

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Karl A. &/or Marjorie E. Kellar, P.O. Box 493, Montour, Idaho, has on February 13, 1978 submitted Application No. 65-12093 for a permit to appropriate 0.52 cubic feet per second of water from an unnamed stream trib. Payette River by means of diversion dam, pump and pipeline within the SW 1/4 NW 1/4 Sec 27 T7N-R1W B.M., Gem County to be used from Jan. 1 to Dec. 31 for stockwater and 5 acre feet for irrigation from March 15 to Nov. 15 for irrigation of 25 acres within the S 1/4 NW 1/4 Sec 27 T7N-R1W B.M.

If issued, this permit will be subject to all prior water rights. Protest against the granting of the permit must be filed with the Director of the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho 83705 on or before April 24, 1978.

C. Stephen Allred, Director
Published in the Messenger-Index, Emmett, Idaho on April 6, 1978 and April 13, 1978.

OK 78
5-11-78
AF

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

COUNTY OF GEM;

Amela Dole, being first duly sworn, on his oath deposes and says that he is the printer of Messenger-Index, a legal weekly newspaper published at Emmett, in Gem County, Idaho; that said newspaper is in general circulation in said county and has been published uninterruptedly and continuously for more than 78 weeks prior to the first publication of the annexed document; and that the document notice, process, or advertisement hereunto annexed was published in the regular edition of

Messenger-Index for 2 consecutive weekly issues thereof, be-

ginning with the issue of April 6

1978, and ending with the issue of

April 13, 1978

Amela Dole

Subscribed and sworn to before me this

10th day of

May, 1978

Michael B. M.

Notary Public,

Residing at Emmett, Idaho.

Comm. exp. 12-10-81

RECEIVED

MAY 11 1978

Department of Water Resources
Western Regional Office

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Karl A. and-or Marjorie E. Kellar, P.O. Box 493, Montour, Idaho has on February 13, 1978 submitted Application No. 65-12093 for a permit to appropriate 0.52 cubic feet per second of water from an unnamed stream trib. Payette River by means of diversion dam, pump and pipeline within the SW 1/4 NW 1/4 Sec 27 T7N-R1W B.M., Gem County to be used from Jan. 1 to Dec. 31 for stockwater and from March 15 to Nov. 15 for irrigation of 25 acres within the S 1/2 NW 1/4 Sec 27 T7N-R1W 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 Director of the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho 83705 on or before March 13, 1978.

C. Stephen Allred, Director
Published in the Emmett Messenger-Index, Emmett, Idaho on Feb. 23, 1978 and March 2, 1978.

OK
3-29-78
yf

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

COUNTY OF GEM,

Arate Dole being first duly sworn, on his oath deposes and says that he is the printer of Messenger-Index, a legal weekly newspaper published at Emmett, in Gem County, Idaho; that said newspaper is in general circulation in said county and has been published uninterruptedly and continuously for more than 78 weeks prior to the first publication of the annexed document; and that the document notice, process, or advertisement hereunto annexed was published in the regular edition of

Messenger-Index for 2 consecutive weekly issues thereof, beginning with the issue of Feb 23,

19 78 and ending with the issue of

March 2, 1978

Arate Dole
Subscribed and sworn to before me this

28th day of

March, 1978

Michael B. Dole

Notary Public,

Residing at Emmett, Idaho.

Comm Exp 12-10-81

29



COMPILED FROM THE OFFICIAL RECORDS OF THE PUBLIC SURVEY OF

PERMIT 65-12093 INIT KKC
 T. R. S. Q/Q
 P/D 7N 1E 27 SW/1W
 SCALE 8" = 1 MI
 PHOTO ID. _____

17.6
PER well

T132

21	22
28	27

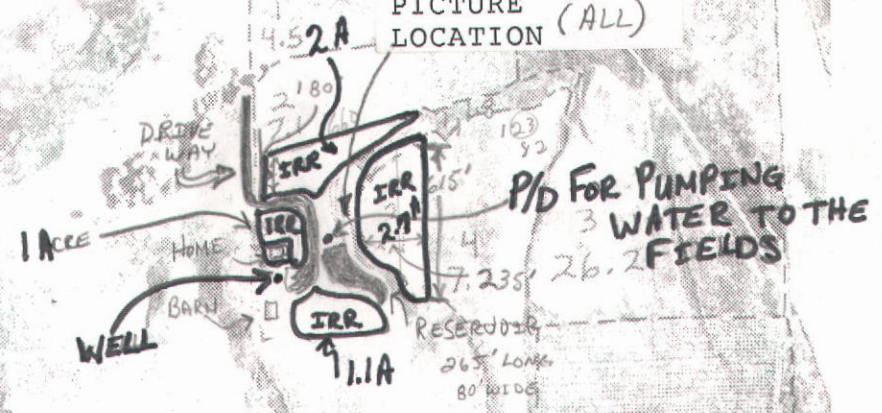
4.9

12
11.6

T135

T151

PICTURE LOCATION (ALL)



T142

MICROFILMED
 AUG 21 1992

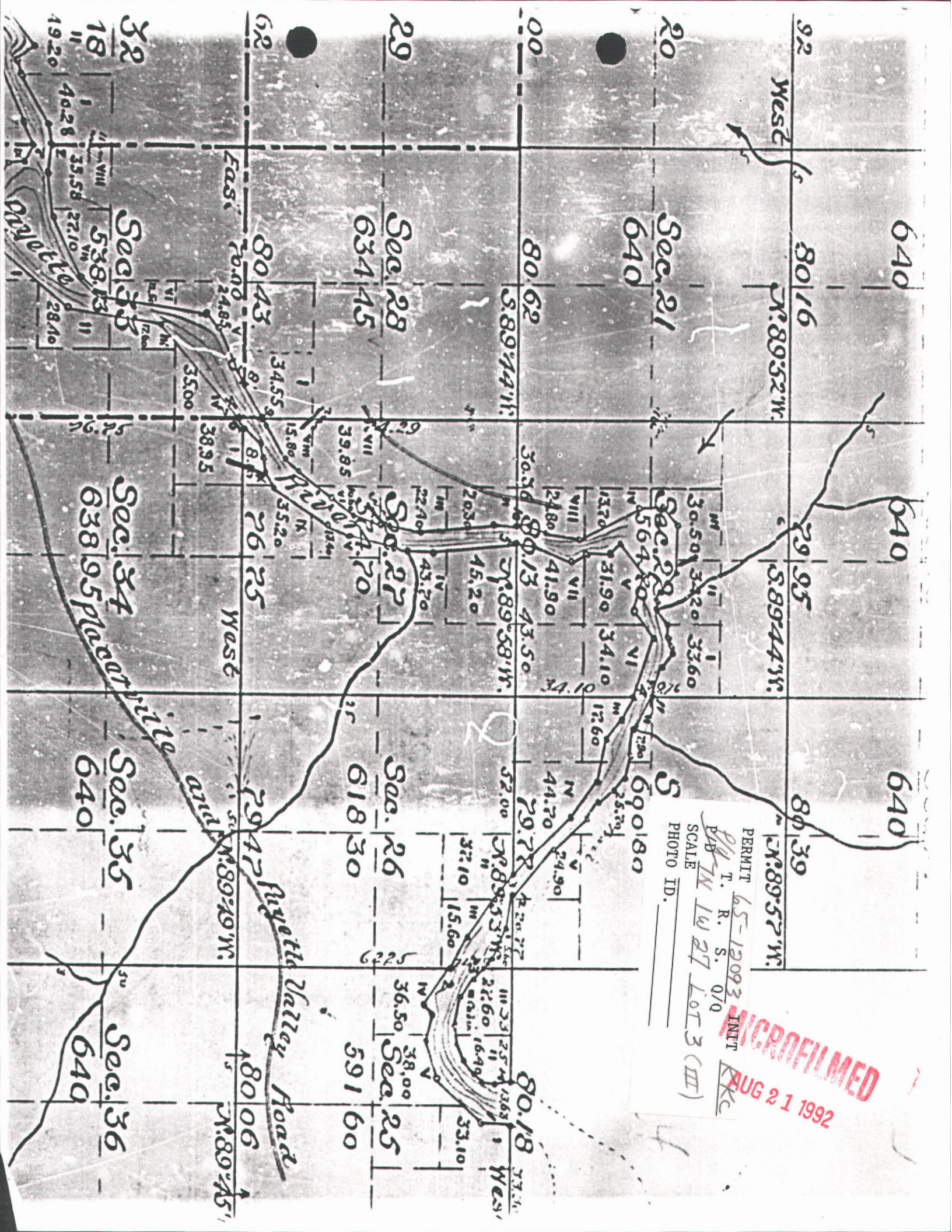
28	27
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cc-11

