

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Washington

Dorothy A. Booth, being duly sworn,
deposes and says:

That he is the Clerk of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-
lished in said newspaper once a week for Two consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in a supplement; that said
paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
first publication of said advertisement.

Such notice was published in the issue beginning with
Jan. 29, 1981, and ending
with the issue of Feb. 5, 1981

Fees, \$ 22.50

Subscribed and sworn to before me this 5
day of Feb, 1981.

My Comm
Notary Public, Residing at Weiser, Idaho.

My Commission Expires 1-2, 1983

No. 556 NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application has been for
permit to appropriate the public waters of the State of Idaho:

03-7029

CUNNINGTON, BILLY D.
RT. 1 BOX 121A, WEISER, ID 83672
Source: SNAKE RIVER tributary to COLUMBIA RIVER
Date Filed: 01/16/1981
Amount: 0.03 CFS
Diversion Point: LOT 01 (NENE) Sec 32 T 11N R 06W,
WASHINGTON Co.
Use: IRRIGATION (0.03 CFS) from 03/15 to 11/15
Place of Use: LOT 01 (NENE) Sec 32 T 11N R 06W FOR 1 ACRES
Diversion Means: PUMP & PIPELINE.

If issued, the permit will be subject to all prior water rights. Protests
against the granting of any permit must be filed with the Director of
the Idaho Department of Water Resources, 92 S. Cole Road, Boise,
Idaho 83709 on or before FEBRUARY 16, 1981.

C. STEPHEN ALLRED
Director

Published 1/29 & 2/5/81.

94-2S

RECEIVED

MAR 2 1981

Department of Water Resources
Western Regional Office

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 03-07029

Priority: January 16, 1981 Amount: 0.02 CFS 2.3 AFA

This is to certify, that BILLY D. CUNNINGTON
RT. 1 BOX 121A
WEISER, ID 83672

has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated January 16, 1981, and
has submitted proof to the Department of Water Resources on May 4, 1981, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of .120 cfs of water from:

SNAKE RIVER tributary to COLUMBIA RIVER

source and that a water right has been established as follow:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	03/15 to 11/15	0.02 CFS	2.3 AFA

LOCATION OF POINT OF DIVERSION(S): LOT 1(NENE), Sec. 32, Township 11N, Range 06W
WASHINGTON 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>
11N	06W	32	LOT 1(NENE)	0.5		0.5

Total number of acres irrigated: 0.5

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Place of use also known as Lot 7, River Bend Estates.

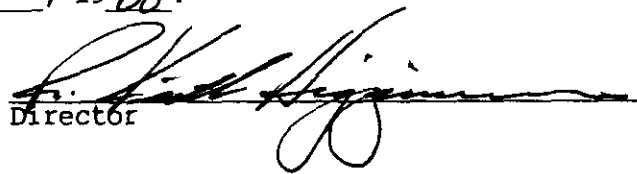
SEP 20 1980

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 03-07029

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 10th
day of August, 1988.


Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Billy D. Cunningham Phone 549-1072

Post office address Rt. 1, Box 121A, Weiser, ID 83672

2. Source of water supply Snake River which is a tributary of Columbia River

3. Location of point of diversion is Gov. Lot 1
NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32 Township 11N

Range 6W B.M. Washington County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .03 cfs for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

.03
a. _____ cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. pump and pipeline

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

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

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

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M.

