

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: A63-03200
Date Received: 3/13/1990
Receipt No: W010912
Received By: JEH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

OR

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

2. Date of Priority: AUG 23, 1960

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

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION			0.340		

7. Total Quantity Appropriated is:
0.340 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 59.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A63-03200

Page 1

Date: 03/30/90

SCANNED
APR 22 2008

MICROFILMED

AUG 18 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	05W	1	NE NE		IRR	17.0
Section Acres						17.0
Total Acres						17.0

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
Water Right Number: 28726

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 A63-03200

Date Received MAR 13, 1990

Receipt Number W010912

OLD NO # 28726

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 () 459-4153

Mailing Address 24005 Boise River Rd. Caldwell Zip 83605

2. Date of Priority (Only one (1) per claim) Aug. 23, 1960

3. Source of water supply (a) Christen Christian Gulch Wasteway
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 04N Range 05W Section 01,
_____ 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of _____

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 18 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 .34 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .34 (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:

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

b. 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	01	17																17

Total number of acres irrigated 17

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:

Last Name _____ Ident No. _____

MICROFILMED
Copies: White - State, Yellow - Claimant
AUG 18 1992

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The lines extend to the edges of the square. The grid is composed of 16 columns and 16 rows of these squares.

Copies: White-State Yellow-Claims

MICROFILMED

AUG 18 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____

If applicable provide IDWR Water Right Number 63-03200
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 ☒ 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 _____

MICROFILME
Copies White, State, Yellow, Claimant
AUG 18 1992

RECEIVED

MAR 31 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 30 2009	
By _____	Clerk
Deputy Clerk	

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) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-03200

I. FINDINGS OF FACT

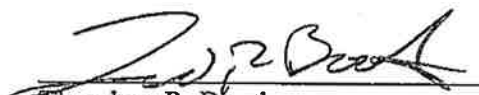
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On June 19, 2007, the Riverside Irrigation District, through its attorney Albert P. Barker, filed an objection to the *Director's Report*, asserting that the source should be described as wastewater. On March 25, 2009, the parties filed a *Standard Form 5 - Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-03200 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated March 30, 2009

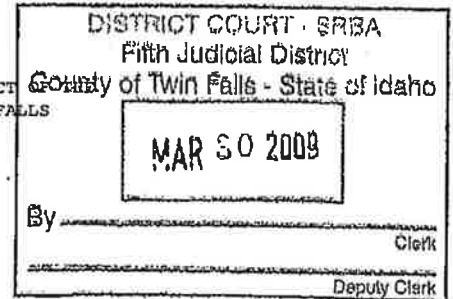

Theodore R. Booth
Special Master
Snake River Basin Adjudication

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

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-03200



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

SOURCE: CHRISTIAN GULCH WASTEWAY TRIBUTARY: DIXIE DRAIN

The source of this water right includes waste water. The wasting
of water may be discontinued at any time.

QUANTITY: 0.34 CFS
76.50 AFY

PRIORITY DATE: 08/23/1960

POINT OF DIVERSION: T04N R05W S01 SESE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.34 CFS 76.50 AFY

PLACE OF USE: Irrigation Within Canyon County
T04N R05W S01 NENE 17.0
17.0 Acres Total

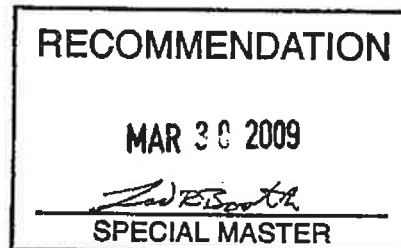
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR 30 2009
By _____ Clerk
Deputy Clerk

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)

Case No. 39576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

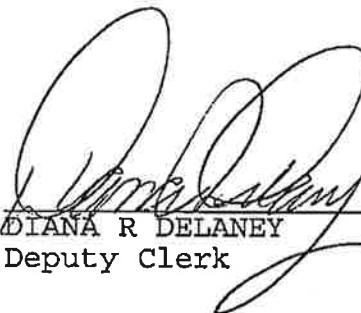
Water Right(s): 63-03200

On March 30, 2009, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED March 30, 2009.


DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAR 30 2009	
By _____	Clerk
_____	Deputy Clerk

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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-03200

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 30, 2009, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ALFRED KANDLER
BERTA KANDLER
DEEON J HARPER
V JAY HARPER
Represented by:
JOHNSON, MATTHEW A
WHITE PETERSON GIGRAY ROSSMAN
5700 E FRANKLIN RD STE 200
NAMPA, ID 83687-7901
Phone: 208-466-9272

CERTIFICATE OF MAILING

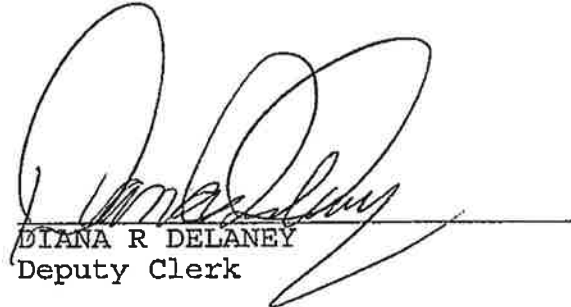
PAGE 1
03/30/09

RIVERSIDE IRRIGATION DISTRICT

Represented by:
PAUL L ARRINGTON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724



