

Idaho Department of Water Resources

**T04N, R05W,
S01**

Claim No: 63-9212

Prepared By: Kimberly Browr

Date: February 15, 2006



Place of Use

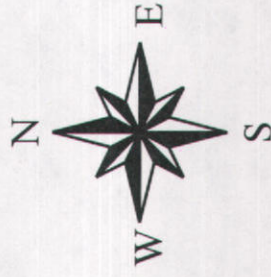


Section Lines

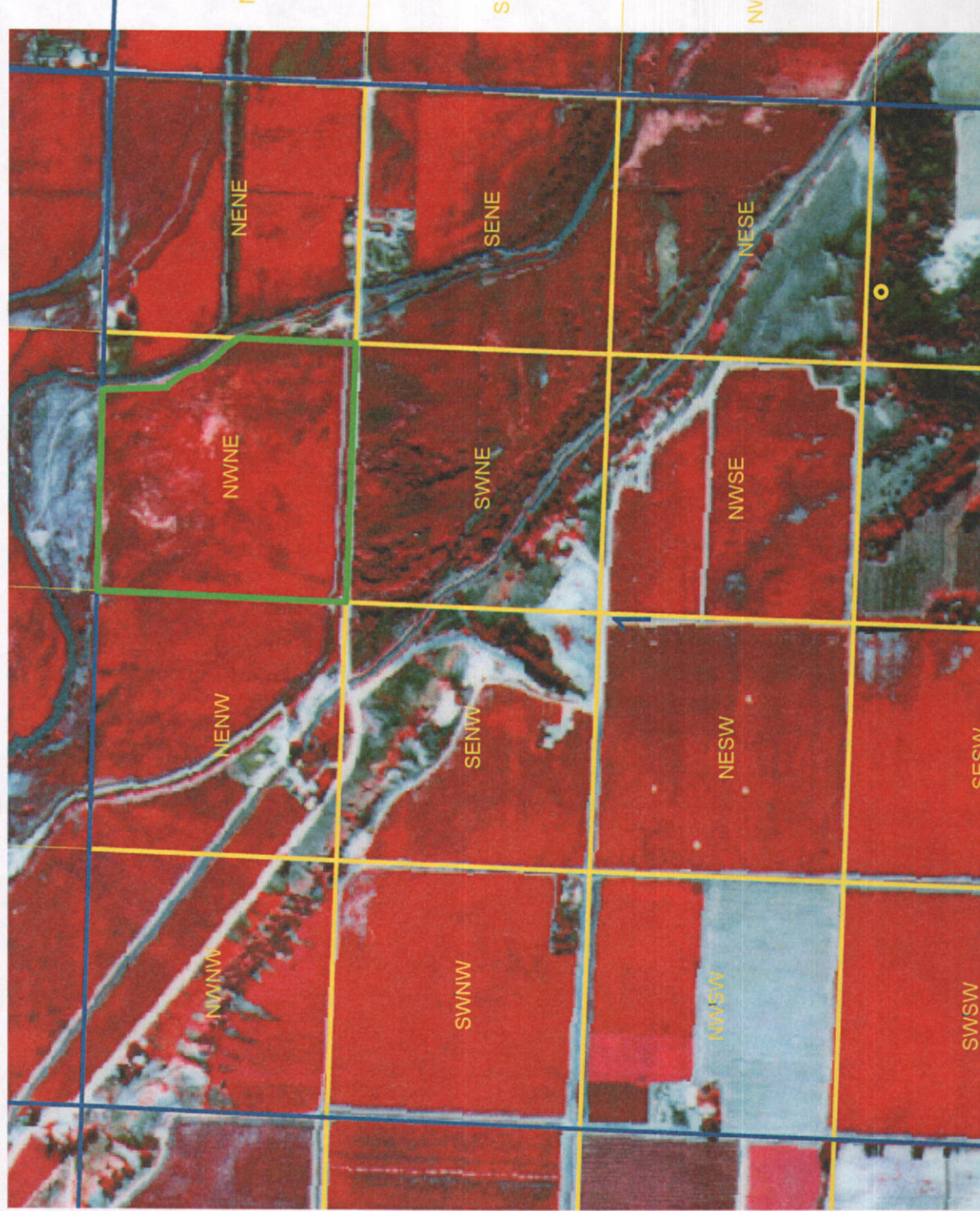
 $\frac{1}{4} \frac{1}{4}$ 

Point of Diversion

NV Irrigated Acres = 36.0

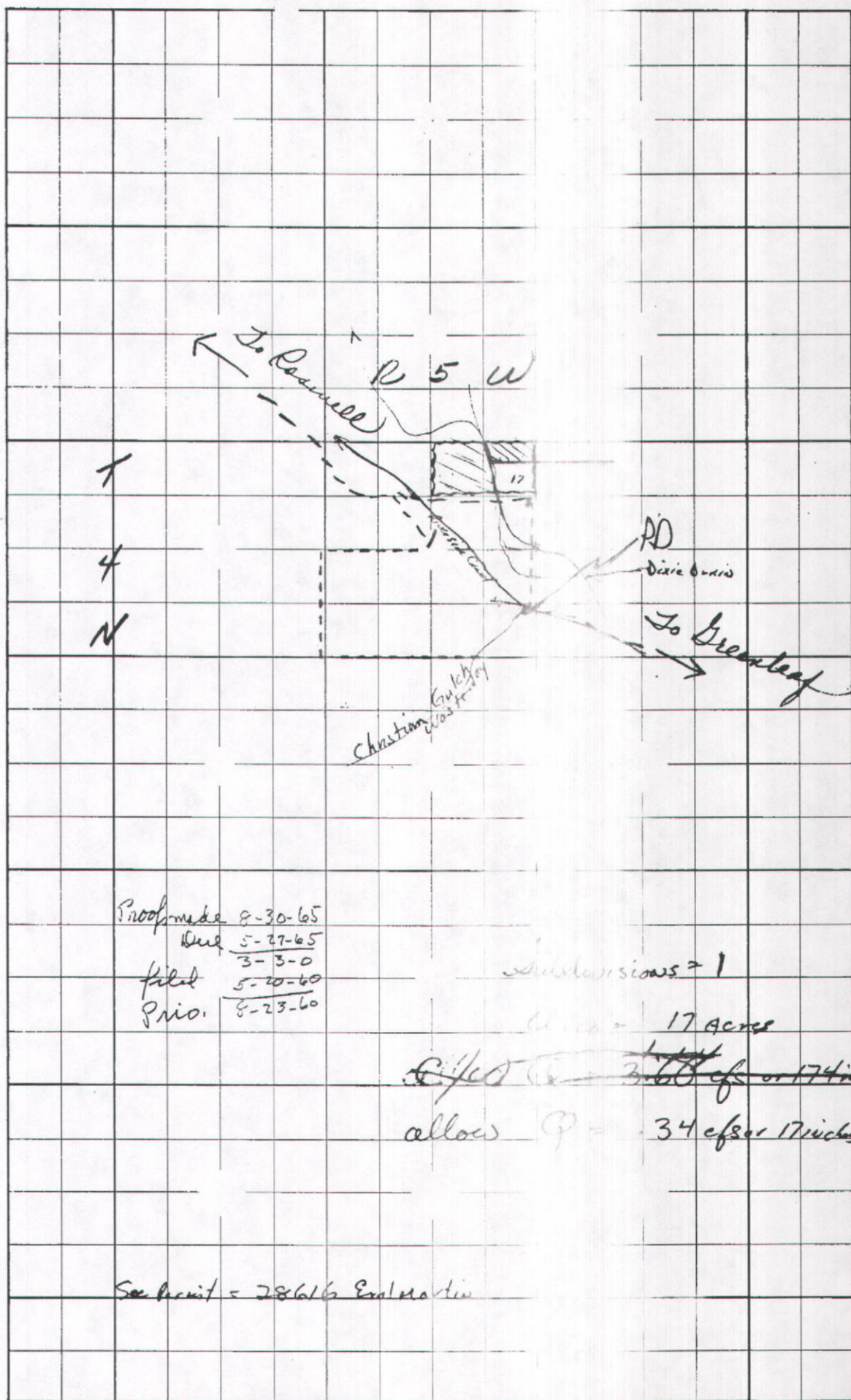


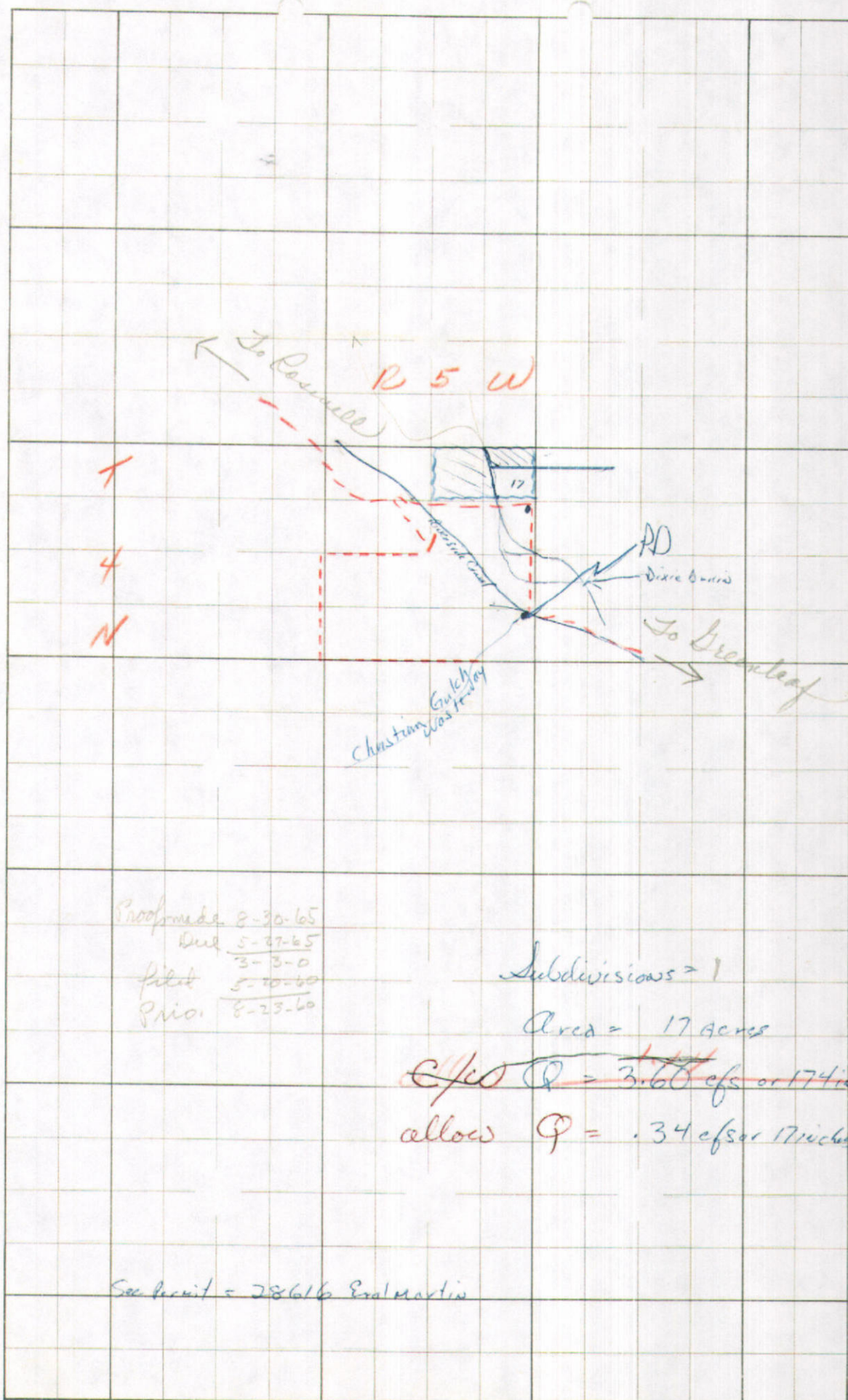
1987 NAPP



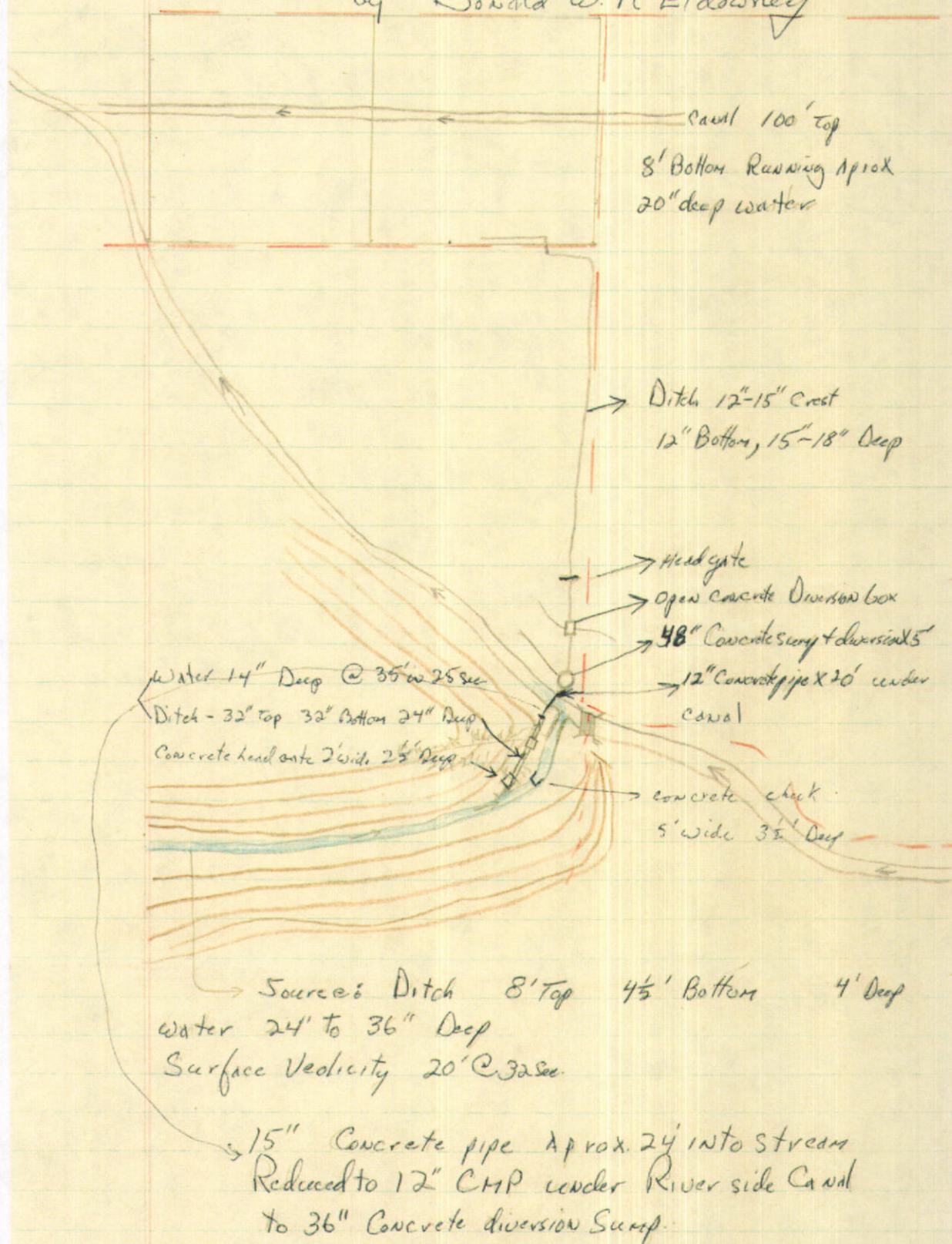
o

0.8 Miles

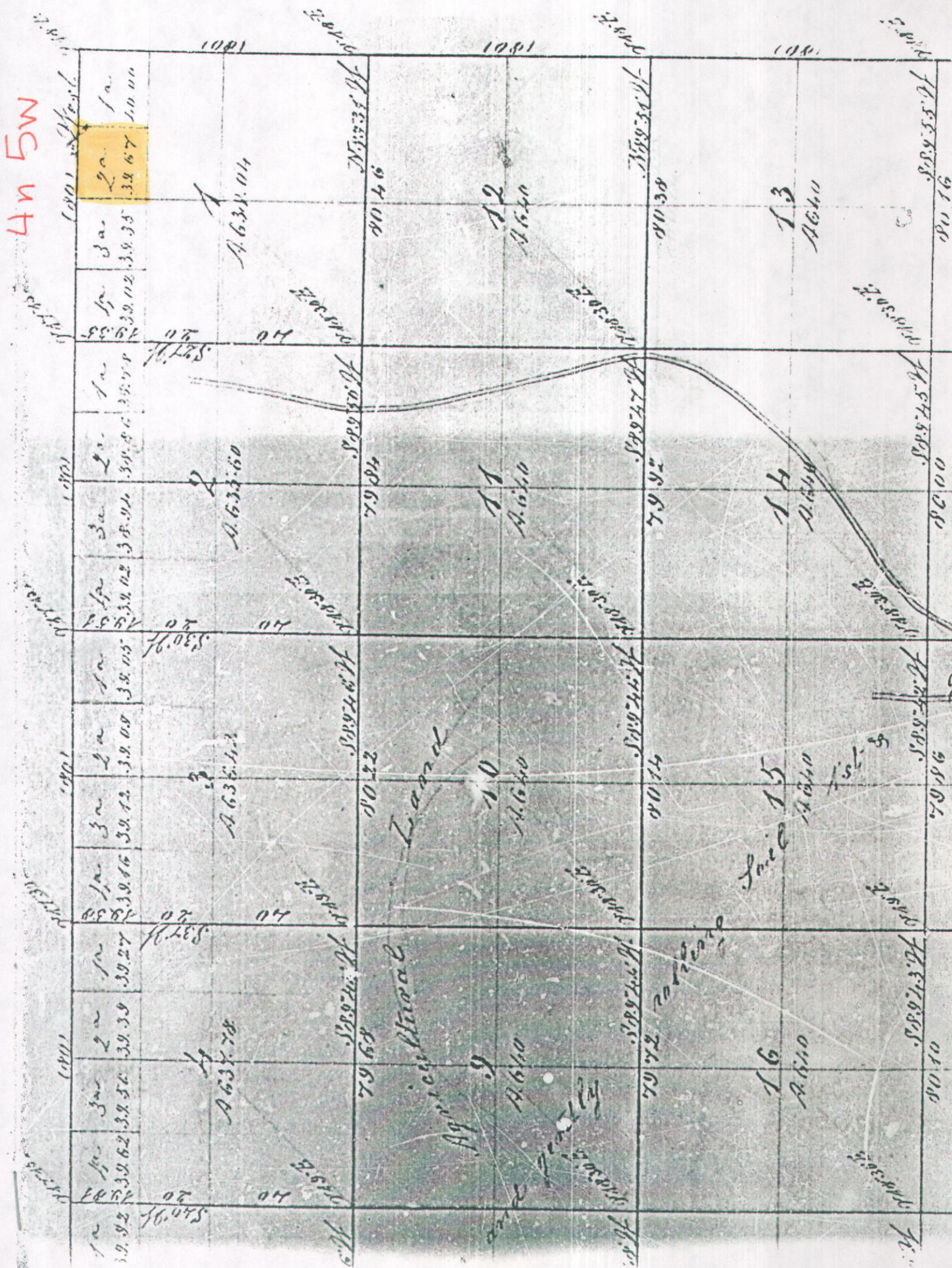


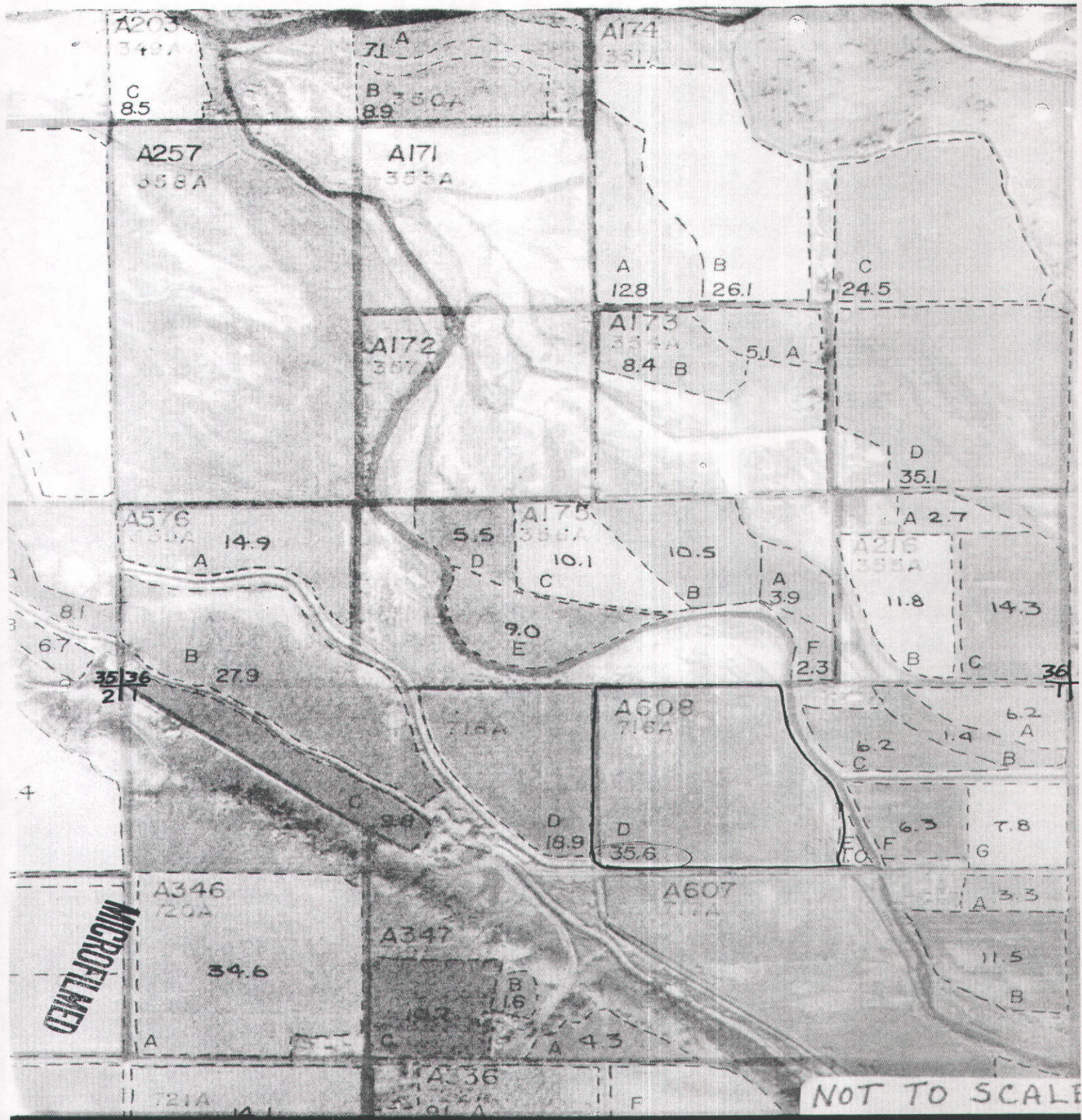


Permit 28726 - Oct 1 - 1965
by Donald W. McElowney



4253





IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-09212
Date Received: 3/13/1990
Receipt No: W010912
Received By: DE AN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALFRED KANDLER 208-459-4753
Address: 24005 BOISE RIVER RD.
CALDWELL, ID 83605

OR
Name: BERTA KANDLER 208-459-4753
Address: 24005 BOISE RIVER RD.
CALDWELL, ID 83605

2. Date of Priority: APR 15, 1979

3. Source: CHRISTIAN GULCH WASTEWAY Trib. to: DIXIE DRAIN

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	05W	1	SE	SE			CANYON

5. Description of diverting works:
HEADGATE, & OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.720		162.00

7. Total Quantity Appropriated is:
0.720 C.F.S. (and/or) 162.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	05W	1	NW NE		IRR	36.0
Section Acres						36.0
Total Acres						36.0

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A63-89212Date Received MAR. 13, 1990Receipt Number W010912

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) ALFRED OR BERTA KANDLER Phone () 459-4753Mailing Address 2400.5 Boise River Rd. Caldwell Zip 836052. Date of Priority (Only one (1) per claim) 4-15-793. Source of water supply (a) Christian Gulch Wasteway
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 4N Range 5W Section 01,
_____ 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Canyon