NOT TO SCALE

278

35 2851
MICROFILMED
AUG 21 1992
31517



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12093

Priority: August 20, 1981

Maximum Diversion Rate: 0.15 CFS

Maximum Diversion Volume: 33.5 AF

This is to certify, that MARJORIE E KELLAR
KARL A KELLAR

9207 SHALEROCK RD
MONTGOMERY ID 83617

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated February 13, 1978; and
has submitted Proof of Beneficial Use on April 29, 1983. An examination indicates
that the works have a diversion capacity of .200 cfs of water from:

UNNAMED STREAM tributary to PAYETTE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.14 CFS	31.5 AF
IRRIGATION STORAGE	01/01 to 12/31		1.7 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		1.7 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.3 AF
Totals		0.15 CFS	33.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 27, Township 07N, Range 01E
GEM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	01E	27	SWNW	7		7

Total number of acres irrigated: 7

PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION use

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.

MICROFILMED

AUG 21 1992

State of Idaho
Department of Water Resources

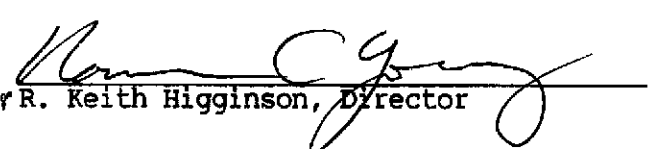
WATER RIGHT LICENSE

WATER RIGHT NO. 65-12093

CONDITIONS/REMARKS:

2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
7. Stockwater use is for 25 horses and range cattle.
8. Source is known locally as Stagecoach Draw.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 29th
day of July, 1992.


Acting for R. Keith Higginson, Director

AUG 21 1992

State of Idaho
Department of Water Resources

RECEIVED
JUL 21 1992

APPROVED

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-12093

Department of Water Resources

Date of Priority: August 20, 1981

Maximum Diversion Rate:

0.15 CFS

Maximum Diversion Volume:

33.5 AF

Comes now

MARJORIE E KELLAR
KARL A KELLAR

9207 SHALEROCK RD
MONTOUR ID 83617

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 65-12093, and requests that the permit be changed as follows:

Source: **UNNAMED STREAM**

tributary to **PAYETTE RIVER**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.14 CFS	31.5 AF
IRRIGATION STORAGE	01/01 to 12/31		1.7 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		1.7 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.3 AF
	Totals	0.15 CFS	33.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 27, Township 07N, Range 01W
GEM County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N 01E 27	SWNW 7			7

Total number of acres irrigated: 7

PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION use

PLACE OF USE: STOCKWATER, same as IRRIGATION use

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Montour, Idaho, this 15 day of July, 19 92

RECEIVED

AUG 21 1992

Karl A Kellar
(Signature)
Marjorie Kellar

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-12093

FOR DEPARTMENT USE ONLY

Preliminary check by CS Fee = \$20.00 ✓ Received by JY Date 7-21-92
C024992

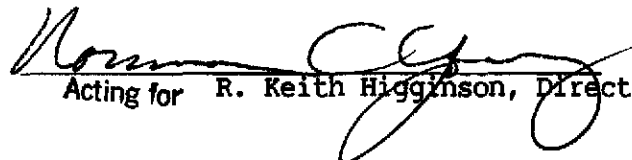
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 65-12093 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
6. Stockwater use is for 25 horses and range cattle.
7. Source is known locally as Stagecoach Draw.

Witness my hand this 29th day of July, 1992


Acting for R. Keith Higginson, Director

RECEIVED

AUG 21 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT
NO. 65-12093 IN THE NAME OF
KARL A. &/OR MARJORIE KELLAR

ORDER OF REINSTATEMENT

This matter having come before the Department of Water Resources (Department) as a result of preparing Permit No. 65-12093 for issuance of a license, the Department finds, concludes and orders:

FINDINGS OF FACT

1. The Department approved Application for Permit No. 65-12093 to appropriate the public waters of the State of Idaho with a proposed priority of FEBRUARY 13, 1978.
2. On JUNE 05, 1986 the Department advised the permit holder that a license examination fee was required before an examination could be conducted to confirm the extent of use developed under the permit. The examination fee was due on AUGUST 04, 1986.
3. The license examination fee was not paid within one year of the date, and the permit lapsed for failure to pay the license examination fee.

MICROFILMED

FEB 27 1990

4. The license examination fee was received on
FEBRUARY 08, 1990, 1283 day(s) late.

CONCLUSIONS OF LAW

1. The Director may advance the priority date of the permit one day for each day the license examination fee is late, pursuant to the provisions of Section 42-217, Idaho Code.

2. The date of priority of Permit No. 65-12093 should be advanced 1283 day(s).

ORDER

IT IS HEREBY ORDERED that Permit to Appropriate Water No. 65-12093 is reinstated.

IT IS FURTHER ORDERED that the date of priority of Permit No. 65-12093 is advanced to AUGUST 20, 1981.

Dated this 22nd day of February, 1990.

J. Glen Saxton
Chief, Water Allocation Bureau

MICROFILMED

FEB 27 1990

Identification No. _____

Application No. 65-12093

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant Karl A. &/or Marjorie E. Kellar Phone: 584-3488
post office address P. O. Box 493, Montour, ID 83646

2 Source of water supply unnamed stream which is a tributary of Payette River ✓

3 a Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27 Township 7N
Range 1W B.M. Gem County; additional points of diversion if any _____

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

4. Water will be used for the following purposes:
Amount 5 AF for irrigation storage purpose from Jan 1 to Dec 31 (both dates inclusive)
Amount .50 for irrigation purpose from Mar. 15 to Nov. 15 (both dates inclusive)
Amount .02 for stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
Amount 5 AF for irrigation purpose from Mar 15 to Nov 15 (both dates inclusive)
(cfs or acre feet per annum)

5. Total quantity to be appropriated:

a .52 cubic feet per second and/or

b _____ acre feet per annum.

6 Proposed diverting works

a Description of ditches, flumes, pumps, headgates, etc diversion dam, pump & pipeline

b Height of storage dam 10 feet, active reservoir capacity _____ acre feet; total reservoir
capacity 5 acre feet, materials used in storage dam earth

Period of year during which storage will occur Jan. 1 to Dec. 31 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 5 years

b Estimated construction cost is \$ 3500.00

8 Description of proposed uses

a If water is not for irrigation

(1) Give the place of use of water. SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27 Township 7N
Range 1W 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 25

(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. _____

copy for Montour
of file

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

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	1W	27							21	4									25

Total number of acres to be irrigated 25

c Describe any other water rights used for the same purposes as described above. none

9 a. Who owns the property at the point of diversion applicant

b. Who owns the land to be irrigated or place of use applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Four acres in SENW is rented.

10 Remarks Combined with groundwater right.

Proposed Priority 2/13/78

Received by S Date 02/13/78 Time 3:30 pm
Preliminary check by R.W. Fee \$ 25 # 9765
Received by S Date 02/13/78
Publication prepared by H Date 2-16-78
Published in Meridian Index
Publication dates Feb 23 - 4 March 2
Publication approved H Date 3-29-78
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DBS jc

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 65-12093, and said application is hereby APPROVED.

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

- SUBJECT TO ALL PRIOR WATER RIGHTS.
- Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 83.
- Other: The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Use of water under this permit is subject to control by the watermaster of State Water District No. 65, Payette River.
2. Denial of said application is for the following reasons: _____

Witness my hand this 24th day of May 19 78.

