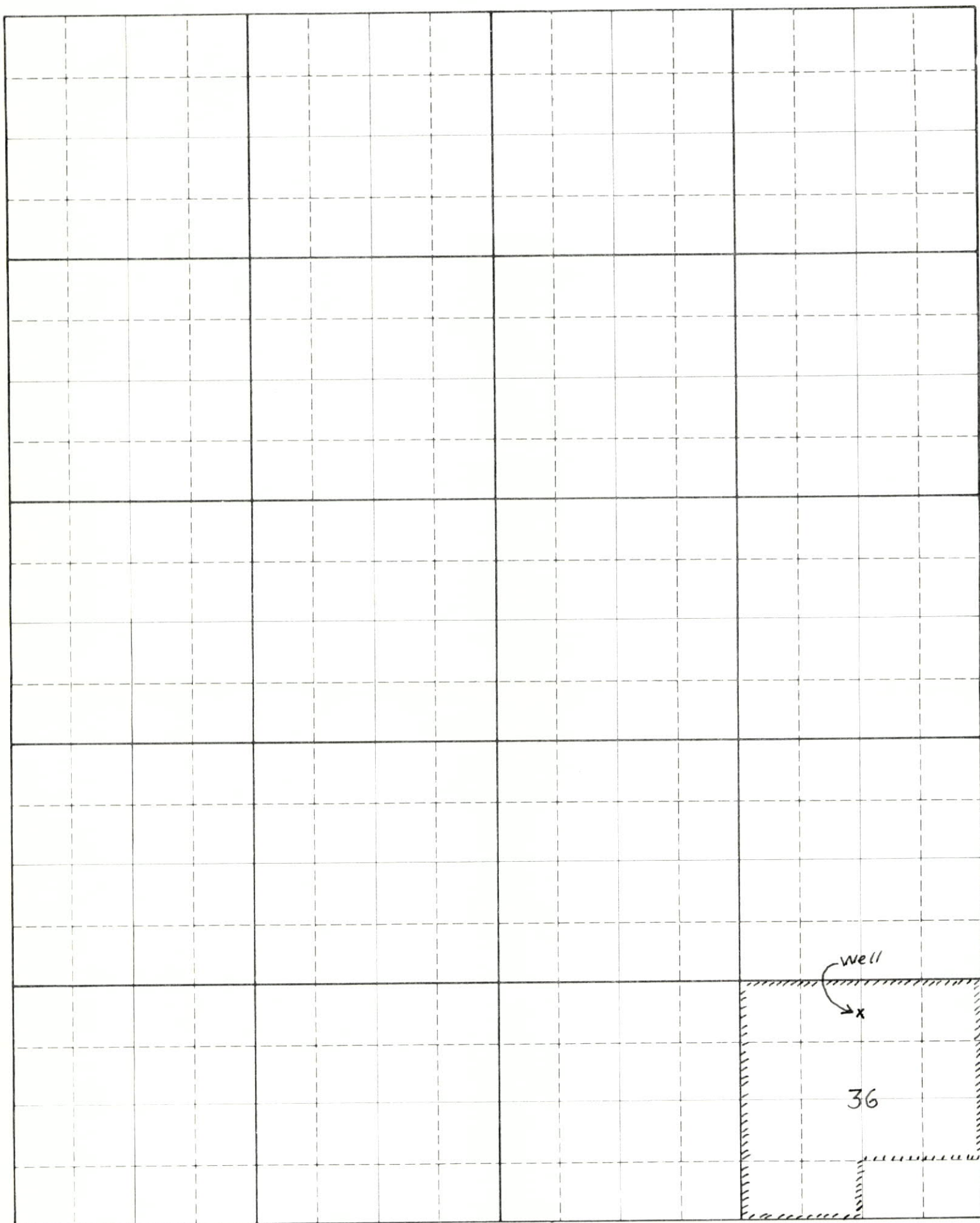


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.


(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 FEB 27,
 19 75 and ending with the issue
 dated MAR 6, 19 75.

Margaret Parks
 Subscribed and sworn to before
 me this 7th day of MARCH,
 19 75.

John B. Jurey
 Notary Public, residing at Challis,
 Idaho. My commission expires on
5/4/79.

RECEIVED

MAR 10 1975

Department of Water Resources
 Eastern District Office

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that
 Wayne E. Cunningham, 2304 Pur-
 due Rd., Ft Collins, Colorado has
 on 2-19-75 submitted Application
 No. 73-7026 for a permit to ap-
 propriate 8.0 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.
 36, T. 13N, R. 23E, B.M., Custer
 County; to be used from Apr. 1
 to Nov. 1 for the irrigation of 560
 acres within the N $\frac{1}{2}$, SW $\frac{1}{4}$,
 N $\frac{1}{2}$ SE $\frac{1}{4}$, 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 Re-
 sources, 1515 Lincoln Road, Idaho
 Falls, Idaho, 83401 on or before
 March 17, 1975.

R. KEITH HIGGINSON
 Director

Published in the Challis Mess-
 enger, Challis, Idaho on February
 27 and March 6, 1975.