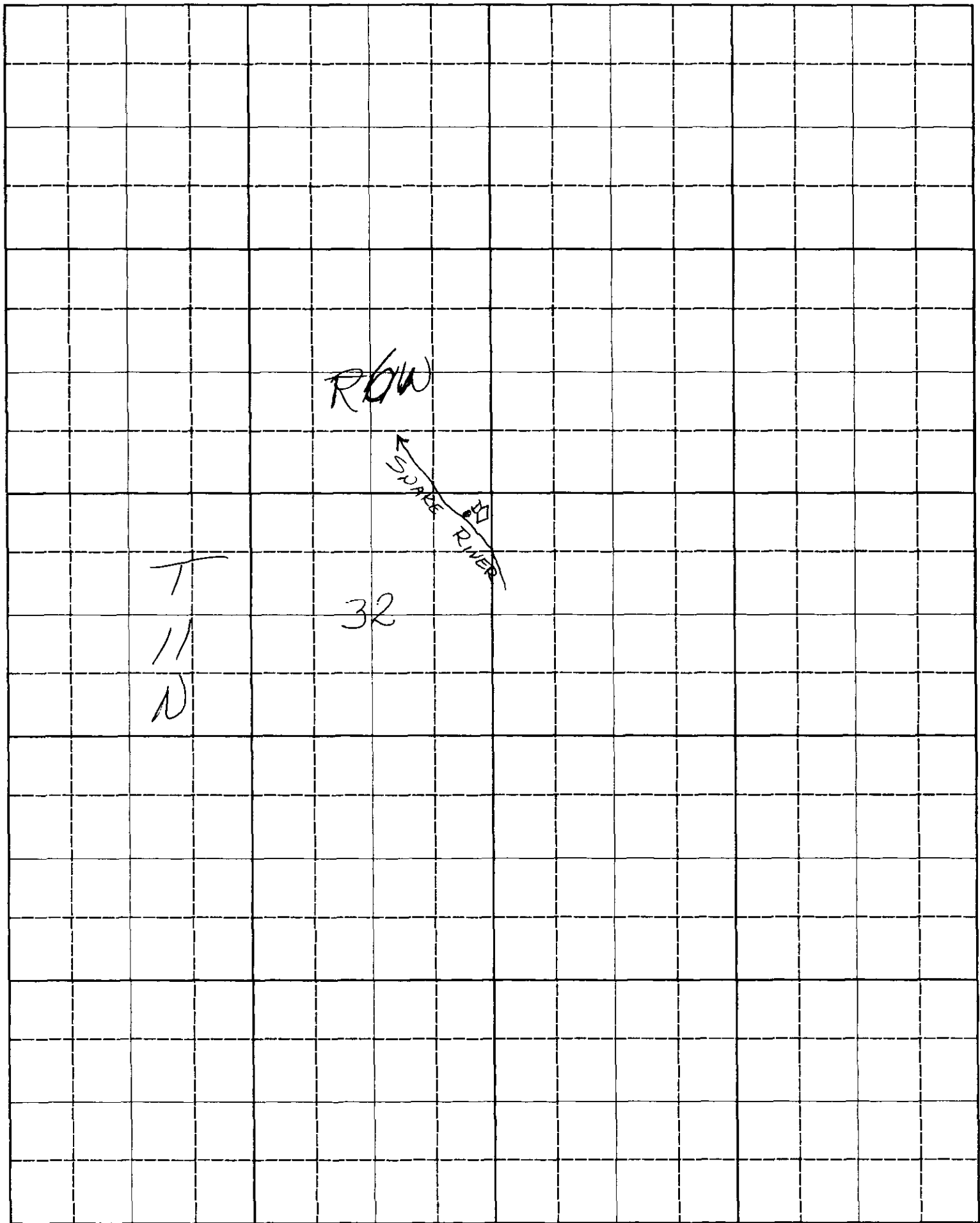
(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

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

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.

Lilly & Sullivan Inc.
(Applicant)

Proposed Priority 1/16/81

Received by J Date 1/16/81 Time 11:00 AM

Preliminary check by chs Fee \$ 30

Receipted by J Date 1/16/81 # 17246

Publication prepared by neh Date 1/22/81

Published in Signal American

Publication dates 1/29-2/6/81

Publication approved neh Date 3/2/81

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DBS RH

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. 03-7029, 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 March 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

Witness my hand this 10th day of March, 1981.