Hannon C Young
Administrator

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Karl A. B/or Marjorie E. Keller, P.O. Box 483, Montour, Idaho, has on February 13, 1978 submitted Application No. 66-12083 for a permit to appropriate 0.62 cubic feet per second of water from an unnamed stream trib. Fayette River by means of diversion dam, pump and pipeline within the SW 1/4 NW 1/4 Sec 27 T7N R1W B.M. Gem County to be used from Jan. 1 to Dec. 31 for stockwater and 5 acre feet for irrigation from March 15 to Nov. 15 for irrigation of 25 acres within the S 1/4 NW 1/4 Sec 27 T7N R1W B.M.

If issued, this permit will be subject to all prior water rights. Protest against the granting of the permit must be filed with the Director of the Idaho Department of Water Resources, 82 South Cole Road, Boise, Idaho 83705 on or before April 24, 1978.

Witness my hand and the seal of the Idaho Department of Water Resources at Boise, Idaho on April 6, 1978 and April 13, 1978.

OK 48
5-11-78

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

99.

COUNTY OF GEM;

Amie Dale being first duly sworn, on his oath deposes and says that he is the printer of Messenger-Index, a legal weekly newspaper published at Emmett, in Gem County, Idaho; that said newspaper is in general circulation in said county and has been published uninterruptedly and continuously for more than 78 weeks prior to the first publication of the annexed document; and that the document notice, process, or advertisement hereunto annexed was published in the regular edition of

Messenger-Index for 2 consecutive weekly issues thereof, beginning with the issue of April 6

1978, and ending with the issue of

April 13, 1978
Amie Dale

Subscribed and sworn to before me this

10th day of

May, 1978

Michael B. H.

Notary Public,

Residing at Emmett, Idaho.

Comm. exp. 12-10-81

RECEIVED

MAY 21 1978

Dep. ...
Notary Public

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

COUNTY OF GEM,

Arate Bole being first
duly sworn, on his oath deposes and
says that he is the printer of Messenger-
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that said newspaper is in general circu-
lation in said county and has been pub-
lished uninterruptedly and continuously
for more than 78 weeks prior to the first
publication of the annexed document,
and that the document notice, process,
or advertisement hereunto annexed was
published in the regular edition of

Messenger-Index for 2
consecutive weekly issues thereof, be-

ginning with the issue of Feb 23

1978 and ending with the issue of

March 2 1978

Arate Bole

Subscribed and sworn to before me this

28th day of

March 1978

Michael B. Bole

Notary Public,

Residing at Emmett, Idaho.

Comm Exp 12-10-81

NOTICE OF APPLICATION
FOR WATER PERMIT
Notice is hereby given that Kar
A. and/or Marjorie E. Keller, P.O.
Box 483, Montour, Idaho has, on
February 13, 1978 submitted Appli-
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appropriate 0.52 cubic feet per
second of water from an unnamed
stream trib. Payette River by
means of diversion dam, pump and
pipeline within the SW 1/4 NW 1/4
Sec 27 T7N-R1W S.M., Gem
County to be used from Jan. 1 to
Dec. 31 for stockwater and from
March 15 to Nov. 15 for iriga-
tion of 25 acres within the
SW 1/4 Sec 27 T7N-R1W S.M.
Notwithstanding this permit will be
granted, all prior water rights
existing against the granting of the
permit must be filed with the
Director of the Idaho Department
of Water Resources, 22 South Cole
Road, Boise, Idaho 83705, on or
before March 13, 1978.
C. Stephen Alfred, Director
Published in the Emmett Mes-
senger-Index, Emmett, Idaho on
Feb. 23, 1978 and March 2, 1978.

OK
3-29-78
yf

21

65-12093

September 10, 1992

MEMO TO FILE:

From: Carolyn Andregg

During the spring and summer of 1992, drought conditions caused record low flows in the Snake River. Twice, the flow of the Snake River fell below 4,750 cfs, the minimum stream flow at the Weiser gauge. Notices were mailed to the water user listed under this right because the priority is later than July 1, 1976, in order to protect the Snake River minimum stream flow. The following is a chronological history of the mailings.

May 19, 1992: Letter sent to water right holder informing holder of possible temporary cessation of diversion rights and notice of public meetings.

June 8, 1992: Letter sent informing water right holder directing immediate cessation of diversion of water until further notice.

June 12, 1992: Letter sent to water right holder authorizing resumption of diversion of water.

June 26, 1992: Letter sent to water right holder directing immediate cessation of diversion of water until further notice.

June 29, 1992: Letter sent to water right holder authorizing resumption of diversion of water.

July 30, 1992

MARJORIE E KELLAR
KARL A KELLAR
9207 SHALEROCK RD
MONTGOMERY ID 83617

RE: WATER RIGHT NO. 65-12093

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

AUG 21 1992

June 19, 1992

MARJORIE E KELLAR
KARL A KELLAR
9207 SHALEROCK RD
MONTOUR ID 83617

RE: WATER RIGHT NO. 65-12093

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 15 days.

If you do not concur with these findings or if you have any questions, please contact us within the 15-day period.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

MAILED
AUG 21 1992

LICENSE REVIEW CHECKLIST

Permit # 65-12093

Date 6-10-92
98

	Yes	No	
NAME	<u> </u>	<u>✓</u>	Address Change?
PRIORITY DATE	<u> </u>	<u>✓</u>	Advance? <u>Exam Fee 10-9-86/Lapse 6-25-87</u>
	<u> </u>	<u>✓</u>	Memo to Advance (DONE)
	<u> </u>	<u>✓</u>	Order to Reinstate Needed? (DONE)
TOTAL CFS	<u> </u>	<u>✓</u>	Incorrect Fee for rate recommended?
	<u>NA</u>	<u> </u>	Disagree with Actual Measurement?
	<u> </u>	<u>✓</u>	<u>7x.02 = .14 cfs (IRR) 25x.00022 = .0055 ≈ .01 cfs (STOCK)</u>
	<u> </u>	<u>✓</u>	Disagree with Theoretical?
	<u> </u>	<u>✓</u>	Limited by Capacity? <u>.20 cfs</u>
TOTAL VOLUME			Rate/ac <u>4.5</u> AFA Irr. Season <u>D</u>
			<u>3-15 to 11-15</u> Standard Irr. Season
			<u>Same Per Permit</u> Season Recommended
	<u> </u>	<u> </u>	Disagree with Examiner's Calculations? <u>1.7 afa (STORAGE) pond capacity</u>
	<u> </u>	<u>✓</u>	<u>7x4.5 = 31.5 afa (IRR) 25x.0134 = 0.3 afa (STOCK)</u>
	<u> </u>	<u>✓</u>	Limited by Flow? <u>.14x245x1.9835 = 68 > 31.5</u>
SOURCE	<u> </u>	<u>✓</u>	Changes? Clarification of <u>Originally Intended</u> source
	<u> </u>	<u>✓</u>	Notice of Intent to Void.
P/D	<u>✓</u>	<u> </u>	Verify with Map
	<u> </u>	<u>✓</u>	Amendment Needed? <u>Change 1W to 1E</u>
	<u> </u>	<u>✓</u>	Is Overlap Analysis a Consideration?
P/U	<u>✓</u>	<u> </u>	Verify with Map
	<u>✓</u>	<u> </u>	Amendment Needed? <u>Change 1W to 1E</u>
	<u>✓</u>	<u> </u>	Is Overlap Analysis a Consideration?
USES	<u> </u>	<u>✓</u>	Change(s) in Nature of Use?
	<u> </u>	<u>✓</u>	Amendment Needed?
REMARKS	<u> </u>	<u>✓</u>	Multiple P/Ds in 1/4 1/4?
	<u>✓</u>	<u> </u>	Non-Irr. Uses <u>STOCK/25 horses + cattle</u>
	<u> </u>	<u>✓</u>	Special Overlap Condition
	<u>✓</u>	<u> </u>	Other <u>Source/Stagcoach Draw</u>
CONDITIONS	<u> </u>	<u>✓</u>	Measuring Device
	<u>R04</u>	<u> </u>	W/Master Control
	<u>R32</u>	<u> </u>	Overlap
	<u> </u>	<u>✓</u>	Water Quality
			DATES/MISC
			<u>65</u> Water Dist.
		<u>✓</u>	App Rec'd
		<u>✓</u>	Exam Made
COMMENTS/MEMOS NEEDED:	<u>Reduced Rate, Acres</u>		