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

MICROFILMED

AUG 24 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3/15 to 11/15 amount .72 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .72 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
04N	05W	1		36															36

Total number of acres irrigated 36

11. In which county (ies) are lands listed above as place of use located? CANYON

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks:

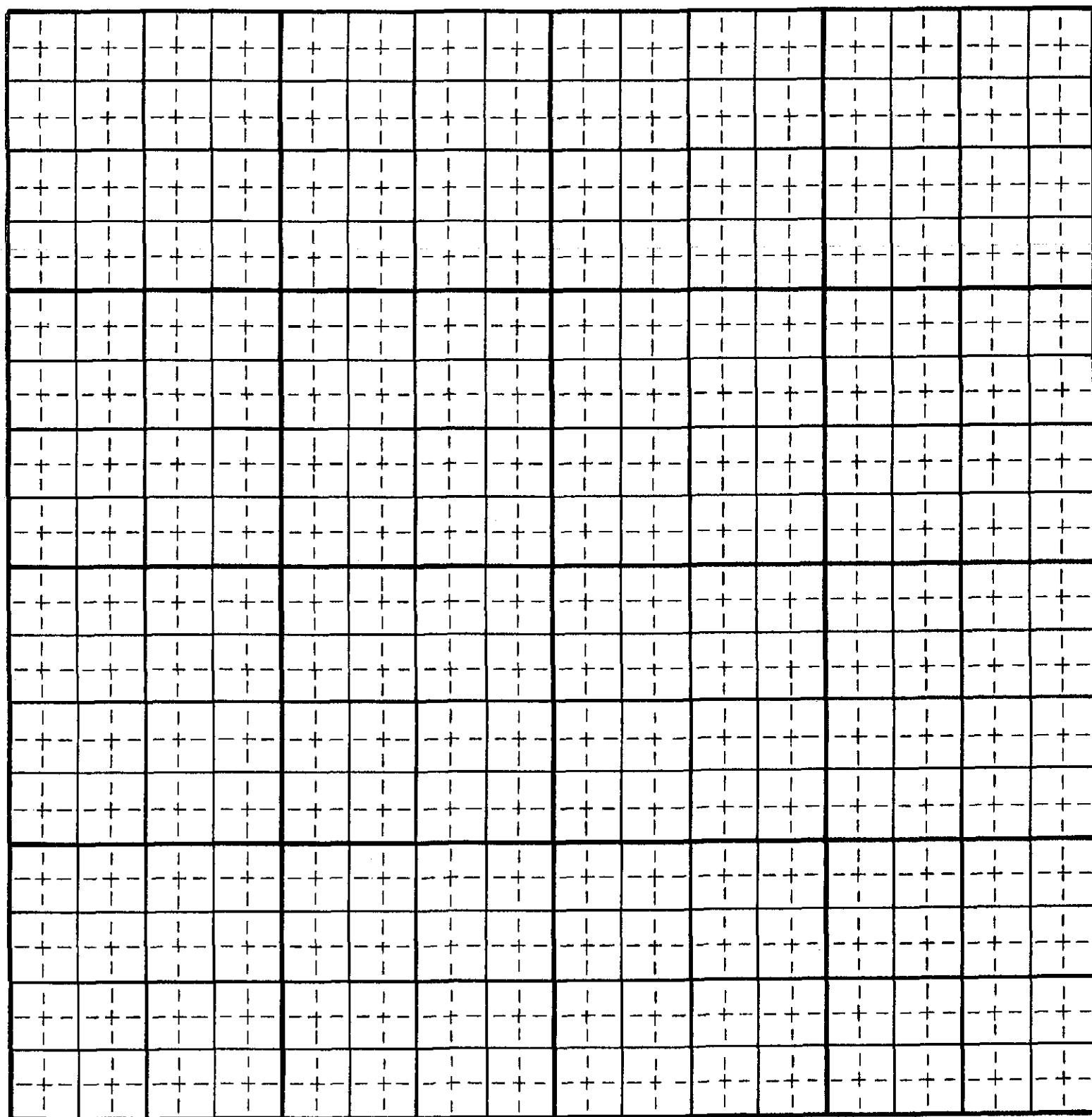
MICROFILMED

Last Name _____ Ident No. _____

Copies: Aug 24 1992 State, Year Claimant

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

Scale: 2 inches equals 1 mile



MICROFILMED

Last Name _____ Ident No. _____

AUG 24 1992
Copies: White-Steel, Yellow-Clay, etc.

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-09212
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) X Alfred Kandler Date X Mar 13, 1990

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 13 day of March 19 90

SEAL

Notary Public Lori Harris

Residing at Boise, Idaho

My Commission Expires 12-8-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

MICROFILMED
Copies White-State, Yellow-Claimant
AUG 24 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) A. Subcase 63-9212
(Insert water right number)
)
Case No. 39576)
STANDARD FORM 1
OBJECTION

RECEIVED

JUN 19 2007

DEPARTMENT OF
WATER RESOURCES

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Wilder Irrigation District
Address: 709 Cleveland Blvd
Caldwell, ID 83605
Daytime Phone: 208-459-3421

Name & Address of Attorney, if any:

Albert P. Barker
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102, Boise ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Alfred and Bert Kandler
Address: 24005 Boise River Rd.
Caldwell, ID 83605

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: The source should be described as waste waters, and waste waters belong to the Wilder Irrigation District.

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10 ☐ **I object because:**

☒ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Wilder Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Wilder Irrigation District. Proposed wastewater remark does not sufficiently protect original appropriator.

F. VERIFICATION (must be completed)

State of Idaho
County of Ada)ss.

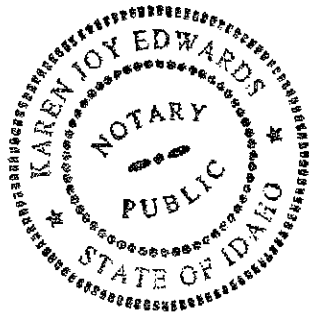
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/18/07



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 8/2/2012

Karen Joy Edwards

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

JUN 18 2007

I certify that on _____, 200__, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

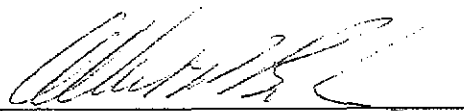
Name: Alfred and Bert Kandler
Address: 24005 Boise River Rd.
Caldwell, ID 83605

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

12/10/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-9212
NAME AND ADDRESS: ALFRED KANDLER
24005 BOISE RIVER RD
CALDWELL ID 83605

BERTA KANDLER
24005 BOISE RIVER RD
CALDWELL ID 83605

SOURCE: CHRISTIAN GULCH WASTEWAY TRIBUTARY: DIXIE DRAIN

QUANTITY: 0.720 CFS
162.00 AFY

PRIORITY DATE: 04/15/1979

POINT OF
DIVERSION: T04N R05W S1 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.720 CFS 162.00 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CANYON County
T04N R05W S01 Lot 2 NWNE 36.00

36 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

02/15/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-9212

NAME AND ADDRESS: ALFRED KANDLER
24005 BOISE RIVER RD
CALDWELL ID 83605

BERTA KANDLER
24005 BOISE RIVER RD
CALDWELL ID 83605

SOURCE: CHRISTIAN GULCH WASTEWAY

TRIBUTARY: DIXIE DRAIN

QUANTITY: 0.720 CFS
162.000 AFY

PRIORITY DATE: 04/15/1979

POINT OF DIVERSION:

T04N R05W S1 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

3/15 11/15

0.720 CFS
162.00 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T04N R05W S01 Lot 2 NWNE 36.00

36 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Idaho Department of Water Resources