DIANA R DELANEY
Deputy Clerk

**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

Case No. 39576

) Subcase No. 63-03200
)
)
)
)
)
)
)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS

Alfred & Berta Kandler

 3/4/09
Matthew Johnson, Attorney Date

OBJECTOR

Riverside Irrigation District

Albert P. Barker, Attorney Date

United States on behalf of
Bureau of Reclamation

IDWR Concurrency:

Nicholas Spencer
Deputy Attorney General

Date

CERTIFICATE OF MAILING

I certify that on _____, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

ALFRED KANDLER
BERTA KANDLER
DEEON J HARPER
V JAY HARPER
Represented by:
JOHNSON, MATTHEW A
WHITE PETERSON GIGRAY ROSSMAN
5700 E FRANKLIN RD STE 200
NAMPA, ID 83687-7901

RIVERSIDE IRRIGATION DISTRICT
Represented by:
PAUL L ARRINGTON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

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

RIGHT NUMBER: 63-3200

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

The source of this water includes waste water. The wasting of water may be discontinued at any time.

may
[Signature]

QUANTITY: 0.340 CFS
76.500 AFY

PRIORITY DATE: 08/23/1960

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	03/01 11/15	0.340 CFS 76.50 AFY

PLACE OF USE: IRRIGATION in CANYON County

T04N R05W S01 NENE 17.00

17 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

Shurte, Jan

From: Shurte, Jan
Sent: Monday, February 23, 2009 4:19 PM
To: Spencer, Nick
Cc: Ridgeway, Renea; Williams, Ray; Christensen, Kelly
Subject: Status Conf Tues 2/24/09

Hi Nick,

I just went through the files for tomorrow's status conferences and found the following:

63-3191 - Sent SF5 Rec. to state office on 1-29-09.

63-32463 - Sent signed SF5 and Cover Page to state office on 10-9-08.

63-32468 - Uncontested Overlap for 63-32463 - no objection filed on this one, yet SRBA Court shows an SF5 pending?

63-3200 & 63-9212 - Sent SF5 rec to state office on 1-29-09.

XL Ranches @ 2:00 - 63-5343, 63-16366 & 63-16543 - Not sure as these are Kelly's - sending cc to him on this one.

Will you be needing me on any of these?

Thanks,
 Jan

63-3191 - Status Conf. - Prepare SF5 again?

63-3200 + 63-9212 - 63-3200 - Settled & be circulating SF5 will

Box - state, land people
 are looking at the crossing
 agreement - wanting
 to change the language
 in 63-9212.

63-9212 - Wants crossing
 language, so not ready

Prepare SF5's again -
 Will ask Renea.

63-32463 + 32468 - Pat Takaseugi is having
 chemotherapy & he will sign the SF5s (or SF5)
 & return. 63-32468 is an uncontested over-
 lap to 63-32463 & I do not have when we have
 sent the SF5 out for 63-32468.

2/23/2009

RECEIVED

FEB 25 2009

DEPARTMENT OF
WATER RESOURCES

William F. Gigray, Jr., Deceased
GIGRAY, MILLER & DOWNEN
9th Avenue and Dearborn Street
P.O. Box 640
Caldwell, Idaho 83606-0640
Telephone: (208) 459-0091
Facsimile: (208) 459-0096
ISB No.: 393

By:

Wm. F. Gigray, III
Matthew A. Johnson
WHITE PETERSON GIGRAY ROSSMAN
NYE & NICHOLS, P.A.

*Appointed Receiver by Order of the Idaho Supreme Court,
Docket #35800, Ref. #08-448*

5700 East Franklin Road, Suite 200
Nampa, Idaho 83687-7901
Telephone: (208) 466-9272
Facsimile: (208) 466-4405
ISB No.: 1435, 7789
wfg@whitepeterson.com
mjohnson@whitepeterson.com

Attorneys for Alfred and Berta Kandler

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,

Case No. 39576.

SUBCASE NOS. 63-03200
63-09212

NOTICE OF CHANGE OF
ATTORNEY

[I.R.C.P. 11 (b)(1)]

PLEASE TAKE NOTICE THAT:

WITHDRAWING ATTORNEY: On the 30th day of October, 2008, Wm. F. Gigray, Jr., died and at the time of his death, was practicing law as a solo practitioner and there was no partner, executor or other responsible and willing party capable of conducting the affairs of his practice of law and subsequently an *Order Granting Petition of White Peterson Gigray Rossman Nye & Nichols, P.A. Appointment as Receiver to Protect Clients and Practice of William F. Gigray, Jr., Lawyer*, was entered by the Idaho Supreme Court in Docket No. #35800, Ref. #08-448, on November 17, 2008, and *White Peterson Gigray Rossman Nye & Nichols, P.A.* acts on behalf of Wm. F. Gigray, Jr. to hereby withdraw as attorney of record for ALFRED KANDLER and BERTA KANDLER, and

SUBSTITUTING ATTORNEY: Wm. F. Gigray, III and Matthew A. Johnson of the firm of WHITE PETERSON GIGRAY ROSSMAN NYE & NICHOLS, P.A. is substituted as attorney of record for ALRED KANDLER and BERTA KANDLER and notice may be sent to the attention of Matthew A. Johnson in said firm.