License 10-Day 15-Day ✓ Special Correspondence

ble for

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARJORIE E KELLAR	08/20/1981	IRRIGATION	03-15 11-15	0.14 CFS	31.5 AFA
C	KARL A KELLAR		IRRIGATION STORAGE	01-01 12-31		1.7 AFA
	9207 SHALEROCK RD		IRRIGATION FROM STORAGE	03-15 11-15		1.7 AFA
	MONTOUR ID 83617		STOCKWATER	01-01 12-31	0.01 CFS	0.3 AFA
TOTAL DIVERSION:					0.15 CFS	33.5 AFA

Water Source: UNNAMED STREAM

Tributary to: PAYETTE RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 0.20 CFS

Point(s) of Diversion: T07N R01W S27 SW NW

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
07N	01E	27	:																7.0
TOTAL ACRES																			7.0

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Pou County: GEM

Other Water Rights with Same Point(s) of Diversion and Source:
65-12093

Other Water Rights Listing Overlapping Place(s) of use:
65-00058

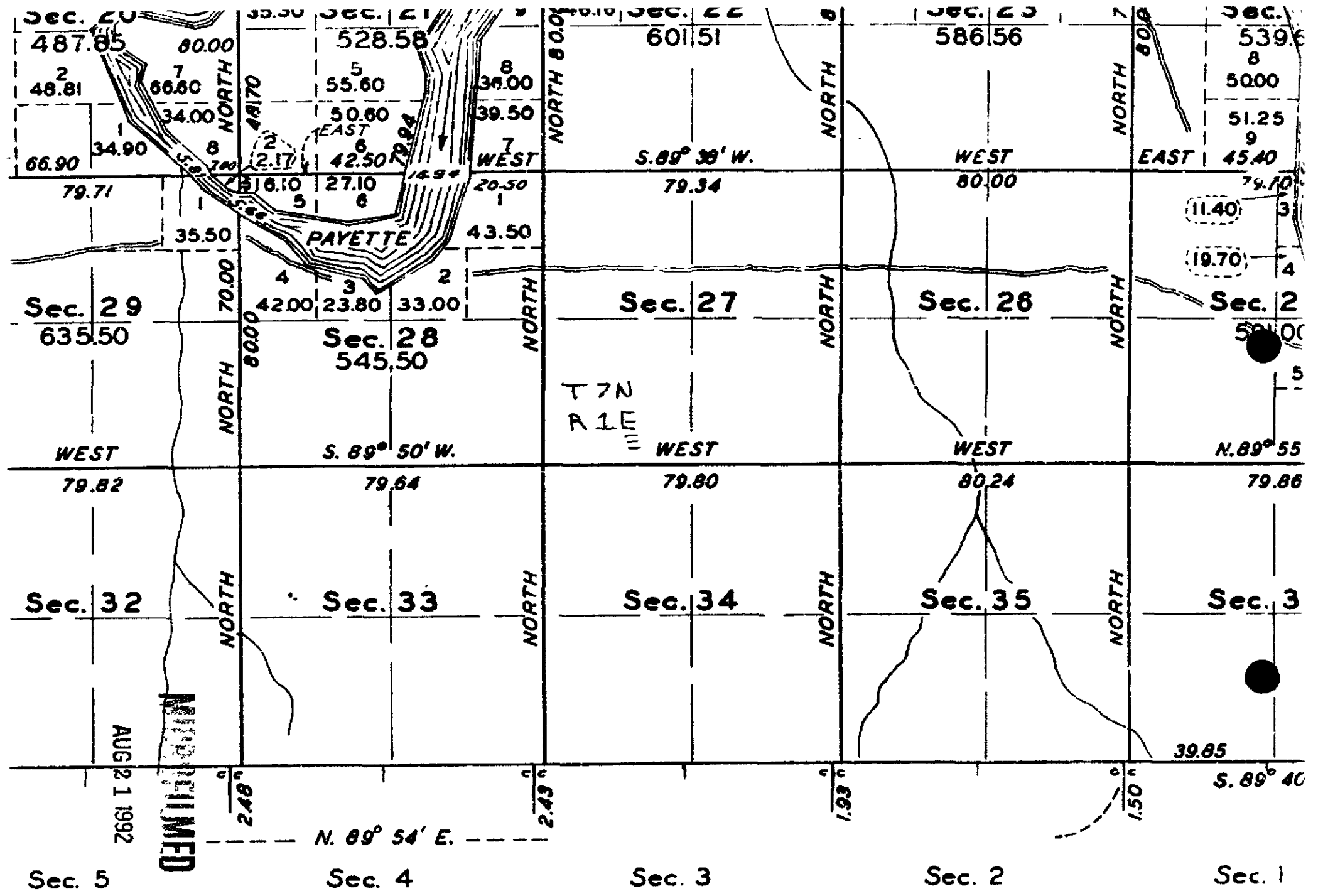
Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
- R32 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

Remarks: Stockwater use is for 25 horses and range cattle.
Source is known locally as Stagecoach Draw.

Dates: App. Received: 02/13/1978 Priority Date: 08/20/1981
Proof Due Date: 05/01/1983 Proof Made Date: 04/29/1983
Exam Made Date: 06/27/1990 Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 63 Field Exam Fee: R (Received)



T7N
R1E
Sec 27

COMPILED FROM THE OFFICIAL RECORDS OF THE PUBLIC SURVEY OF

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

☒ Blank Field Report Form

☒ Copy of Permit

lapsed/reinstated ☒ Copies of any Amendments/Orders with Conditions of Approval

☒ Well Inspection Form Needed

☒ Copy of U.S.G.S. Quad

found ☒ Check for Government Lots. If so, make a copy of government plat

☒ Check of P/D index 6-20-90 KKC (initial & date)

Overlap ☒ yes ☐ no If yes: ☐ copy of exam(s) attached?

Type of Overlap? ☐ Add acres or uses to existing system

☐ Increase rate of flow or volume

☐ Other: other right same as diff owner

☒ Check of P/U index 6-20-90 KKC (initial & date)

Overlap? ☒ yes ☐ no If yes: ☐ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume

☐ Add P/D's

☐ Increase number of acres within tracts (12094)

☐ Other: same (adding another same)

☒ SRBA Attachment A Submitted to Adjudication Section

☒ Aerial Photo Required? ☒ yes ☐ no If yes: ☐ copy attached

☒ Scheduling Letter Sent? ☐ (initial & date)

☒ Appointment Made and Telephone Conversation Memo Attached

☒ SRBA Claim Check Received 6-16-90 KKC (initial & date)

☐ Applicable, See Attachment A ☒ N/A

B. After Conducting the Exam, the File Contains:

☒ Fully Completed and Signed Field Report Form

☒ Photographs of Point of Diversion and Place of Use

N/A ☒ Copy of SRBA Claim Verification Sheet / ☐ Original Returned to Adjudication Section

C. Review and Processing:

Exam Completed 7-16-90 Kelley Christensen (signature of examiner & date)

Exam Reviewed by Senior Water Resource Agent JFW 1/29/91 (initial & date)

Exam Reviewed by Manager of Regional Office DW 2/22/91 (initial & date)

Exam Date Entered in Computer ☒ st (initial & date)

Exam Sent to State Office 2-26-91 st (initial & date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

PERMIT NO: 65-12093
DATE EXAM
CONDUCTED: 6-27-90

1. OWNER LISTED ON PERMIT

Name: Marjorie E. and/or Karl A. Kellar
Address: 9207 Shalerock RD.
City, State: Montour, ID Zip 83617
Phone No. (208)584-3488

Name/Address Updated ☒

2. PERSON ACCOMPANYING EXAMINER

Name: Karl Kellar
Relationship to
Permit holder: Owner

3. SOURCE Unnamed stream TRIBUTARY TO Payette River

B. DOCUMENTS INCLUDED WITH THIS REPORT

1. <u>1</u> Copy of U.S.G.S Quadrangle	5. <u>1</u> Aerial Photo (if required)
2. <u>4*</u> No. of Photo Pages Attached	6. <u> </u> Overlap Sheet (form <u> </u>)
3. <u> </u> Well Inspection Form	7. <u> </u> Pump Efficiency form
4. <u> </u> P/D Overlap Field Exams Copy	8. <u> </u> Other

* (photos for 65-12094 included with this report)

C. OVERLAP REVIEW

1. Water rights found within the same Q/Q but they have	
a different owner and acres	-- ☒
same owner but different	
source and/or acres	-- -- -- ☒

2. P/D overlap found. (same source only) Right Numbers. None

3. P/U overlap found. (permit acres only) Right Numbers.

Permit 65-12094 is for the same acres but the source is groundwater.