**T04N, R05W,
S01**

Claim No: 63-9212

Prepared By: Kimberly Brower

Date: February 15, 2006



Place of Use



Section Lines

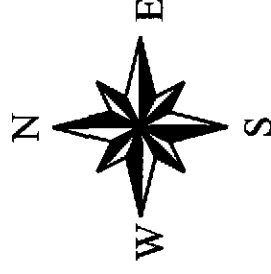


1/4 1/4

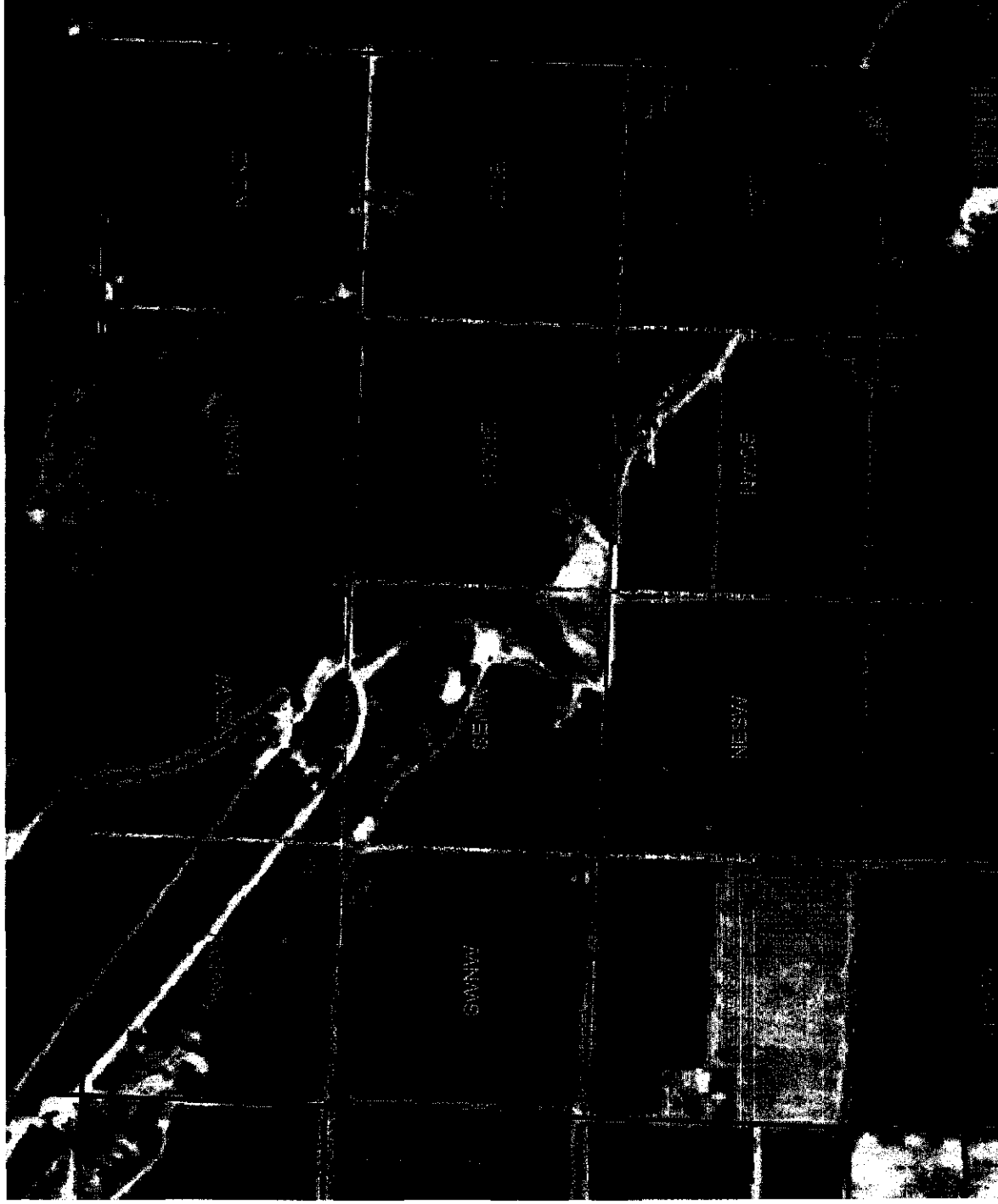


Point of Diversion

Irrigated Acres = 36.0



1987 NAPP



0 0.8 Miles



09/29/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-9212

ALFRED KANDLER
24005 BOISE RIVER RD
CALDWELL ID 83605
Telephone Number: (208)459-4753

BERTA KANDLER
24005 BOISE RIVER RD
CALDWELL ID 83605
Telephone Number: (208)459-4753

RECEIVED

OCT 20 2006

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

1. Priority date
2. Number of acres
3. Quantity

2. Describe the changes you wish to make in the proposed recommendation:

50 acres not 36 acres the quantity should be enough to irrigate the full 50 acres which has always been done.

3. Give a brief explanation as to why you disagree with these portions:

We purchased this property in 1969 from Mr Soto. He had filed on this water much before that. There are 3 fields irrigated: 2 for 15 acres and one of 35 acres for a total of 50 acres.

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10-17-2006

SIGNATURE:

Berta Ila Kandler

Please print your name:

Berta Ila Kandler

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

Note 1: Indeed ID. Reclamation water
Permit No. 28726

Note 2: When combined with # 63-3208
this becomes ok

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-9212

WATER RIGHT NUMBER: 63-9212 ✓

Owner TypeName and Address

Current Owner

ALFRED KANDLER ✓
24005 BOISE RIVER RD
CALDWELL, ID 83605
(208)459-4753

Current Owner

BERTA KANDLER ✓
24005 BOISE RIVER RD
CALDWELL, ID 83605
(208)459-4753

Priority Date: 04/15/1979 ✓

Basis: License ✓

Status: Active

Property Address:
24005 Boise River Rd.Source

CHRISTIAN GULCH WASTEWAY ✓

Tributary

DIXIE DRAIN ✓

Beneficial Use

IRRIGATION ✓

From To

3/15 to 11/15 ✓

Diversion Rate

0.720 CFS ✓

Annual Volume

162.00 AF ✓

Total Diversion:

0.720 CFS ✓

162.00 AF ✓

Location of Point(s) of DiversionCHRISTIAN GULCH WASTEWAY
CANYON County ✓

SE1/4SE1/4 ✓

Sec. 1, Twp 04N, Rge 05W, B.M. ✓

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
✓ 04N	05W	1	✓																✓
			36.0																36.0

Total Acres: 36 ✓

Conditions of Approval:ADD S339 - Season of use is 3/1 to 11/15.Remarks:Comments:Parcel No: a portion of R3663700000.

Field Exam Date 2.15.06

(in office review)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$86.00
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant N/A

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A63-9212

Owner: Berta and Alfred Kandler Phone No. (208) 459-4753

Current Address: 24005 Boise River Rd., Caldwell 83605

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☒ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property?

Accompanied by: N/A

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 4/15/79

(If priority date, based on your exam, seems questionable, explain below.)

Source: Christian Gulch Westway Tributary to Dixie Drain

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed:

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed:
- ☐ If different, when did POD change?

no Govt. lot

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

See Field Report.**OVERLAP REVIEW**

Other water rights with the same point of diversion: _____

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: _____

WATER USES

- ☐ No change
☐ Different Uses

Season of use begins 8/1 —
(ADD \$39)

Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____
Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____
Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

TOTAL VOLUME — Groundwater only

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA _____
☐ Changes found, the new total is, Amount _____ CFS _____ AFA _____
☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☒ No change
☐ Changes Exam found: Domestic # of homes _____ Stock # _____
Types _____ Additional comments: _____

None**PLACE OF USE:**

- ☐ No Change
☒ Changes shown below:

ADD: Govt. lot 2Parcel No: a portion of R 36637000000.

