

A hand-drawn map on a grid. The map shows a ditch, intake, pipe line, and main line. The labels are as follows:

- T. 13N** (Township 13 North)
- R. 23E** (Range 23 East)
- 36** (Scale bar)
- Ditch** (indicated by a line with arrows pointing outwards)
- Intake** (indicated by a line with an arrow pointing inwards)
- Pipe Line** (indicated by a line with arrows pointing inwards)
- Main Line** (indicated by a line with arrows pointing inwards)

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.


(Applicant)

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, MARGARET PARKS

Publisher of the Challis Messenger,
a weekly newspaper, published at
Challis, Idaho, do solemnly swear
that the notice hereto attached and
made a part hereof, was published
in the regular and entire issue of
the Challis Messenger for 2
consecutive weeks, commencing with
the issue dated APR 15,
1976 and ending with the issue
dated APR 22, 1976.

Margaret Parks

Subscribed and sworn to before
me this 23 day of April,
1976.

Rebecca Burstedt

Notary Public, residing at Challis,
Idaho. My commission expires on

10-24-77

RECEIVED

APR 26 1976

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Wayne
E. Cunningham, May, Idaho, has on
4-05-76 submitted Application No. 73-
7032 for a permit to appropriate 1.40
cubic feet per second of water from
waste water by means of ditch and
pipeline within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec.
36, T. 13N, R. 23E, B.M., Custer
County; to be used from Apr. 1 to
Nov. 1 for the irrigation of 70 acres
within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 36, T. 13N,
R. 23E, 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 May 3, 1976.

R. KEITH HIGGINSON
Director

Published in the Challis
Messenger, Challis, Idaho on April 15
and April 22, 1976.

MICROFILMED

Rge 23E

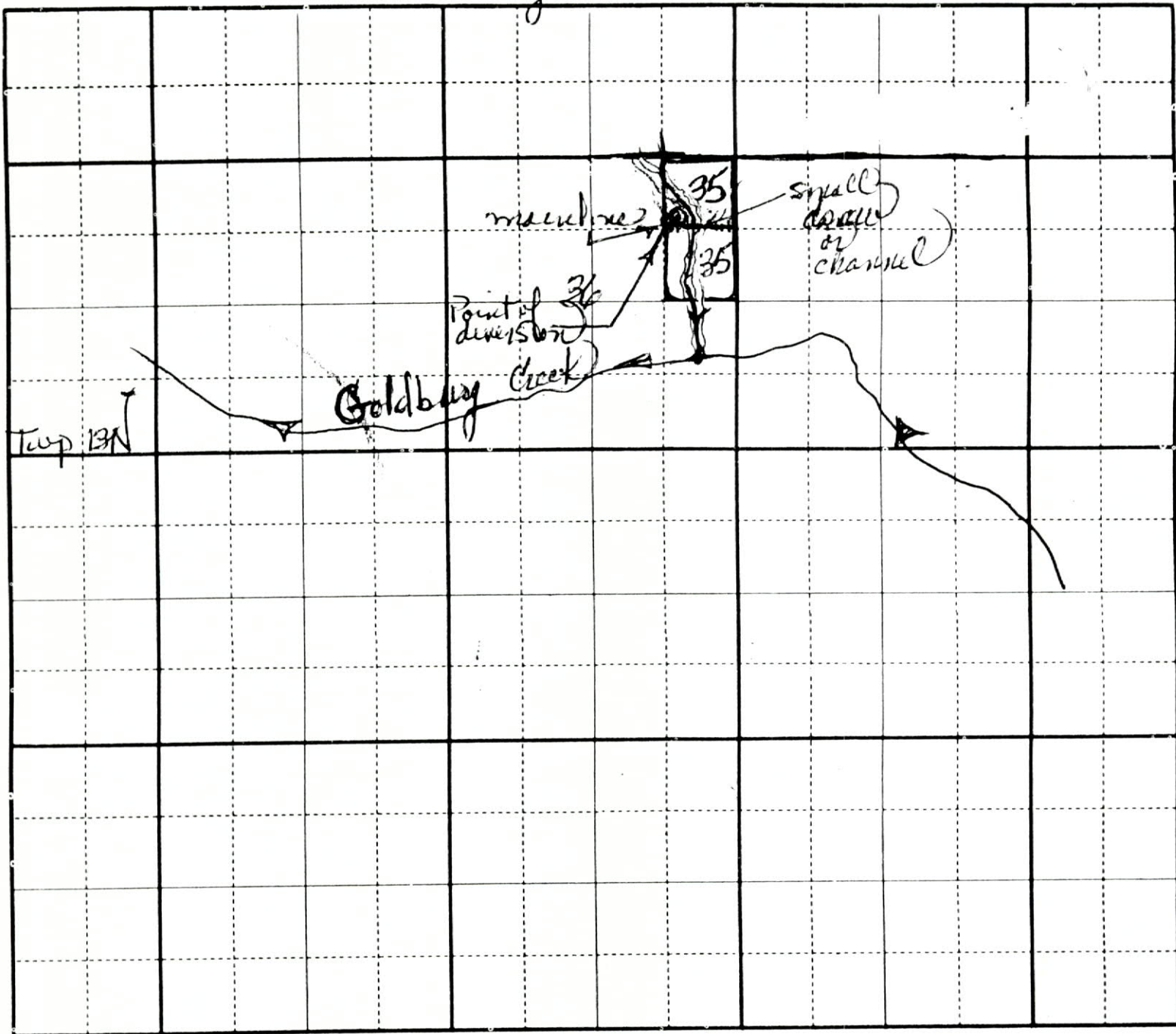
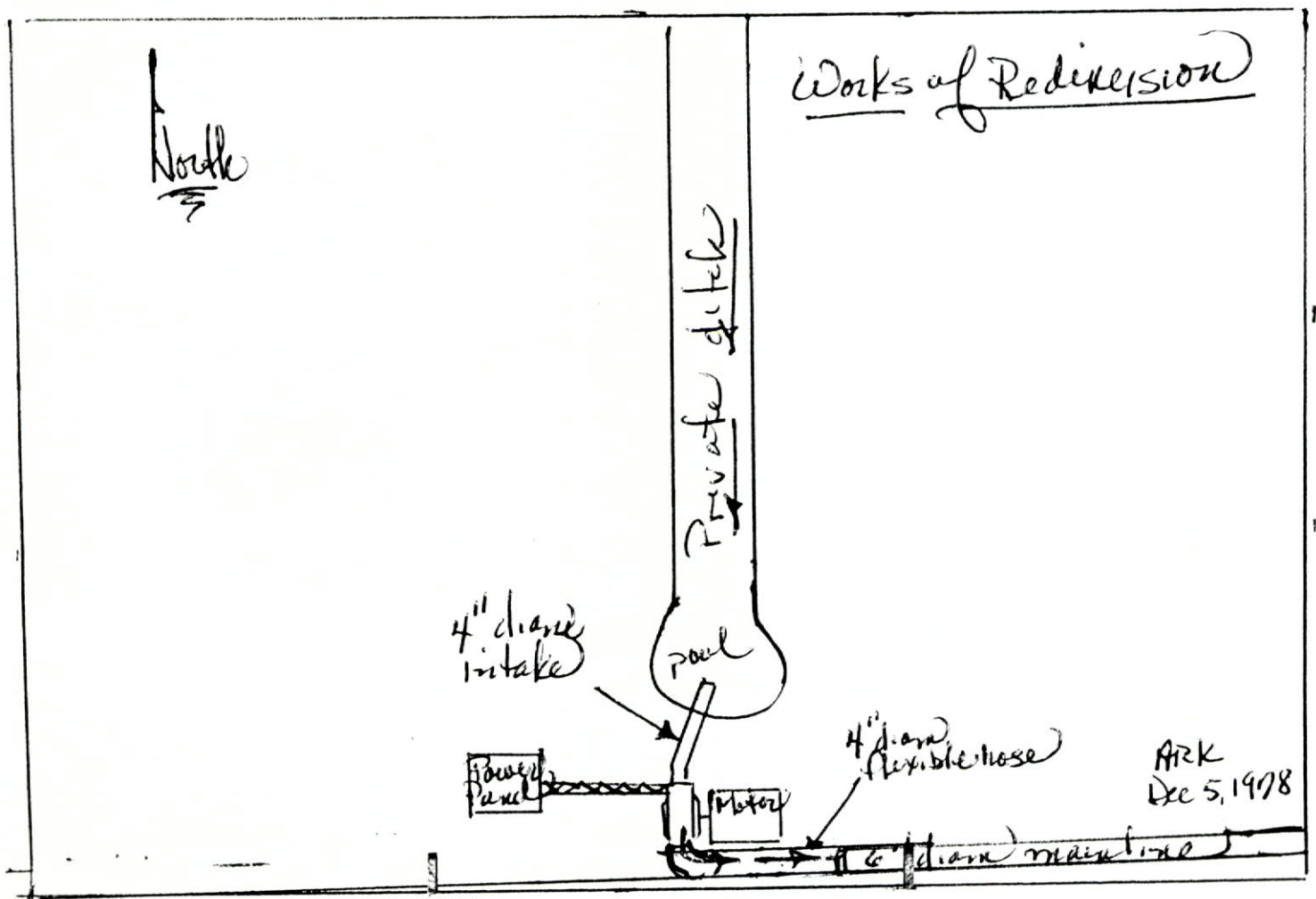