MICROFILMED

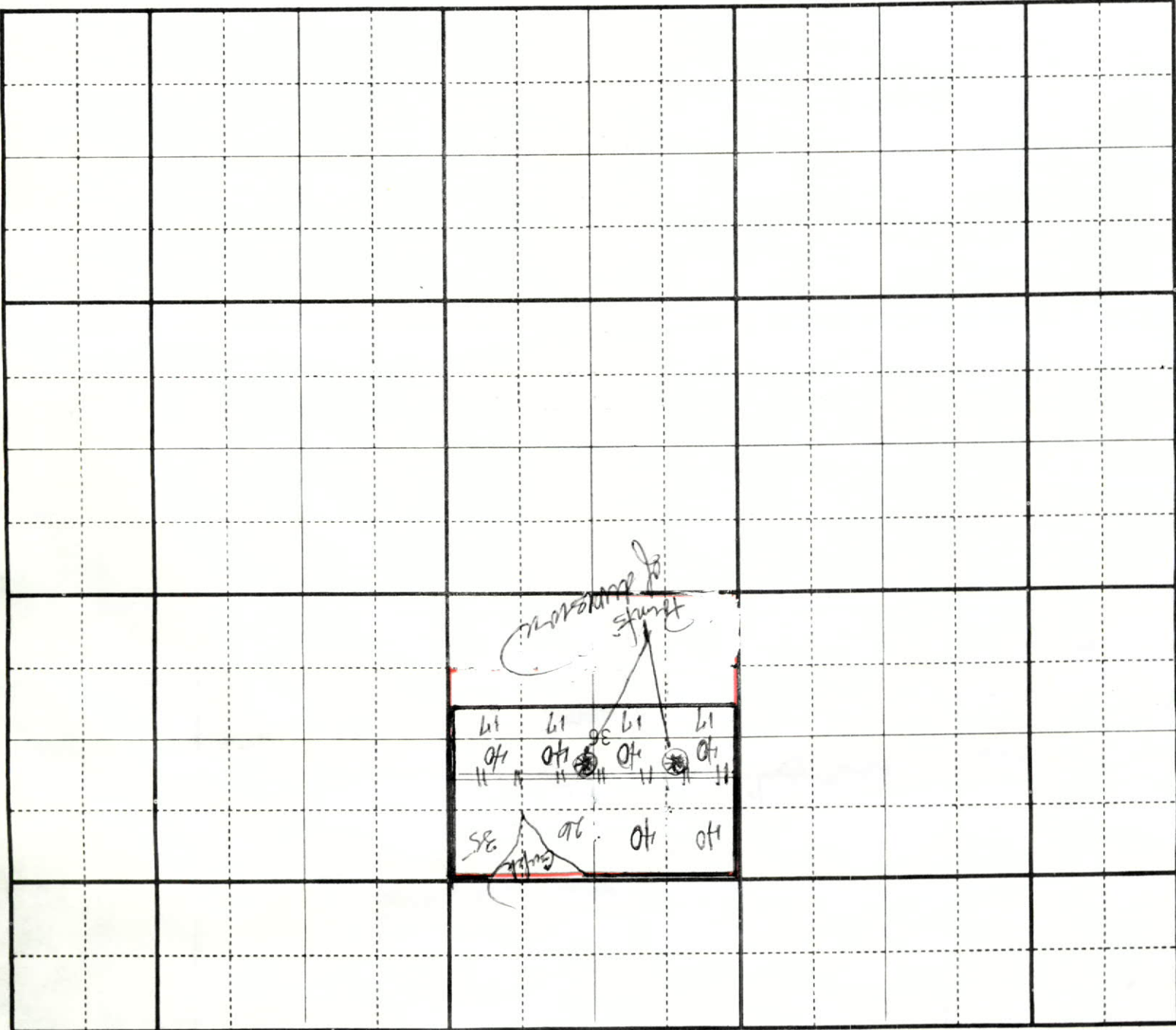
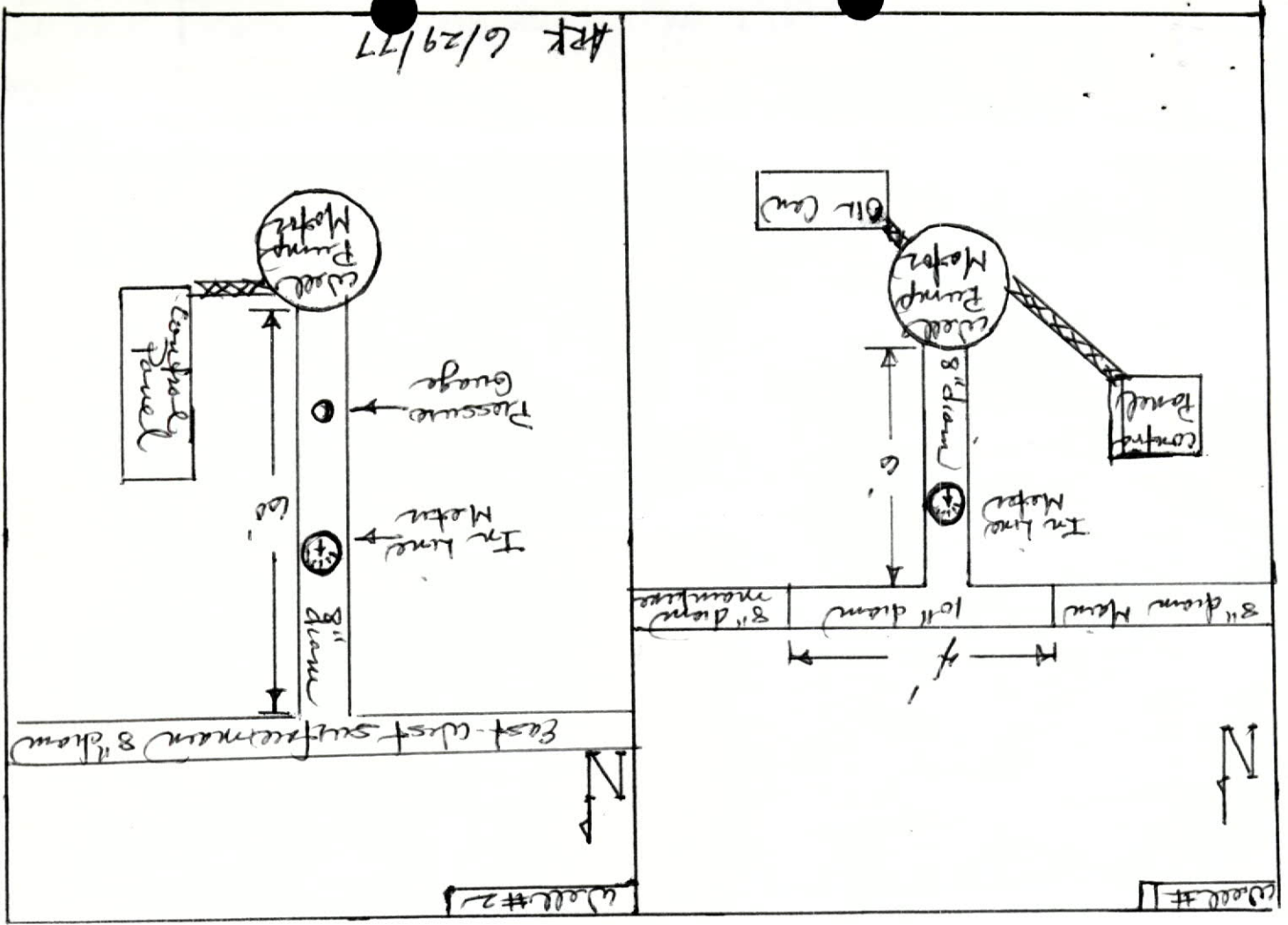
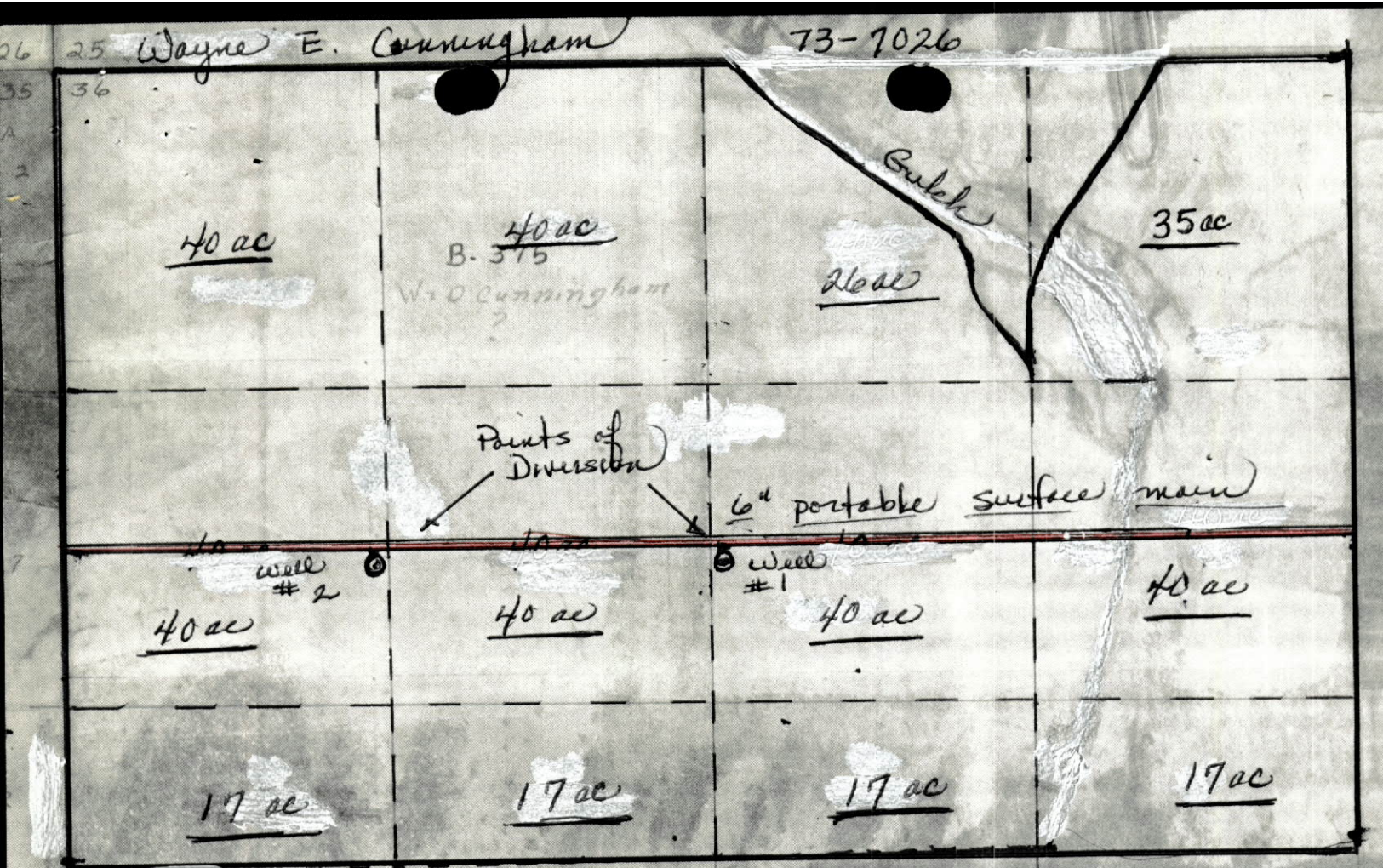