RECEIVED
AUG 21 1992

D. SYSTEM DESCRIPTION (General system description)

1. Diagram found on;

a. Aerial Photo	--	--	--	--	--	--	--	☒
b. Hand Sketch	--	--	--	--	--	--	--	☐

2. Narrative

The system is a dike built in an unnamed stream locally known as Stagecoach Draw. The dike is slightly higher than 10 feet. The reservoir length is approximately 265 ft. and the width is approximately 80 ft. The outlet from the reservoir to the pump that supplies water to the P/U comes from near the bottom (approximately 10 ft below the spillway level.) The pump is set at the base of the dike and the main line from the pump is tied into the mainline from the well. The two lines are isolated via gate valves. A second mainline runs north (downhill to the northern most field) and can supply water from the reservoir via gravity. The reservoir was dry at exam time. Because the reservoir was dry the pump had been removed and placed in the barn (see photo of the pump.)

The P/U consists of four small plots. The largest, east of the reservoir, is approximately 2.7 acres. The next largest is 2 acres and lays north of the reservoir. The other two segments are approximately 1 acre apiece. One is the yard and an alfalfa patch surrounding the house. The other is south of the house, again 1 acre.

A maximum of 25 head of range cattle and/or horses are at times watered on this farm.

3. Overlap Analysis Narrative

There are no other rights using this reservoir or this drainage. The P/U is also irrigated via 65-12094 a groundwater right. The well system is tied into the same mainline system as this right, giving the permit holder the option to use either system as required.

REPROFILMED
AUG 21 1992

E. FLOW MEASUREMENT DESCRIPTION

Well		Motor		Pump	
Id. #	Hp	Make	Serial #	Make	Discharge Dia.
	2	Century	139691	Berkeley	2 in.

1. Diagram (Indicate weir size/ditch size/pipe I.D. as applicable.

No measurement made therefore no sketch made.

RESERVOIR ACRE FOOT DETERMINATION.

The reservoir surface is considered as a triangular shaped pond 265' by 80'. The pump inlet runs from above the bottom of the reservoir to the pump. The distance from the inlet line to the bottom of the spillway is approximately 10'. The draw shape is V shaped but the volume for irrigation is calculated from the inlet pipe which gives a flat bottom to the reservoir (for calculation purposes.) I feel that a fair representation is to use a correction factor of 0.70 as this is a compromise between the two shapes.

Surface area in acres:

Reservoir capacity is:

$$\frac{265' \times 80(1/2)}{43,560} = 0.243 \text{ acres}$$

$$0.243 \text{ acres} \times 10 \text{ ft.} \times 0.70 = \underline{\underline{1.7 \text{ af}}}$$

2. Narrative (measurement conditions/sketch clarification/ flow calculations; include the results from any measurements.)

The seven total acres found are irrigated two different ways from this reservoir. Five acres via the pump and two acres via a gravity system.

For the pumping system, considerations are the pump is below the reservoir and therefore there is no lift to consider, it is a standard handline system operating at approximately 40 psi.

$$\frac{2\text{HP} \times 8.8 \times .7}{0 + (2.3 \times 40)} = \underline{\underline{0.134 \text{ cfs}}}$$

For the gravity system the mainline is a 1 & 1/2 in black plastic line with approximately 20' of drop for a 300' run. Per chart this gives 27.9 gpm.

$$\frac{27.9}{448.8} = \underline{\underline{0.062 \text{ cfs}}}$$

5 acres @ 0.134 cfs
2 acres @ 0.062 cfs
Total 0.196 cfs

This rate combined with the theoretical rate for the other five acres gives 0.196 cfs, or rounding up gives 0.20 cfs.

This rate is approximately 42% greater than the legal limit of 0.14 cfs for the found seven acres. Therefore I am recommending this permit to be licensed at the legal limit.

3. Alternate method for checking purposes

4. Measurement Equipment Used During Field Exam

none
AUG 21 1992

5. Point of Diversion Legal Description

Ident. No.	Twp	Rng	Sec	1/4	1/4	1/4	Gov't Lot	County	Remarks and Method of Determination
------------	-----	-----	-----	-----	-----	-----	-----------	--------	-------------------------------------

7N 1E* 27

SW NW

GEM

ORTHO PHOTO

P/D legal description modified -- |*|

F. PLACE OF USE (if acres, show acres recommended for the license)

TWP	RGE	SEC	NE				NW				SW				SE				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	1E*	27																	7

Amendment required to change acres to new Q-Qs -- -- |*|
(an asterisk indicates the Q/Q requiring an amendment)

G. VOLUME CALCULATIONS (for irrigation, use the acres and the diversion rate recommended for licensing)

1. Volume Calculations for irrigation

$$V(i.r.) = \frac{7}{\text{acres irrigated}} * \frac{4.5}{\text{irrigation requirement}} = 31.5 \text{ AFA}$$

$$\frac{0.14}{\text{diversion rate(cfs)}} * \frac{246}{\text{days in season}} * \frac{1.9835}{\text{factor}} = 68.3 \text{ AFA}$$

$$V = \text{The smaller of } V(i.r.) \text{ and } V(d.r.) = \underline{\underline{31.5 \text{ AFA}}}$$

2. Volume calculations for other uses

Reservoir volume calculated in section E.1. is -- -- 1.7 AF

Stockwater (25 head range cattle and/or horses)

From the chart for 25 head -- 0.02 cfs and 0.4

APPROVED
AUG 21 1992

H. RECOMMENDATIONS

1. Permit Summary

[illegible]

2. Found during field exam

Irrigation	--	--	--	--	--	--	7	Acres	0.20	Rate
Storage	--	--	--	--	--	--	1.7	A.Ft.		
Range stock							25	Head	Max	

[illegible]

2. Recommended Amounts

Beneficial use	Period From	of Use To	Q-- Rate of Diversion	V-- Annual Volume
Irrigation	3-15	11-15	0.14	31.5
Irr Storage	1-1	12-31	N/A	1.7
Irr from Storage	3-15	11-15	N/A	1.7
Stockwater	1-1	12-31	0.02	0.4
		Totals	0.16	CFS 31.9
				AFA

3. Recommended Amendments

Change P/D as reflected above	--	--	--	--	--	--	--	x
Change P/U as reflected above	--	--	--	--	--	--	--	x

I. AUTHENTICATION

Field Examiner's

✓fw 1/14/91 name Kelly K. Christensen

Signature

Field Report

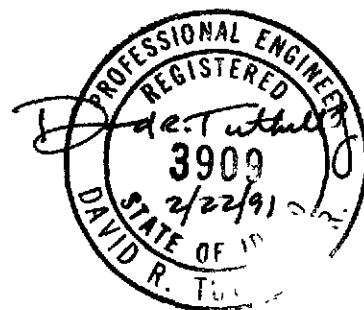
Preparation Date 07-16-90

Reviewed
by

Signature

Date _____

Certification Date



CONSULTANT SEAL
AUG 21 1992

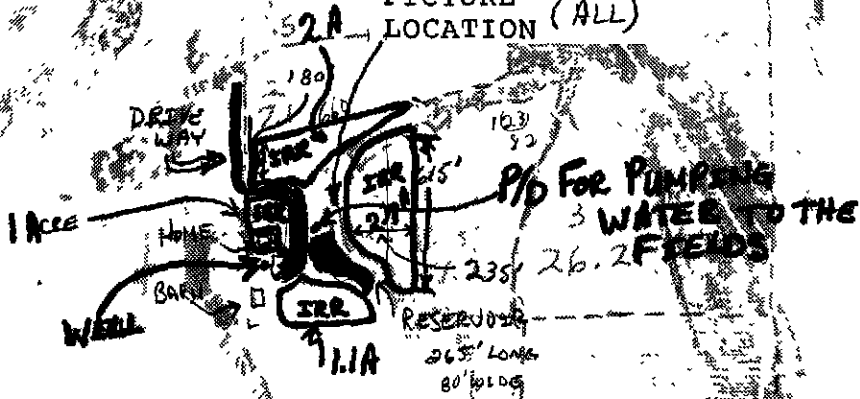
PERMIT 65-12093 INIT KKC
 T. R. S. Q/Q
 P/D 7N 1E 27 SW/NW
 SCALE 8" = 4 ME
 PHOTO ID. _____