DATED this 24th day of February, 2009.

Withdrawing Attorney:

William F. Gigray, Jr., Deceased, of the firm
GIGRAY, MILLER & DOWNEN

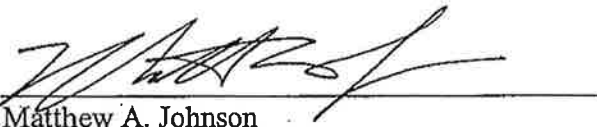
By: 

Wm. F. Gigray, III
WHITE PETERSON GIGRAY ROSSMAN NYE &
NICHOLS, P.A. - *Appointment as Receiver to
Protect Clients and Practice of William F.
Gigray, Jr., Lawyer*, pursuant to Idaho Supreme
Court Order Docket No. #35800, Ref. #08-448,
dated November 17, 2008.

DATED this 24th day of February, 2009.

Substituting Attorney:

WHITE PETERSON GIGRAY ROSSMAN NYE &
NICHOLS, P.A.

By: 

Matthew A. Johnson

Attorneys for Alfred and Berta Kandler

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 24th day of February, 2009, a true and correct copy of the above and foregoing instrument was served upon the following by the method indicated below:

Albert P. Barker
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson, Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
*Attorneys for Riverside Irrigation
District and Wilder Irrigation District*

☒ U.S. Mail
☐ Overnight Mail
☐ Hand Delivery
☒ Facsimile: (208) 344-6034

U.S. Department of Justice
Environmental & Nat'l Resources
550 W. Fort Street, MSC 033
Boise, ID 83724
*Attorneys for USDI Bureau of
Reclamation*

☒ U.S. Mail
☐ Overnight Mail
☐ Hand Delivery
☐ Facsimile

Director of IDWR
P.O. Box 83720
Boise, Idaho 83720-0098

☒ U.S. Mail
☐ Overnight Mail
☐ Hand Delivery
☐ Facsimile


for WHITE PETERSON

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

RIGHT NUMBER: 63-3200

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

SOURCE: CHRISTIAN GULCH WASTEWAY TRIBUTARY: DIXIE DRAIN

The source of this water includes waste water. The wasting of water may be discontinued at any time.QUANTITY: 0.340 CFS
76.500 AFY

PRIORITY DATE: 08/23/1960

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	03/01 11/15	0.340 CFS 76.50 AFY

PLACE OF USE: IRRIGATION in CANYON County

T04N R05W S01 NENE 17.00

17 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

From: Shurte, Jan
Sent: Monday, February 23, 2009 4:19 PM
To: Spencer, Nick
Cc: Ridgeway, Renea; Williams, Ray; Christensen, Kelly
Subject: Status Conf Tues 2/24/09

Hi Nick,

I just went through the files for tomorrow's status conferences and found the following:

63-3191 – Sent SF5 Rec. to state office on 1-29-09.

63-32463 – Sent signed SF5 and Cover Page to state office on 10-9-08.

63-32468 – Uncontested Overlap for 63-32463 – no objection filed on this one, yet SRBA Court shows an SF5 pending?

63-3200 & 63-9212 – Sent SF5 rec to state office on 1-29-09.

XL Ranches @ 2:00 – 63-5343, 63-16366 & 63-16543 – Not sure as these are Kelly's – sending cc to him on this one.

Will you be needing me on any of these?

Thanks,
Jan

2/24/2009

Shurte, Jan

From: Ridgeway, Renea
Sent: Wednesday, October 22, 2008 2:34 PM
To: Spencer, Nick
Cc: Shurte, Jan
Subject: 63-3200 and 63-9212 Kandlers

Nick

I just contacted Mr. Gigray to follow up on the SF5 that I sent on 10-08-08. He was completely surprised by the new language included in the recommendation. There was a hearing on 10-07-08 and at that hearing the parties stated that an agreement had been reached and that Mr. Gigray would be mailed an SF5 the following day. And the in lieu of setting another status conference – the Court just set a tickler of 60 days to receive that SF5. I have an e-mail from Mr. Arrington on 10-06-08 instructing us that the parties had come to an agreement and he requested that we draft a recommendation to reflect the ww remark and the easement language. This e-mail was in response to one of my e-mails asking for a pre-status on the case before the hearing.

I instructed Mr. Gigray to contact Mr. Arrington directly to discuss this apparent surprise but also told him that I could tell from the Court's docket that it was determined at the last hearing that the parties had agreed otherwise the Court would have set another status conference date. He disagreed by stating that his client wasn't even in the office at the time. I also suggested that he should have contacted me when he received the recommendation so that we could have addressed the issues sooner and he said he did try to call me but I was not in the office and he instead spoke to Carter Fritschle.

Just thought you would like a head's up that this case isn't going to go as smoothly as thought unless Arrington can do some smooth talking.

Life's a journey. Roll down the window and enjoy the breeze!