Diagram of System





ARK 6/29/77

B-45

James Whittier

MICROFILMED



Wayne E. Cunningham

13-1026

40 ac

40 ac

B. 375

W. D. Cunningham

Head

35 ac

Points of Division

6" portable surface main

well #2

40 ac

40 ac

well #1

40 ac

40 ac

17 ac

17 ac

17 ac

17 ac

ARK 6/29/97

B-45

James Whittier

MICROFILMED

State of Idaho
Department of Water Resources
WATER RIGHT LICENSE

License of Water Right No. 73-7026 Priority February 19, 1975 Amount 4.66 cfs

THIS IS TO CERTIFY, that WAYNE E. CUNNINGHAM
of May, Idaho, has complied with the terms and conditions of Permit
No. 73-7026 issued pursuant to Application for Permit dated February 19, 1975,
and has submitted proof to the Department of Water Resources on June 30, 1975,
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 4.66 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>4.66</u> cfs and	<u>1,107</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 4.66 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1,107 acre feet per-year, said waters to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36,
Twp. 13N, Rge. 23E, B.M. in the County of Custer

Description and location of place of use:

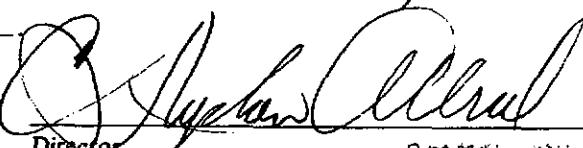
Twp.	Range	Sec.	NEW				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
13N	23E	36	35	26	40	40	40	40	40	40	17	17			17	17			369

Total number of acres irrigated 369

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
March, 19 80


Director

MICROFILMED

OK

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAR 6 1980

APPLICATION FOR AMENDMENT OF A PERMIT Department of Water Resources

To change the point of diversion and/or the place of use.

Comes now WAYNE E. CUNNINGHAM

of (address) May, Idaho, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 73-7026, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW ¼ NE ¼, Section 36, Township 13N, Range 23E, B.M.,
County of Custer. Other points of diversion: SW ¼ NW ¼, Sec. 36, Twp. 13N,
Rge. 23E, B.M.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 4.66 for Irrigation purposes from April 1 to November 1 (both dates inclusive)
(cfs or acre feet per annum)

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

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

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

3. Place of use or land to be irrigated: NO CHANGE

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

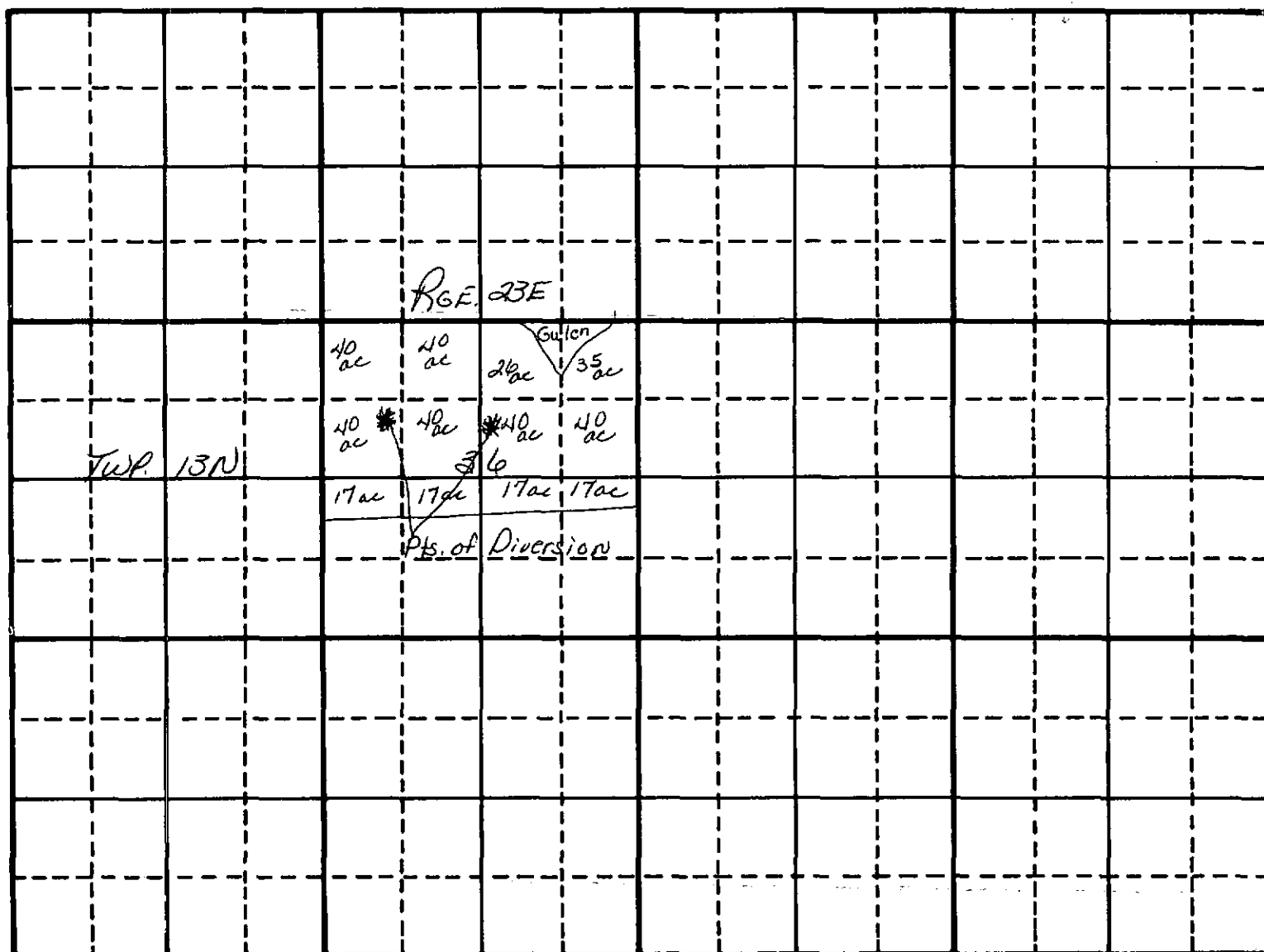
Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or the 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: N/A

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

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

Signed at Pay, Idaho, this 22 day of Feb, 1980.

