Parfit Notary Public.

My commission expires Aug. 1, 1981.

RECEIVED
NOV 9 1978
Department of Water Resources
West Regional Office

NOTICE OF APPLICATION
FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

65-12175
Name: DUNCAN, PATRICIA
A. &/or ROBERT W.
Address: Box 785, McCALL,
ID 83638
Source: GROUNDWATER
Date Filed: 10-11-1978
County: VALLEY
Amount: 0.02 CFS
Point of Diversion: SENW S27
T18N R03E
Use: STOCKWATER from
01-01 to 12-31
Place of Use: SENW S27 T18N
R03E
Means: WELL WITH 3HP
SUBMERSIBLE PUMP

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705 on or before November 13, 1978.

C. STEPHEN ALLRED
Director

Published in the The Star
News on OCTOBER 26, 1978 and
NOVEMBER 2, 1978

AL-02-11
52
70
MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 65-12175 Priority October 11, 1978 Amount .02 cfs

THIS IS TO CERTIFY, that ROBERT W. &/or PATRICIA A. DUNCAN
of McCall, Idaho, has complied with the terms and conditions of Permit
No. 65-12175 issued pursuant to Application for Permit dated October 11, 1978,
and has submitted proof to the Department of Water Resources on November 8, 1979,
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 0.08 cfs of water from a groundwater source,
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>Stockwater</u>	from <u>January 1</u> to <u>December 31</u> at <u>02</u> cfs and <u>1.4</u> acre feet		
	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
1.4 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, Twp. 18N,
Rge. 3E, B.M. in the County of Valley

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				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 $\frac{1}{4}$	
18N	3E	27								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 30 day of

July, 19 80.

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Robert W. and/or Patricia A. Duncan Phone 634-5708
Post office address Box 785 McCall, Idaho 83638

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27 Township 18N
Range 3E B.M. Valley County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.02 for Stockwater purposes from 1/1 to 12/31 (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)

5. Total quantity to be appropriated:

a. 0.02 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well with 3HP submersible pump

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

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 6 inches; proposed depth of well is 210 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

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

(1) Give the place of use of water: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27 Township 18N
Range 3E B.M.

(2) Amount of power to be generated: _____ horsepower 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 _____.

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

TBN
 13E
 0 Pd place of use
 27

[Signature]
(Applicant)

Proposed Priority 10-11-78

Received by EUB Date 10-05-78 Time 11 AM

Preliminary check by EUB Fee \$ 20.00

Receipted by 28 Date 10-11-78 # 12457

Publication prepared by 28 Date 10/26/78 ^{10/19/78} ~~11/2/78~~

Published in 2 for News

Publication dates 10/26/78 & 11/2/78

Publication approved 28 Date 11-20-78

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval - denial by 185 2.5

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 65-12175, 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 January 1, 19 80.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: _____

Witness my hand this 1st day of December, 19 78.

J. Glen Saxton

Chief, Operations Bureau

STATE OF IDAHO

Department of Water Resources

No 12457

Boise, Idaho, Oct. 11, 1978

RECEIVED
FROM

Robert W. & /w Patricia A. Durkin \$20.00

Twenty dollars & 00/100 DOLLARS

FOR

<u>app</u>	\$	<u>20</u>	<u>00</u>
	\$		
	\$		
	\$		
	\$		
TOTAL - - -	\$	<u>20</u>	<u>00</u>

SP

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO]
]ss.
County of Valley]

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Red P. Parfit Notary Public.

My commission expires Aug 1, 1981.

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C. STEPHEN ALLRED

Director

Published in the The Star
News on OCT 11 1978
NOV 11 1978



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

July 31, 1980

Robert & Patricia Duncan
Box 785
McCall, Idaho 83838

Dear Mr. & Mrs. Duncan,

RE: License No. 65-12175

Enclosed is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:mr
Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

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Water Rights Supervisor

JG:mr
Enclosure

RECEIVED

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

P/O SENW, S. 27
T. 18N R. 3E
65-12175
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☒ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)	6/23/90	TKA	To check on legal & use.
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 6/20/90 Accompanied by _____ Total Q measured _____
If source is surface water, estimate total flow of source _____
Methods of measurement calcs. Est. Meets Permit requirements? yes

Measurement calculations:

Est: $Q = 2.8 \left(\frac{3}{4} \right) \times .8 / 230 + 45 = 0.08 \text{ cfs}$

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
1	3HP							

System Description 8 inch casing, 230 ft deep, 3 HP submergeable pump
Signed to small pond - plans to use troughs - 60 hd of beef
stock

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS USE	Irrigation requirement =		AFA/Acre	
	Q (cfs)	V (afa)	FROM	TO
Stockwater	.02	1.4	1/1	12/31
Total	.02	1.4	1/1	12/31

Remarks _____

MICROFILMED

		R3E					
T 18	P.D. G.						
N	27						

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: SE NW Sec 27 T18N R3E

[illegible]

Date 6/23/80
Date 7-8-80
Date 7-21-80

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 65-12175.