Diagram of System



Rge 23E

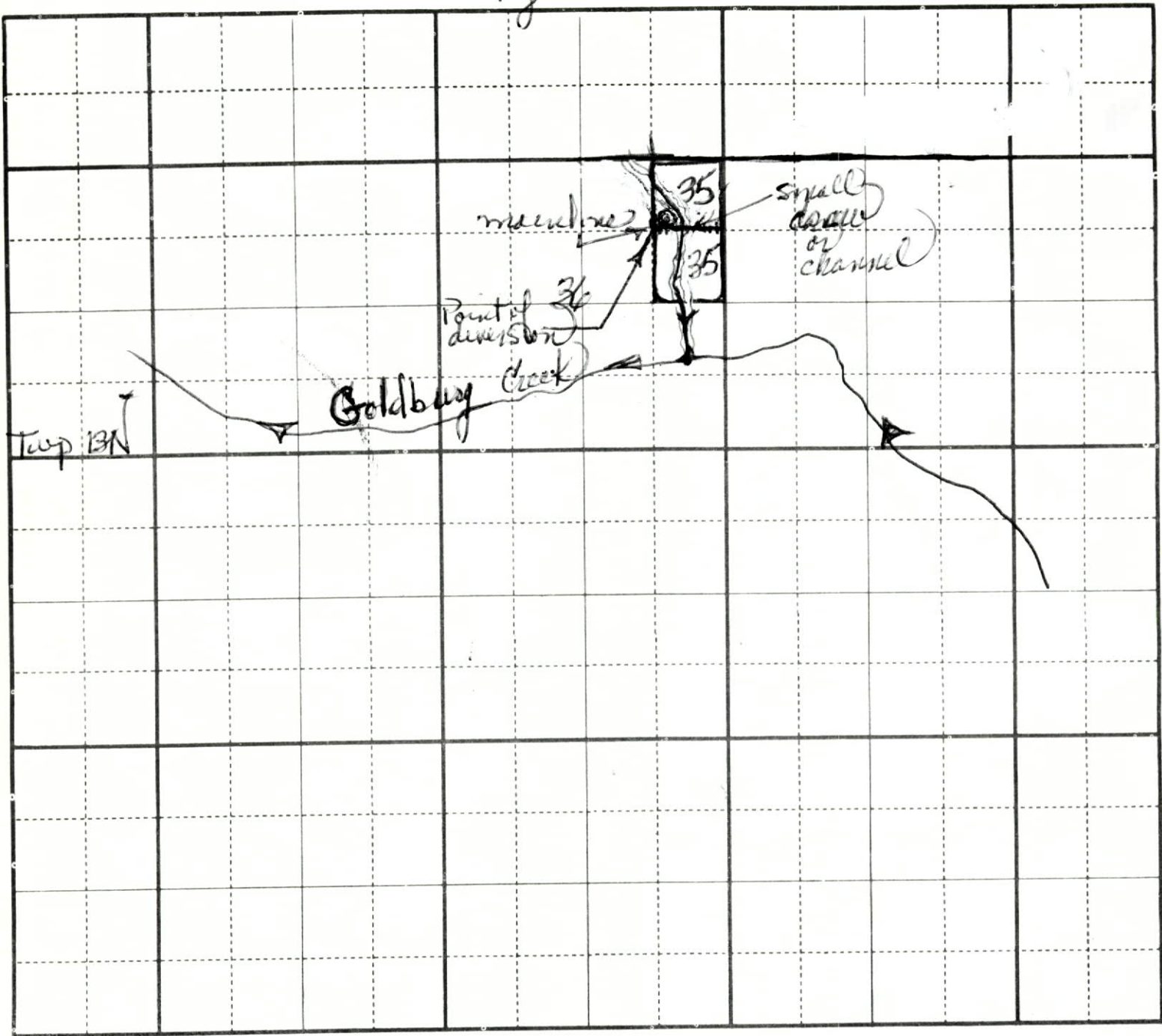
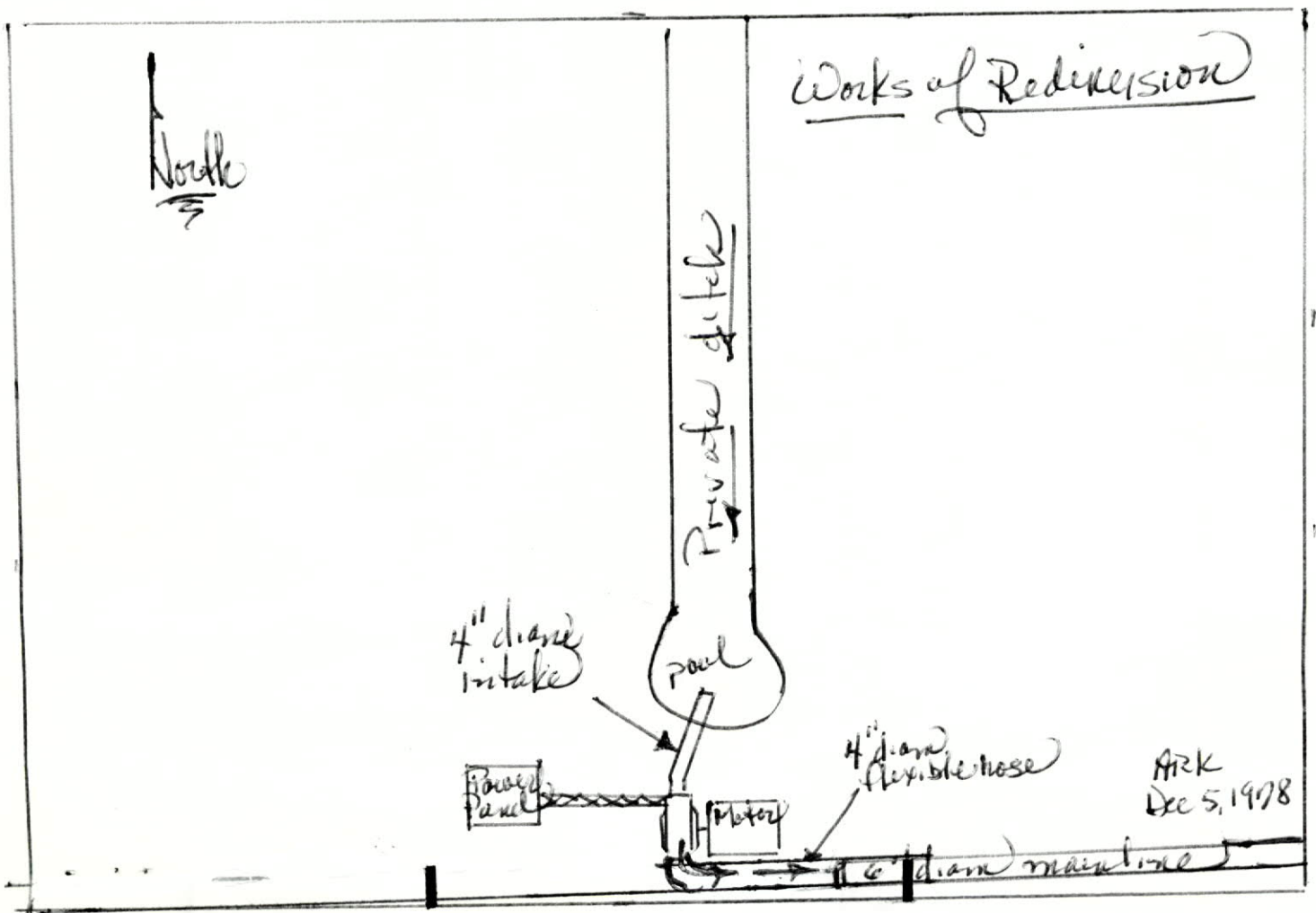


Diagram of System



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 73-7032 Priority April 5, 1976 Amount 1.21 cfs

THIS IS TO CERTIFY, that WAYNE E. CUNNINGHAM
of May, Idaho, has complied with the terms and conditions of Permit
No. 73-7032 issued pursuant to Application for Permit dated April 5, 1976,
and has submitted proof to the Department of Water Resources on April 18, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.21 cfs of water from wastewater,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>1.21</u> cfs and	<u>210</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 1.21 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
210 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, Twp. 13N,
Rge. 23E, B.M. in the County of Custer

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
13N	23E	36	35			35													70

Total number of acres irrigated 70

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27 day of
September, 19 79.

Director

MICROFILMED

73 7032

Identification No. _____

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 WAYNE E. Cunningham Phone: 876-2371
 post office address May, Idaho
2. Source of water supply Waste Water which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36 Township 13N
 Range 23E B.M. Cluster 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 1.4 for Irrigation purpose from April 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. 1.4 cubic feet per second and/or
 b. _____ acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. A ditch will be used
to accumulate the waste water & transport it to an intake
structure. At this point the water will enter a pipe which
will carry it into the mainline. With the assistance of a booster pump
the water will be used for sprinkler irrigation
 b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
 capacity _____ acre feet, materials used in storage dam: _____
 Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
 is 2 years.
 b. Estimated construction cost is \$ 6000⁰⁰
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: _____

RECEIVED
 MAY 19 1961
 DEPT. OF WATER RESOURCES
 BOISE, IDAHO

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

[illegible]

Total number of acres to be irrigated_____

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

Permit for Wells on the Sameland # 73-7026

9. a. Who owns the property at the point of diversion Self WAYNE E. Cummings

b. Who owns the land to be irrigated or place of use Self Wayne E Cunningham

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.

The map is a 12x12 grid. Handwritten labels include:

- T. 13N** in the 4th column, 8th row.
- R. 23E** in the 11th column, 7th row.
- In the bottom right corner (columns 10-12, rows 8-12), there is a detailed area with labels: **Ditch**, **Intake Slot**, **P. & L. line**, **Main Line**, and **36**.