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				L2															

Overlap with other water rights: 63-21849, 63-21850

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

no overlap - D&S

Delivery System Narrative:

See Field Report,

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS: N/A

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

(OVER)

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 2-15-06 (in office review)

FIELD EXAMINER: Kimberly Brown

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-9212

01/26/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
~~9212~~	~~Claim~~	04N	05W	1	NW	NE		~~IRRIGATION~~	~~36/36~~	~~ALFRED KANDLER~~
~~9212~~	~~Water Right~~	04N	05W	1	NW	NE		~~IRRIGATION~~	~~36/36~~	~~ALFRED KANDLER~~
21849	Water Right	04N	05W	1	NW	NE		STOCKWATER		BERTA KANDLER
21850	Water Right	04N	05W	1	NW	NE		STOCKWATER		ALFRED KANDLER
21849	Water Right	04N	05W	1	NW	NE		DOMESTIC		BERTA KANDLER
21850	Water Right	04N	05W	1	NW	NE		DOMESTIC		ALFRED KANDLER

no overlap - D & S

Water Right Report 63 21849

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BERTA KANDLER 24005 BOISE RIVER RD CALDWELL, ID 83605 (208)459-4753
Current Owner	ALFRED KANDLER 24005 BOISE RIVER RD CALDWELL, ID 83605 (208)459-4753

Status: Active

GROUND WATER

GROUND WATER NW1/4NE1/4 Twp 04N, Rge 05W, B.M.
CANYON County

DOMESTIC

[illegible]

STOCKWATER

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-21843

Conditions of Approval:

- | | | |
|----|--|--|
| 1. | PARCEL NO. 1R36637 000 0 STOCKWATER, 50 RANGE | |
| 2. | C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PRINCIPLES OF
DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ALLOCATION OF THE WATER
RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SUBSTITUTION OF THE DECREE
1412(6), IDAHO CODE. | |
| 3. | N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER
DAY. | |
| 4. | N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE. | |

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-21850

WATER RIGHT NUMBER: 63-21850

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALFRED KANDLER 24005 BOISE RIVER RD CALDWELL, ID 83605 (208)459-4753
Current Owner	BERTA KANDLER 24005 BOISE RIVER RD CALDWELL, ID 83605 (208)459-4753

Priority Date: 02/01/1953
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01	to 12/31	0.080 CFS	
STOCKWATER	1/01	to 12/31	0.050 CFS	
	Total Diversion:		0.050 CFS	

Location of Point(s) of Diversion

GROUND WATER NW1/4NE1/4 Sec Twp 04N, Rge 05W, B.M.
CANYON County

Place of Use

DOMESTIC

[illegible]

STOCKWATER

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-21850

Conditions of Approval:

1. PARCEL NO. 1R36637 000 0 STOCKWATER, 200 RANGE CATTLE
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 4-1412(6), IDAHO CODE.

Remarks:

Comments:

Water Supply Bank:

overlap review—

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3200

WATER RIGHT NUMBER: 63-3200

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALFRED KANDLER 24005 BOISE RIVER RD CALDWELL, ID 83605 (208)459-4753
Original Owner	SHELDON S SUITER RT 1 PARMA, ID 83660
Current Owner	BERTA KANDLER 24005 BOISE RIVER RD CALDWELL, ID 83605 (208)459-4753

Priority Date: 08/23/1960

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
CHRISTIAN GULCH WASTEWAY	DIXIE DRAIN

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.340 CFS	
	<u>Total Diversion:</u>	0.340 CFS	

Location of Point(s) of Diversion

CHRISTIAN GULCH WASTEWAY	SE1/4SE1/4	Sec. 1	Twp 04N, Rge 05W, B.M.
CANYON County			

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SE	Totals
04N	05W	1	17.0			17.0

Total Acres: 17

Conditions of Approval:

Remarks:

State of Idaho

License and Certificate of Water Right

Water License No. 28726 Priority Aug. 23, 1960 Amount 0.34 c.f.s.

THIS IS TO CERTIFY that

SHELDON S. SUITER

of Parma, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 20, 1960; that Permit No. 28726 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 0.34 second feet, was issued thereunder on December 20, 1966, showing that said works were completed on the 30th day of August, 1965; and that on the 30th day of August, 1965

SHELDON S. SUITER

of Parma, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Christian Gulch Wasteway

a tributary of Dixie Drain for the purpose of irrigation under Use Permit No. 28726 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 14 of Licenses, at Page 8625, on the 20th day of December, 1966.

The right hereby confirmed dates from Aug. 23, 1960.

The Point of Diversion is located

in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 4 N., R. 5 W., B.M. Canyon County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.34 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N	5 W	1	NE $\frac{1}{4}$ NE $\frac{1}{4}$	20	17
Total number of acres to be irrigated:					17

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 20th day of December, 1966.

R. Reed Higgins
State Reclamation Engineer.

63 5200

28726

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. 28726 ✓

This proof is for Completion of Works and Beneficial Use In Water District No. _____

1. Name of applicant Sheldon S. Syiter ✓ Rte. 11, Parma, Idaho

2. Source of water supply: Christian Gulch Wasteway ✓

3. Location of point of diversion: Is in the SE 1/4 ✓ of Section 1 ✓

T. 4 N. R. 5 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: Description attached

5. Water is used for: Irrigation ✓

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE 1/4, NW 1/4, Sec. 1, T. 4 N., R. 5 W., B. M.

(Submit map on attached plat, showing location and details of above description.)

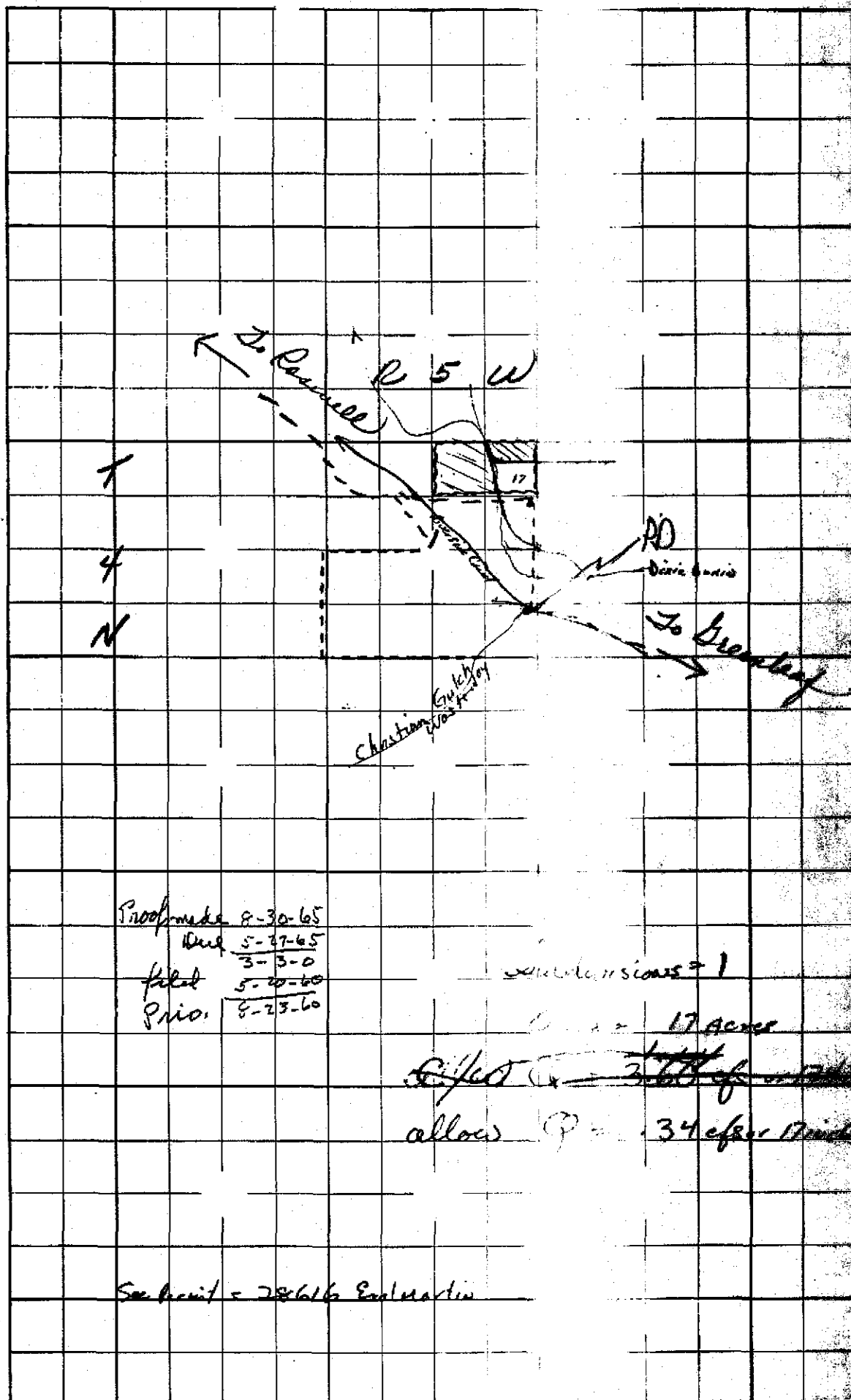
8. What large stream would the water here appropriated finally reach? _____

Remarks: Diversion system capable of carrying the requested 1.17 cfs also an additional 250 cfs