A. Glen Saxton
Chief, Operations Bureau

2/16

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Washington } ss.

Debbie A. Smith, being duly sworn,
deposes and says:

That he is the owner of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-
lished in said newspaper once a week for two consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in a supplement; that said
paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
first publication of said advertisement.

Such notice was published in the issue beginning with
Jan 29, 1981, and ending
with the issue of Feb 5, 1981
Debbie A. Smith
Fees, \$ 25.50

Subscribed and sworn to before me this 5
day of February, 1981
Debbie A. Smith
Notary Public, Residing at Weiser, Idaho.
My Commission Expires 1-2, 1983

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the Idaho Department of Water Resources, 92 S. Cole Road, Boise,
Idaho 83709 on or before FEBRUARY 16, 1981.

C. STEPHEN ALLRED
Director
Published 1/29 & 2/5/81.

94-25

O.K. Noel

RECEIVED
FEB 16 1981
IDAHO DEPARTMENT OF WATER RESOURCES

August 11, 1988

BILLY D. CUNNINGTON
RT. 1 BOX 121A
WEISER, ID 83672

RE: PERMIT NO. 03-07029

Dear Permit Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED

SEP 20 1988

July 8, 1988

BILLY D. CUNNINGTON
RT. 1 BOX 121A
WEISER, ID 83672

RE: PERMIT NO. 03-07029

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

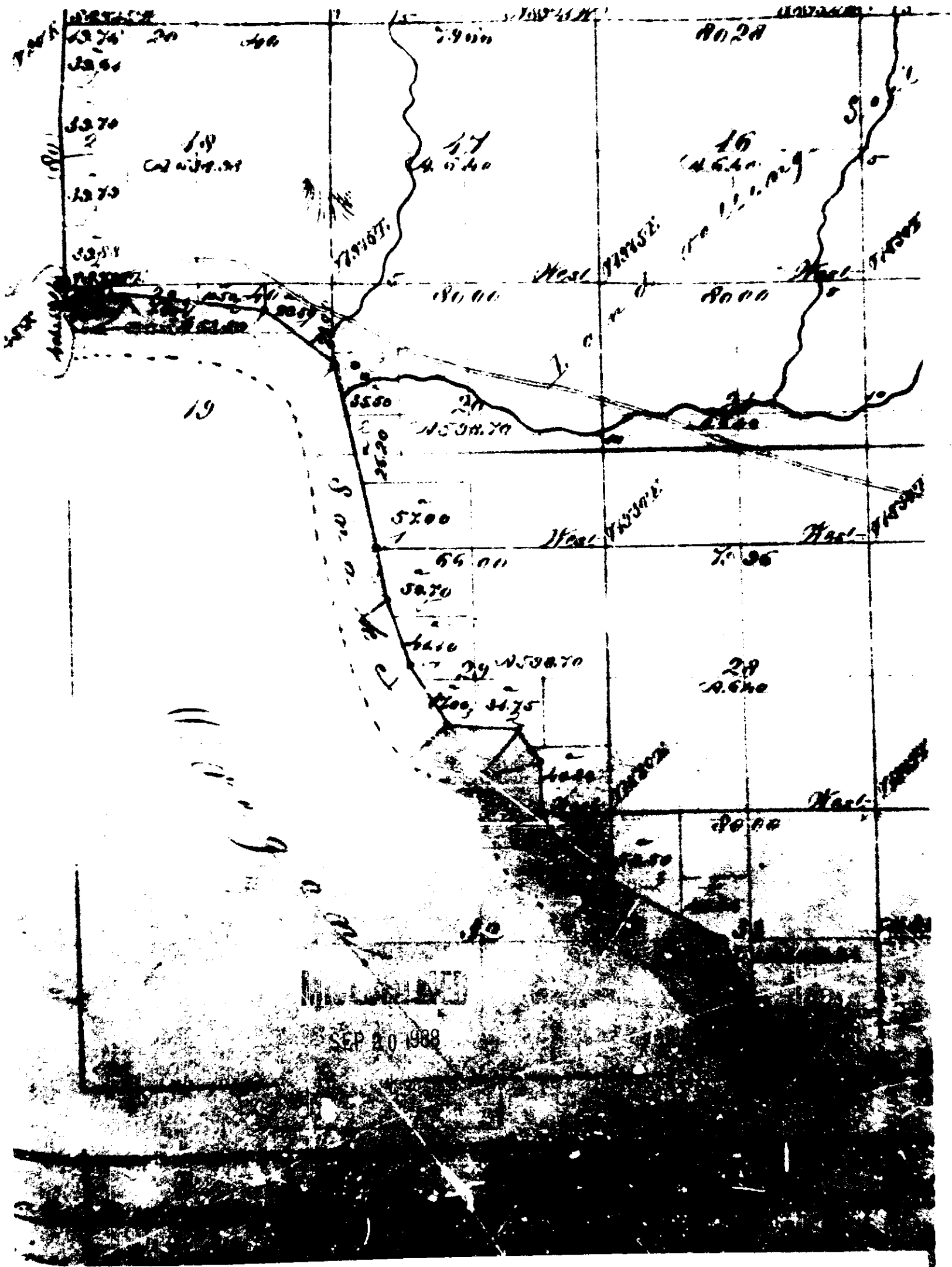
Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED
SEP 20 1988



