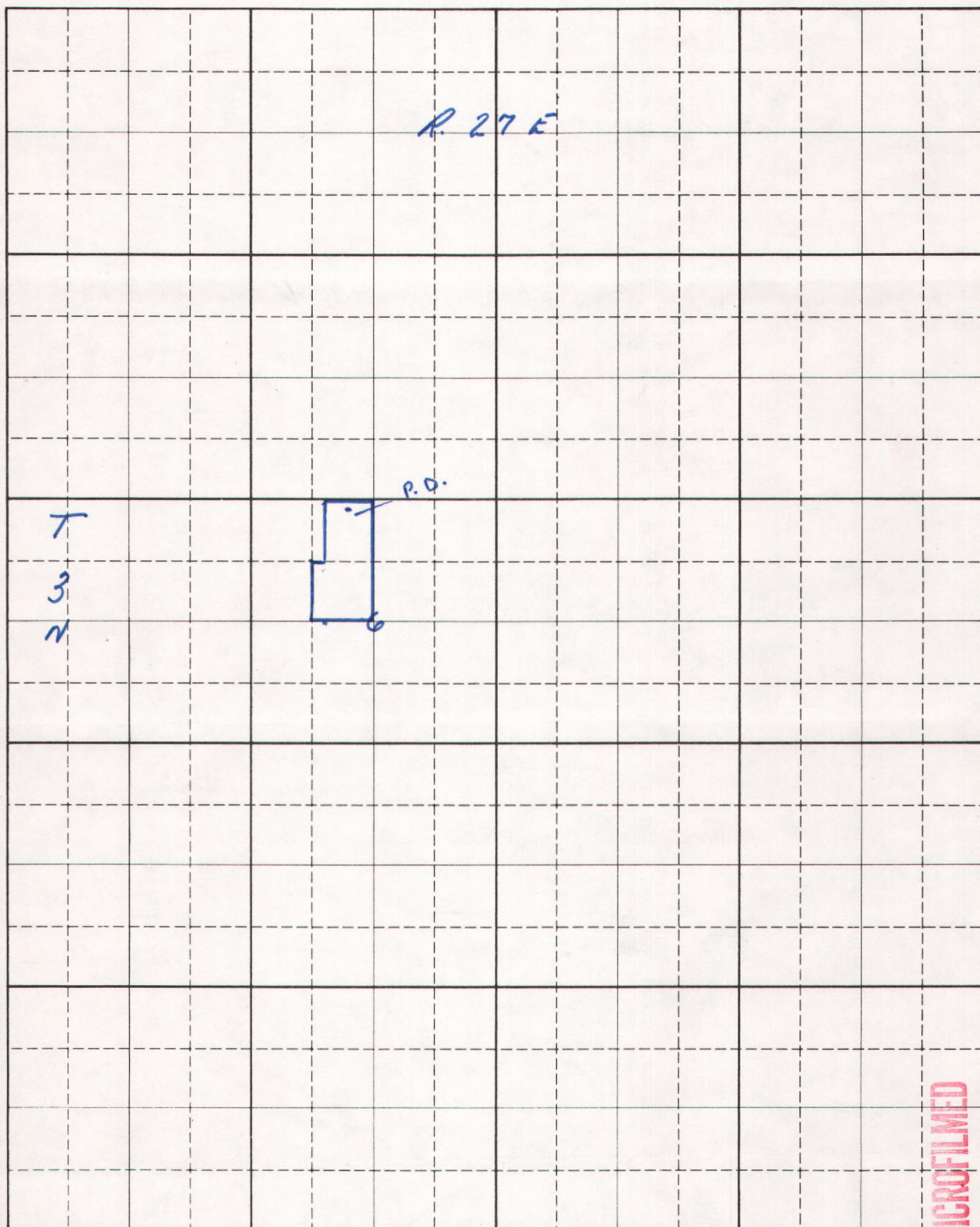


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

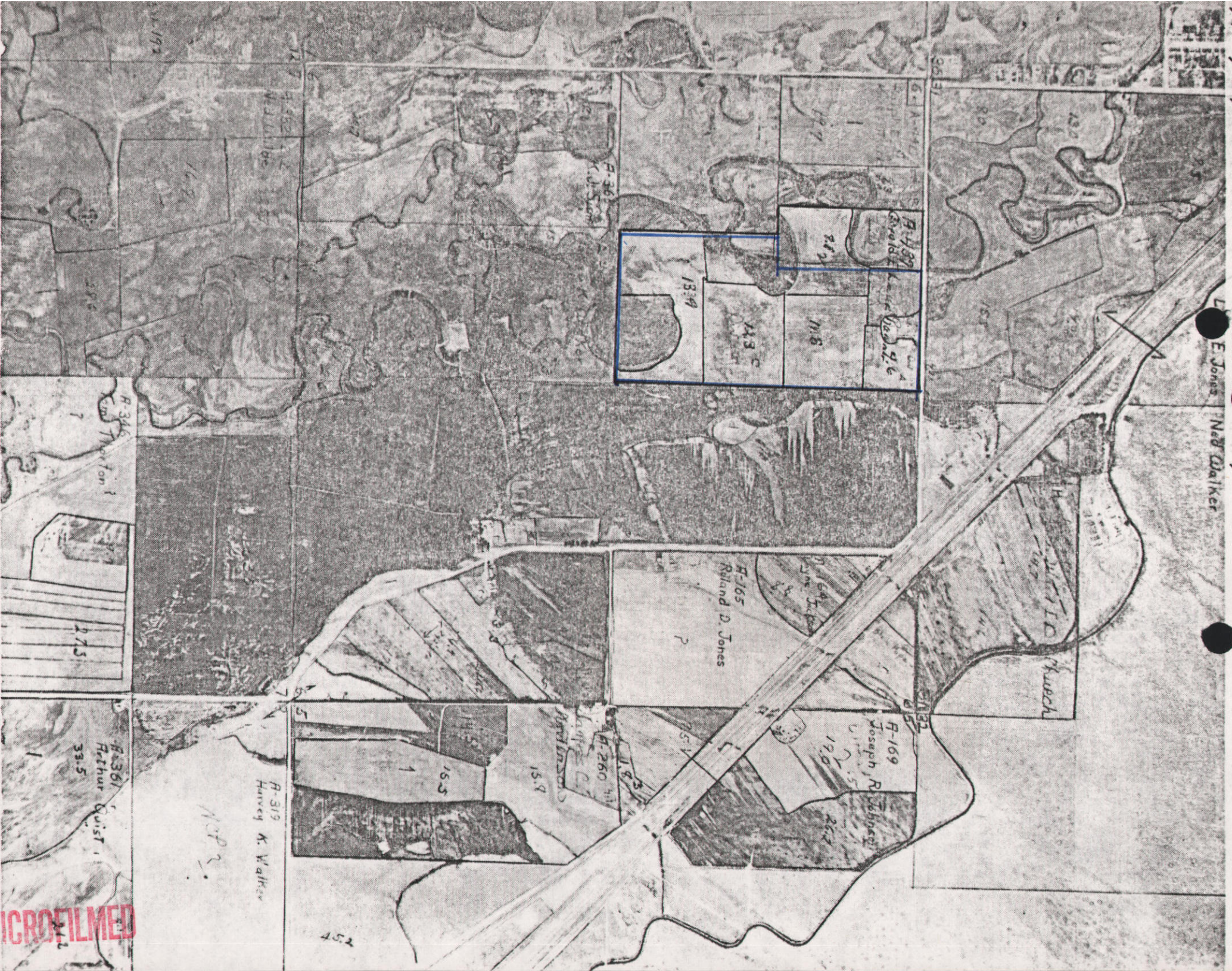
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

x Paul N. Kelly
(Applicant)

MICROFILMED

460-113

Ned Walker



MICROFILMED

Affidavit of Publication

RECEIVED

APR 5 1977

Department of Water Resources
Eastern District Office

I, Le Ella Cammack, of the
Arco Advertiser, a weekly newspaper of general
circulation, published weekly at Arco, Idaho, since
March, 1909, do solemnly swear that a copy of
this notice, per clipping attached, was published
weekly in the regular and entire issue of said
newspaper, and not in any supplement thereof,

for 2 consecutive weeks, commencing with

the issue dated 3-17-77

and ending with the issue dated 3-24-77

Le Ella Cammack

Subscribed and sworn to before me this

4 day of Mar, 1977

Charles G. ...
Notary Public

Residence: Arco, Idaho.

My commission expires 5/1, 1978

PUBLIC NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Paul Kelly, Arco, Idaho, has on 3-09-77 submitted Application No. 34-7172 for a permit to appropriate 1.40 cubic feet per second of water from a ground-water source by means of well and pump within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 3N, R. 27E, B.M., Butte County; to be used from Apr. 1 to Nov. 1 for the irrigation of 70 acres within the E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 6, T. 3N, R. 27E, 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, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before April 4, 1977.