17.6
Per

T132

21 72
 28 27

PICTURE LOCATION (ALL)

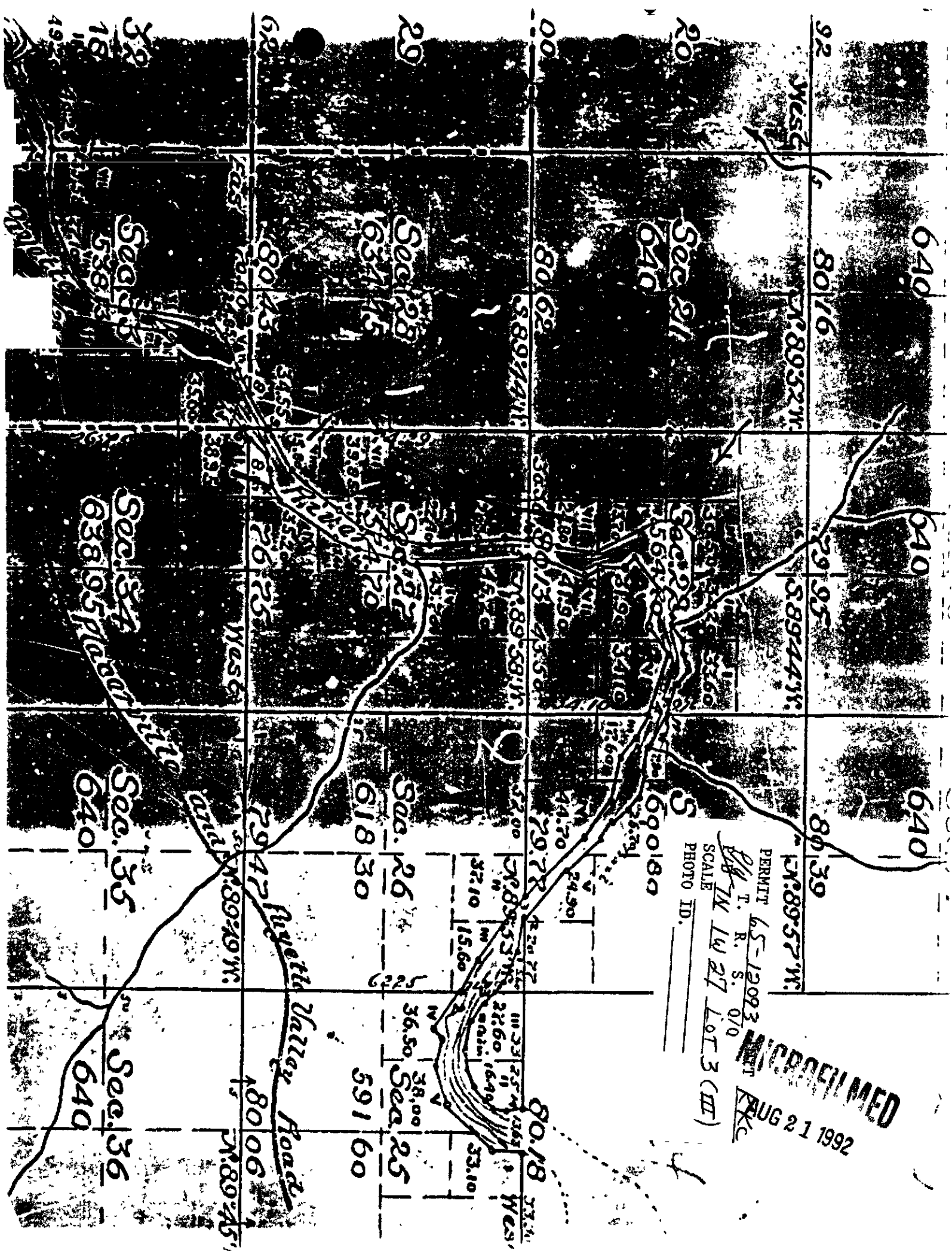


22-11

NOT TO SCALE

AUG 27 1992
 1-27

3157 31
 AUG 21 1992
 2850



Form 219-S.A.

Supplement

6-90

65-12093

Permit No. . .

(also 65-12094)
another claim sheet included)

ATTACHMENT A

SRBA CLAIM CHECK PER BENEFICIAL USE EXAM

EXAMINER K Christensen DATE SUBMITTED 6-15-90
ADJUDICATION AGENT _____ RESPONSE DUE DATE 6-25
COUNTY Gen OWNER'S NAME Karl Kellan

PERMIT DATA T R S Q/Q T R S Q/Q

P/D 7N 1W 27 SW/NW _____

P/U _____ SW/NW _____
SE/NW source - unnamed stream

ADJUDICATION DATA

Number Index A65-12093 BAS 6/15 (Initial & Date)

Claim required for permit

___ yes ✓ no If yes: ___ copy attached?

Claim files Although Not Required

___ yes ✓ no If yes: ___ copy attached?

Name Index Karl Kellan BAS 6/15 (Initial & Date)

Claim(s) filed in permit owner's name?

___ yes ___ no If yes: ___ copy attached? ___ N/A *

Non-Data Entry Claims Found by County and Name No BAS 6/15
(Initial & Date)

___ yes ✓ no If yes: ___ copy attached? ✓ N/A *

* copies included only if pertinent to permit field exam

MICROFILMED
AUG 21 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 23, 1990

RE: Permit No. 65-12093

Karl &/or Marjorie Kellar
9207 Shalerock Rd.
Montour, ID 83617

Dear Mr. and Mrs. Kellar:

Enclosed is a copy of the Order of Reinstatement which advances the date of priority of the above referenced permit to August 20, 1981, due to late submittal of the exam fee.

If you have any questions concerning this matter, please feel free to contact our office.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

microFILMED

FEB 27 1990

BENEFICIAL USE FIELD REPORT REVIEW

TO: FILE 65-12093

FROM: ROXANNE MC CARTHY

RE: PRIORITY ADVANCE REVIEW

DATE: 22-FEB-1990

=====

This review memo is prepared to show the process for determining what elements were involved in advancement of the priority.

	<u>DATE</u>	<u>JULIAN</u>
PERMIT		
Permit priority Date:	FEBRUARY 13 1978	44
EXAM FEE NOTICE		
Exam Fee Notice Date:	JUNE 05 1986	156
Exam Fee/Info Sheet Received Date:	FEBRUARY 08 1990	1499
Exam Fee or Info Due Date:	AUGUST 04 1986	216
Days Late:		1283 DAY(S)
NEW PRIORITY DATE		
Original Priority Date:	FEBRUARY 13 1978	44
Total Days Late:		1283 DAY(S)
New Priority Date:	AUGUST 20 1981	232

RECEIVED

FEB 27 1990

4/86

For Office Use Only
Fee Received 100.00
Date Feb. 8, 1990
Receipt # W008525
Receipt by JFW
Sent to S.O. Feb 9 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXAMINATION FEE INFORMATION

1. Permit No. 65-12093

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: KARL A. &/or MARJORIE KELLAR

3. Post Office Address: 9207 Shale Rock Rd. Montour, Id. 83617
8376

Telephone No. 584-3488

4. Source of Water: UNNAMED STREAM

5. Extent of Use:

Domestic _____ (No. of households) Stockwater 25 Hd. (No. and type of stock)

Irrigation 25 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted .52 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

JFW 1978
1983, May 1.