[Signature]
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by ja Fee = \$20.00

Received by ja Date 03-11-80

Publication prepared by _____ Date _____

Published in N/A

Publication dates N/A

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, C. STEPHEN ALLRED, Director of the Department of Water Resources hereby

APPROVE the above referenced Amendment for Permit No. 73-7026.

Witness my hand this 27 day of March, 1980

[Signature]
Director

DRT

Receipt # 4313 MB

APPLICATION FOR AMENDMENT

RECEIVED
JUN 30 1975
Department of Water Resources
Eastern District Office

Comes now Wayne E. Cunningham of (address) _____

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 73-7026, and requests that the permit and permit map be changed as follows:

1. Point of diversion: _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Sec. 36 Twp. 13N
Rge. 23E, B. M., County of Custer. Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.) NO CHANGE

3. Place of use or land to be irrigated: NO CHANGE

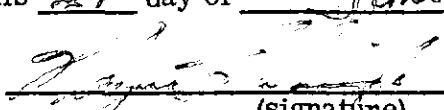
[illegible]

MICROFILMED

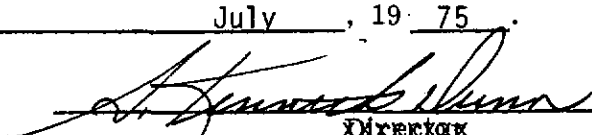
Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.

Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at May, Idaho, this 27 day of June, 19 75.

(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES
ADMINISTRATOR, OPERATIONS DIVISION
I, A. KENNETH DUNN, ~~Director~~ of the Department of Water Resources
hereby approve the above application for amendment for Permit No. 73-7026.

Witness my hand this 2nd day of July, 19 75.

Director
ADMINISTRATOR, OPERATIONS DIVISION

Identification No. 73 7026

Application No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

APPROVED

1. Name of applicant Wayne E. Cunningham Phone: (303) 493-7410
post office address 2304 Purdue Road, Ft. Collins, Colorado 80521
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 36 Township 13N
Range 23E B.M. Custer County; additional points of diversion if any: _____
The point of diversion is on a line common to the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36,
T. 13N, R. 23E, B.M.
- 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 8.0 for Irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or ~~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. 8.0 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 20 inches; proposed depth of well is 300 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years.
b. Estimated construction cost is \$ 35,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation: N.A.
(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: _____

MICROFILMED

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13N	23E	36	40	40	40	40	40	40	40	40	40	40	40	40	40	40			560

Total number of acres to be irrigated 560

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

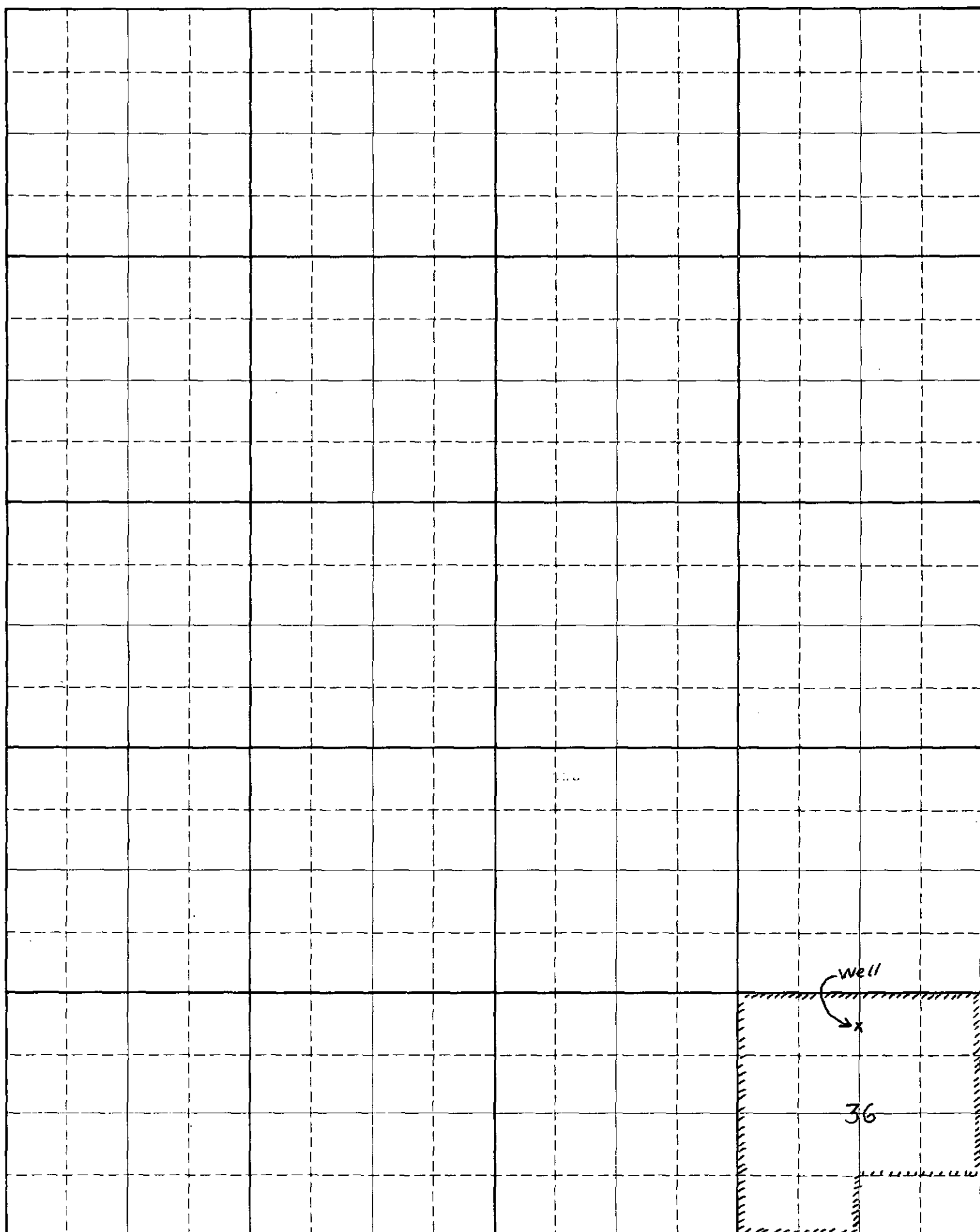
9. a. Who owns the property at the point of diversion Applicant

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

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

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.


(Applicant)

Received by MB Date 2-19-75 Time 9:30 A
Preliminary check by LH Fee \$ 95.00
Receipted by MB Date 2-19-75 # 4099
Publication prepared by MB Date 2-20-75
Published in (Challis) Messenger
Publication dates Feb. 27 & March 6, 1975
Publication approved MB Date 3-10-75
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by RDC BDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

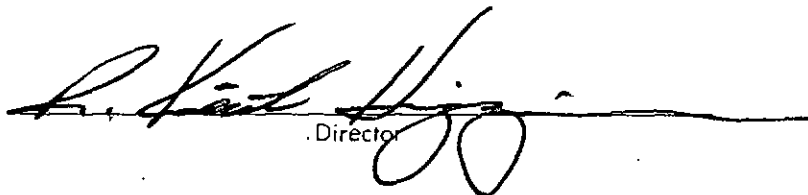
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 73-7026, and said application is hereby APPROVED.