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.

(Applicant)

Proposed Priority 4-05-76

Received by CW Date 4-05-76 Time 11:17A.

Preliminary check by BR Fee \$ 35.00

Receipted by CW Date 4-06-76 # 15739

Publication prepared by CW Date 4-08-76

Published in Challis Messenger

Publication dates Apr 15 + 22, 1976

Publication approved me Date 4-26-76

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RDC DRT

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. 73-7032, 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.

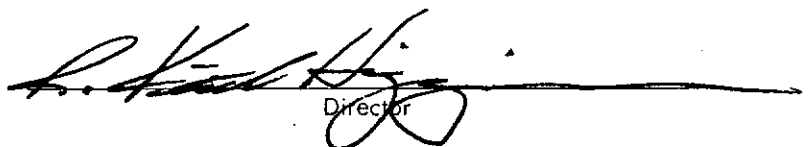
b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 78.

c. Other: 1. A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2. No more water may be diverted under this permit, when combined with other rights appurtenant to the lands in question, than one miner's inch for acre of land served.

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

Witness my hand this 10 day of May 19 76.


Director

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

1, MARGARET PARKS

Publisher of the Challis Messenger,
a weekly newspaper, published at
Challis, Idaho, do solemnly swear
that the notice hereto attached and
made a part hereof, was published
in the regular and entire issue of
the Challis Messenger for 2

consecutive weeks, commencing with
the issue dated APR 15,
1976 and ending with the issue
dated APR 22, 1976

Margaret Parks

Subscribed and sworn to before
me this 23 day of April,
1976

Rebecca Burstedt

Notary Public, residing at Challis,
Idaho. My commission expires on
10-24-77

RECEIVED

APR 26 1976

Department of Water Resources
Eastern District Office

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Wayne
E. Cunningham, May, Idaho, has on
4-05-76 submitted Application No. 73-
7032 for a permit to appropriate 1.40
cubic feet per second of water from
waste water by means of ditch and
pipeline within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec.
36, T. 13N, R. 23E, B.M., Custer
County; to be used from Apr. 1 to
Nov. 1 for the irrigation of 70 acres
within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 36, T. 13N,
R. 23E, 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 May 3, 1976.

R. KEITH HIGGINSON
Director

Published in the Challis
Messenger, Challis, Idaho on April 15
and April 22, 1976.

REC

~~APR 21 1978~~

Phone 816-2311
Department of Water Resources
Eastern District Office

- (name spring, stream, etc.)

- y (nature of use)

(mo.-day) inclusive (mo.-day)

(nature of use)

(mo.-day) inclusive (mo.-day)

(nature of use)

(mo.-day) inclusive (mo.-day)

Other uses:

- Max Rate of Diversion 1.4 cubic feet per second and annual volume _____ AF/Annum.

- County

County

County

Other Points of Diversions:

Description of diverting works: ditch, pipe to mainline, booster pump, sprinkler irrig.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

MICROFILMED

TOTAL ACREAGE 70

DATE OF EXAM 8/10/78

ACREAGE
Found 70 ac
Recommended 70 ac

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = 1.21 c.f.s. V = 210 AF/Ann. from April 1 to Nov. 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes X no _____

Name source: wastewater is comingled with groundwater
twp. 13N N/S, Rge. 23E E/W, B.M., Sec. 36, Sub. NE 1/4 NE 1/4 Custer County

Exchange? yes _____ no X

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

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

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

Total Q measured 1.21 cfs Method of measurement Dept Pygmy Current meter
Total Q recommended 1.21 cfs Meter No. n/a Type n/a Condition good
Total V recommended 210 AF/yr

Recommended Amendments:

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

MEASUREMENT CALCULATION:

$Q = 1.21 \text{ cfs} - \text{see reverse side for pygmy meter measurement}$
 $V = 70 \text{ ac} \times 3.0 \text{ AF/ac/yr} = 210 \text{ AF/yr} < 215 \times 1.9835 \times 1.21 = 516 \text{ AF/yr}$

SYSTEM DESCRIPTION:
Wastewater is denigted into a private ditch in NENE SEC 36 and relifted into a pressurized sprinkler system by means of a 2 1/2 H.P. marathon electric motor, D10 284TDR 7639AAW, SN - 0438122 & by a Berkeley centrifugal pump SN - 7073611 m/n - B310PBL. This system injects waste water into an existing groundwater system under license

REMARKS: 73-7026. This system can either be used by itself or comingled with groundwater