RECEIVED

MAR 25 1986

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

KEYED

Department of Water Resources

03-1029

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 8/7/85 Accompanied by Billy D. Cunningham Total Q measured _____
Source Snake River Tributary to Columbia R. Supp. annubar measurement sheet used? _____
If source is surface water, estimate total flow of source _____
Methods of measurement Hand power Meets permit requirements? _____

Measurement calculations:

$$2 \text{ HP} \times 8.8 \times .75 \text{ eff} = 14.96$$
$$304.43 \div 40 (43.02) = 123.02 \div 14.96 = .12 \text{ cfs}$$
$$1/2 \text{ acre lot} \times .03 = .02 \text{ cfs} \quad .5 \text{ acre} \times 4.5 = 2.25 \text{ AFA}$$

WELL/DIV. NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
		armstrong	59	-	-			

System Description Inlet pipe to pump 1 1/2 PVC outlet pipe from pump 1 1/4 PVC. Sprinkler irrigation of lower river frontage.

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

RECOMMENDED AMOUNTS

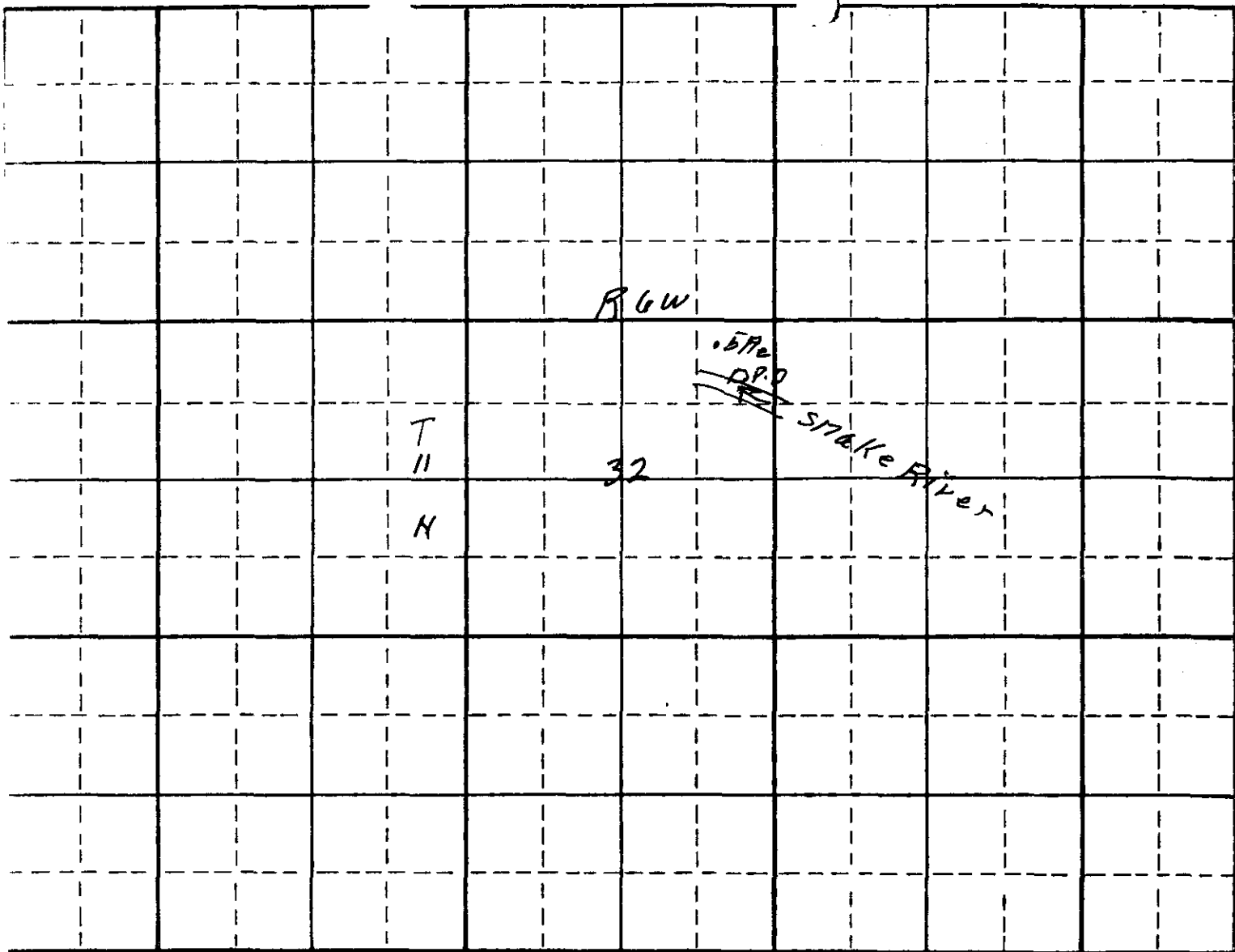
USE	Irrigation requirement =		AFA/Acre	
	Q (cfs)	V (afa)	FROM	TO
<u>irrigation</u>	<u>.02</u>	<u>2.25</u>	<u>3/15</u>	<u>11/15</u>
Total	<u>.02</u>	<u>2.25</u>	<u>3/15</u>	<u>11/15</u>

Remarks River Bend Estate lot 7

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SEP 20 1985

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

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

Point(s) of diversion: NE NE Sec 32 T 11 N RGW

Place(s) of Use

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11N	6W	32	1.5																1.5

Recommended Amendments:

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

SEP 20 1988

Examiner's Signature John K Meyer
 Checked by 665
 Approved by _____

Date 8/9/85
 Date 3/19/86
 Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED

MAR 25 1986

03-7029
Permit No.

Department of Water Resources

1. Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

No way to measure water

Theoretical

$$2 \text{ HP motor} \times 8.8 \times .95 \text{ eff} = 14.96$$

$$\frac{30' \text{ lift} + .43 \sqrt{40} (93.02)}{123.02 \sqrt{14.96}} = .12 \text{ cfs}$$

$$\frac{1}{2} \text{ acre} \times .03 = .02 \text{ cfs recommended}$$

$$.5 \times 4.5 = \underline{2.25 \text{ AFA}}$$

- b) Volume Calculations for Irrigation:

$$\begin{aligned} V_{I.R.} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = .5 \times 4.5 = 2.25 \\ V_{D.R.} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .12 \times 245 \times 1.9835 = 58 \\ V &= \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{2.25} \end{aligned}$$

