

11/01/2006

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

RIGHT NUMBER: 63-2922

NAME AND ADDRESS: LEMRICK PROPERTIES LLC
PO BOX 987
CALDWELL ID 83606

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
13.100 AFY

PRIORITY DATE: 01/06/1953

POINT OF DIVERSION:

T04N R03W S26 SENE Within CANYON County

T04N R03W S26 NESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.060 CFS
13.10 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 R03W S26 SENE 2.90

2.9 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, R03W,
SEC 26**

Claim No: 63-2922

Prepared By: Kimberly Brown

Date: November 1, 2006



Place of Use



Section Lines

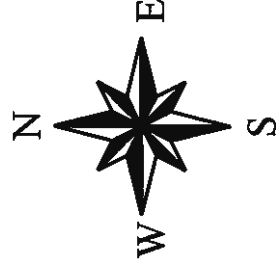


1/4 1/4



Point of Diversion

Irrigated Acres = 2.9



Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin Falls

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns

Michael E. Thomas
Patricia M. Olsson
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGreaham
David P. Gardner
Julian E. Gabiola
Angela Schaefer Kaufmann
Kimberly D. Evans Ross
Paul D. McFarlane
Jon A. Stenquist
Tyler J. Henderson

Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Dylan B. Lawrence
Russell G. Metcalf
Benjamin C. Ritchie
Rebecca A. Rainey

Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

November 10, 2006

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

Idaho Department of Water Resources
Western Region Office, Adjudication Bureau
2735 Airport Way
Boise, Idaho 83705

Re: Water Right No. 63-2922
MTBR&F File No. 22288.3

RECEIVED

NOV 13 2006

WATER RESOURCES
WESTERN REGION

Dear Sir or Madam:

Enclosed please find the original Notice of Error Reply form for water right 63-2922. We are submitting the enclosed Notice on behalf of our client, Lemrick Properties, LLC. A copy of the Notice of Error Reply is also enclosed. Please receive stamp the copy and return it in the enclosed self-addressed, stamped envelope. 

Thank you for your assistance to this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Andrew J. Waldera

AJW/tmh
Enclosure

11/01/2006

NOTICE OF ERROR

REPLY

RECEIVED

NOV 13 2006

WATER RESOURCES
WESTERN REGION

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: November 10, 2006.

Water right number: 63-2922

LEMIRCK PROPERTIES, LLC
PO BOX 987
CALDWELL ID 83606
Telephone Number: (208) 4595-7551

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 11/10/06

SIGNATURE: _____

Please print your name:

Andrew J. Waldera
Moffatt, Thomas, Barrett, Rock & Fields, Chartered
PO Box 8729
Boise, Idaho 83701

Counsel of record for Lemrick Properties, LLC

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, 208-334-2190

Water license No. G - 23520

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2922

WATER RIGHT NUMBER: 63-2922 ✓

Owner Type

Attorney

Name and Address

MOFFATT THOMAS BARRETT ROCK & FIELDS
PO BOX 829
BOISE, ID 83701-0829
(208)345-2000

Current Owner

LEMRICK PROPERTIES LLC ✓
PO BOX 987
CALDWELL, ID 83606
(208)455-7551

Original Owner

DAVID OCHSNER ✓
CALDWELL, ID

Priority Date: 01/06/1953 ✓

Basis: License ✓

Status: Active

Source

GROUND WATER ✓

Tributary

$$\text{CFS FACTOR} = 0.019487179$$

Beneficial Use

IRRIGATION ✓

From To

03/15 to 11/15

Diversion Rate0.06 ~~3.810 CFS~~Annual Volume

13.1 AFA

13.1 AFA

$$\begin{aligned} & \textcircled{*} 2.9 \text{ AC} \\ & \times \text{CFS FACTOR} \\ & 0.0565 \\ & \Rightarrow 0.06 \text{ cfs} \end{aligned}$$

Total Diversion: ~~3.810 CFS~~0.06 $\textcircled{*}$ Location of Point(s) of Diversion

GROUND WATER

CANYON County ✓

GROUND WATER

CANYON County ✓

* $\rightarrow$ NE 1/4 SE 1/4 ✓
(location described on Field Report map - 18 # 77 yds.)
SE 1/4 NE 1/4 ✓