System shown & described by Wayne Cunningham

Examiner's Signature Anthony R. Kozlowski Date Dec 5, 1978

Checked by Rodney A. Parker Date 1/10/79

Approved by This license will supplement 73-7026 (Groundwater) Date _____

Rqg 28E

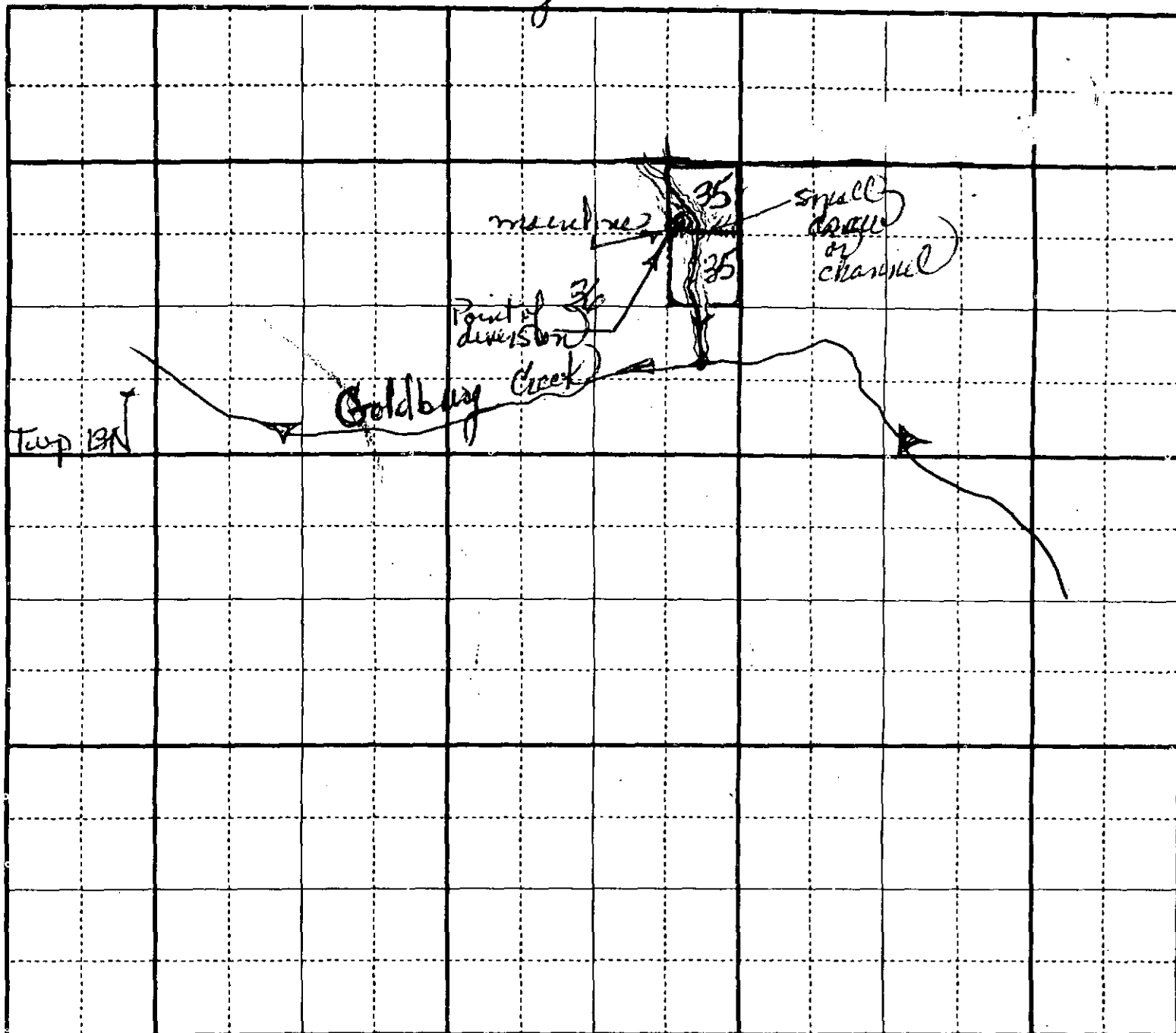
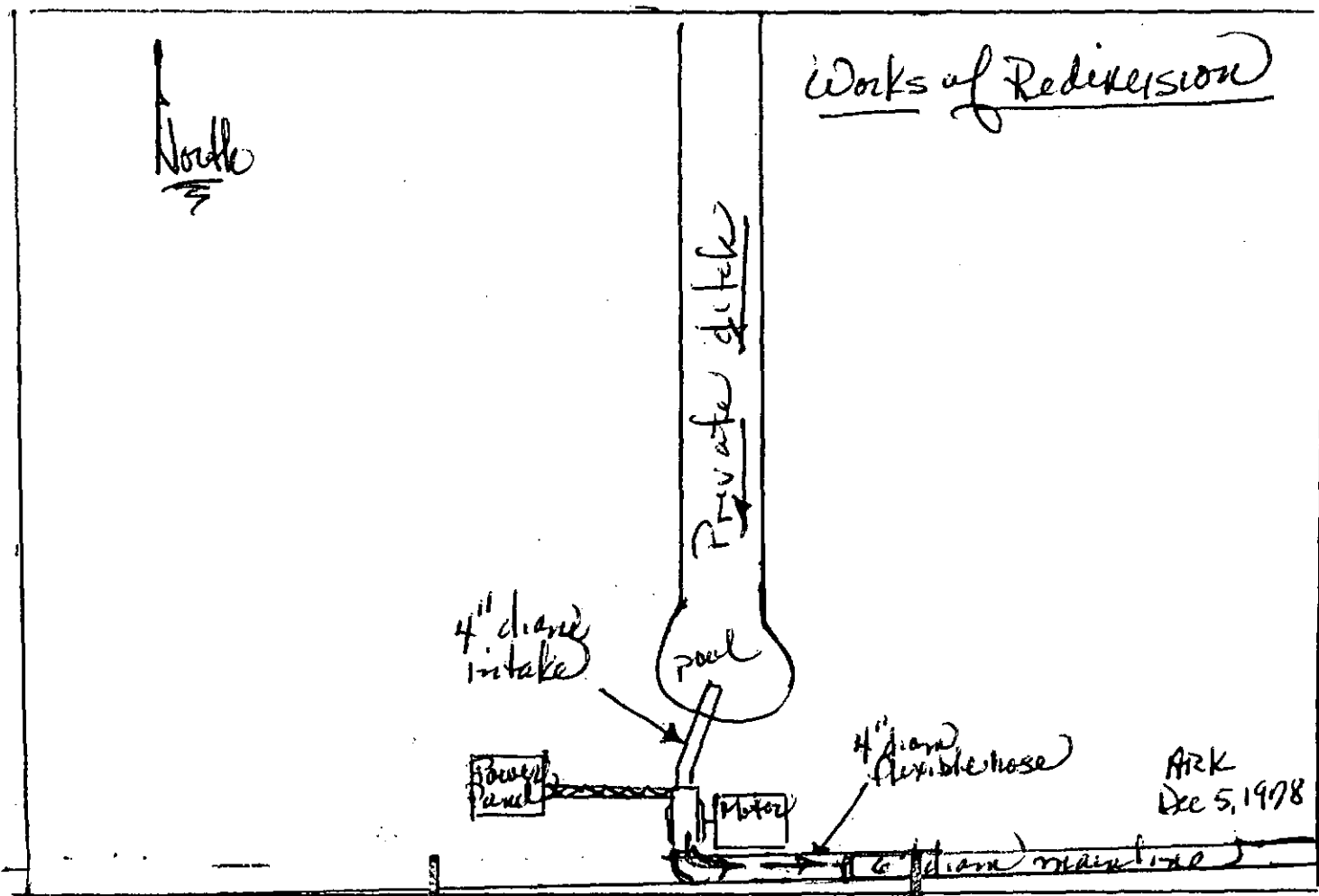


Diagram of System



Measurement taken before point of
diversion in private ditch with
pygmy meter

Depth	width	area	rev.	time	vel	discharge
.22	.25	.06	50	52	.965	.057
.46	.25	.12	80	43	1.820	.021
.43	.25	.11	100	47	2.080	.228
.45	.25	.11	100	52	1.88	.207
.41	.25	.10	100	48	2.04	.204
.40	.25	.10	100	43	2.27	.227
.37	.25	.09	100	52	1.88	.169
.25	.25	.06	80	51	1.55	.093

Q total 1.21 cfs



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

October 2, 1979

Wayne E. Cunningham
May, Idaho 83253

Dear Mr. Cunningham,

RE: Permit No. 73-7032

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

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

RECEIVED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

September 11, 1979

Re: Permit No. 73-7032

Wayne E. Cunningham
May,
Idaho 83253

Dear Mr. Cunningham:

A representative of this Department made an examination of the works covered by your Permit No. 73-7032 on August 10, 1978, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 1.21 cfs Source: wastewater

The maximum quantity diverted shall not exceed 210 acre feet per
year.