Renea Ridgeway
Paralegal
Office of the Attorney General
Natural Resources Division
Idaho Department of Water Resources
(208) 287-4814 office
(208) 287-6700 fax

11/20/2008

Shurte, Jan

From: Ridgeway, Renea
Sent: Monday, October 06, 2008 11:46 AM
To: Shurte, Jan
Cc: Spencer, Nick
Subject: FW: 63-3200 and 63-9212 (Kandler)

Hi Jan –

Apparently resolution was reached between Arrington and the Kanders. Could you please prepare the recommendations with the remarks that Arrington mentions below? Thanks!

Life's a journey. Roll down the window and enjoy the breeze!

Renea Ridgeway
Paralegal
Office of the Attorney General
Natural Resources Division
Idaho Department of Water Resources
(208) 287-4814 office
(208) 287-6700 fax

From: Paul Arrington [mailto:pla@idahowaters.com]
Sent: Monday, October 06, 2008 10:43 AM
To: Ridgeway, Renea
Cc: Paul Arrington
Subject: RE: 63-3200 and 63-9212 (Kandler)

ON the Kandler rights, please prepare an SF5 that says:

"The Source of this right includes waste water. The wasting of water may be discontinued at any time."

Also, please include the crossing language.

Thanks.

Paul L. Arrington
Barker Rosholt & Simpson LLP
(208) 733-0700 - telephone
(208) 404-9436 - mobile

From: Ridgeway, Renea [mailto:Renea.Ridgeway@idwr.idaho.gov]
Sent: Monday, October 06, 2008 10:27 AM
To: Paul Arrington
Subject: RE: 63-3200 and 63-9212 (Kandler)

There seems to be a lot of that going around! Are you in Hailey next week for initial hearings so I can harass you?

Life's a journey. Roll down the window and enjoy the breeze!

Renea Ridgeway
Paralegal
Office of the Attorney General
Natural Resources Division
Idaho Department of Water Resources

10/6/2008

(208) 287-4814 office
(208) 287-6700 fax

From: Paul Arrington [mailto:pla@idahowaters.com]
Sent: Monday, October 06, 2008 10:25 AM
To: Ridgeway, Renea
Subject: RE: 63-3200 and 63-9212 (Kandler)

Of course, I was just testing you ...

Paul L. Arrington
Barker Rosholt & Simpson LLP
(208) 733-0700 - telephone
(208) 404-9436 - mobile

From: Ridgeway, Renea [mailto:Renea.Ridgeway@idwr.idaho.gov]
Sent: Monday, October 06, 2008 10:24 AM
To: Paul Arrington
Subject: RE: 63-3200 and 63-9212 (Kandler)

Special Masters Report and Recommendation.

Life's a journey. Roll down the window and enjoy the breeze!

Renea Ridgeway
Paralegal
Office of the Attorney General
Natural Resources Division
Idaho Department of Water Resources
(208) 287-4814 office
(208) 287-6700 fax

From: Paul Arrington [mailto:pla@idahowaters.com]
Sent: Monday, October 06, 2008 10:18 AM
To: Ridgeway, Renea
Subject: RE: 63-3200 and 63-9212 (Kandler)

What does "SMRR" mean?

Paul L. Arrington
Barker Rosholt & Simpson LLP
(208) 733-0700 - telephone
(208) 404-9436 - mobile

From: Ridgeway, Renea [mailto:Renea.Ridgeway@idwr.idaho.gov]
Sent: Monday, October 06, 2008 10:16 AM
To: Paul Arrington
Subject: RE: 63-3200 and 63-9212 (Kandler)

Hi Paul,

I just checked my records and this is the information I have for these cases –

63-20773 – sent to claimants for signature on 10-03-08. Already signed by WID.
63-2647 – sent to water agent for signature on 09-29-08. Not sure who else has signed but will continue to circulate once received back from western regional office.
63-32534 – At last hearing SM stated he would complete a SMRR reflecting WID's language – std ww remark and crossing agreement. Claimants were a no show at the last hearing.
63-4442 - At last hearing SM stated he would complete a SMRR reflecting WID's language – std ww remark and crossing

10/6/2008

agreement. Claimants were a no show at the last hearing.

If you need anything else please let me know. Thanks!

Paul L. Arrington
Barker Rosholt & Simpson LLP
(208) 733-0700 - telephone
(208) 404-9436 - mobile

From: Ridgeway, Renea [mailto:Renea.Ridgeway@idwr.idaho.gov]
Sent: Thursday, October 02, 2008 1:55 PM
To: Paul Arrington
Cc: Spencer, Nick
Subject: 63-3200 and 63-9212 (Kandler)

Hi Paul,

Anything new on these two cases referenced above? At the last status conference on the 22nd of July you and Mr. Gigray still had some additional items to discuss. We just like to try to be in the know a bit before the status conference which as you know is scheduled for the 7th of Oct. which is quickly approaching. Where did September go?

Life's a journey. Roll down the window and enjoy the breeze!