Sec. 26, Twp 04N, Rge 03W, B.M. ✓

Sec. 26, Twp 04N, Rge 03W, B.M. ✓

VOLUME:

$$2.9 \text{ AC} \times 4.5 \text{ af/annum} = \textcircled{13.05} \text{ AFA}$$

$$\textcircled{V} 0.06 \text{ cfs} \times 1.9835 \times 246 \text{ days} = 29.3 \text{ A\#}$$

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	03W	26				3.8													3.8
						2.9													

Total Acres: 3.81

Conditions of Approval:~~ADD C04~~~~Purpose of Use Accomplished~~~~Transfer~~~~Domestic~~~~not~~
N/A

ADD 839 - Season of use is 3/01 - 11/15.

Parcel Nos: R02800713A0,
R0280055100, & a portion of R02800551A0.

Koni Harris-

Give BCD this to
you.

← - Sal
KIMBERLY 10-16-06
- Jan → * rec'd. 10/20/06 - K. Brown

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2922

1. CLAIMANT IS CLAIMING A PORTION OF WATER RIGHT NO. 63-2922 WHICH IS APPURTENANT TO CLAIMANT'S LAND. OVER TIME, THE LAND TO WHICH WATER RIGHT LICENSE NO. 63-2922 IS APPURTENANT HAS BEEN SUBDIVIDED, AND LEMRICK PROPERTIES, LLC NOW OWNS 3.81 ACRES OF THE OVERALL 39-ACRE PLACE OF USE LICENSED UNDER WATER RIGHT NO. 63-2922. THE 3.81 ACRES OF LAND TO WHICH THIS NOTICE OF CLAIM PERTAINS IS COMPRISED OF CONTIGUOUS PARCEL NOS. R0280055100, R02800713AO AND R02800551AO.

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2922

11/01/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2922	Claim	04N	03W	26	SE	NE		IRRIGATION	3.81/3.81	LEMICK PROPERTIES LLC
2994	Claim	04N	03W	26	SE	NE		IRRIGATION	10/69	CANYON HILL IRRIGATION DIST
2276	Water Right	04N	03W	26	SE	NE		IRRIGATION		PIONEER IRRIGATION DISTRICT
2922	Water Right	04N	03W	26	SE	NE		IRRIGATION	16/39	DAVID OCHSNER
2994	Water Right	04N	03W	26	SE	NE		IRRIGATION		CALDWELL IRRIGATION DIST

State of Idaho
License and Certificate of Water Right

Water License No. G-23520.....

Amount 0.76 second foot

Water District No.....

Priority January 6, 1953

THIS IS TO CERTIFY that DAVID OCHSNER
of Caldwell, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 6, 19 53; that Permit No. G-23520
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.76 second foot, was issued thereunder on April 11, 19 56, showing that said works
were completed on the 11th day of November, 19 55; and that on the 11th
day of November, 19 55,

DAVID OCHSNER

of Caldwell, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of two wells
~~and subterranean~~ (subterranean flow) for the purpose of irrigation and dom-
estic use, under Use Permit No. G-23520 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

9 of Licenses at page 5689, on the 11th day of April, 19 56;

The right hereby confirmed dates from January 6, 19 53;

are
The Point of Diversion is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$

~~Section~~ ~~4~~ ~~Sec.~~ 26, Tp. 4 N., R. 3 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 0.76 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N.	3 W.	26	SE $\frac{1}{4}$ NE $\frac{1}{4}$	16	16
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	22	23
			Number of Acres Actually Irrigated		39

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
11th day of April, 19 56.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

63 292

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-23520

REPORT ON PROOF OF Completion of works & Beneficial use

DAVID OCHSNER, Route 6, Caldwell, Idaho

*.76 cfs
max*

*app. 0.76 cfs
Exp. 2
acres 38*

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

Permit No. G-23520This proof is for Completion of works & Beneficial use In Water District No. _____