This examination was made on the Oct 4 day of October, 19 65

(Signed) Dorothy M. Adams Loy J. Adams

28726



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 28726

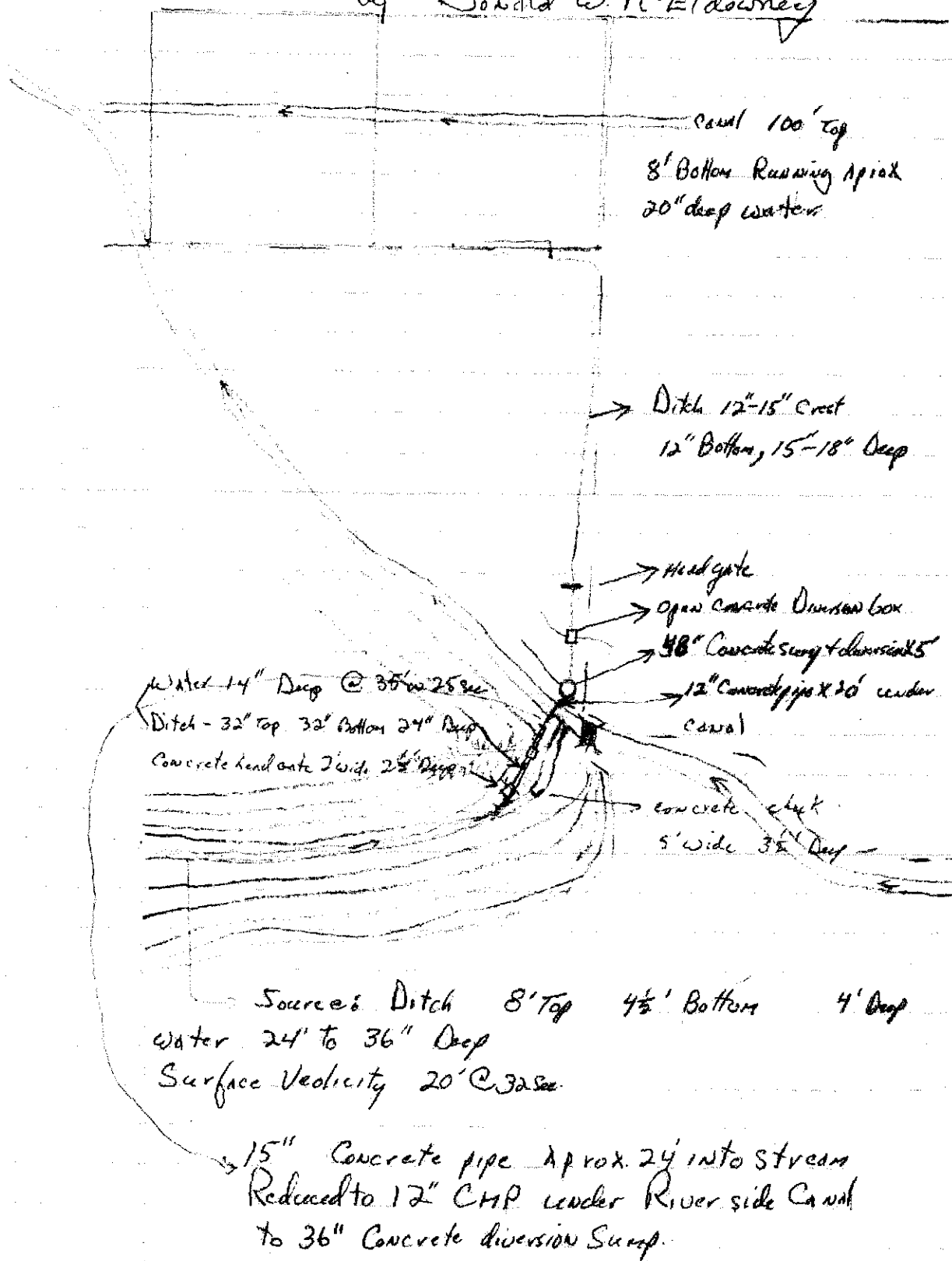
REPORT ON PROOF OF Completion of Works ☒ Final Use

Sheldon S. Suiter

Route #1 ☒

Parma, Idaho

Permit 28726 - Oct 1-1966
by Donald W. McElowney



Receipt Details for ID W010912

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/13/1990 1:27:22 PM	3/13/1990	Western	\$203.00	Check
Payer		KANDLER, ALFRED		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
3621			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEES

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$203.00	ADJUDICATION FEES	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	9212		\$86.00	Claim
63	3200		\$67.00	Claim
63	21849		\$25.00	Claim
63	21850		\$25.00	Claim

Print Report

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-9212 Priority April 15, 1979 Amount .72 cfs
(late proof)

THIS IS TO CERTIFY, that ALFRED or BERTA KANDLER
of Caldwell, Idaho, has complied with the terms and conditions of Permit
No. 63-9212 issued pursuant to Application for Permit dated February 9, 1979,
and has submitted proof to the Department of Water Resources on June 5, 1980,
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 2.07 cfs of water from Christian Gulch Wasteway,
tributary to Dixie Drain, 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>March 15</u> to <u>November 15</u>	at <u>.72 cfs</u>	and <u>162 acre feet</u>
	from _____ to _____	at _____ cfs	and _____
	from _____ to _____	at _____ cfs	and _____

(both dates inclusive)

Subject, however, to the condition that no more than .72 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
162 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 4N,
Rge. 5W, B.M. in the County of Canyon

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 $\frac{1}{4}$	
4N	5W	1		36															36

Total number of acres irrigated 36

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 26th day of
June, 19 81.

Director

RECEIVED
FEB 12 1975

Ident. No. 63-9212

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Western Regional Office

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant ALFRED or BERTA KANDLER Phone 459-4753

Post office address Route 2, Caldwell, ID 83605

2. Source of water supply Christian Gulch wasteway which is a tributary of Dixie Drain

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1 Township 4N

Range 5W B.M. Canyon County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.72 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:

a. 0.72 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____

gravity flow through headgate, open ditch

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 1 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: _____

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

[illegible]

Total number of acres to be irrigated 36

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

None

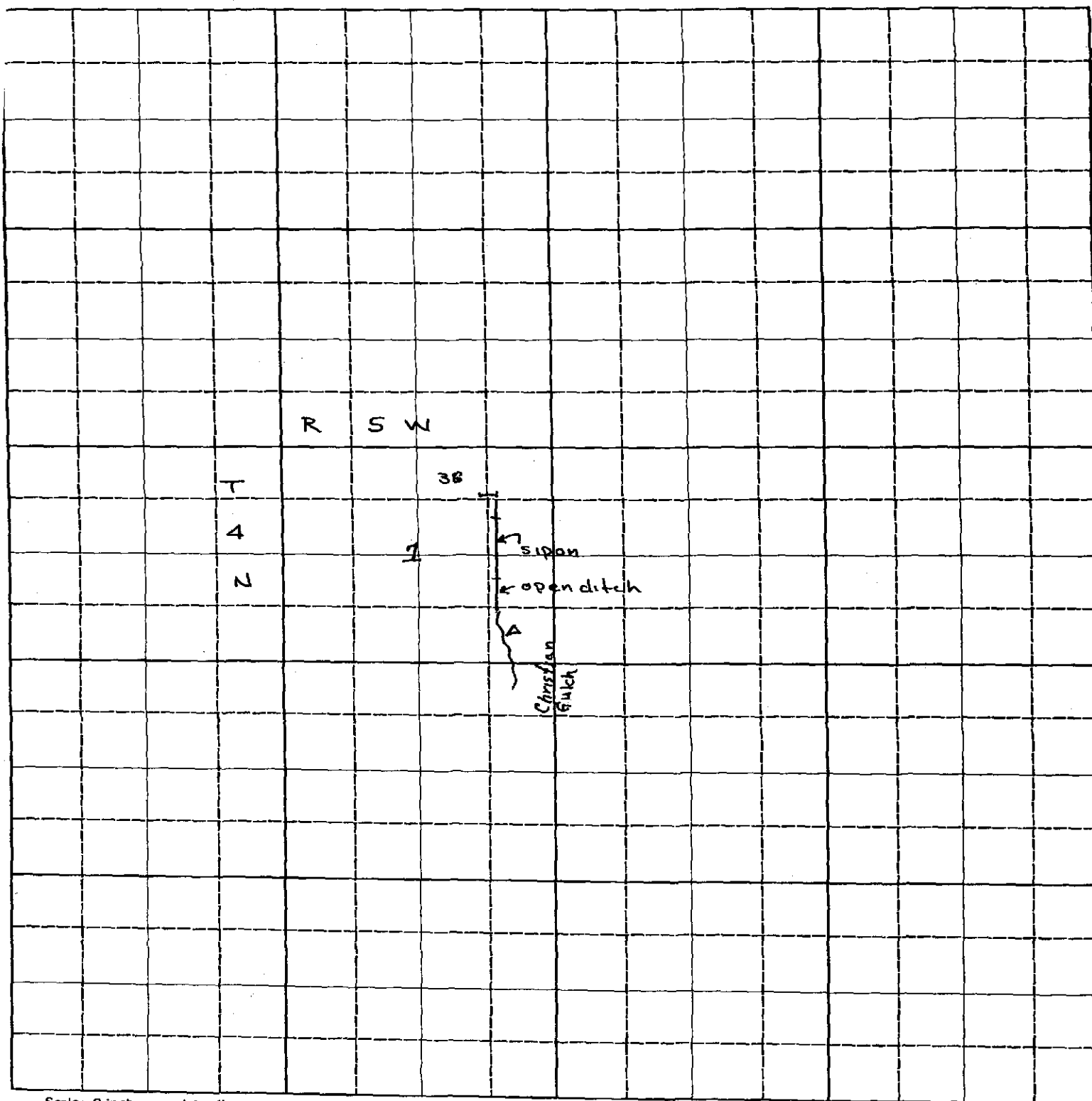
9. a. Who owns the property at the point of diversion Earl Martin