8. Person to contact to accompany the department representative during the field examination:

KARL A. &/or MARJORIE KELLAR (Name) **UNRECORDED**

9207 Shale Rock Rd. Montour, Id. 83617 (Address) Feb 27 1990 (Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

Feb 8-1990
Date

Karl A. Kellar, Marjorie Kellar
Signature of Permit Holder (and title, if appropriate)

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

KEYPUNCHED

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 65-12093

Name(s) of Permit Holder: KARL A. or MARJORIE E. KELLAR

Post Office Address: Montour Rt. Box 1147
EMMETT, Idaho 83617 Tel No 584-3480

Source of Water: UNNAMED Stream

Extent of Use: ☐ Domestic (number of households)
☒ Stockwater 25 (number and type of stock) 25
☒ Irrigation 25 (acres) to
☒ Other Storage

Department of

327 77N-R1W

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.

April 30 1983
Date

Karl A. Kellar
Signature of Permit Holder

TO: TIM LUKE

FROM: JOHN WESTRA, WESTERN REGION

SUBJECT: Lapsed Permits #65-12093, #65-12094

In filing their adjudication claims the Kellars realized that Permits #65-12093 and #65-12094 had lapsed. The proof of beneficial use was submitted, but the exam fees were not. It appears it had been an oversight on their part. The Kellars would like to reinstate the permits by submitting the proper fees required.

Please contact me if you have any questions.

Thank you,
John

INDEXED

FEB 27 1990

These examination fees were overlooked
at the time they come due. Because
we was involved in building and
moving at that time

Karl R. Kellan, Maryann Kellan

MICROFILMED

FEB 27 1990

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

KARL A &/OR MARJORIE KELLAR () 584-3488
Name of Claimant Phone Number

9207 SHALE ROCK RD. Montour, Id. 83617
Mailing Address City State Zip

GEN. 2/14/90
County(s) where place of use is located Date claim originally due

#65-12094 ; #65-12095 LAPSED
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

PAYMENT OF EXAM FEES WERE OVERLOOKED.
FEES HAVE BEEN SUBMITTED

Claimant requests an extension UNTIL THE DEPT. ACTS ON THE LAPSED PERMITS 19 90

Karl A. Kellar, Marjorie Kellar Feb 8, 19 90
Signature Date of request

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [] granted [] denied for the following reasons

and if granted the filing deadline is extended to _____, 19 _____

Signed this _____ day of _____, 19 _____

Director or his designated agent

MICROFILMED

Mail to Idaho Department of Water Resources
1301 N. Orchard St
Boise, ID 83706

FEB 27 1990

I certify that file No. 65-12093 has been
reviewed and is ready to be MICROFILMED
and DESTROYED.

Ray Walker
Signature

10-24-88
Date



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

MS-17093
KALLAL, KARI A.
KALLAL, KARI J. R. F.
KALLAL, KARI J. R. F. 1147
KALLAL, KARI J. R. F. 1147

June 25, 1987

Dear Permit Holder:

LAPSE NOTICE
License Examination Fee

You are hereby notified that under the provisions of Section 42-217 and 42-218a, Idaho Code, the above referenced permit will lapse and be of no further force nor effect on August 5, 1987, for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Provisions of § 42-217, Idaho Code, and the Beneficial Use Examination Rules and Regulations provide that failure of the permit holder to submit either the fee or an acceptable field examination report within one (1) year and sixty (60) days after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. The Department notified you of the required submittal on June 5, 1986.

The lapsed permit can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the Department on or before October 5, 1987, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Enclosed is a fee information sheet that must be completed and submitted to the Department to keep the permit in good standing. If you have questions, please contact any office of the Department.

Sincerely, *L. Glen Saxton*

L. GLEN SAXTON, Chief
Operations Bureau

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

65-12003
KELLAN, KARL A.
KELLAN, MARJORIE L.
FOUNTAIN, ET. AL. PCH 1147
KELLAN, ID. 43017

Mailing address:
Storehouse
Boise, Idaho 83720
(208) 334-2190

October 9, 1986

EXAMINATION FEE REMINDER

Dear Permit Holder:

Earlier this year you were mailed a certified letter by our state office, which described a new law related to your water right permit. The water right permit to which this law applies is identified by the number at the top of the mailing label above. The purpose of this letter is to act as a reminder of the new law and to warn you that your permit is now losing priority daily.

As described in the certified letter, House Bill 671 enacted by the 1986 Idaho Legislature requires payment of a fee before this Department can conduct the field examination needed to issue a license confirming use of water under the permit. As an alternative to submitting the fee, the Department will accept a field examination report completed by a certified water right examiner from the private sector. The certified letter described the procedure for selecting the latter alternative, whereby you initially notify us regarding which water right examiner you have selected, and provide a statement from the examiner as verification.

The date of priority of your water right permit is now being delayed one day for each day the response is late. Also, if the fee or completed field examination report are not submitted within a year from the sixty-first day after the certified letter was mailed, the permit may be lapsed and rendered invalid. The fee, or notice that a private field examination will be conducted, should be submitted as soon as possible if you wish to maintain your permit in a valid status.

Enclosed please find an Examination Fee Information Sheet, with the License Examination Fee Schedule printed on the back. This sheet should be submitted if either the fee payment option or the private examination option is selected. If you have questions or desire assistance in this matter, please feel free to contact this office.

Sincerely,

David R. Tuttle

David R. Tuttle, Jr. P.E.
Manager, Western Regional Office

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

65-12093
KELLAR, KARL A.
KELLAR, MARJORIE E.
MONTGOMERY RT. BOX 1147
EMMETT, ID 83617

Mailing address:
Storehouse
Boise, Idaho 83720

138572

June 5, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region
Idaho Dept. of Water Resources
~~444 Government Way~~
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region
Idaho Dept. of Water Resources
~~444 Government Way, Suite 15~~
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region
Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region
Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

OCTOBER 14, 1983

KARL A. KELLAR
P.O. BOX 1147
MONTGOMERY RT.
EMMETT

ID 83617

RE: Permit No. 65-12093

Dear Permit Holder:

We acknowledge receipt of your statement 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.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 334-2190 or in person in the third floor State Towers Building, 450 West State Street, Boise.

Sincerely,
s/Judy Pense
Secretary

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. 65-12093

Name(s) of Permit Holder KARLA or MARJORIE E. KELLAR

Post Office Address: Mantour Rt. Box 1147

EMMETT, Idaho 83617 Tel. No. 584-3488

Source of Water: UNNAMED STREAM

Extent of Use: ☐ Domestic (number of households)
☒ Stockwater (number and type of stock) 25
☒ Irrigation 25 (acres) 25
☐ 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.

April 30 1983
Date

Karla Kellar
Signature of Permit Holder

KORLA Marie E Keller
MONTGOMERY St. #1147
Emmett, Idaho 83617



APR
28
PM
1983



APR 29 1983

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

13156

KEGLAR, KARL A.
P.O. BOX 493
MONTDOR, ID 83646

PROOF DUE NOTICE

FEBRUARY 28, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 65-12093 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MAY 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A 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,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

July 3, 1978

RE: Application No. 65-12093 - Carl A. &/or Marjorie E. Kellar

L. Gorrone
Attorney at Law
P. O. Box 637
Emmett, ID 83617

Dear Mr. Gorrone:

This letter is in response to your letter of May 17, 1978 in which you referenced an application by "Bode" Howard. I apologize for the delay in answering your letter which has resulted from our attempts to find a record of the filing by "Bode" Howard.

To date, we have not been able to find any record of that filing. We have searched both the files of our regional office and state office without result.

If you can furnish any additional information about that filing, I will continue to attempt to reconstruct what took place and provide you with an answer if possible.

Also in that letter, you asked if there is unappropriated water available during the period of use of the Kellar application. The Kellar application, according to our records, consists of an application for year around stockwater use and also an application for the use of water for irrigation from March 15 to November 15 of each year. I believe the answer to your question is yes, there is unappropriated water available in at least some years during the period of use requested by the Kellars.