1. Name of applicant David Ochser, Route 6, Caldwell, Idaho
2. Source of water supply: Subterranean from 2 wells
3. Location of point of diversion: Is in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ & NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26
T. 4 N. R. 3 W. County of Canyon
4. Describe works as they exist, giving dimensions and capacities of same: Well is 12" diameter by 50' deep cased 15', H=30' draw down 8'. Pump is a 3 stage 8" 6" column. operated by an International H Tractor, concrete base in a 30" diameter by 18" high metal ring. No well house no protection. Johnston turbine pump, no serial No. 6" discharge to the NE into a ditch. This water irrigates both to the NW and to the S. Second pump is in a well 12" in diameter by 55' deep, cased 15', H=34'. All conditions in this well are similar to well No. 1. It is powered by an Algea CHalmers C tractor through a Johnston gear driven head. This pump will pump approximately 20" without breaking column. This pump irrigates land to the N. and W. of that covered by Well # 1.
5. Water is used for: Irrigation and domestic purposes
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):

SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26,Twp. 4 North, Range 3 West, B. M.See the map

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

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

Remarks: Mr. Ochser gave the canal water right back to the Co. in order to escape the up-keep costs and further because the water delivery was so short and unsatisfactory that he decided to irrigate by means of a pumping system.

This examination was made on the 23rd day of March, 19 56(Signed) E. H. Humphreys Examiner.G23520

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

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APR 4 1956

Department of Reclamation

David Ochsmar
Rte. 6, Caldwell, Idaho

Permit No. G-23520

Examination for Completion of works
and Beneficial use
County Canyon

See also Permit No. G-26018

Q = 0.76 c.f.s. 26-AN.-3W

S = Wells

P.D. = S.E. NE. & NE. SE. Sec. 26,
T. 4N. - R. 3W.

Use = Irrigation & Domestic

Well 50' x 12" dia.
h = 30' dd = 8'

pump = 8" x 2 stroke

6" col. - 1' dia.
of well

Int. H. Tractor
pumping

water 2000' to 2500'

Cone, base 20' x 18'