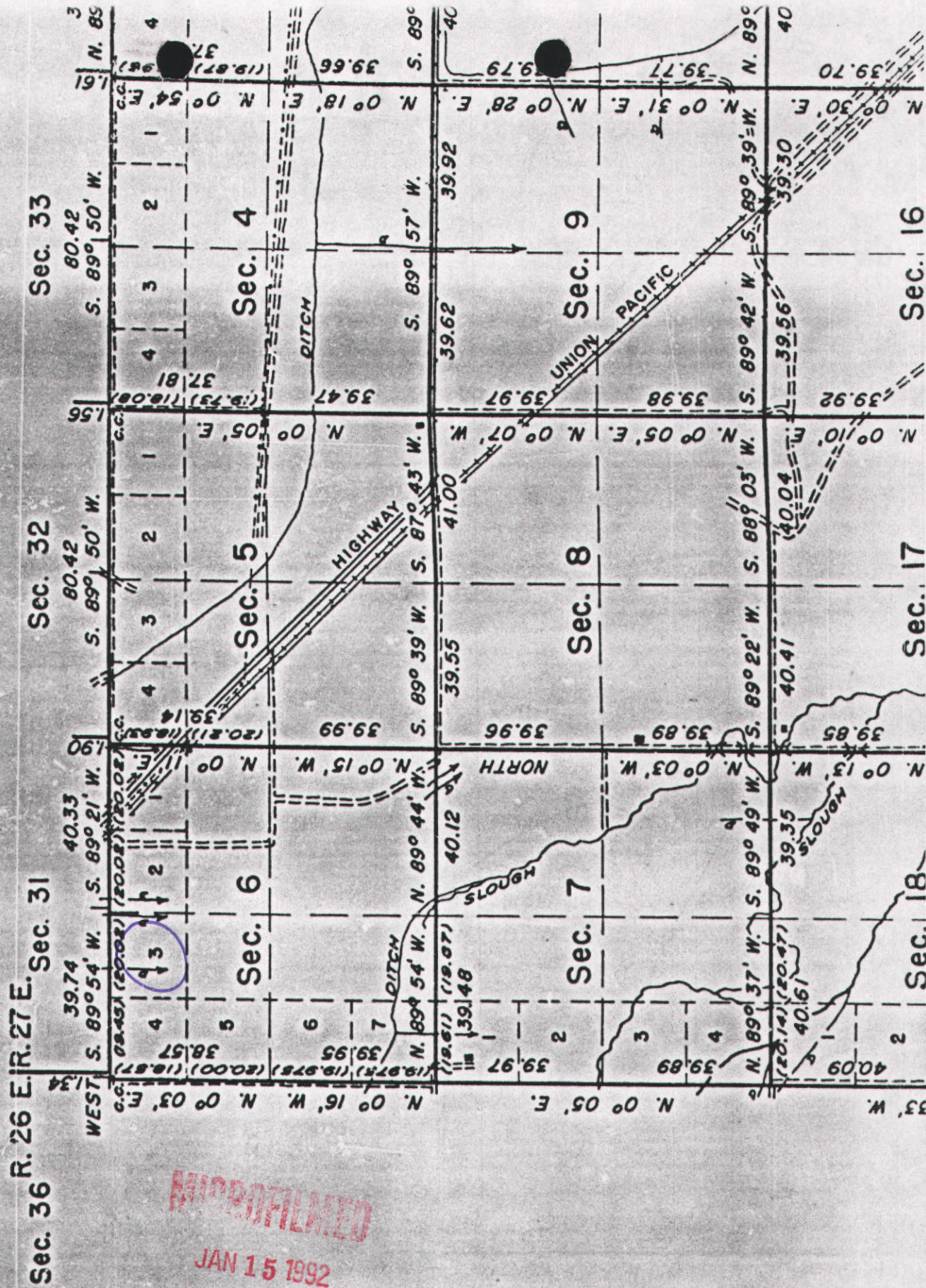
R. KEITH HIGGINSON
Director

Published in the Arco Advertiser
Arco, Idaho on March 17 and March
24, 1977.

RECEIVED

TOWNSHIP 3 NORTH, RANGE 3 ;

DEFE



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAY 06 1991
Department of Water Resources

A. GENERAL INFORMATION

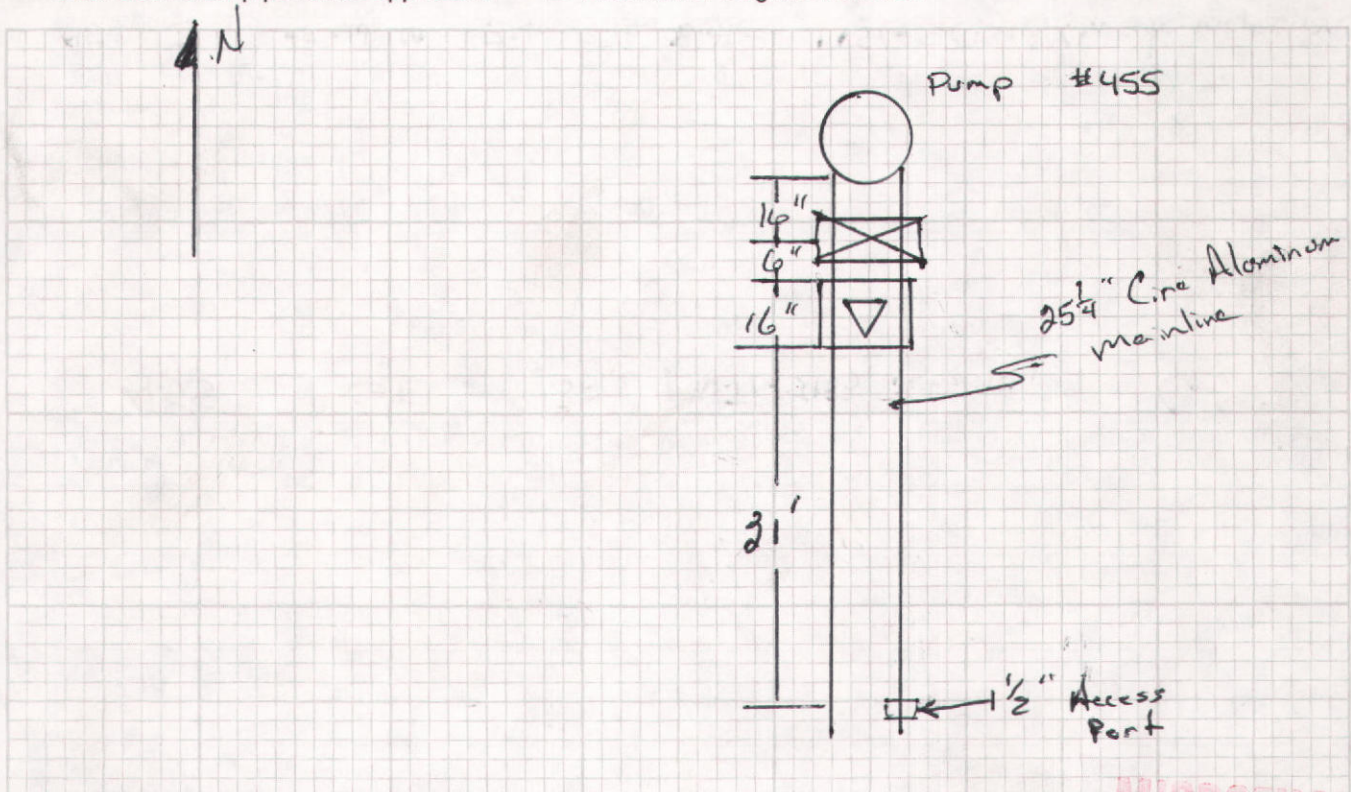
1. Owner: Kenneth McAfee Permit No. 34-7172
Current Address: P.O. Box 815 Arco, ID 83213 Phone No. 327-8545
2. Accompanied by: Ken EXAM. DATE: 8-8-90
Address: Same Phone No. -
Relationship to Permit Holder: Holder
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: No overlap of Adj. claims on file ☐ Copies Attached
2. Other water rights with same point of diversion: NA ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
☐ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

MICROFILMED

JAN 15 1992

34-7172

7.5

T
3
N

1.5 MI. TO U.S. ALT. 93

690 000 FEET

MACKAY 28 MI.

17'30"

Point of Diversion
Place of Use

Arco

15307

Borrow Pit

BM. 5331

Well

5335

ARCO

UNIV

JAN 15 1992

Sewage Disposal Ponds

R 26 E
R 27 E

5295

5307

5200

5289

5298

 Borrow
Pit

Well
5274

Feet

34-7172

2

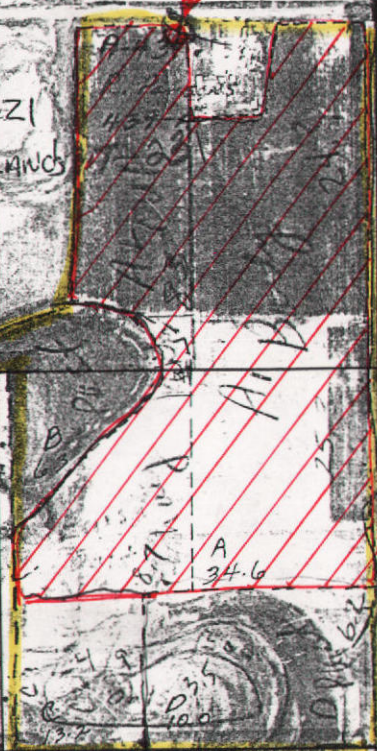
R27E

T3N R27E

T3N

See 178-2651

SEE NAZI
FOR WETLANDS



A-365
K. Sims

FILED
JAN 15 1992

A-619
GOLDIE WALKER

A-115
R. Jones

A-319
Y.H. WALKER

A-260
J. ANDERSON

A-126
CLYDE MCATTER

E-30-6

34-7172



JAN 15 1992



McAffee #455

3407172

Access Port

24-7172

McAffee #455



RECORDED
15 1992

Arco, Idaho

March 26, 1977.