Point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, Twp. 13N, Rge. 23E, B.M.

Beneficial use: Irrigation of 70 acres within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 36,
Twp. 13N, Rge. 23E, B.M.

Priority date established: April 5, 1976.

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw

MICROFILMED

FIELD REPORT

REC

~~APR 21 1978~~

Phone 816-2311
Department of Water Resources
Eastern District Office

1. Name of permit holder

Post office address

Person to contact

2. Source of water supply: Groundwater ☐ Surface water ☒

(name spring, stream, etc.)

Tributary to

3. Water will be used for the following purposes:

Amount 1.4 c.f.s. for AF/Annum

(nature of use)

Period of Use: from

(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum

(nature of use)

Period of Use: from

(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum

(nature of use)

Period of Use: from

(mo.-day) inclusive (mo.-day)

Other uses:

4. Total amount to be appropriated:

Max Rate of Diversion 1.4 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 137 N/S, Range 236 E/W, B.M., Section 36, Subdivision Ne $\frac{1}{4}$ Ne $\frac{1}{4}$, Custer County

Township_____N/S, Range_____E/W, B.M., Section_____, Subdivision_____1/4_____1/4_____

Township_____N/S, Range_____E/W, B.M., Section_____, Subdivision_____1/4_____1/4_____

Other Points of Diversions:

Description of diverting works:

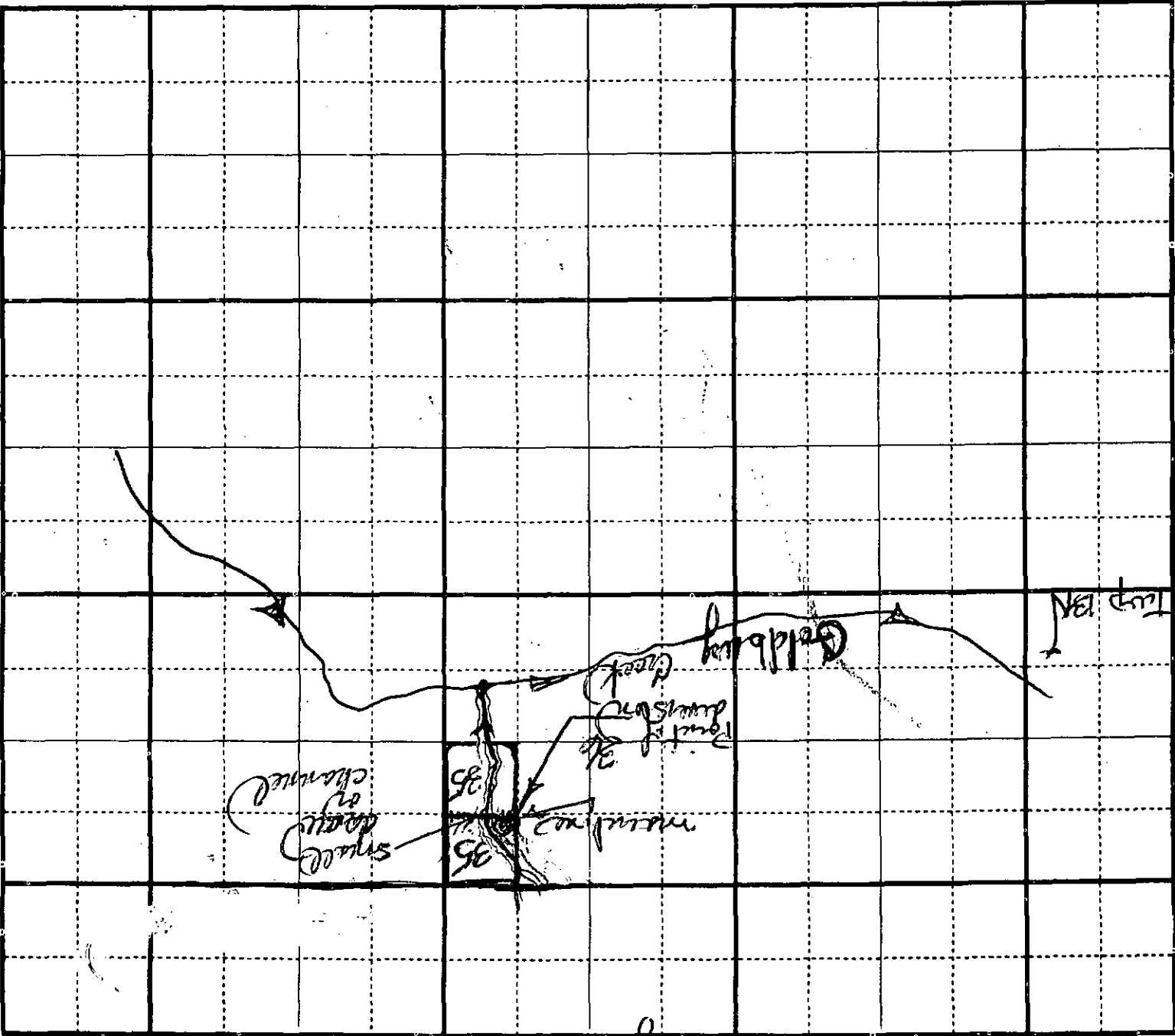
Description of diverting works: ditch, ypipe to mainline, booster pump,
sprinkler irrig.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