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 April 1, 19 76.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 2/ day of _____ March 19 75.


Director

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Cunningham

- ☒ Source
☒ Point of Diversion Ado. both locations
☒ 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) WR 2/19

In form to receipt

(2) " "

Send Copies to:

- NO Idaho State Health Department
NO Idaho Fish and Game Department
NO Bureau of Land Management

(3) " "

- NO Request Special Use Permit from U.S.F.S.
NO Request Easement from B.L.M.
NO Request Information from Applicant

(4) " "

In form for advertising

(5) " "

Platted on Map No. NO. A

(6) " "

Located within Water District No. NO. A

(7) " "

Critical groundwater area: yes no ☒

(8) " "

Groundwater levels: No data Avail

Declining, Stable, Increasing

(comment) NO

(9) " "

Other rights on the same place of use None

(10) " "

Comments: NO

(11) MB 3/10/75

Affidavit of Publication received (date) March 10

(12) MB 3-17-75

Final date for protests March 17, 1975

Protests received: yes no ☒

(13) RDC 3/17/75

All requested information received from agencies or applicant: yes no

(14) " "

Action recommended:

☒ Approve

Deny

2/19/75 Proposed Priority

Reason for Reduction

☒ Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District E

By RDC

Date 3/17/75

RECEIVED
MARCH 18 1975
Department of Water Resources
MICROFILMED

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 FEB 27

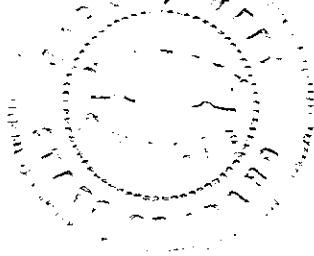
19 75 and ending with the issue
dated MAR 6, 19 75

Margaret Parks

Subscribed and sworn to before
me this 7th day of MARCH,
19 75.

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

5/4/79



RECEIVED

MAR 10 1975

Department of Water Resources

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that
Wayne E. Cunningham, 2304 Pur-
due Rd., Ft Collins, Colorado has
on 2-19-75 submitted Application
No. 73-7026 for a permit to ap-
propriate 8.0 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.
36, T. 13N, R. 23E, B.M., Custer
County; to be used from Apr. 1
to Nov. 1 for the irrigation of 560
acres within the N $\frac{1}{2}$, SW $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$, 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 Re-
sources, 1515 Lincoln Road, Idaho
Falls, Idaho, 83401 on or before
March 17, 1975.

R. KEITH HIGGINSON
Director

Published in the Challis Mess-
enger, Challis, Idaho on February
27 and March 6, 1975.

MICROFILMED

WATER RIGHT NUMBER 73-7026

OWNER LAST NAME - CUNNINGHAM

FIRST NAME - WAYNE E.

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - MAY

STATE - ID ZIP CODE - 83253

SOURCE - GROUNDWATER

TRIBUTARY OF -

STAGE - LICENSE

STATUS -

PRIORITY - 02-19-1975 COUNTY - CUSTER

TOTAL DIV. RATE - 4.6600 -CFS

TOTAL DIV. VOLUME - 1107.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SWNE 36 13N 23E LOT REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

SWNW 36 13N 23E LOT REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE -

4.6600 CFS

USE DIV. VOLUME -

1107.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 13N RNG 23E SEC 36

TRACT NENE LOT

AC 35 TRACT

NWNE LOT

AC 26

TRACT SWNE LOT

AC 40 TRACT

SENE LOT

AC 40

TRACT NENW LOT

AC 40 TRACT

NWNW LOT

AC 40

TRACT SWNW LOT

AC 40 TRACT

SENW LOT

AC 40

TRACT NESW LOT

AC 17 TRACT

NWSW LOT

AC 17

TRACT NESE LOT

AC 17 TRACT

NWSE LOT

AC 17

DATE -

TOTAL ACRES

369

DECREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE - 04-01-1976 PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -



I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 173-7026
Old No. New No.

Record

1. Original Owner: Wayne E. Cunningham

Present Owner: _____

2. Address:

3. City: May State: Id Zip: 832534. A. Source of Water: Sw

B. Tributary of:

5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 2-19-1975D. County: 37E. Total Diversion Rate: 8.

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>see remark</u>					

7. Period of Use, Use, Diversion Rate/Volume:

from 4-1 to 11-1 for A purposes. Amount 8
(cfs or AC-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: A

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. 1st G/D between NENW & NWNE, $\angle 36$, T 13N, R 23E.
B. 2nd G/D center of NW $\frac{1}{4}$, $\angle 36$, T 13N, R 23E.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date: 4-1-1976

B. Date Permit Approved or Denied: 3-21-1975

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank): *P*

G. Field Exam Made (P,R,F or blank): F

H. Conditions of Approval: 01

14. Diversion Means (brief narrative): *Well, pump & sprinklers.*



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

March 27, 1980

Wayne E. Cunningham
May,
Idaho 83253

Dear Mr. Cunningham,

RE: License No. 73-7026

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

Also enclosed is a copy of the approved Application for Amendment along with Receipt No. 16704 in the amount of \$ 20.00 .

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

MICROFILMED

February 15, 1980

Wayne E. Cunningham
May,
Idaho 83253

Dear Mr. Cunningham,

On March 28, 1979, a field examiner from our Idaho Falls office wrote you concerning the points of diversion on the above referenced permit. At that time you were concerned with his findings. Therefore, we are prepared to issue a license as follows:

Amount of water that can be recognized as beneficially used under
Idaho law: 4.66 cfs Source: groundwater

The maximum quantity diverted shall not exceed 1,107 acre feet per year.

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

Beneficial use: Irrigation of 369 acres within the N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 36,
Twp. 13N, Rge. 23E, B.M.

Priority date established: February 19, 1975.

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:mr

Enclosure

UNRECORDED

System shut down
for secron - on grain

8/4/76

RECEIVED

Phone

JUL 8 1975

Department of Water Resources
Eastern District Office
(Main District Office)