MAR 29 1977

Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Department of Water Resources
Eastern District Office

Dear Mr. Higginson, Director:-

Attached hereto is a notice of Application for Water Permit number 34-7172 made by Paul Kelly, Arco, Idaho.

I own the land on the East and South of this Kelly Property. I also own the springs that rise on the Kelly Property.

I, Goldie Y. Walker, protest under Sec. 42-203 Idaho Code filed on 3-09-77 by Paul Kelly, against the issuance of this permit. My son, Young Harvey Walker also joins me in this protest. He is out of the State for a few days and most likely will not be back in Idaho before the April 4, 1977 deadline.

We would like to state the following reasons for this protest:

We have a well just below this Kelly Property which we had to drill when the City of Arco turned their sewerage down on us and contaminated our water, killing several head of cattle and all our fish and all the vegetation in the water. The odor was unbearable.

We have a deed from Dwaine Nef and Dorothy Nef his wife, (previous owners of the property Paul Kelly has recently purchased) releasing, conveying, remiseing and for-ever quit-claiming to Harvey K. Walker (My husband deceased Dec. 4, 1972) all rights and title to all of the waters of Bricker Springs. Our claim to this water right is number 34-4006 issued by the State of Idaho. We use this water for our cattle.

After my husbands death, the property was all probated and this land came to me.

Any diminishing of the water from the Bricker Springs or our well, caused by the well Mr. Kelly wants to drill or any other well in this vicinity would be grounds considered for litigation.

Yours very truly,

Goldie Y. Walker
Goldie Y. Walker
RFD #1 Box 49-B
Arco, Idaho 83213

Young Harvey Walker by Goldie Y. Walker
Young Harvey Walker
Box 108
Arco, Idaho 83213

PUBLIC NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Paul Kelly, Arco, Idaho, has on 3-09-77 submitted Application No. 34-7172 for a permit to appropriate 1.40 cubic feet per second of water from a ground-water source by means of a well and pump within the NE 1/4 NW 1/4, Sec. 6, T. 3N, R. 27E, B.M., Butte County; to be used from Apr. 1 to Nov. 1 for the irrigation of 70 acres within the E 1/2 NW 1/4, Sec. 6, T. 3N, R. 27E, 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, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before April 4, 1977.

R. KEITH HIGGINSON

Director

Published in the Arco Advertiser, Arco, Idaho on March 17 and March 24, 1977.

RECEIVED

PUBLIC NOTICE

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Paul

Kelly, Arco, Idaho, has on 3-09-77

submitted Application No. 34-7172

for a permit to appropriate 1.40

cubic feet per second of water from

a ground-water source by means of

well and pump within the

NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 3N, R. 27E,

B.M., Butte County; to be used

from Apr. 1 to Nov. 1 for the

irrigation of 70 acres within the

E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 6, T. 3N, R. 27E,

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,

1515 Lincoln Road, Idaho Falls,

Idaho, 83401 on or before April 4,

1977.

R. KEITH HIGGINSON

Director

Published in the Arco Advertiser,

Arco, Idaho on March 17 and March

24, 1977.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 34-07172

Priority: March 13, 1977

Maximum Diversion Rate: 0.94 CFS
Maximum Diversion Volume: 141.0 AF

This is to certify, that KENNETH MC AFFEE

P.O. BOX 815

ARCO ID 83213

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 9, 1977; and has submitted Proof of Beneficial Use on August 26, 1982. An examination indicates that the works have a diversion capacity of 1.650 cfs of water from a GROUNDWATER 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	04/01 to 11/01	0.94 CFS	141.0 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 3(NENW), Sec. 6, Township 03N, Range 27E
BUTTE 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>
03N	27E	6	LOT 3(NENW) 27	SENW 20		47
Total number of acres irrigated:						47

CONDITIONS/REMARKS:

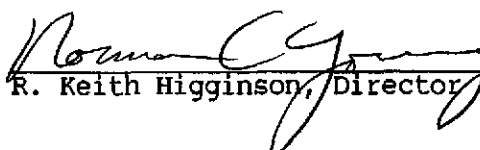
1. The maximum diversion volume listed within this right is defined as the maximum allowable volume of water that may be diverted annually from the source identified under this right, or limited to the amount that can actually be beneficially used on the above described place of use. This right is further limited to a maximum diversion of water onto the above described place of use of 0.02 cfs per acre or 3.0 acre feet per acre per year when combined with all other appurtenant water rights.
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.

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 6TH day of DECEMBER, 1991.



JAN 15 1992

Acting for


R. Keith Higginson, Director

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	34-7172	Paul Kelly	1.4 →
~~Full Assignment~~	~~34-7172~~	~~Russell Parsons~~	~~1.4~~
Full Assignment	34-7172	Kenneth McAffee	1.4

JAN 15 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 12 1991

ASSIGNMENT OF APPLICATION FOR PERMIT Department of Water Resources
Eastern District Office

I, Russell Parsons, hereby assign to Kenneth McAfee
of, P.O. Box 815 Arco, ID 83213
(Full Address)

All my right, title, and interest in and to Application for Permit
No. 34-7172 to appropriate the public waters of the State of Idaho.

Or (for partial assignments)

The following described portion of my right, title, and interest in and to
Application for Application for Permit No. _____ to appropriate the public
waters of the State of Idaho.

Describe portion of the application assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.

Made this 4 day of June, 1991

Russell Parsons
Applicant

State of Idaho)
County of Alta) ss

On this 4th day of June, 1991, personally appeared before me the signer of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.

seal

Lynne Sedlaeck
Notary Public
Coalgate, Idaho

My commission expires: 9/6/94

State of Idaho
Department of Water Resources

OK to
Process
RC 2-22-83

ASSIGNMENT OF PERMIT

I, Paul N. Kelly, hereby assign to Russell Parsons
of Rt. #1, Box 129, Arco, Idaho - 527-3535
Address Phone #

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 34-7172
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 3 day of February, 19 83.

Paul N. Kelly
Permit Holder

Shirley A. Kelly
Spouse of Permit Holder

State of Idaho)
County of Butte) ss.

On this 3 day of February, 19 83, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Kimberly K. Kaddapp
Notary Public residing at

Moore, Idaho

My commission expires:

Expiring

FEB 10 1983

State of Idaho
Dept of Water Resources
Eastern Dist. Office
150 Shoup
Idaho Falls, Idaho
83402

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT
NO. 34-7172 IN THE NAME OF PAUL KELLY

MEMORANDUM DECISION
AND ORDER

On March 9, 1977, Paul Kelly of Arco, Idaho applied to the Department of Water Resources for a permit to appropriate 1.40 cubic feet per second from a groundwater source, to be diverted from a well located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, Twp. 3N, Rge. 27E, B.M., Butte County, for the irrigation of 70 acres within the E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 6, Twp. 3N, Rge. 27E.

Notice of this application was published in the Arco Advertiser on March 17 and March 24, 1977, and subsequently was protested by Goldie Walker and Young Harvey Walker, both of Arco, Idaho.

A conference in the matter was held in Arco, Idaho, on June 30, 1977. Both the applicant and protestants were present and represented themselves. All parties agreed to waive a formal hearing and allow the Department to reach a decision based upon the arguments presented at the conference and any additional pertinent information contained in the Department's files.

The Department having now reviewed the available information and based upon the Director's understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. The applicant is the owner of seventy (70) acres of land located within the E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 6, Twp. 3N, Rge. 27E, B.M.
2. A twelve (12) inch well has been drilled by the applicant within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, Twp. 3N, Rge. 27E. The driller's log for this well shows the well to be sixty (60) feet deep with perforations from 18 to 58 feet. The log further reveals a series of interbeds of clay and gravel with the first water encountered between ten and sixteen feet and the first confining layer of clay located between 16 and 28 feet.
3. The protestants are successors in interest to Claim to a Water Right No. 34-4006, claiming 2.02 cubic feet per second of water has been diverted from Brecker Springs from a point within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, Twp. 3N, Rge. 27E. This

claim indicates the right was first established on April 15, 1902, for stock-watering purposes and the irrigation of sixty (60) acres of land located within the N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 6, Twp. 3N, Rge. 27E, and the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, Twp. 3N, Rge. 27E.

4. Water Resources study, "Water Resources in the Big Lost River Basin" by E. G. Crosthwaite, published in 1970, indicates there is groundwater available in the Big Lost Basin in excess of the amount necessary to fill present water rights.

CONCLUSIONS OF LAW

1. The information contained in the well log indicates that a reduction in the flow of Brecker Springs is not anticipated by the withdrawal of water from this well.

2. The applicant is entitled to a permit from the Department of Water Resources.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit No. 34-7172 is APPROVED subject to the following conditions:

1. This permit is subject to all prior water rights.

2. For licensing purposes a scientific measurement of the diversion rate of the system as it normally operates shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department of Water Resources prior to submitting proof of beneficial use of water.

3. Proof of construction of works and application of water to beneficial use shall be submitted to the Department on or before October 1, 1982.