no protect

Johnston Pump 10X6

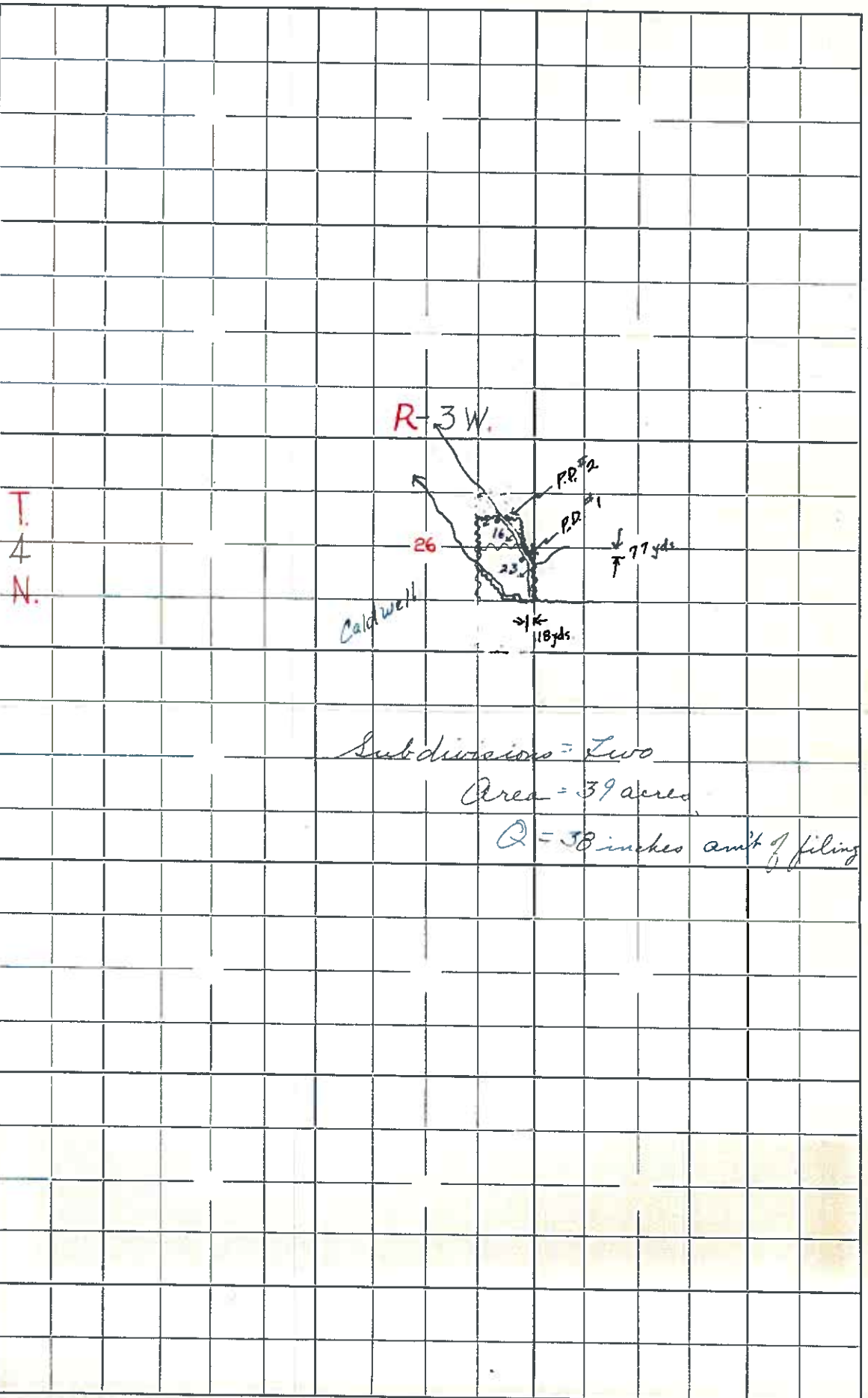
no aerial

Driven by 7" pump
well

8" ditch to NE
ditch

direct drive

Priority - Jan. 6, 1953
Due - Jan. 14, 1956



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

23520

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
NOV 21 1955

Department of Reclamation

Permit No. G-23520

Proof of Application of Water to Beneficial Use
and Completion of Works

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. David Ochsner Route # 6, Caldwell, Idaho Farmer

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Individual

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. G 23520 January 14, 1953

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Subterranean Well, SE1/4 of the NE1/4 and NE1/4 of the SE1/4 of Sect. 26
TWN4N, R3WEM Canyon County, Idaho

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. 50 ft. depth. 50 ft. of 12 inch casing. 80 ft. to water. Uses 6 inch
discharge pump which discharges about 40 inches. Measures by wier.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation 38 Acres. SE1/4 of the NE 1/4 and NE1/4 of the SE1/4 of Sec. 26
TWN4N, R3WEM Canyon County, Idaho

23520

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 38 inches

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Irrigation

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Had prior service from Caldwell Irrigation District up to 1954, Rights now released.

(Sign) David Chamer

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Caldwell County of Canyon State of Idaho, on this 11 day of November A. D. 1955

A. J. Castagneto

My commission expires March 28, 1956

23520

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-23520

Proof of Application of Water to Beneficial Use
Deposition of Witness ^{and Completion of Works}

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Oscar Smith, Route 1, Caldwell, Idaho

Ques. 2. Are you acquainted with David Ochspar, the holder of Permit No. G 23520? How long have you known him and where does he reside?

Ans. Five years, Route 6, Caldwell, Idaho

Ques. 3. Have you read or heard read said Permit No. G-23520, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. SE1/4 of the NE1/4 and the NE1/4 of the SE1/4 of Sect 26, Twn 4N, R3WBM, Canyon County, Idaho

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Approx. 40 inches, Ditch has capacity of 50 inches.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. Approx 38 inches - Measured by wier.

N 23520

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation. 38 Acres. In the SE1/4 of the NE1/4 and the NE1/4 of the SE1/4 of Sect. 26, Twn 4N, R3WEM, Canyon County, Idaho

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Cultivated 38 inches.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. none

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Viewed practical and successful operation of this land for last several years.

(Signed) X Oscar Smith

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in _____, County of Canyon, State of Idaho, on this 14 day of November, A. D. 1955.

J. J. Castagneto
Notary Public.

My commission expires March 28, 1955

B 23520

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-23520

Proof of Application of Water to Beneficial Use
Deposition of Witness ^{and Completion of Works}

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. M. F. Zimmerman Route 3 Caldwell, Idaho

Ques. 2. Are you acquainted with David Schaner, the holder of Permit No. G-23520? How long have you known him and where does he reside?

Ans. Five years Route 6 Caldwell, Idaho

Ques. 3. Have you read or heard read said Permit No. G-23520, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Subterranean Well— SE 1/4 of the NE 1/4 of Section 26, Twp 4N, R3WEM,
Canyon County, Idaho

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Approx. 40 inches. Ditch has capacity of 50 inches.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. Approx. 38-40 inches. Measured by weir.