Evidence of these unappropriated waters, I believe, can be seen from the high flows that have been passing Black Canyon Dam for several months this year. Again, I emphasize that water may not be available year around for the Kellar application nor may there be water available every year for the Kellars. However, there certainly is water available some years for a portion of the season. Any new filing approved on the Payette basin carries with it a caution from this Department to the applicant that natural flow water will likely not be available year around and the applicant should obtain storage water to guarantee a year around water supply.

You also asked when the Department will refuse to take further applications and refuse to grant further licenses on the Payette River. The code does not provide for the Department to refuse to take any application to appropriate the public waters of the state. I do not believe, therefore, the Department could refuse to take an application; however, if the situation warrants, we certainly could discourage people from filing applications.

L. Gorrone
Page 2
July 3, 1978

The Department can refuse to grant further permits when the Director has determined there is insufficient water available for the use intended or when the granting of additional permits will damage existing water rights. The Department faces a problem in this area in that the only water use records available for the Payette River are from the drought year of 1977. Without water use records, the Department has no grounds upon which to deny additional permits.

One of the reasons these use records are so important is that if a current user is entitled to a given amount of water but in fact is using more than that amount, the outward appearance of the stream may indicate that there is no additional water available for appropriation. If, however, the current user was restricted to his entitlement, there might in fact be additional water available for appropriation. For this reason, I believe it is highly unlikely the Department will begin to deny permits on the Payette on a regular basis until sufficient watermaster records are available to show there is no additional water available for appropriation.

I hope I have answered some of your questions. Lou. I will be glad to discuss them further with you if you wish.

Yours truly



David B. Shaw
Western Regional Supervisor

DBS:alw



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

May 26, 1978

Re: Permit No. 65-12093

Karl A. &/or Marjorie E. Kellar
P. O. Box 493
Montour, ID 83646

Dear Mr. and Mrs. Kellar:

Enclosed is a copy of your approved Application for Permit No. 65-12093. We direct your attention to the conditions of approval as listed on the fourth page.

Please be advised that there is insufficient natural flow available in the Payette River and tributaries to provide water for a new appropriation throughout the entire irrigation season.

During the spring run-off each year, there may be a period of time in which the prior rights to the use of the natural flow and storage are filled leaving water available for your later-in-time permit. As the natural flow diminishes, however, there would be no water available for your right and unless you had arranged for an additional source of water to supplement the flow right, you may find that you have to cease irrigating in the middle of the season.

This information is provided so that you will not be misled into thinking that this permit will provide sufficient water thru the entire irrigation season.

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

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Encl.



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

May 26, 1978

Re: Permit No. 65-12093

Karl A. &/or Marjorie E. Keller
P. O. Box 493
Montour, ID 83646

Dear Mr. &/or Mrs. Keller:

Your approved copy of Application for Permit No. 65-12093 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,

A handwritten signature in cursive script, reading "L. Glen Saxton".

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 65-12093

☒ 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) R.W.H. 2-14-78

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) R.W.H. 2-14-78

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: None platted jo

(11) if OK

Affidavit of Publication received (date) 5-11-78
3-29-78

(12) _____

Final date for protests April 24-78
March 13, 1978
Protests received: yes _____ no X

(13) _____

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

(14) _____

Action recommended:

☒ Approve _____ Deny

2/13/78 Proposed Priority

Reason for Reduction _____

No Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

By W.H.H. Date 5/12/78

IP Letter
Payette River
Letter

RECEIVED

MAY 17 1978

(15) District W

For Recurrence

May 15, 1978

Re: Application for Permit No. 65-12093
Karl A. &/or Marjorie Kellar

Mr. L. Gorrone
Attorney at Law
P. O. Box 637
Emmett, ID 83617

Dear Mr. Gorrone:

The Department is in receipt of your letter dated April 27, 1978 protesting Application for Permit No. 65-12093 in the name of Karl A. &/or Marjorie E. Kellar. Your letter of protest was filed on behalf of the Emmett Irrigation District.

Chapter 2, Section 42-203, Idaho Code spells out the procedure for publishing notice of new applications for permit. This Section of the Idaho Code also specifies that protests must be filed with the Department within 10 days of the last publication of notice.

Your protest was received on April 28, 1978 and the notice, copy enclosed, spells out the last publication date as April 13, 1978 with the last date for filing protests being April 24, 1978. Your protest, therefore, is not timely and the application will be processed by the Department in the usual manner of unprotested applications for permit.

Yours truly,

DAVID B. SRAW
Western Regional Supervisor

DBS:rf

cc: Karl A. Kellar

Enc: Publication Notice

L. GORRONO

ATTORNEY AT LAW
106 NORTH HAYES
P.O. Box 637
EMMETT, IDAHO 83617
(208) 365-2421

Department of Water Resources
Boise, Idaho

April 27, 1978

Mr. C. Stephen Allred
Director
Idaho Department of Water Resources
92 South Cole Road
Boise, Idaho 83705

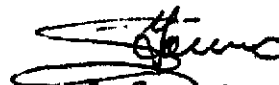
Re: Kellar, Application No. 65-12093

Dear Sir:

Notice is hereby given in behalf of Emmett Irrigation District of protest of said application for water permits.

This protest is filed and made to protect the record; existing water rights and to clarify protection of prior water rights and clarify the method or means of protecting prior water rights in connection with later filings.

Very truly yours,


L. Gorrone

LG/dar

CC: Emmett Irrigation District



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

March 30, 1978

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

Re: Notice of Application for Permit No. 65-12093 -- Karl &/or Marjorie Kellar

Messenger-Index
120 North Washington Avenue
Emmett, ID 83617

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 billing to this office before April 24, 1978.

Sincerely,

RITA FLECK
Secretary

Bill submitted
5 11 18
[Signature]

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that KARL A. &/or MARJORIE E. KELLAR
P. O. Box 493, Montour, ID
has on February 13, 1978 submitted Application No. 65-12093
for a permit to appropriate 0.52 cubic feet per second ~~XXXXXXXXXX~~
per annum of water from an unnamed stream trib. Payette River
~~XXXXXXXXXX~~
by means of diversion dam, pump and pipeline
within the S.W. 1/4 Sec 27 T7N-R1W B.M., Gem County

to be used from Jan 1 to Dec 31
for stockwater and 5 acre feet for irrigation from Mar 15 to Nov 15
for irrigation of 25 acres
within the S.W. 1/4 Sec 27 T7N-R1W B.M.

If issued, this permit will be subject to all prior water rights. Pro-
tests against the granting of the permit must be filed with the Director of
the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho
83705 on or before April 24, 1978.

C. STEPHEN ALLRED

Director

Published in the Messenger-Index, Emmett, ID
on XXXXXX April 6, 1978 and April 31, 1978



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

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

February 17, 1978

Re: Notice of Application for Water Permit No. 65-12093 -- Karl &/or Marjorie Kellar
65-12094 -- Karl &/or Marjorie Kellar
63-9113 -- Robert Ray Self

Emmett Messenger-Index
120 North Washington Avenue
Emmett, ID 83617

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 billing to this office before March 13, 1978.

Sincerely,

RITA FLECK
Secretary

Bill submitted
3-29-78
Y

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that KARL A. &/or MARJORIE E. KELLAR
P. O. Box 493 Montour, ID
has ~~has~~ on February 13, 1978 submitted Application No. 65-12093
for a permit to appropriate 0.52 cubic feet per second ~~more feet~~
~~PERXANND~~ of water from an unnamed stream trib. Pavette River
by means of diversion dam, pump and pipeline
within the SW 1/4 Sec 27 T7N-R1E 3.M., Gem County
to be used from Jan 1 to Dec 31
for stockwater and from Mar 15 to Nov 15
for irrigation of 25 acres
within the SW 1/4 Sec 27 T7N-R1E B.M.

If issued, this permit will be subject to all prior water rights. Pro-
tests against the granting of the permit must be filed with the Director of
the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho
83705 on or before March 13, 1978.

C. STEPHEN ALLRED

Director

Published in the Messenger-Index, Emmett, ID
on February 23, 1978 and March 2, 1978.