Dated this 14 day of October, 1977.


A. KENNETH DUNN
Deputy Director

Identification No 34 7172
Application No. _____

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 Paul Kelly Phone 527-3273
post office address Rt. #1, Box 23, Arco, ID 83213
- 2 Source of water supply ground water which is a tributary of _____
- 3 a Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 6 Township 3N
Range 27E B.M. Butte 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 1.40 for irrigation purpose from Apr. 1 to Nov. 1 (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 1.40 cubic feet per second and/or
b _____ acre feet per annum
- 6 Proposed diverting works.
a Description of ditches, flumes, pumps, headgates, etc. well, pump and sprinkler system _____

- 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 12 inches, proposed depth of well is 50 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 \$ 1,000.00
- 8 Description of proposed uses
a If water is **not** for irrigation
(1) Give the place of use of water _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ 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 _____
(5) If water is to be used for other purposes describe _____

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	
3N	27E	6					30			40									70

70

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. decreed rights out of the Big Lost River

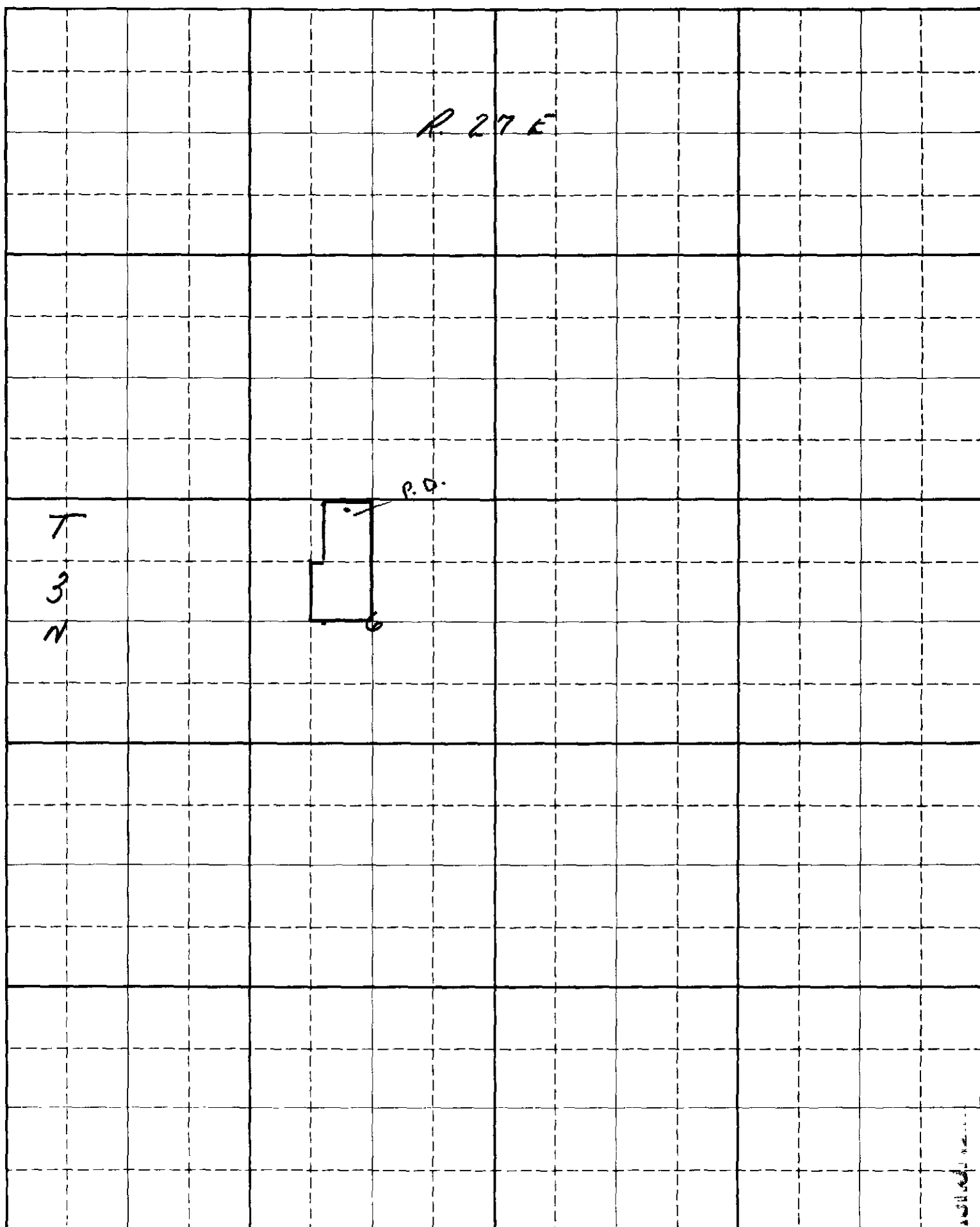
9 a. Who owns the property at the point of diversion Applicant

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 _____

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 Paul N. Kelly
(Applicant)

Proposed Priority 3-09-1977

Received by me Date 3-9-77 Time 5:15 p.

Preliminary check by me Fee \$35.00

Receipted by me Date 3-9-77 # 6428

Publication prepared by lw Date 3-11-77

Published in Arco Advertiser

Publication dates Mar. 17 & 24, 1977

Publication approved me Date 4-5-77

Priority reduced to _____ Reason _____

Protests filed by: Judith Walker,
Young Harvey Walker

Copies of protests forwarded by lw

Hearing held by _____ Date _____

Recommended for approval denial by RPC

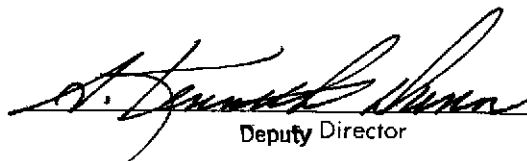
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 34-7172, and said application is hereby APPROVED.

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

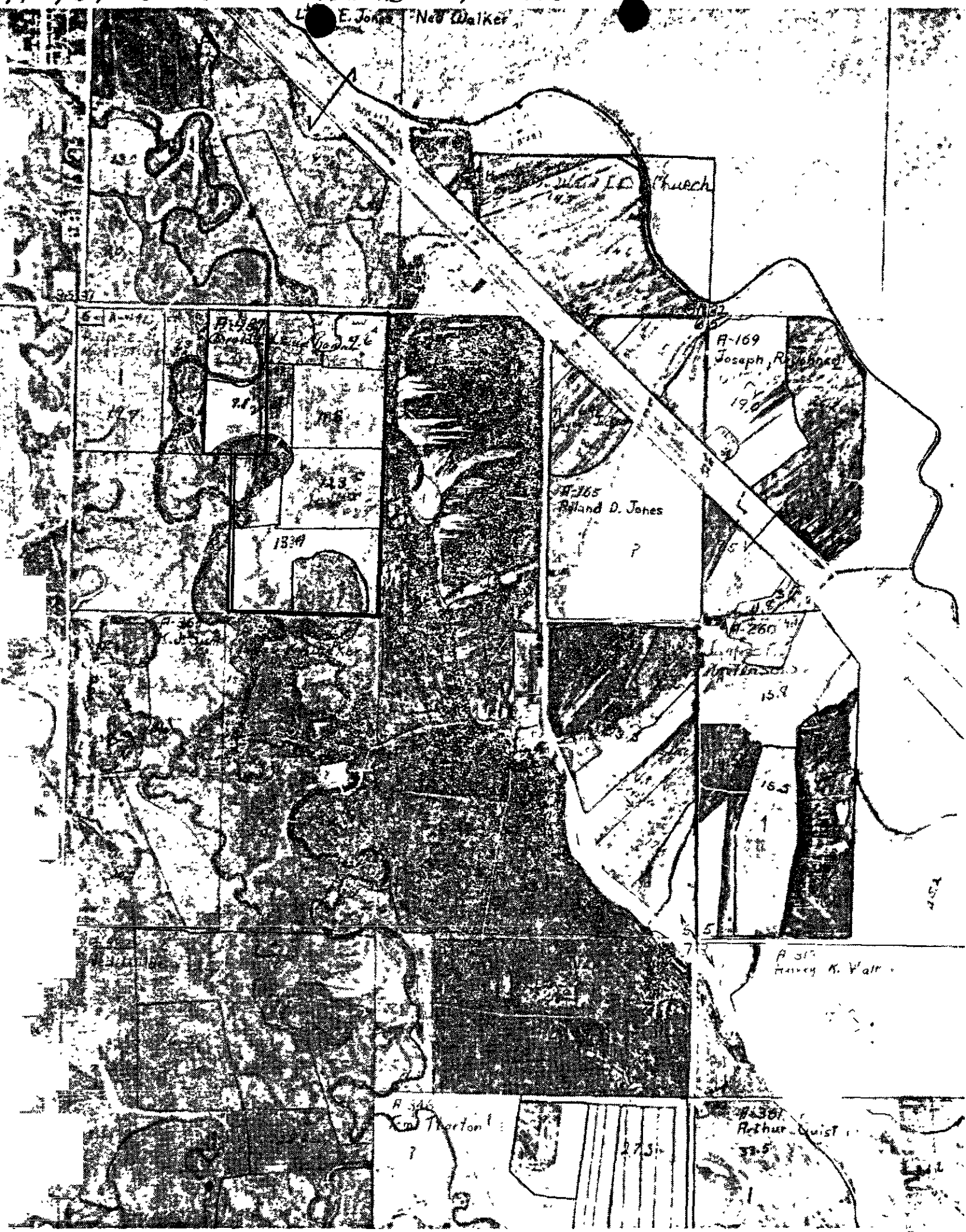
- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 19 82.
- c. Other: PURSUANT TO MEMORANDUM DECISION AND ORDER DATED THIS DATE.