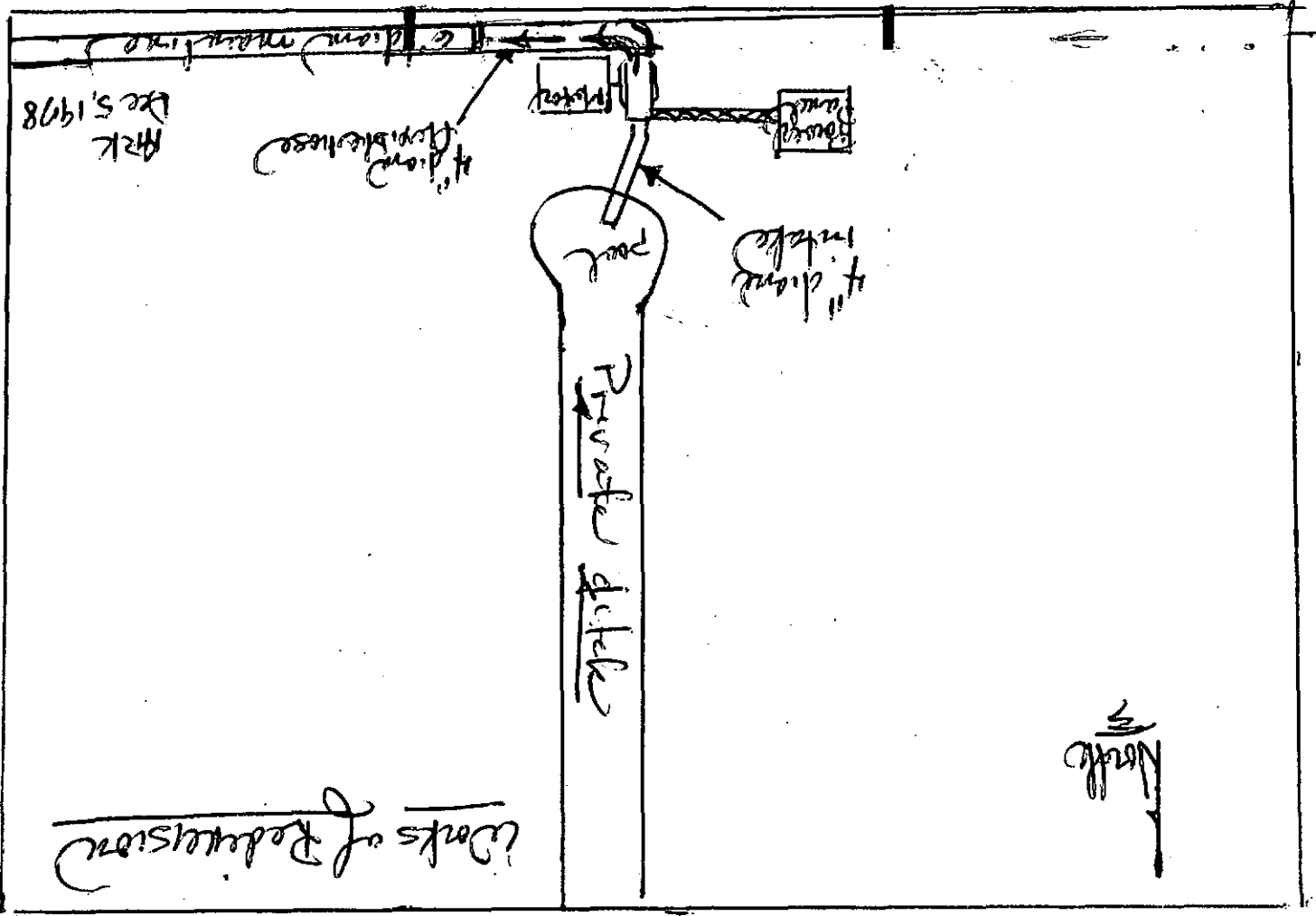
[illegible]**TOTAL ACREAGE**

70



Page 235

Diagram of System



APK
Dec 5, 1978

DATE OF EXAM 8/10/78

ACREAGE
Found 70 ac
Recommended 70 ac

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = 1.21 c.f.s. V = 210 AF/Ann. from April 1 to Nov. 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes X no _____

Name source: wastewater is comingled with groundwater
twp. 13N N/S, Rge 23E E/W, B.M., Sec. 36, Sub. NE 1/4 NE 1/4 Custer County

Exchange? yes _____ no X

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

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

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

Total Q measured 1.21 cfs Method of measurement Dept Pygmy Current meter

Total Q recommended 1.21 cfs Meter No. n/a Type n/a Condition good

Total V recommended 210 AF/yr

Recommended Amendments:

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

MEASUREMENT CALCULATION:

$Q = 1.21 \text{ cfs}$ - see reverse side for pygmy meter measurement
 $V = 70 \text{ ac} \times 3.0 \text{ AF/ac/yr} = 210 \text{ AF/yr} < 215 \times 1.9835 \times 1.21 = 516 \text{ AF/yr}$

SYSTEM DESCRIPTION:
Wastewater is diverted into a private dyke in NENE SEC 36 and relifted into a pressurized sprinkler system by means of a 25 H.P. marathon electric motor, DW 284TTDR 7639AAW, SN - 0438122 & by a Berkeley centrifugal pump, SN - 7673411, m/n - B315PBL. This system injects waste water into an existing groundwater system under license

REMARKS: 73-7026. This system can either be used by itself or comingled with groundwater
System shown & described by Wayne Cunningham

Examiner's Signature Anthony R. Kozlowski Date Dec 5, 1978

Checked by Rodney A. Parker Date 1/10/79

Approved by This license will supplement 73-7026 (Groundwater) Date _____

Measurement taken before point of
diversion in private ditch with
pygmy meter.

Depth	width	area	rev.	time	vel	discharge
.22	.25	.06	50	52	.965	.057
.46	.25	.12	80	43	1.820	.021
.43	.25	.11	100	47	2.080	.228
.45	.25	.11	100	52	1.88	.207
.41	.25	.10	100	48	2.04	.204
.40	.25	.10	100	43	2.27	.227
.37	.25	.09	100	52	1.88	.169
.25	.25	.06	80	51	1.55	.093

$Q_{total} = 1.21 \text{ cfs}$

April 20, 1978

Re: Permit No. 73-7032

Wayne E. Cunningham
May,
Idaho 83253

Dear Mr. Cunningham:

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

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

If you have any questions regarding the field examination, please contact our Regional Office in Idaho Falls.