Renea Ridgeway
Paralegal
Office of the Attorney General
Natural Resources Division
Idaho Department of Water Resources
(208) 287-4814 office
(208) 287-6700 fax

RECEIVED

JUL 28 2008
DEPARTMENT OF
WATER RESOURCES

2008 JUL 24 PM 02:48
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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	)	NOTICE SETTING STATUS	
	)	CONFERENCE	
Case No. 39576	)		
		SUBCASE NOS: 63-03200	63-09212

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, OCTOBER 07, 2008 at 01:30 PM (MT)

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

Dated: JULY 24, 2008

/S/ DIANA R DELANEY
Deputy Clerk
Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING STATUS CONFERENCE was mailed on JULY 24, 2008, with sufficient first-class postage to the following:

RIVERSIDE IRRIGATION DISTRICT
WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ALFRED KANDLER
BERTA KANDLER
24005 BOISE RIVER RD
CALDWELL, ID 83605
Phone: 208-459-4753

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 23 2008	
By _____	Clerk
_____	Deputy Clerk

**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	)	Subcases 63-03200 and 63-09212
	)	
Case No. 39576	)	ORDER TO SHOW CAUSE
_____	)	

This matter came before this Special Master pursuant to an initial hearing held June 19, 2008. Berta Kandler and Alfred Kandler, (hereinafter "Claimants") were notified of the hearing via first class mail sent to their last known addresses. The Claimants failed to appear at the initial hearing.

On June 19, 2007, the Riverside Irrigation District or the Wilder Irrigation District, (hereinafter "Objector") filed an objection to the *Director's Report* for these water right claims regarding the source of water.

It is **hereby ordered** that the Claimants shall appear before this Special Master on **July 22, 2008, at 1:30 P.M. Mountain Time**, at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho, to show cause why the objection should not be granted. Parties may participate by telephone by dialing 208-383-1099 and when prompted entering the code 675342.

Participation in the show cause hearing is **not mandatory** and failure to appear will not be considered contempt of court. **However, failure to appear will result in the Claimants being deemed to have consented to the remedy sought by the Objector.** If the Claimants participate in the hearing, they will be expected to notify this Special Master whether they intend to prosecute the case, and accordingly a trial date will be set. In such event, no additional evidence or argument need be presented as the subcase will be allowed to proceed to trial as a matter of course. Therefore the parties need not produce testimony or evidence in accordance with I.R.C.P. 6(c)(2)(B).

A copy of this *Order to Show Cause* shall be served upon the Claimants and the Objector not less than five (5) days prior to the date herein shown. Service of the *Order to Show Cause* shall be made in accordance with I.R.C.P. 5(b) and 6(c)(2).

IT IS SO ORDERED

Dated June 30, 2006

A handwritten signature in black ink, appearing to read 'T. R. Booth', with a stylized flourish at the end.

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TO
SHOW CAUSE was mailed on June 23, 2008, with sufficient first-class
postage to the following:

RIVERSIDE IRRIGATION DISTRICT
WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ALFRED KANDLER
BERTA KANDLER
24005 BOISE RIVER RD
CALDWELL, ID 83605
Phone: 208-459-4753



RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 12:06
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
_____	)	SUBCASE NOS: 63-03191 63-03200
		63-09212

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 19, 2008 at 09:15 AM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008,
with sufficient first-class postage to the following:

RIVERSIDE IRRIGATION DISTRICT
WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DEEON J HARPER
V JAY HARPER
23750 HOWE RD
PARMA, ID 83660
Phone: 208-459-3735

ALFRED KANDLER
BERTA KANDLER
24005 BOISE RIVER RD
CALDWELL, ID 83605
Phone: 208-459-4753

RECEIVED
JUN 19 2007
DEPARTMENT OF
INTERPERSONAL

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 63-3200
(Insert water right number)
)
Case No. 39576)
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Riverside Irrigation District
Address: PO Box 1080
Parma, ID 83660
Daytime Phone: 208-880-3449

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: Bert and Alfred 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 Riverside 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 Riverside 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 Riverside Irrigation District. Proposed waste water remark does not sufficiently protect original appropriator.

F. VERIFICATION (must be completed)

State of IDAHO)
County of ADA)ss.

ALBERT D. BARLER, 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:

June 18, 2007

Suzanne Estes

Notary Public for Idaho

Residing at: Boise

My Commission Expires: June 1, 2012



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

I certify that on JUN 18 2007, 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:

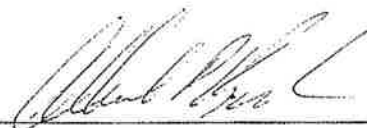
Name: Bert and Alfred Kandler
Address: 24005 Boise River Rd.
Caldwell, ID 83605

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: 63-3200

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: 0.340 CFS
76.50 AFY

PRIORITY DATE: 08/23/1960

POINT OF

DIVERSION: T04N R05W S1 SESE Within CANYON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.340 CFS

76.50 AFY

PLACE OF USE: IRRIGATION in CANYON County

T04N R05W S01 NENE 17.00

17 ACRES TOTAL

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

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.