- c) Volume Calculations for Other Uses:

none

2. Overlap Review

- a) Other water rights with same place of use: none

- b) Other water rights with same point of diversion: none

- c) Analysis:

RECEIVED

SEP 20 1988

RECOMMENDED AMOUNTS

3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
	03-7629		.02			.12

4. Permit Holder: Billy D. Cunningham

Address: Rt 1 Box 121 A Weiser, Idaho 83672

5. Source: Snake River tributary to Columbia River

[illegible]

irrigation	3/15	11/15	.02	2.25
------------	------	-------	-----	------

Allowable Maximums: 1.02 2.25

7. Point(s) of Diversion:

[illegible]

8. Place(s) of Use

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	
11N	6W	32	.5																.5
Total Acres <u>.5</u>																			

9. Recommended Conditions/Remarks: _____

River Bend Estates lot 7

UNPUNISHED

~~SEP 20 1988~~

10. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other _____

11. Examiner's Signature John K. Moyer Date 8/9/85

Checked in Regional Office by 625 Date 3/19/86

Approved in State Office by _____ Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

May 29, 1981

Billy D. Cunningham
Rt. 1, Box 121A
Weiser, ID 83872

RE: Permit No. ⁰³02-7029

Dear Mr. Cunningham:

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.

☒ 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,

Kay Walker
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. 03-7029

Name(s) of Permit Holder: Billy D. CUNNINGTON

Post Office Address: Rt 1, Box 121A

Weiser, Idaho 83672 Tel. No. 549-1072

Source of Water: Snake River

Extent of Use: ☐ Domestic _____ (number of households)
☐ Stockwater _____ (number and type of stock)
☒ Irrigation 1/2 _____ (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.

30 April 1981
Date

Billy D. Cunningham
Signature of Permit Holder

(5:17 PM)

Billy D. Cunnington
Rt 1 Box 121A
Weiser, Idaho 83672



RECEIVED

MAY 4 1981



MICROFILMED

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

March 18, 1981

Billy D. Cunningham
Rt. 1, Box 121 A
Weiser, Idaho 83672

Dear Mr. Cunningham,

RE: Permit No. 02-7029

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

The exercise of this permit may also be affected by the Supreme Court's review of the case of Idaho Power Company vs. State of Idaho, et al., Ada County Civil No. 62237, currently being appealed to the Supreme Court of Idaho. Since the use of water under your permit may affect the flows in the Snake River between Milner Dam and Hells Canyon the final decision in this case may determine to what extent the exercise of your permit is subject to water rights of Idaho Power. While the Supreme Court is reviewing this case, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or subsequent license.

We have enclosed a form entitled "Making Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

Enclosure

MICROFILMED

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 334-2190

JANUARY 22, 1981

The Signal American
Box 709
Weiser, ID 83672

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 16, 1981.

Yours truly,

HELEN L. HARRINGTON
Secretary

Encl.

MICROFILMED

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C. STEPHEN ALLRED

Director

Published 1/29 & 2/6/81.

CUNNINGTON, BILLY D.

RT. 1 BOX 121A, WEISER, ID 83672

Source: SNAKE RIVER tributary to COLUMBIA RIVER

Date Filed: 01/16/1981

Amount: 0.03 CFS

Diversion Point: LOT 01 (NENE) Sec 32 T 11N R 06W, WASHINGTON Co.

Use: IRRIGATION (0.03 CFS) from 03/15 to 11/15

Place of Use: LOT 01 (NENE) Sec 32 T 11N R 06W FOR 1 ACRES

Diversion Means: PUMP & PIPELINE.

IDENT. NO. 03-7029

WATER RIGHT
DATA ENTRY LOG

[illegible]