[illegible]**TOTAL ACREAGE**

560

T
13
N

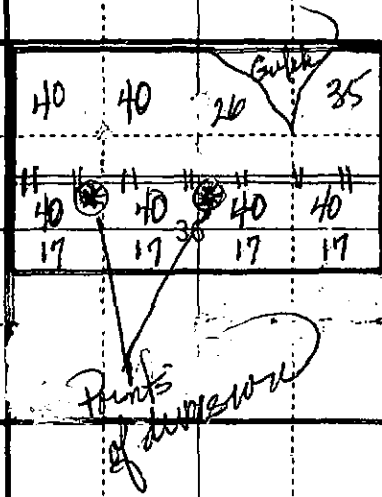
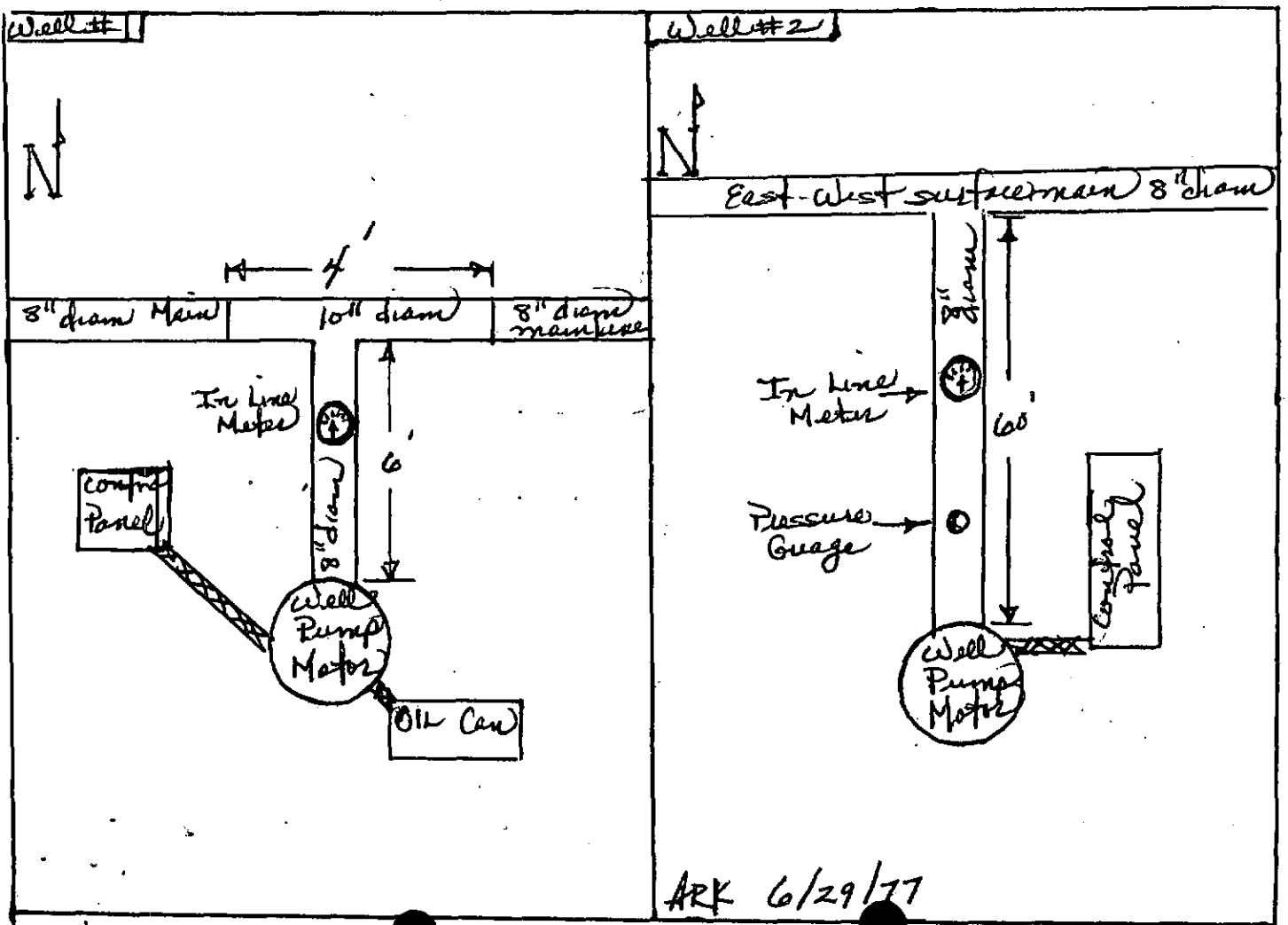


Diagram of System



DATE OF EXAM 6/29/77

ACREAGE
Found 369 ac
Recommended 369 ac

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = 4.66 c.f.s. V = 1107 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 _____ no X

Name source: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
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 4.66 cfs Method of measurement In Line meters
Total Q recommended 4.66 cfs Meter No. well 1 - MCG 44518 Type Badgers Condition good
Total V recommended 1107 AF/Ann.

Recommended Amendments:

☒ P.D. Well #1 - SWNE. Sec 36, 13N, 23E, Well #2 - SWNW, Sec 36, 13N, 23E, Custer.
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:

Measured 2,091 gpm, 1 cfs = 448.8 gpm. Therefore
 $2,091 \div 448.8 = 4.66$ cfs
 $V = 369 \times 3.0 = 1107$ AF/Ann $< 215 \times 1.98 \times 4.66 = 1987.27$ AF/Ann.
ARK 6/29/77

SYSTEM DESCRIPTION (Well #1)

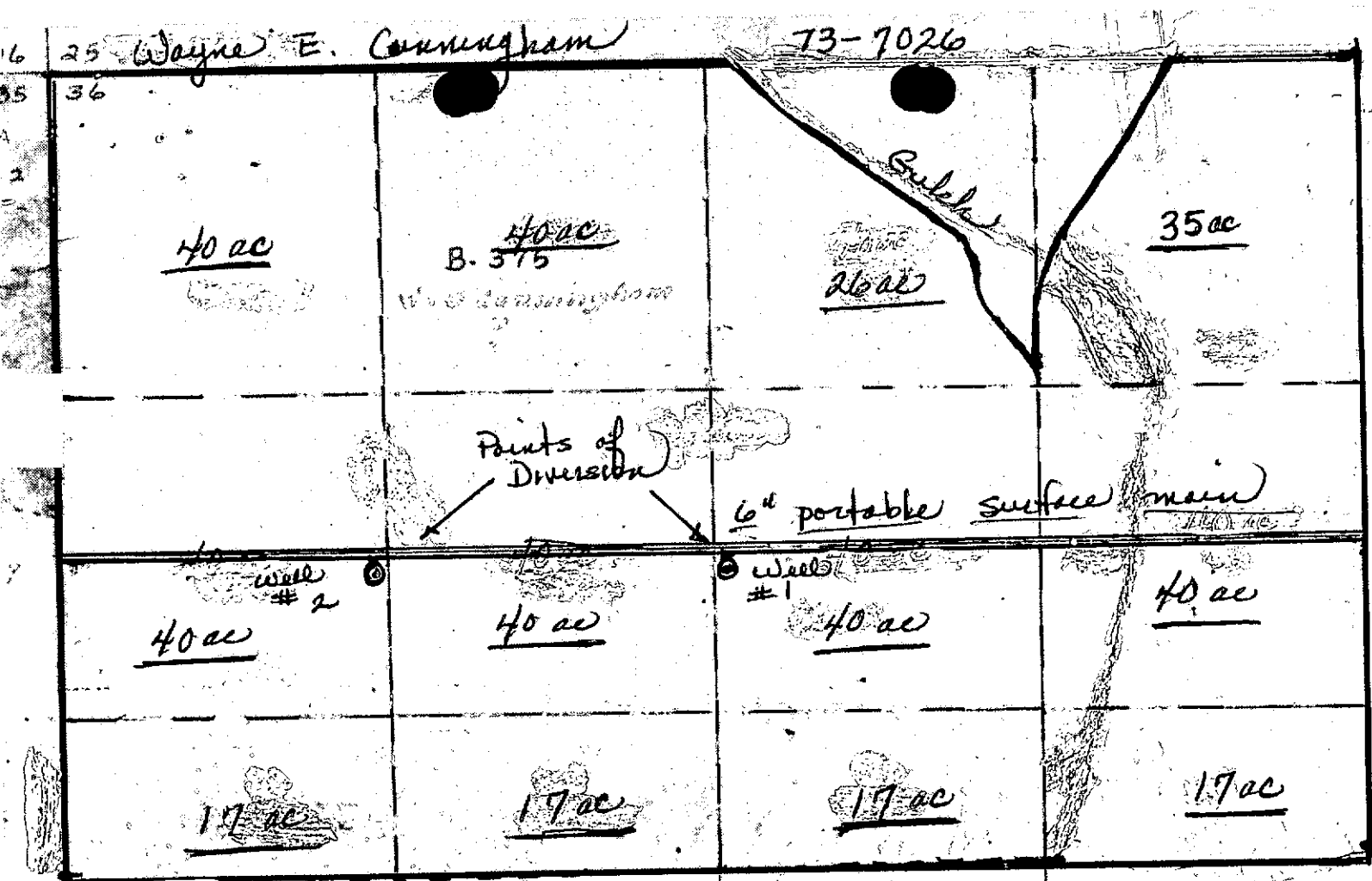
Groundwater is diverted from a 140' deep well having a 16" diam casing
by a U.S. Electrical Motors High Thrust pump motor, 3pk, ID# R-XA 1.8-00-628
R-2090695, 75 H.P. and by an Aurora Vertiline pump # 37570274, type
RXL 55hp. (Well #2) Groundwater is diverted from a 133' deep 16" diam well
by a U.S. Electrical Motors High Thrust pump motor, 100 H.P., 3pk, ID# C99 83-00-
2-21-75 8501762 and by an Aurora Vertiline pump # 37570273
RFMARKS mfr - 12RL