Witness my hand this 14 day of October 19 77.


Deputy Director

A-439 Givold E. Laurhammer 460-113

E. Jones New Walker



John L. Church
16.5

A-169
Joseph, R. Johnson
19.0

A-165
Roland D. Jones
7

A-260
L. F. F. F.
Hartinson
15.8

16.5

A-315
Harvey K. Valt
1

A-346
Ken Thornton
7

27.5

A-307
Arthur Quist
31.5

Affidavit of Publication

RECEIVED

APR 5 1977

Department of Water Resources
Eastern District Office

I, LeEllie C. Marshall, of the
Arco Advertiser, a weekly newspaper of general
circulation, published weekly at Arco, Idaho, since
March, 1909, do solemnly swear that a copy of
this notice, per clipping attached, was published
weekly in the regular and entire issue of said
newspaper, and not in any supplement thereof,

for 1 consecutive weeks, commencing with

the issue dated 3-17-77

and ending with the issue dated 3-24-77

LeEllie C. Marshall

Subscribed and sworn to before me this

4 day of May, 1977

Charles G. Marshall
Notary Public

Residence: Arco, Idaho.

My commission expires 5-1-78, 1978

PUBLIC NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Paul Kelly, Arco, Idaho, has on 3-09-77 submitted Application No. 34-7172 for a permit to appropriate 140 cubic feet per second of water from a ground-water source by means of well and pump within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 3N, R. 27E, B.M., Butte County; to be used from Apr. 1 to Nov. 1 for the irrigation of 70 acres within the E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 6, T. 3N, R. 27E, 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, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before April 4, 1977.

R. KEITH HIGGINSON
Director

Published in the Arco Advertiser,
Arco, Idaho on March 17 and March 24, 1977.

RECEIVED

January 10, 1992

KENNETH MC AFFEE
P.O. BOX 815
ARCO ID 83213

RE: WATER RIGHT NO. 34-07172

Dear Water Right Holder(s):

Enclosed is a copy of your water right license.

This right is included in the Snake River Basin Adjudication and you will be receiving further information regarding this in the near future.

If you have any questions, please let me know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

RECEIVED

JAN 15 1992

DEPE

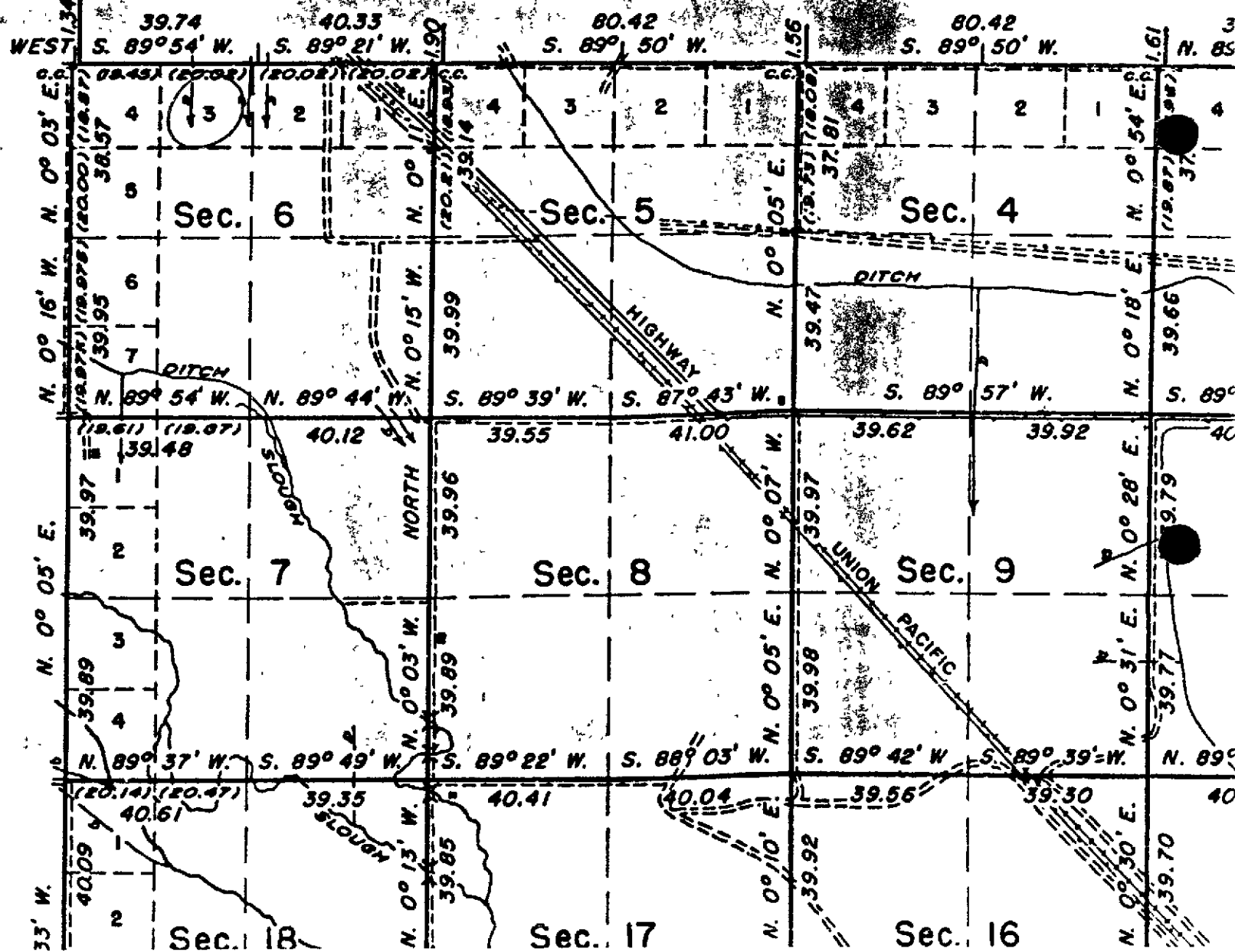
Sec. 36 R. 26 E. | R. 27 E.

Sec. 31

Sec. 32

Sec. 33

15 1992



BENEFICIAL USE FIELD REPORT REVIEW

TO: FILE 34-7172

FROM: SHARLA CURTIS

RE: PRIORITY ADVANCE REVIEW

DATE: 13-MAY-1991

=====

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:	MARCH 09 1977	68
EXAM FEE NOTICE		
Exam Fee Notice Date:	JULY 30 1986	211
Exam Fee/Info Sheet Received Date:	OCTOBER 02 1986	275
Exam Fee or Info Due Date:	SEPTEMBER 28 1986	271
Days Late:		4 DAY(S)
NEW PRIORITY DATE		
Original Priority Date:	MARCH 09 1977	68
Total Days Late:		4 DAY(S)
New Priority Date:	MARCH 13 1977	72

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAY 06 1991
34-7172
Department of Water Resources

A. GENERAL INFORMATION

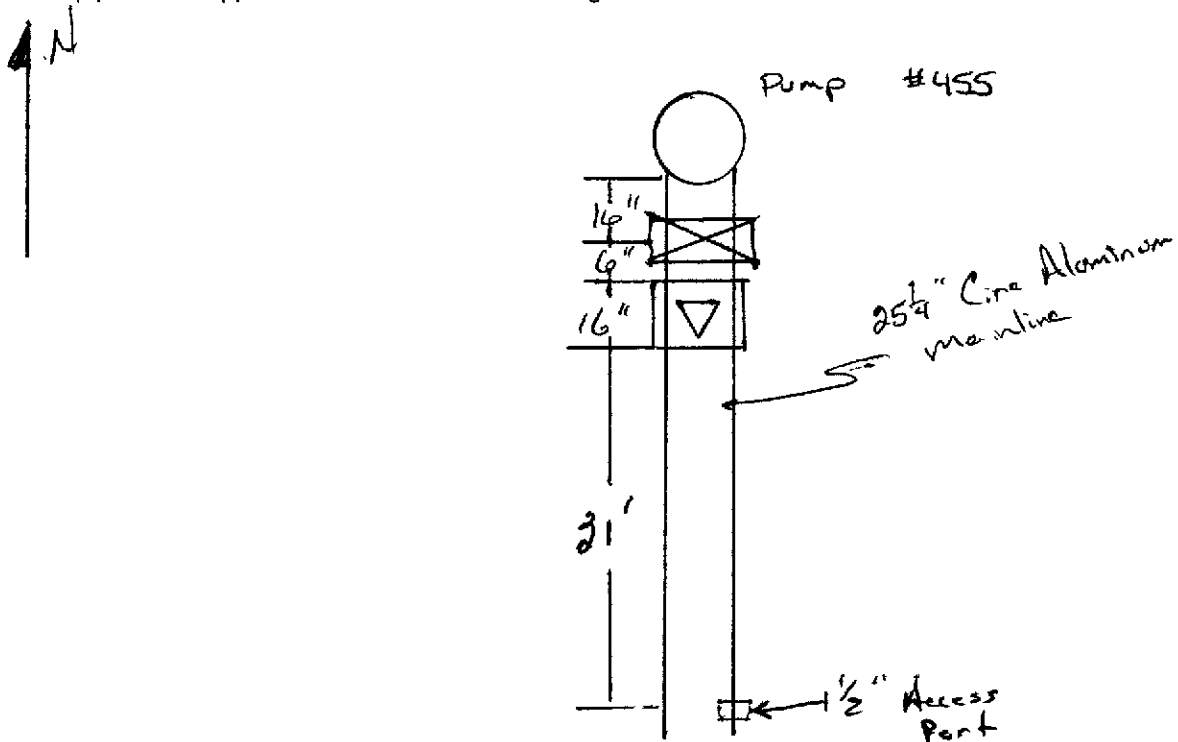
1 Owner Kenneth McAfee Permit No 34-7172
Current Address: P.O. Box 815 Arco, ID 83213 Phone No 834-8545
2 Accompanied by: Ken EXAM DATE: 8-8-90
Address Same Phone No -
Relationship to Permit Holder Holder
3 Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1 Other water rights with same place of use: No overlap of Ad. claims
on file ☐ Copies Attached
2 Other water rights with same point of diversion NA
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i d as applicable ☐ Alternative diagram attached