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

02/10/2006

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

RIGHT NUMBER: 63-3200

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: 0.340 CFS
76.500 AFY

PRIORITY DATE: 08/23/1960

POINT OF DIVERSION:

T04N R05W S1 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.340 CFS
76.50 AFY

PLACE OF USE: IRRIGATION Within CANYON County

T04N R05W S01 NENE 17.00

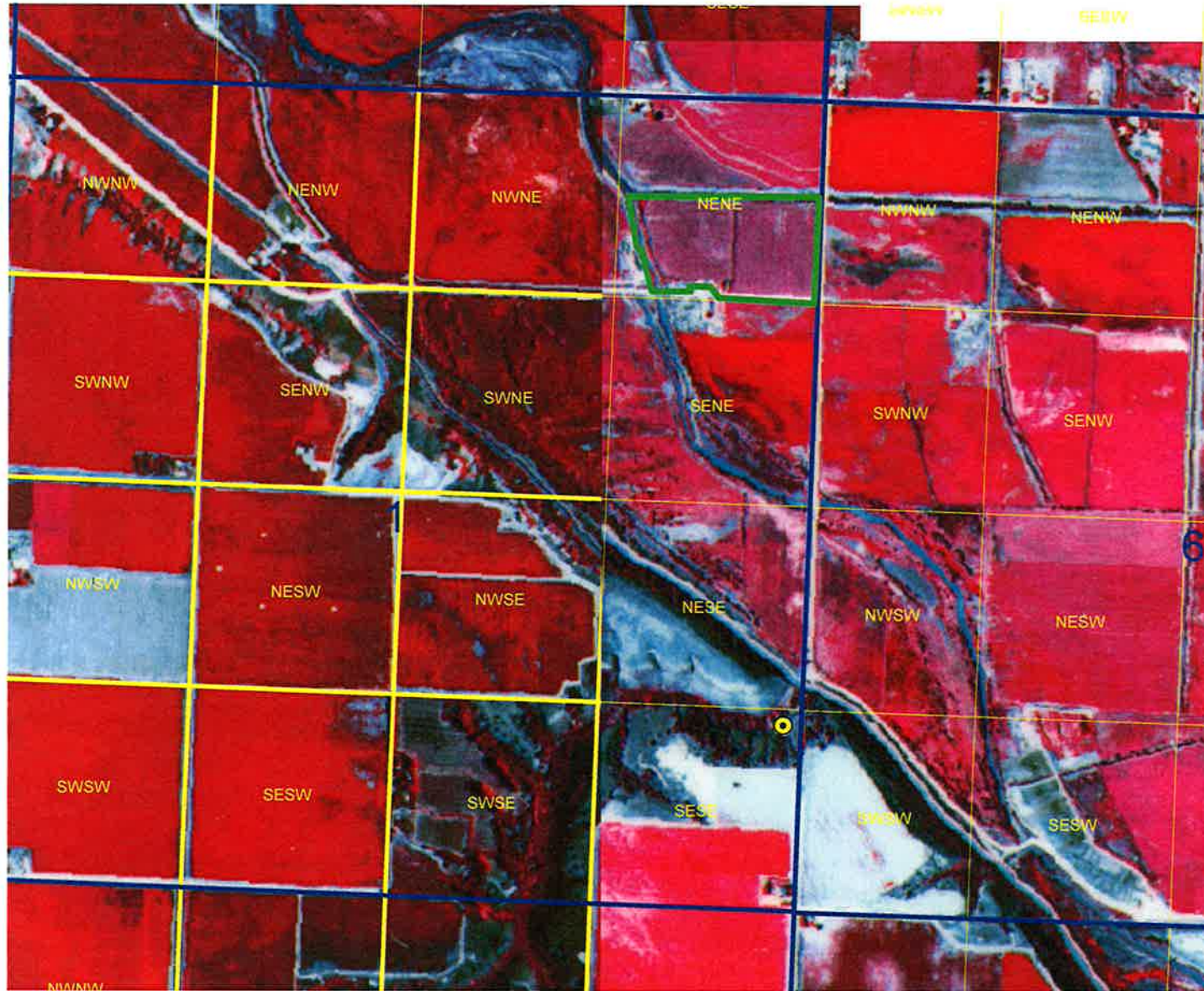
17 ACRES TOTAL

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,
S1**

Claim No: 63-3200

Prepared By: Kimberly Brower

Date: February 10, 2006

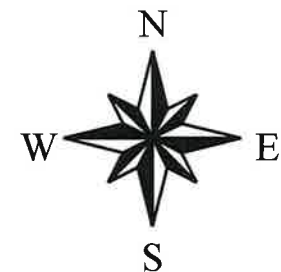
 **Place of Use**

 **Section Lines**

 **1/4 1/4**

 **Point of Diversion**

Irrigated Acres = 17.0



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: 63-3200

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):
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:

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

DATE: 10-17-06 SIGNATURE: Berta I Kandler
Please print your name: Berta Iha Kandler.

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3200

WATER RIGHT NUMBER: 63-3200 ✓

Owner Type Name and Address
 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

Source

CHRISTIAN GULCH WASTEWAY ✓

Tributary

DIXIE DRAIN ✓

Beneficial Use

IRRIGATION ✓

From To

3 1/4 to 11 1/5

Diversion Rate

0.340 CFS ✓

Annual Volume

76.5

Total Diversion:

0.340 CFS ✓

76.5 AFA

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 ✓

The POB may actually be located in the NESE, S1; but was lic. in SESE.