described by Wayne Cunningham System shown &
Ageage irrigated by 6-1/4" wheel moves and 4 3/8" mid-
wheel moves all having 1/64" diam nozzles.

Examiner's Signature Anthony R. Kozlawski Date 6/29/77

Checked by Dennis Michael Dunn Date 2/8/78

Approved by _____ Date _____



ARK 6/29/77

B-45

James Whittier

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

March 28, 1979

Mr. Wayne E. Cummingham
May, Idaho 83253

Dear Wayne:

Re: Licensing Amendment for 73-7026

It appears that I have made a mistake in properly describing the location of your irrigation wells on a field report I completed last summer. I apologize for any inconvenience I may have caused you.

Enclosed please find an aerial photo of the lands you irrigate under this permit. As you can readily see, I have drawn in the mainline and your wells where I feel they are located. If I have drawn them incorrectly, please draw in the correct location of the mainline and wells.

Once this has been accomplished, we can clear up this matter and issue you a license on this permit. I will be looking forward to hearing from you in the near future.

Very truly yours,

Anthony R. Kozlowski

ANTHONY R. KOZLOWSKI
Water Resource Agent

ARK:dh

Enclosure

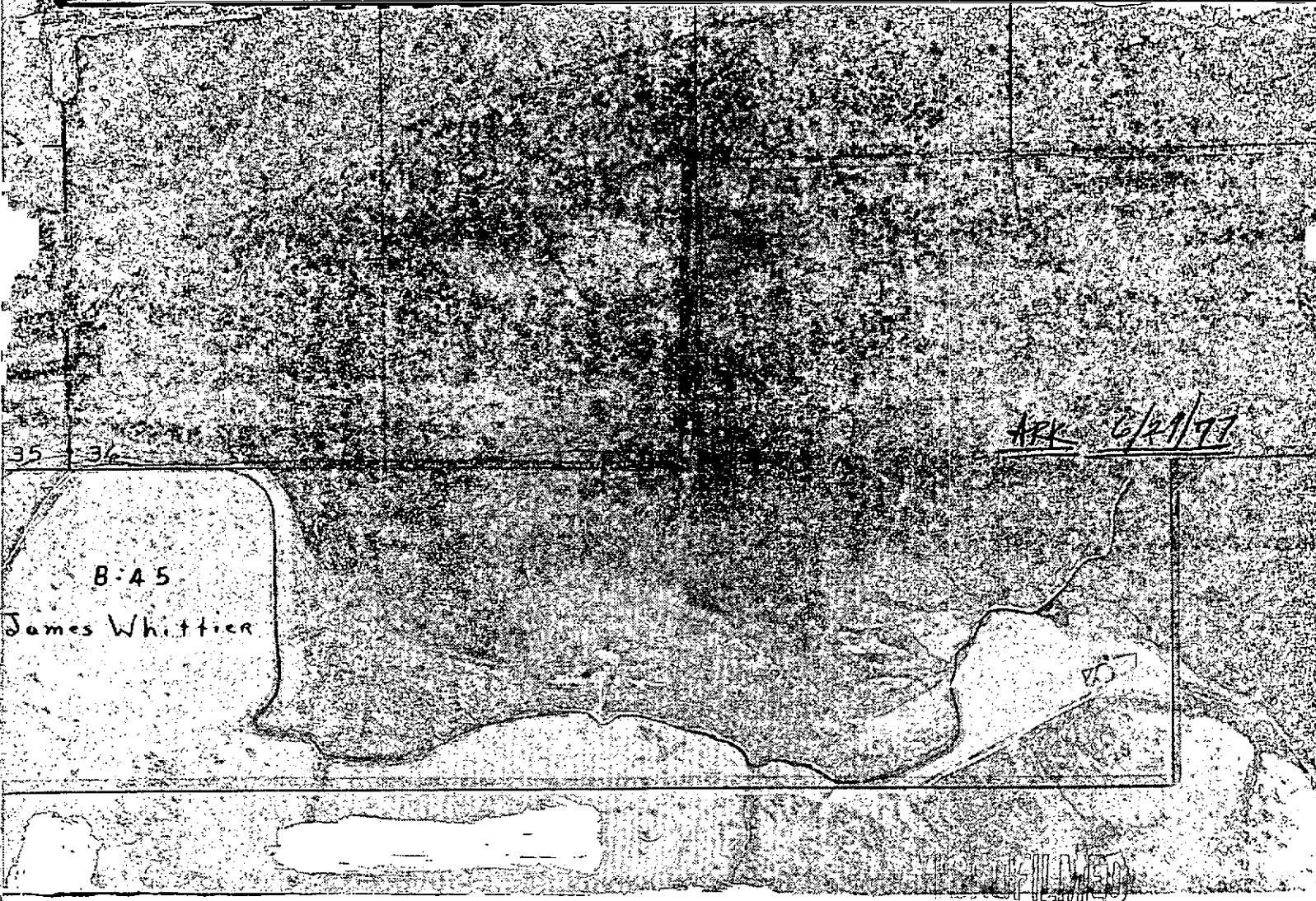
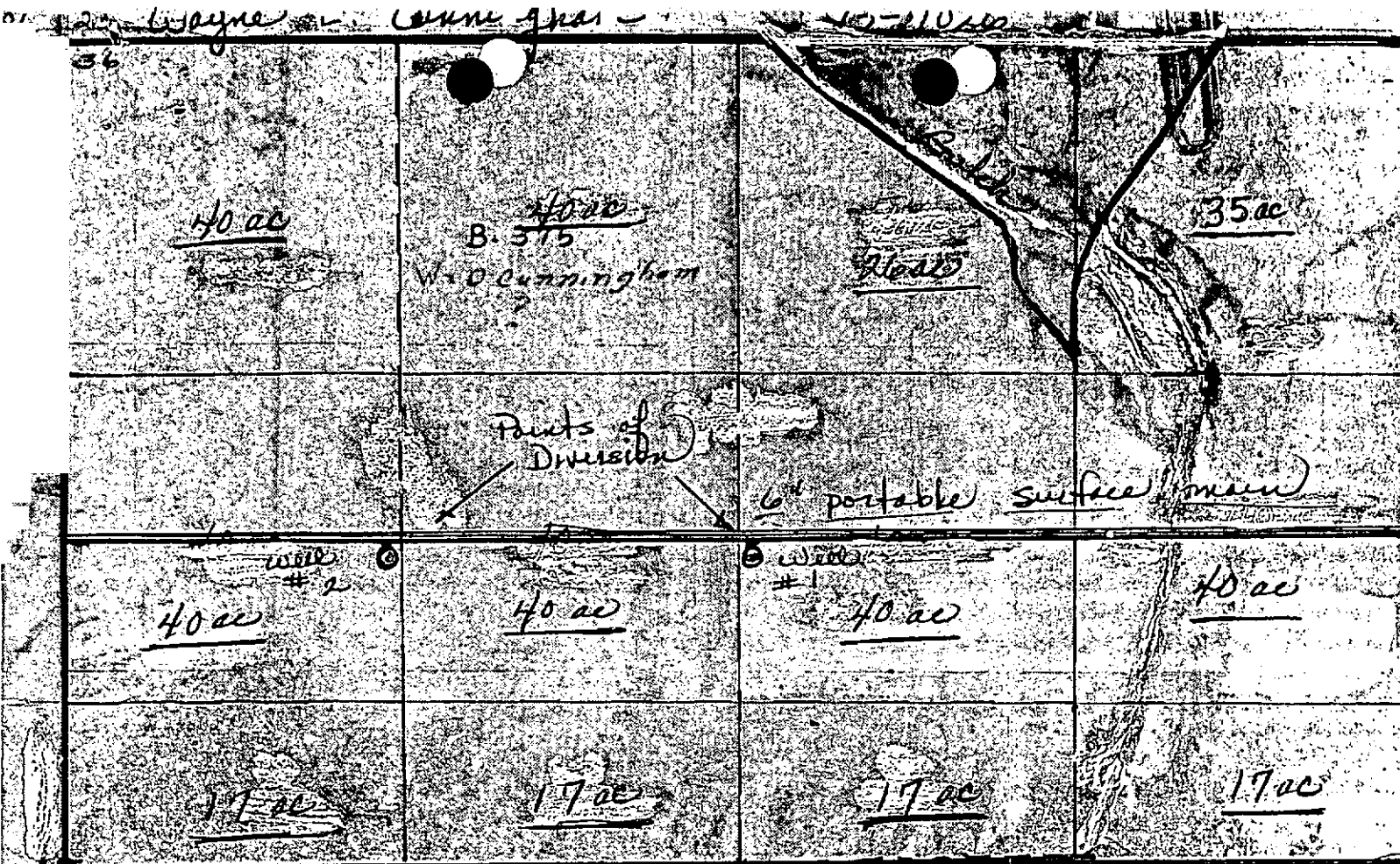
Points of Diversion are as shown