Scale: 1" = _____.

- 2 ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required)
☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater)
☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

System Description (continued)

- 3 **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Well, Pump, Aluminum mainline
6 1/8 mile hand lines

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
455	GE	30	FNJ 65183	Johnston	6" -

*Code to correspond with No. on map and aerial photo

- 5 **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Method of Determination/Remarks
455	3		NE	NW	6	3N	27E	Butte	USGS Quad, On site inspection

- 6 **Place(s) of Use:**

Indicate Method of Determination _____

Twp.	Rge.	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	
3N	27E	6					27			20									47
							L-3												

Do not use this space

Do not use this space

D FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No	Size	Calib. Date
Flowmeter station	Annubar	Oetech	MS17316-55	91409	7.981	
~~Manometer~~ Flow Indicator	Manometer	IDWR			57"	
Pressure Gauge		Excel			0-100	

2 Measurements:

Sonic Meter - non-measurable - too much air in mainline
 Operating Pressure ~~20~~ psi 22 psi
 Manometer (38.5, 39.0) (29.5, 39.0) fluctuating badly
 Static Water Level non-measurable (access port clogged)

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1 Measured Method

See Supplemental field Report for Annubar Measurement

2 Alternate Method for Checking Purposes

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure. _____ psi x 2.31 = _____ ft (1), Dynamic pumping level _____ ft (2)

Total Head (1) + (2) = _____ (3) Flow rate _____ cfs (4)

Water HP (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP (6) x 1.34 = _____ (7)

Panel Input KW _____ Ave PF x _____ Ave Volts x _____ Ave Amps x 0.01732 = _____ (6)

Panel Input HP (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1 Volume Calculations for Irrigation.

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (.47)(3.0) = 1.41 \text{ AF/annum}$
 $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (1.65)(.213)(1.9835) = 6.97 \text{ AF/annum}$
 $V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 1.41 \text{ AF/annum}$

2 Volume Calculations for Other Uses:

[The page contains faint horizontal lines, suggesting it was part of a lined notebook or document.]

- K Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.**

7.5

T
3
N

1.5 MI. TO U S ALT 9.3

690 000 FEET

MACKAY 28 MI.

17'30"

[illegible]

Borrow
Pit

Well

5335

Arco

Sewage Disposal Ponds

R26E

R 27 E

5295

5307

5298

Borrow
Pit

W. 11

Feet

ARCO

UNIC

34-7172

2

Side 178-2651

T3N

R27E

T3N R27E

A-361
A-149

SEE M-21
Wetland

A-619

A-165
R. Jones
105-A

A-126
C.W. MS-11

A-365
K. Sims

JAN 15 1892

WALKER

E-30-6

34-7172

A-42.3

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: Scott King
Owner: Kenneth McAfee

Date 8-8-90
Permit No. 34-7172

Description of well &/or measuring site

- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches = 25 1/4"
T = Pipe Thickness in Inches = _____
ID = 2 [(0.1592 X CIR) - T] = ... 7.872

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test 7.981
State ID No. 91409
Select C based on size from Table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	3.94
12"	3.99
14" - 16"	4.01
18" - 24"	4.02
30" or larger	4.03

C selected 3.87

DIFFERENTIAL PRESSURE READING IN INCHES OF H₂O (H)

High Reading = 39.0
Low Reading = 29.5
High - Low = H = ... 9.5

CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(ID)^2 (\sqrt{H}) (C)}{448.8}$$
$$Q = \frac{(7.872)^2 (\sqrt{9.5}) (3.87)}{448.8} = 1.65 \text{ cfs}$$

SKETCH (If not shown on Field Report)

cfs limited by accuracy
to 47 acc. x 0.025 = 0.94 cfs

07/15/92

Department of Water Resources

WELL INSPECTION FORM

If well is associated with water right, provide WR# 34-7172

Otherwise provide legal description and a sketch map and/or address so that the well can be located easily.

1. Legal Description: TWP 3N, Rge 27E, Sec. 6, NE 1/4 NW 1/4 or Lot 3.

2. Owner: Kenneth MacAffee

Address P.O. Box 815, City Arco, St ID

3. Casing $\geq$ 12 inches above ground: Yes No X

4. Access Port: ^{Plugged or Clogged} Yes X No Static Water Level:
Pressure Gauge: Yes No X Casing Diameter:
Flowing: Yes No X Temperature:

5. Are there any obvious construction problems that may be a source for contamination or waste of water: Yes No X

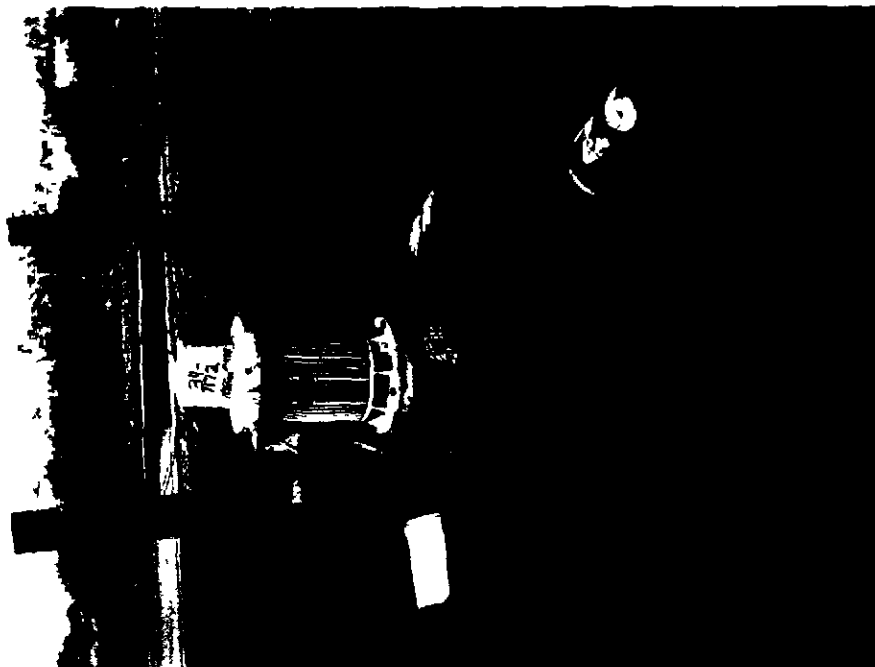
If answer to Item 5 is Yes, describe in remarks and attach photo.

Remarks:

●3407172

m^cAffee #455

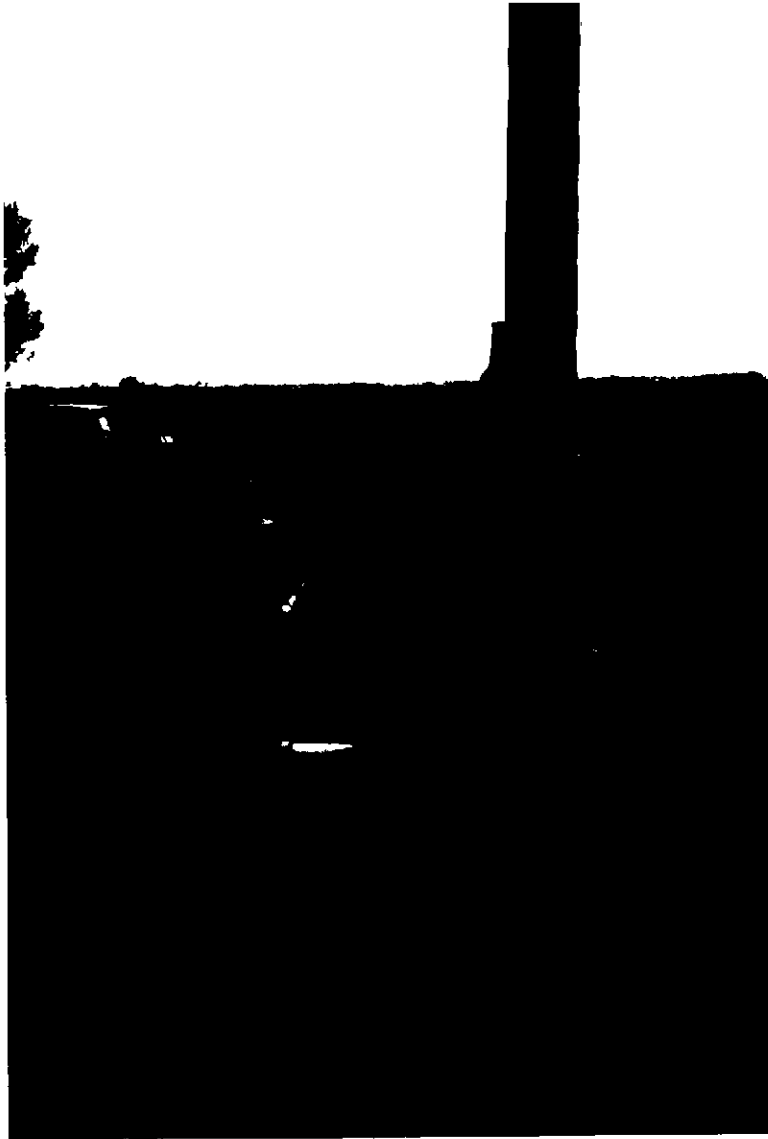
Access Port



JAN 15 1962

24-7172

McAffee #455



24-Apr-1991

KENNETH MCAFFEE
PO BOX 815
ARCO ID 83213

Mr. McAfee:

Enclosed is an assignment form that I need to have signed by Russell Parsons. This will allow us to issue the license in your name.

Would you please send the completed document to this office and my attentions for continued processing.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb
enc

2-157

4/86

RECEIVED
OCT 30 1986
Department of Water Resources

OK - pending receipt of
Fee HWS

For Office Use Only
Fee Received 25.00
Date 10-14-86
Receipt # 39911
Receipt by MD
Sent to S.O. 10-28-86

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

1. Permit No. 34-7172

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE: 1086

☒ 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: Russell Parsons (Farmers Home Administration)

3. Post Office Address: P.O. Box 656

Acro, Idaho 83213 Telephone No. 208-527-3486

4. Source of Water: Ground Water

5. Extent of Use:

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

Irrigation 70 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 1.4 cfs _____ acre-feet

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

Spring 1978

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

John Leray Johnson County Supervisor FMHA
(Name)

Same as above

(Address)

(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.)

Date

9/22/86

[Signature] Signature of Permit Holder (and title, if appropriate)

Copy retained for file

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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

34-7172
PARSONS, RUSSELL
FARMERS HOME ADMINISTRATION
ARCO, ID 83213

Mailing address:
Statehouse
Boise, Idaho 83720

0013477

JUL 30 1986

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

JAN 15 1992

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
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., 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
Chief, Operations Bureau

Enclosures

APPROVED
JAN 15 1992

February 24, 1983

RE: Permit No. 34-7172

Russell Parsons
Route #1, Box 129
Arco, ID 83213

Dear Mr. Parsons:

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

If you have any questions on this matter, please feel free to contact us.

Sincerely,

ROBYN CARLSON
Chief Clerk

RC:kw
Enclosures



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

A. Kenneth Dunn
Director

September 27, 1982

Paul N. Kelly
Rt. #1, Box 129
Arco, Idaho 83213

RE: Permit No. 34-7172

Dear Mr. Kelly:

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 examination of your system has been scheduled for _____.

If this time and date is not convenient for you, please contact this office as soon as possible.

 X 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.

Sincerely,

COLLEEN WRAY
Adm. Secretary

MICROFILMED

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. 34-7172.

Name(s) of Permit Holder: PAUL N. KELLY

Post Office Address: RT. 1 Box 129

ARCO, IDAHO 83213 Tel. No. 527-3213

Source of Water: WELL

Extent of Use:

☐ Domestic	(number of households)
☐ Stockwater	(number and type of stock)
☒ Irrigation	<u>68</u> (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.

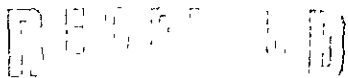
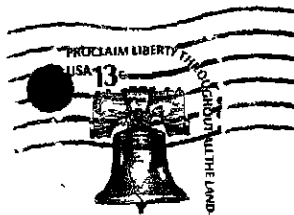
8-15-82
Date

Paul N. Kelly
Signature of Permit Holder

Paul Kelly

Rt. 1 Box 129

Arco, Id. 83213



Missouri

AUG 28 1982

Department of Water Resources

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

138435

KELLY, PAUL
RT. 1 BOX 23
ARCO, ID 83213

JULY 31, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 34-7172 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE OCTOBER 01, 1982. (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 RECEIVED 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

RECEIVED
JUL 31 1982

ROUTING SLIP

DATE March 14, 1978

TIME _____

TO _____

REF No (if any) _____

Jan Grover

FROM (show title)

Colleen

FOR YOUR _____

REVIEW AND _____

PER _____

- | | | | |
|--------------------------------------|---|---|---|
| ☐ Information | ☐ Call Me | ☐ See Me | ☐ Our Conversation |
| ☐ Approval | ☐ Comment & Return | ☐ Take Proper Action | ☐ Your Request |
| ☐ Signature | ☐ Draft a Reply for Me | ☐ Boss's Request | |

This was a protest file but we have received an approved copy so maybe this should go with the original file.

*File
34-7172*

- | | | |
|--|---|--------------------------------------|
| ☐ With Call Again | ☐ Returned Your Call | ☐ Please Call |
| ☐ | ☐ Telephoned | ☐ |

EXT. _____

NUMBER _____

AREA CODE _____

PHONE _____

OF _____

M _____

TIME _____

DATE _____

YOU WERE OUT _____

TO _____

Colleen,

Young Harry
Waller hand-delivered
this. I think you
have the original (can't
find it here) so could
you file this with
original as part of
the file Thanks Jan

RECEIVED

OCT 20 1977

27 September 1977

34-7172
NOV 8 1977

RECEIVED

Department of Water Resources

Department of Water Resources
Eastern District Office

To Whom it May Concern:

Early this summer Mr. Young Harvey Walker asked me to review the groundwater situation with respect to a protest which he was filing on an application for a well to be drilled near his property. He was concerned for the future production from two wells and a spring for which he holds prior water rights. I am sure that the specific legal descriptions of these wells and spring have been provided in earlier correspondence from the Walkers so I am not including these at this time.

Subsequent to Mr. Walker's request, I reviewed the well logs and other information pertinent to several wells in the vicinity of the proposed well and of Mr. Walker's wells and spring. The well logs and other information reveal the existence of a shallow (50-80 ft) artesian aquifer of limited thickness which is penetrated by most of the wells in the vicinity. This artesian aquifer lies beneath the unconfined aquifer which is near the surface. The two aquifers appear to be separated by a clay layer variously described as a red clay or a brown clay in the drillers' logs. The confining clay layer defining the upper boundary of the artesian aquifer appears to be of variable thickness.

It seems possible that the springs from which the Walkers derive an important water supply may derive their source from upward leakage from the above-described artesian aquifer. Since the confining clay layer is of variable thickness it seems possible that a very thin section of the confining layer could leak a sufficient quantity of water upward, thus forming and supplying the springs.

There have not been sufficient studies conducted to verify that the springs do, in fact, derive their source from the artesian aquifer. But the well logs in the vicinity do verify the possibility.

If an irrigation well were to be drilled in the vicinity of the springs and if the springs did have their source in the artesian aquifer leakage, then the springs would certainly have their flows reduced and impaired when pumping from the well commenced. It would appear that an irrigation water right should not be granted from the artesian aquifer nor from other aquifers closely connected to the artesian aquifer without further study to verify that the springs do not have their source in the artesian aquifer.

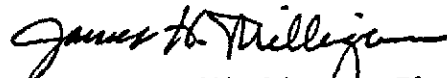
27 September 1977

Page 2

The two wells owned by the Walkers in the vicinity of the proposed irrigation well would very likely have their service impaired by production of irrigation water from the shallow aquifers. Since these wells are used for domestic water and livestock watering--both higher uses than irrigation--there seems to be further consideration for not granting an irrigation water right, at least without further study to verify the relationships which are suggested by the well logs.

Hopefully an equitable solution in view of prior water rights can be achieved.

Sincerely,



James H. Milligan, Ph.D.