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

Total Acres: 17 ✓

Conditions of Approval:Remarks:Water Supply Bank:

Parcel No: a portion of R3663700000. (80.59 AC) ^{total:}

(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 \$67.⁰⁰
- ☐ 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 completeClaim No(s) A63-3200Owner: Berta & Alfred Kandler Phone No. (208) 459-4753Current 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: 8/23/60

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

Source: Christian Gulch Waterway 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? _____

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 Report of Engineer.**OVERLAP REVIEW**Other water rights with the same point of diversion: 63-9212

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

WATER USESSeason of use is 3/1 to 11/15.☐ No change☐ Different UsesUse _____ From 3/1 To 11/15 Amount _____ CFS 76.5 AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

17 acres x 4.5 af/acres = 76.5 af/annum 0.34 cfs x 1.9835 x 246 days = 165.9 af/annum

TOTAL VOLUME - Groundwater only☒ Incomplete on claim, the total is, Amount _____ CFS 76.5 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:**None☐ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:Parcel No: a portion of R366³⁷00000.

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	

Overlap with other water rights: 63-2388, 63-233N *area not covered by Eureka Irr. Dist.*

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:
no overlap

Delivery System Narrative: See Report of Engineer.

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)

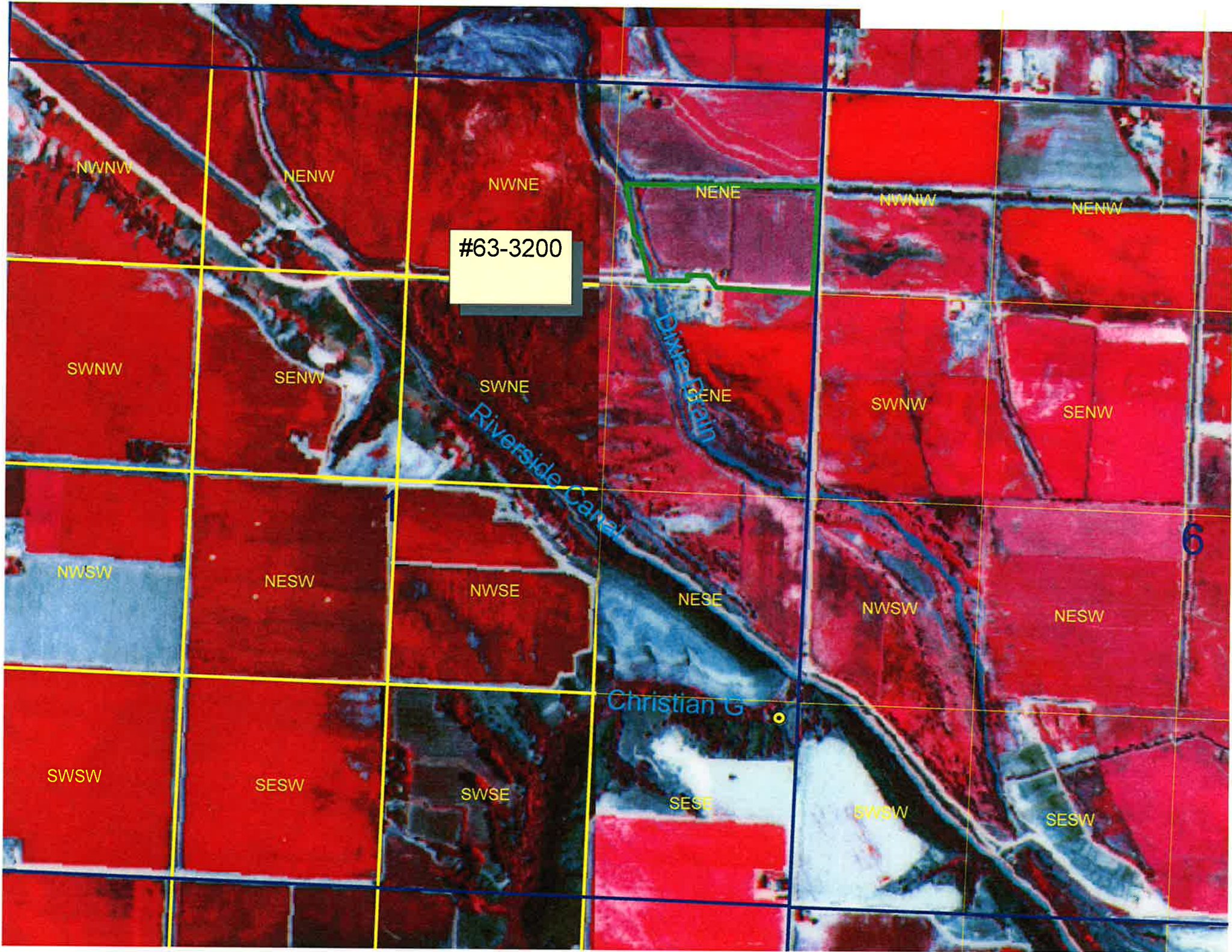
Season of use is 3/1 to 11/15.

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: 2.10.06 (in office review)

FIELD EXAMINER: Kimberly Brown



#63-3200

Riverside Canal
Dixie Drain

Christian G

6

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

Tributary

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	0.040 CFS	
STOCKWATER	1/01	to 12/31	0.030 CFS	
		Total Diversion:	0.070 CFS	

GROUND WATER NW1/4NE1/4 Sec. 1, Twp 04N, Rge 05W, B.M.
CANYON County

DOMESTIC

[illegible]

STOCKWATER

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-21849

Conditions of Approval:

1. PARCEL NO. 1R36637 000 0 STOCKWATER, 50 RANGE CATTLE
2. 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 42-1412(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

Source

Tributary

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. 1, 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 42-1412(6), IDAHO CODE.