H 23520

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation. 38 Acres. in the SE1/4 of the NE1/4 and the NE1/4 of the SE1/4 of S
Section 26, Twn 14N, R3WBM, Canyon County, Idaho Cultivated land.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Cultivated. 38 inches.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. none.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Veixed practical and successful operation of this land for last several years.

(Signed) W. F. Zimmerman

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Caldwell

County of Canyon, State of Idaho, on this 14 day of November,
A. D. 19 55

A. J. Castagneto
Notary Public.

My commission expires March 28, 1956

1523520

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A.M., on the 11th day of November, 1955, at Caldwell, County of Canyon, State of Idaho, before Charles L. Shaffer, Notary Public, proof will be submitted of the completion of works for the diversion of 0.88 cubic foot per second of the waters of two (2) wells located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, Township 4 North, Range 3 West, B.M. and of the application to beneficial use of said water, in accordance with the terms and conditions of Permits Nos. G-23520 and G-26018 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permits are David Ochener, Route 6, Caldwell, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is 0.88 cubic foot per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 0.88 cubic foot per second.

4. The place where said water is used is SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, Township 4 North, Range 3 West, B.M.

5. The date of priority which said user is prepared to establish under Permit No. G-23520 is January 6, 1953 and under Permit No. G-26018 is October 12, 1955.

MARK R. KULP
State Reclamation Engineer

J 23520



ROBERT E. SMYLLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

April 4, 1956

OK Encl \$9.00
RECEIVED
APR 11 1956
Department of Reclamation

RE: Permit No. G-23520

Mr. David Ochsner
Route 6
Caldwell, Idaho

Dear Mr. Ochsner:

We now have on file the report of our field engineer on examination for completion of works and beneficial use on Permit No. G-23520, which shows that your two wells, one in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the other in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, Township 4 North, Range 3 West, B.M., will deliver thirty-eight inches or .76 second foot of water which you have used to irrigate thirty-nine acres in the same subdivisions as above mentioned.

A Certificate of Completion of Works and License can, therefore, be issued for 0.76 second foot of water upon receipt of the statutory fee of \$5.00 for completion of works and \$4.00 license fee, or a total of \$9.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Roy W. Thompson
Office Manager

hll

8 23520

April 4, 1956

RE: Permit No. G-23520

Mr. David Ochsner
Route 6
Caldwell, Idaho

Dear Mr. Ochsner:

We now have on file the report of our field engineer on examination for completion of works and beneficial use on Permit No. G-23520, which shows that your two wells, one in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the other in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, Township 4 North, Range 3 West, B.M., will deliver thirty-eight inches or .76 second foot of water which you have used to irrigate thirty-nine acres in the same subdivisions as above mentioned.

A Certificate of Completion of Works and License can, therefore, be issued for 0.76 second foot of water upon receipt of the statutory fee of \$5.00 for completion of works and \$4.00 license fee, or a total of \$9.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

hll

April 11, 1956

RE: Permits Nos. G-23520 & G-26018

Mr. David Ochsmar
Route 6
Caldwell, Idaho

Dear Mr. Ochsmar:

We enclose Certificate of Completion of Works also License and Certificate of Water Right issued on Permit No. G-23620 confirming your right to the use of 0.76 second foot of the waters of two wells located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, Township 4 North, Range 3 West, B.M., with priority of January 6, 1953, for irrigation and domestic use on the same subdivisions.

We also enclose departmental receipt No. G-1804 for \$9.00 which includes \$5.00 completion of works fee and \$4.00 license fee.

We also enclose Certificate of Completion of Works also License and Certificate of Water Right issued on Permit No. G-26018 confirming your right to the use of 0.12 second foot of the waters of a well located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, Township 4 North, Range 3 West, B.M., with priority of October 12, 1955, for irrigation of land in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, Township 4 North, Range 3 West, B.M.

We also enclose departmental receipt No. G-1805 for \$9.00 which includes \$5.00 completion of works fee and \$4.00 license fee.