Sincerely,

JANICE RENK
Water Rights

MICROFILMED

RECEIVED

APR 18 1978

Department of Water Resources
Eastern District Office

Identification No. _____

Permit No. 73-7032

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Wayne E Cunningham
 b) Post Office Address May, Idaho
 2. Permit Number 73-7032
 3. Date of Priority that you are prepared to establish 4-05-76
 4. a) Source from which water was appropriated wastewater
 b) Location of the point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36
 Township 13N, Range 23E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
 Amount 1.40 for irrigation purposes from April 1 to Nov 1 incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 Amount _____ for _____ purposes from _____ to _____ incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 Amount _____ for _____ purposes from _____ to _____ incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 b) Total amount appropriated 1.40 cfs and/or acre-feet per annum
 c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: n/a

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
 a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: n/a
 b) Describe the agreement or understanding by which you take water from the works: n/a

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) A ditch is used to accumulate the waste water & transport it to the intake structure. At this point the water will enter a pipe which will carry it into the mainline. With the assistance of a booster pump the water will be used for irrigation.
 b) Describe the type and size of measuring device which you have installed at your point of diversion: Two line flow meter
 c) Give well driller's name and address and the date the well was completed: n/a

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

Exam typed

4/20/78

MICROFILM

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13N	23E	36	35			35													70

Total number of acres irrigated 70

10. Remarks: _____

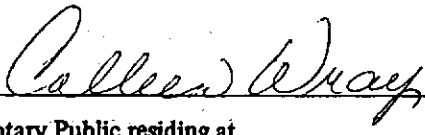
The above information is a true statement of the extent to which the above numbered permit has been developed.

4/18/78
 (Date) 
 (Signature)

State of Idaho)
) ss.
 County of Bonneville)

On this 18th day of April, 19 78, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.




 Notary Public residing at _____
 Idaho Falls, Idaho

My commission expires 6/15/81



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

March 31, 1978

CERTIFIED MAIL

128553

Re: Permit No. 73-7032

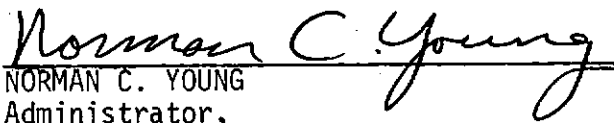
Wayne E. Cunningham
May, Idaho
83253

Dear Mr. Cunningham:

One of the conditions of approval of your water Permit No. 73-7032 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before June 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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


NORMAN C. YOUNG
Administrator,
Resources Administration Division

NCY:jfr

Encl: Proof affidavit

WJBR/ED

May 11, 1976

Re: Permit No. 73-7032

Wayne E. Cunningham
May, ID 83253

Dear Mr. Cunningham:

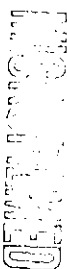
Enclosed is a copy of your approved Application for Permit No. 73-7032 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit



April 12, 1976

RE: Application for Permit No. 73-7032 CUNNINGHAM

Mr. Charles Kesl, Watermaster
Water District 73
May, Idaho 83253

Dear Mr. Kesl:

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is May 3, 1976, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

RECEIVED
APR 10 1976

Department of Resources
Eastern District Office

April 9, 1976

Dear Mr. Rhoads:

In reference to your letter of April 7, 1976, the waste water in question comes from the H. E. Cunningham ranch when they irrigate. The Cunningham right originates out of Big Creek.


WAYNE E. CUNNINGHAM

RECEIVED
APR 11 1976

April 8, 1976

RE: Application for Permit No. 73-7032 CUNNINGHAM

Custer Publishing Company
P.O. Box 405
Challis, Idaho 83226

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor, Easter Region

Bill submitted 4-26-76 by CW

RDC:CW

Enc: Legal Notice (1)

RECEIVED
APR 12 1976
FBI - CHALLIS

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Wayne E. Cunningham, May, Idaho, has on 4-03-76 submitted Application No. 73-7032 for a permit to appropriate 1.40 cubic feet per second of water from waste water by means of ditch and pipeline within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T. 13N, R. 23E, B.M., Custer County, to be used from Apr. 1 to Nov. 1 for the irrigation of 70 acres within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 36, T. 13N, R. 23E, 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 May 3, 1976.

R. KEITH HIGGINSON
Director

Published in the Challis
Messenger, Challis, Idaho on April 15
and April 22, 1976.

RECEIVED
APR 22 1976
CHALLIS, IDAHO

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Wayne E. Cunningham,
May, Idaho

has on 4-05-76 submitted Application No. 73-7032
for a permit to appropriate 1.40 cubic feet per second ~~XXXXXX~~
of water from waste water
by means of ditch and pipeline
within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T. 13N, R. 23E, B.M., Custer County;

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

within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 36, T. 13N, R. 23E, 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 May 3, 1976

R. KEITH HIGGINSON

Director

Published in the Challis Messenger, Challis, Idaho
on April 15 and April 22, 1976

*me-f.
me-H.
me-D.*

April 7, 1976

RE: Application for Permit No. 73-7032

Mr. Wayne Cunningham
May,
Idaho 83253

Dear Mr. Cunningham:

Attached herewith is departmental receipt No. 15739 in the amount of \$35.00 for the above referenced application.

You have indicated the source of water supply is waste water. It will be necessary before finalizing the processing of this application to determine the source of this waste water. Likely, with the knowledge of your irrigation system, you have this information readily available. Therefore, would you please send that information to this office at your earliest convenience.

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

Very truly yours,

BILL RHOADS
Regional Planner

BR:cw

Attachment

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. _____

- ☒ Source Surface
☒ 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) BR 4-7

In form to receipt

(2) 11 11

Send Copies to:

- _____
 Idaho State Health Department

 Idaho Fish and Game Department
☒ NO Bureau of Land Management
☒ W.M. #73

 Request Special Use Permit from U.S.F.S.
☒ NO Request Easement from B.L.M.

 Request Information from Applicant

(3) 11 11

(4) 11 11

In form for advertising

(5) 11 11

Platted on Map No. N.A.

(6) 11 11

Located within Water District No. N.A.

(7) 11 11

Critical groundwater area: yes _____ no N.A.

(8) 11 11

Groundwater levels: N.A.

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) 11 11

Other rights on the same place of use None Surface

(10) _____

Comments: _____

(11) CW 4-26-76

Affidavit of Publication received (date) April 26, 1976

(12) CW 5-03-76

Final date for protests May 3, 1976
 Protests received: yes _____ no ☒

(13) RDC 5/3/76

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

(14) 11 11

Action recommended:

☒ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction

☒ Measuring device required

Supplementary See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District E By RDC Date 5/3/76

RECEIVED

Copied