[Signature]

RECEIVED

APR 12 1979

Department of Water Resources
Eastern District Office



INTER-DEPARTMENT MEMO — 1

FROM

Jan

DATE

1/31/79

TO

file

SUBJECT

Exam for W. Cunningham

Returned exam to Tony K.
temporarily so he could call
Mr. Cunningham & talk to him.
Will return

SIGNATURE

ACTION REQUIRED

FROM: Eastern

TO: Jan

Jan. 5, 1979

Re: License for ~~7026~~ 73-7026

Mr. Wayne E. Cunningham, holder of Permit No. 73-7026, called this day requesting his license. My records show the rough draft was forwarded to Boise Feb. 29, 1978. Could you look into this matter for me and forward the license to Mr. Cunningham, May, Idaho as soon as possible.

Donna

73-7026-12



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

January 16, 1979

Re: Permit No. 73-7026

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. 73-7026 on June 29, 1977, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 4.66 cfs Source: groundwater

The maximum quantity diverted shall not exceed 1107 acre feet per year.

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

Beneficial use: Irrigation of 369 acres within the NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 36, Twp. 13N, Rge. 23E, B. M.

Priority date established: February 19, 1975

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$10.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JAN GROVER
Supervisor,
Water Rights

JG:kw
Encl.

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State of Idaho
Department of Water Administration

8-11-75

8-11-75

[illegible]

July 2, 1975

Re: Permit No. 73-7026

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. We are enclosing a copy of the approved amendment issued on this permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, however, our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions concerning the field exam, please contact our District Office in Idaho Falls.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:JFR

Enclosure

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JUN 30 1975 OK's

Identification No. _____

Permit No. 73-7026

Department of Water Resources
Eastern District Office

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 83253
2. Permit Number 73-7026
3. Date of Priority that you are prepared to establish February 19, 1975
4. a) Source from which water was appropriated ground water
b) Location of the point of diversion: ¼ ¼, Section 36
Township 13N, Range 23E Boise Meridian, Other points of diversion: _____
#1 - on a line common to the NENW and NWNE, Sec. 36
#2 - on a line common to the NENW, NWNW, SWNW, SENW, Sec. 36
5. a) The amount of water and use to which the water has been applied:
Amount 8.0 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)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 8.0 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: Test pump by Aurora Pump of Twin Falls
Orafice measurement
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:

b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) #1 - 140' deep, 16" diameter, motor 75 HP, pump 8"
#2 - 133' Deep, 16" diameter, motor 100 HP, pump 8"

b) Describe the type and size of measuring device which you have installed at your point of diversion:
Badger water meter - 1 each well

c) Give well driller's name and address and the date the well was completed: _____
#1 Mortier Barrus, Butte, Montana
#2 LaMar Barrus, Basalt, Idaho

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

Exam typed 7-2-75 *jr*Exam typed *jr* MICROFILMED

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	40	40	40	40	40	40	40	40	40	40	40	40	40	40			560

Total number of acres irrigated 560

10. Remarks: With regard to Q. 9, there are presently 300 acres being irrigated
with the final being 400 acres.

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

27 June 75

(Date)

[Signature]

(Signature)

State of Idaho)

County of Lemhi) ss.

On this 27 day of June, 1975, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at Salmon Idaho

My commission expires 9-13-77

March 24, 1975

Re: Permit No. 73-7026

Mr. Wayne E. Cunningham
2304 Purdue Road
Fort Collins, Colorado 80521

Dear Mr. Cunningham:

Enclosed is a copy of your approved Application for Permit No. 73-7026. 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

BDF:jfr

Enclosures

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February 21, 1975

RE: Application for Permit No. 73-7026 Cunningham

Custer Publishing Co.
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
District Engineer

Bill submitted 3-10-75 by MB

RDC:MB

Enc: Legal Notice (1)

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**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Wayne E. Cunningham, 2304 Purdue Rd., Ft Collins, Colorado has on 2-19-75 submitted Application No. 73-7026 for a permit to appropriate 8.0 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. 36, T. 13N, R. 23E, B.M., Custer County; to be used from Apr. 1 to Nov. 1 for the irrigation of 560 acres within the N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, 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 March 17, 1975.

R. W. HIGGINSON
Director

Published in the Challis Messenger, Challis, Idaho on February 27 and March 6, 1975.

RECEIVED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Wayne E. Cunningham,

2304 Purdue Rd., Ft. Collins, Colorado

has on 2-19-75 submitted Application No. 73-7026

for a permit to appropriate 8.0 cubic feet per second ~~2000-1500 per annum~~

of water from a ground-water source

by means of well and pump

within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 13N, R. 23E, B.M., Custer County;

to be used from Apr. 1 to Nov. 1

for the irrigation of 560 acres

within the N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, 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 March 17, 1975.

R. KEITH HIGGINSON

Director

Published in the Challis Messenger, Challis, Idaho

on February 27 and March 6, 1975.

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CW-A
DW-A
MB-A