U of I

b

October 24, 1977

Re: Permit No. 34-7172

Paul Kelly
Rt. #1, Box 23
Arco, ID 83213

Dear Mr. Kelly:

Enclosed is a copy of your approved Application for Permit No. 34-7172 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to either install and maintain a measuring device at your point of diversion or to provide the Department a certified measurement of the systems diversion capacity prior to submitting proof of beneficial use of water. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF/cah

Enclosure

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Kelly

☒ 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 none ☒ OK
☒ Fee

(1) ARK 3/10/77

In form to receipt

(2) ARK 3/10/77

Send Copies to:

n/a Idaho State Health Department
n/a Idaho Fish and Game Department
n/a Bureau of Land Management

(3) ARK 3/10/77

n/a Request Special Use Permit from U.S.F.S.
n/a Request Easement from B.L.M.
n/a Request Information from Applicant

(4) ARK 3/10/77

In form for advertising

(5) ARK 3/10/77

Platted on Map No. 3N 27E

(6) ARK 3/10/77

Located within Water District No. Basin 34

(7) ARK 3/10/77

Critical groundwater area: yes ☐ no ☒

(8) ARK 3/10/77

Groundwater levels:

☐ Declining, ☒ Stable, ☐ Increasing

(comment) Headed to obs well is stable

(9) ARK 3/10/77

Other rights on the same place of use none

(10) ARK 3/10/77

Comments: None

(11) CW 4-05-77

Affidavit of Publication received(date) April 5, 1977

(12) CW 3-29-77

Final date for protests April 4, 1977

Protests received: yes ☒ no ☐

(13) RDC 8/24/77

All requested information received from agencies applicant: yes ☐ no ☐

(14) ll ll

Action recommended:

☒ Approve ☐ Deny

3/9/77 Proposed Priority

☐ Reason for Reduction

☒ Measuring device required

☒ See MEMO DECISION ~~attached sheet~~ for other conditions of approval

☐ No special conditions for approval

(15) District E

By RDC

Date 8/24/77

Copy

MICROFILMED

II. DRILLERS CERTIFICATION

Firm Name Lambert Well Drilling Firm No. 57

Address Box 301 - Mackay, Mo. Date 7-19-71

Signed by (Firm Official) E. Roy Lambert
and
(Operator) Keith B. Lambert

IN THE MATTER OF)
PROTESTS AGAINST)
THE APPROVAL OF)
APPLICATION FOR PERMIT)
NO 34-7172 IN THE)
NAME OF PAUL KELLY)

STIPULATION
AND
AGREEMENT

We hereby agree to allow the Dept. of Water Resources to reach a decision in this matter based upon information presented at the conference held in Arco, Idaho on June 30, 1977, and the additional information contained in the files of the Dept. of Water Resources. We understand that we can appeal the decision to the Department within twenty (20) days or to the district court within (60) sixty days.

Signed at Arco, Idaho this
30th day of June, 1977

Goldie E. Walker
Garry H. Walker
Paul N. Kelly

MAILED
JUN 30 1977

34-7172

Paul Kelley

6/30/77

Name	Address	Representing
Mrs Lillian Y. Walker	Arco, Idaho	self
Young A. Walker	Arco, Idaho	Walker Ranch
Keith A. Kelly	Arco Id.	Paul Kelly
Paul N. Kelly	Rt 1, Box 23 Arco, Idaho	Self

MICROFILMED

34-7172 - Paul Kelly

Courtroom, Memorial Building, Arco, Idaho

June 30, 1977 - 9:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
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RECEIVED

June 21, 1977

Mr. William G. Carlson
Arco Memorial Building
Arco, Idaho 83231

Dear Mr. Carlson:

This is to confirm the use of the Memorial Building for conference and/or hearing to be held by this office on Thursday, June 30, 1977, at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL
OF APPLICATION FOR PERMIT NO. 34-7172 IN
THE NAME OF PAUL KELLY

NOTICE OF CONFERENCE
AND/OR HEARING

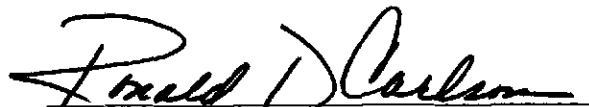
On March 9, 1977, Paul Kelly filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On March 29, 1977, the Department received a protest against approval of said application from Goldie Y. Walker and Young Harvey Walker.

The Department has set the matter of protest for conference and/or hearing for Thursday, June 30, 1977, at 9:00 a.m., in the Memorial Building, Arco, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 20th day of June, 1977.


RONALD D. CARLSON

Supervisor, Eastern Region

Sent to: Paul Kelly, Goldie Y. Walker, Young Harvey Walker
Bob Fleenor, Norm Young

CONVERSATION MEMORANDUM

DATE April 29, 1977FILE 34-7172NAME OF PARTY Paul KellyEMPLOYEE Ernie Carlsen *EMC*

RE: Mr. Kelly telephoned this date. He stated that after talking with
the protestants, he feels it would be best to proceed with setting a
hearing in/^{the}matter. He also stated he would like to have Ron call him
to set up an appointment prior to the hearing to discuss the matter.

Home: 527-3273

OFFICE: 522-4400 Ext. 3486

MICROFILMED

April 4, 1977

RE: Application for Permit No. 34-7172 KELLY
Application for Transfer No. 34-2472 AIKELE

Arco Advertiser
Box "C"
Arco, Idaho 83213

Gentlemen:

Would you please submit affidavit of publications and certified bills in connection with the above referenced applications. The legal notice was to have been published in your paper on March 17 and March 24, 1977.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

March 31, 1977

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

R. Keith Higginson
Director

RE: Application for Permit No. 34-7172 PAUL KELLY

Ms. Goldie Y. Walker
RFD #1, Box 49-B
Arco, Idaho 83213

Dear Ms. Walker:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

March 31, 1977

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

R. Keith Higginson
Director

RE: Application for Permit No. 34-7172 PAUL KELLY

Mr. Young Harvey Walker
Box 108
Arco, Idaho 83213

Dear Mr. Walker:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

March 31, 1977

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

R. Keith Higginson
Director

Mr. Paul Kelly
Rt. #1- Box 23
Arco, Idaho 83213

Dear Mr. Kelly:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 34-7172. You should be aware that the following are the principal items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required (Section 41-202, Idaho Code).

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office

Arco, Idaho

March 26, 1977.

MAR 29 1977

Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Department of Water Resources
Eastern District Office

Dear Mr. Higginson, Director:-

Attached hereto is a notice of Application for Water Permit number 34-7172 made by Paul Kelly, Arco, Idaho.

I own the land on the East and South of this Kelly Property. I also own the springs that rise on the Kelly Property.

I, Goldie Y. Walker, protest under Sec. 42-203 Idaho Code filed on 3-09-77 by Paul Kelly, against the issuance of this permit. My son, Young Harvey Walker also joins me in this protest. He is out of the State for a few days and most likely will not be back in Idaho before the April 4, 1977 deadline.

We would like to state the following reasons for this protest:

We have a well just below this Kelly Property which we had to drill when the City of Arco turned their sewerage down on us and contaminated our water, killing several head of cattle and all our fish and all the vegetation in the water. The odor was unbearable.

We have a deed from Dwaine Nef and Dorothy Nef his wife, (previous owners of the property Paul Kelly has recently purchased) releasing, conveying, remiseing and for-ever quit-claiming to Harvey K. Walker (My husband deceased Dec. 4, 1972) all rights and title to all of the waters of Bricker Springs. Our claim to this water right is number 34-4006 issued by the State of Idaho. We use this water for our cattle.

After my husbands death, the property was all probated and this land came to me.

Any diminishing of the water from the Bricker Springs or our well, caused by the well Mr. Kelly wants to drill or any other well in this vicinity would be grounds considered for litigation.

Yours very truly,

Goldie Y. Walker
Goldie Y. Walker
RFD #1 Box 49-B
Arco, Idaho 83213

Young Harvey Walker by Goldie Y. Walker
Young Harvey Walker
Box 108
Arco, Idaho 83213

R. KEITH HIGGINSON
Director

Received in the Arco Advertiser
Arco, Idaho on March 29, 1977

RECEIVED

March 15, 1977

RE: Application for Water Permit No. 34-7172

Mr. Paul Kelly
Rt. #1, Box 23
Arco, Idaho 83213

Dear Mr. Kelly:

Please find enclosed the application for permit we completed in our office. During our review of this application, we find we neglected to have you sign the application. Please sign and return to this office on or before April 4, 1977. We have begun the processing of this application and it will be ready for final departmental action on this date.

Very truly yours,

ANTHONY R. KOZLOWSKI
Water Resource Agent

ARK:CW

Enclosure

RE: Application for Transfer No. 34-2472 AIKELE
Application for Permit No. 34-7172 KELLY

Gentlemen:

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.

Very truly yours,

Bill submitted 4-05-77 by ew

Enc: Legal Notice (2)

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Paul Kelly, Arco, Idaho, has on 3-09-77 submitted Application No. 34-7172 for a permit to appropriate 1.40 cubic feet per second of water from a ground-water source by means of well and pump within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 3N, R. 27E, B.M., Butte County, to be used from Apr. 1 to Nov. 1 for the irrigation of 70 acres within the E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 6, T. 3N, R. 27E, 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, 1513 Lincoln Road, Idaho Falls, Idaho, 83401 on or before April 4, 1977.

R. KEITH HIGGINSON
Director

Published in the Arco Advertiser,
Arco, Idaho on March 17 and March
24, 1977.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Paul Kelly,
Arco, Idaho

has on 3-09-77 submitted Application No. 34-7172
for a permit to appropriate 1.40 cubic feet per second XXXXXXXXXXXXXXXXXXXX
of water from a ground-water source
by means of well and pump
within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 3N, R. 27E, B.M., Butte County;

to be used from Apr. 1 to Nov. 1
for the irrigation of 70 acres

within the E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 6, T. 3N, R. 27E, 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, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before _____
April 4, 1977

R. KEITH HIGGINSON

Director

Published in the Arco Advertiser, Arco, Idaho
on March 17 and March 24, 1977

RECEIVED
MAY 1 1977
M. J. H. A. D.