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 agreement with neighbor

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.

Alfred Kandler
(Applicant)

Proposed Priority 2-9-79

Received by J.J Date 2/9/79 Time 2:30 P.M.

Preliminary check by J.J Fee \$ 35.00

Receipted by JJ Date 2/9/79 # 13773

Publication prepared by KK Date 2/15

Published in News-Tribune

Publication dates 2/22 + 3/1

Publication approved KK Date 3/12/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by OBS 5.5

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. 63-9212, 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 80.
- 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: (1) The issuance of this permit in no way grants any right-of-way or easement across the land of another. (2) Use of water under this permit is subject to control by the watermaster of State Water District No. 63, Weiser River. (3) A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

Witness my hand this 21st day of March, 19 79.

L. Glen Saxton
CHIEF, OPERATIONS BUREAU

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

63-9212

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)	7/9/80	CWB	@ PROPERTY 10:30 am

EXAMINATION

Date 7/9/80 Accompanied by MR. KANDLER Total Q measured .47" = 2.07 cfs
If source is surface water, estimate total flow of source 2.07 cfs
Methods of measurement RECTANGULAR WEIR - 2' Meets Permit requirements? YES

Measurement calculations:

CAPACITY
RECT. WEIR .47" 2.07 cfs (FROM TABLE 3, WATER MEASUREMENT MANUAL, U.S.G.S. BULLETIN 552)
 $V = 36 \text{ aca} (4.5 \text{ AFA/Ac}) = 162.0 \text{ AF/Ann}$ ✓
 $V = 0.72 \text{ cfs} (1.98) (245 \text{ day/yr}) = 349.3 \text{ AF/Ann}$

$$\text{Allow } .02 \text{ cfs/ac} = 36 \text{ ac} \times .02 = .72 \text{ cfs}$$

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
1						RECT. WEIR	FAIR	CONCRETE BOX WITH FLASH BOARD.

System Description DITCHES TO GRAVITY IRRIGATION - SIPHON TUBES AND CULTS
IN DITCH TO PLACE OF USE.

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

RECOMMENDED AMOUNTS

USE

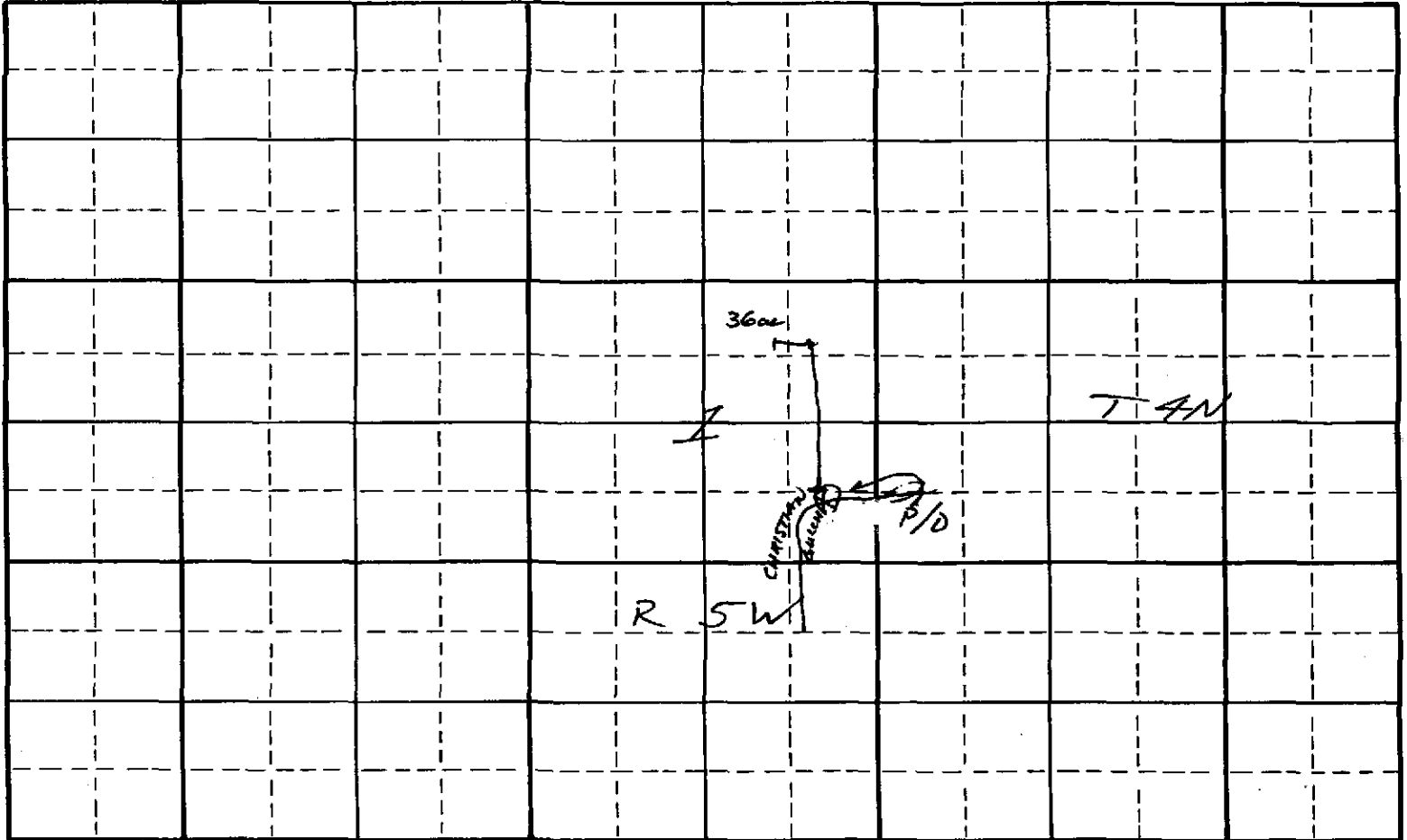
IRRIGATION

Irrigation requirement = <u>4.5</u>		AFA/Acre	
Q (cfs)	V (afa)	FROM	TO
<u>0.72</u> ✓	<u>162.0</u> ✓	<u>3/15</u>	<u>11/15</u>
Total	<u>0.72</u> ✓	<u>162.0</u> ✓	<u>3/15</u> <u>11/15</u>

Remarks

IMPROVED

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

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

Point(s) of diversion: SE SE, SEC 1, T 4N, R 5W

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	
4N	5W	1		36															36

Recommended Amendments:

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

☒ None

☐ Other

Examiner's Signature

Charles W. Boyer Jr.

Date 7/10/80

Checked by

DBS

Date 7/16/80

Approved by

Royce

Date 6/16/81