Very truly yours,

MARK E. KULF
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

23520

WATER RIGHT NUMBER 63-29221

OWNER LAST NAME - GCHSNER

ADDRESS LINE 1 -

ADDRESS LINE 3 -

SOURCE - GROUNDWATER

STAGE - LICENSE

TOTAL DIV. VOLUME -

DIVERSION POINT - SENE 26 04N 03W LOT

FROM - TO -

USE - IRRIGATION

USE - DOMESTIC

PLACE OF USE - TOWN 04N-RNG 03W-SEC 26

DATE -

DEGREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PROOF MADE - FLD EXAM -

DIVERSION MEANS -

FIRST NAME - DAVID

ADDRESS LINE 2 -

CITY - CALDWELL

TRIBUTARY OF -

PRIORITY - 01-06-1953

WATER DIST. -

DLE/CAREY ACT -

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ORIG OWNER -

STATE - IDAHO

CANYON

RIGHT BASIS -

TOTAL DIV. RATE -

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VERIFIED
5/13/85

OLD NO. - 23520

HEARING -

PROTESTED -

PERMIT/DENIED -

COND. OF APPROVAL -

TOTAL ACRES 39

TRACT SENELOT

AC 16

TRACT SENELOT

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63-2922

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 31294
Permit No. G- 23520
District No.

1. Name of Applicant: DAVID OCHSNER
Postoffice address: Rt. 6, Caldwell County: Canyon State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second 0.76 or Idaho
Miners' inches 38 or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean flow (wells)
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26
Twp. 4 N. , Rge. 3 W. , B. M., County of Canyon
5. Water is to be used for: Irrigation and domestic purposes
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B. M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B. M.
7. Kind of works: Wells, pumps and ditches and sprinkler system.
8. Estimated cost of works: \$3,000.00
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is Three(3) years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are $28 \frac{1}{2}$ inches in the Caldwell Irrigation District.
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks: This filing is supplemental to existing water rights.

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

DAVID OCHSNER

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 2:00 P. M. January 6, 1953

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-23520

Recorded in Book 84 Page 23520 Approved January 14, 1953

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before March 14, 1953 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before July 14, 1954

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before January 14, 1956

Witness my hand this 14th day of January, 1953

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho,
and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 14th
day of January, 1953.

Countersigned:

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS
Secretary of State.

By LEN JORDAN
Governor

12.

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 $\frac{1}{4}$	
4 N.	3 W.	26	16			22	38
Permit No. G-23520 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that David Ochsner of Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. G-23520, issued upon Application No. G-31294 bearing date of priority of January 6, 1953, authorizing the diversion of 0.76 second foot of the waters of subterranean flow from two wells, County of Canyon, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.76 second foot of the waters of said two wells; that the points of diversion of said waters are in the SE$\frac{1}{4}$NE$\frac{1}{4}$ and NE$\frac{1}{4}$SE$\frac{1}{4}$ Section 26, Township 4 North, Range 3 West, E.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE$\frac{1}{4}$NE$\frac{1}{4}$ and NE$\frac{1}{4}$SE$\frac{1}{4}$ Section 26, Township 4 North, Range 3 West, E.M. Witness my hand this 11th day of April, A. D. 1956. MARK R. KULP State Reclamation Engineer Proof of completion of works made November 11, 1955 Certificate of Completion of Works issued April 11, 1956. LICENSE ISSUED FOR 0.76 SEC. 71 <i>Page 5689</i>							

Sec. 26, T. 4 N., R. 3 W.

Scale: 1" = 200'

from surveyor's office
C. H. H.
Apr. 5, 56

Lot 24

Lot 25
(11 ac.)

Lot 26
(5 ac.)

Point of Diversion - Well

Street

610' Street

1779.2 = from surveyor's office

Fr. Lot 27

Lot 29

Lot 28

Point of Diversion Well

Lot 30
(22 ac.)

Lot 31

from surveyor's office
24.3 a. = from surveyor's office

RECEIVED FOR No. 9 23520

As Approved
JAN 14 1960
MARK R. KULP
State Reclamation Engineer

23520

S.E. Cor. NE 1/4 Sec. 26

As Approved
JAN 14 1952
MARK R. KULP
State Reclamation Engineer

23520

S.E. Cor.
NE $\frac{1}{4}$ SE $\frac{1}{4}$ S. 26

Per mi Application of David Ochs :

Sec. 26, T. 4 N., R. 3 W.