Name(s) of Permit Holder: Robert W. J. Palmer & H. Dunham

Post Office Address: P.O. Box 785

McCull, ID 83638 Tel. No. 434-5108

Source of Water: Hand well

Extent of Use: ☒ Domestic 1 (number of households)
☒ Stockwater 45 hills (number and type of stock)
☐ Irrigation (acres)
☐ Other

permitted for other

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No
 Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

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

7-79
 Date

[Signature]
 Signature of Permit Holder

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No 65-12125.

Name(s) of Permit Holder: ROBERT W + PATRICIA A DUNCAN

Post Office Address: P.O. Box 755

McC Call, ID 83638 Tel. No. 634-5708

Source of Water: ~~Stream~~ well

Extent of Use:

☒ Domestic	<u>1</u>	(number of households)
☒ Stockwater	<u>45 cattle</u>	(number and type of stock)
☐ Irrigation		(acres)
☐ Other		

Measuring Device:	Required?	☐ Yes ☒ No	Installed?	☐ Yes ☐ No
Access Port	Required?	☐ Yes ☒ No	Installed?	☐ Yes ☐ No

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

11-7-79
() Date

Patricia Duncan
Signature of Permit Holder

RECEIVED

Mr. Mas T. W. _____ FIA _____
Box 785 _____
McCall, Idaho 83638 _____



RECEIVED

NOV 8 1979



Department of Water Resources
ID 0000 DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 384-2215

DUNCAN, PATRICIA A. & ROBERT W.
BOX 785
MCCALL,, ID 83638

101490

OCTOBER 31, 1979

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 65-12175 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JANURARY 01, 1980. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY 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 POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECIEVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

December 1, 1978

Re: Permit No. 65-12175

Robert W. and/or Patricia A. Duncan
Box 785
McCall, Idaho 83638

Dear Mr. and Mrs. Duncan:

Your approved copy of your Application for Permit is enclosed and we direct your attention to the conditions of approval on the fourth page.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

MICROFILMED

65-12175

STAFF REVIEW - STATE OFFICE

1. ☒ Name vs. Signature
2. W Source
3. ☒ Point of Diversion
4. ☒ Amnt. & Period of Use
5. ☒ Descrip. of Diverting Wrks.
6. 1 Time req. for Proof of B/U
7. ☒ Place of Use for other than irrig.
8. N/A Place of Use for irrigation (add acres)
9. APP Property Owner at Pt. ☒ of Div. & Pl. of Use
10. ☒ Map
11. 20 Fee & Rec't. No. ☒

Copies Sent To:

<u>NO</u> Idaho Health Department	<u>NO</u> U.S.F.S.
<u>1</u> Idaho Fish & Game Dept.	<u>1</u> Dept. of Lands
<u>1</u> Bureau of Land Management	<u>1</u> Other

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area yes ☒ no

Other rights on same land N/A

N/A Withdrawals of all protests received yes no

Conditions:

ID Power Co. Letter - Snake R. <u>No</u>	Meas. Dev. or Sc. Meas. <u>No</u>
ID Power Co. Letter - G.W. & Tribs. <u>yes</u>	Totalizing meter <u>No</u>
Snake River Condition <u>No</u>	Supplemental <u>No</u>
Payette River Letter <u>No</u>	Right-of-Way Cond. <u>No</u>
Priority Date <u>10/11/78</u>	Watermaster Cond. <u>No</u>
Water Quality #16 <u>No</u>	Wtr. Dist No. <u> </u>
Water Quality #10 <u>No</u>	Meas. Dev. Cond. for apps within a Water Dist. <u>No</u>
intrastate <u> </u> interstate <u> </u>	

Jim
Reviewer
11/30/78
Date

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 65-12175

☒ 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) EUB 12005

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
_____ Request Dam Safety Information

(4) EUB 12005

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no ✓

(8) _____

Groundwater levels:

_____ Declining, ✓ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) st 11-20-78

Affidavit of Publication received(date) 11-9-78

(12) _____

Final date for protests 11-13-78

Protests received: yes _____ no ✓

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

✓ Approve _____ Deny

10/11/78 Proposed Priority

_____ Reason for Reduction _____

NO Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District W

By [Signature] Date 11-24-78

RECEIVED
NOV 23 1978

Department of Water Resources

I.P. G. W. Hev

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

OCTOBER 19, 1978

The Star News
Box 985
McCall, ID 83638

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. IN ORDER TO RECEIVE PAYMENT, THE FOLLOWING CERTIFICATION MUST APPEAR ON THE BILL:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due after allowing all just credits and that no part of the same has been paid."

(Signature of Claimant)

Please send the affidavit of publication and publication billings to this office before NOVEMBER 13, 1978.

Yours truly,

Sally Trinkaus
Secretary

RECORDED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

RECORDED
INDEXED

65-12125

Name: DUNCAN, PATRICIA A. &/or ROBERT W.

Address: BOX 785, MCCALL, ID 83638

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Date Filed: 10/11/1978

County: VALLEY

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Point of Diversion: SENW S27 T18N R03E

Use: STOCKWATER from 01/01 to 12/31

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Means: WELL WITH 3HP SUBMERSIBLE PUMP

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C. STEPHEN ALLRED

Director

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