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-9212

WATER RIGHT NUMBER: 63-9212

<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: 04/15/1979

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	3/15 to 11/15	0.720 CFS	162.00 AF
	<u>Total Diversion:</u>	0.720 CFS	162.00 AF

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				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	05W	1																	36.0

Total Acres: 36

Conditions of Approval:Remarks:Comments:

RECEIVED
FEB 12 1971

STATE OF IDAHO

Ident. No. 63-9212

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Western Regional Office

APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

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: _____

[illegible]

10. Remarks _____

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 gg Date 2/9/79 #13773

Publication prepared by KK Date 2/15

Published in News-Tribune

Publication dates 2/22 + 2/1

Publication approved KK Date 2/12/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by NBS 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.)
 $V = 36 \text{ ac} (4.5 \text{ AFA/Ac}) = 162.0 \text{ AF/Ac} \checkmark$
 $V = 0.72 \text{ cfs} (1.98) (245 \text{ day/yr}) = 349.3 \text{ AF/Ac}$

Allow .02 cfs/Ac = 36 Ac x .02 = .72 cfs

WEIR/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 BAMBO.

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

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

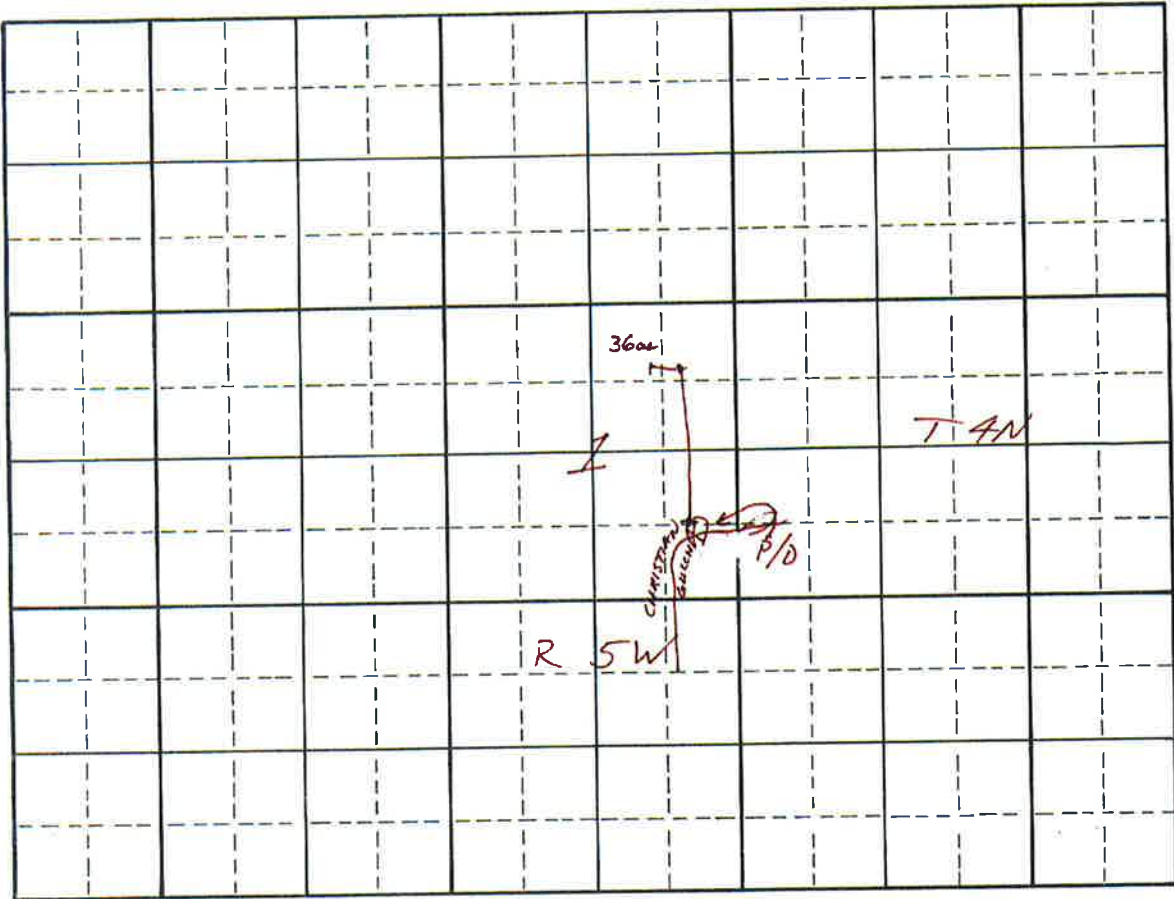
RECOMMENDED AMOUNTS

USE	Irrigation requirement = <u>4.5</u> AFA/Acre		FROM	TO
	Q (cfs)	V (afa)		
<u>IRRIGATION</u>	<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

UNRECORDED

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	
<u>4N</u>	<u>5W</u>	<u>1</u>			<u>36</u>														<u>36</u>

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

Examiner's Signature

Charles W. Boyer Jr.

Date

7/10/80

Checked by

DBS

Date

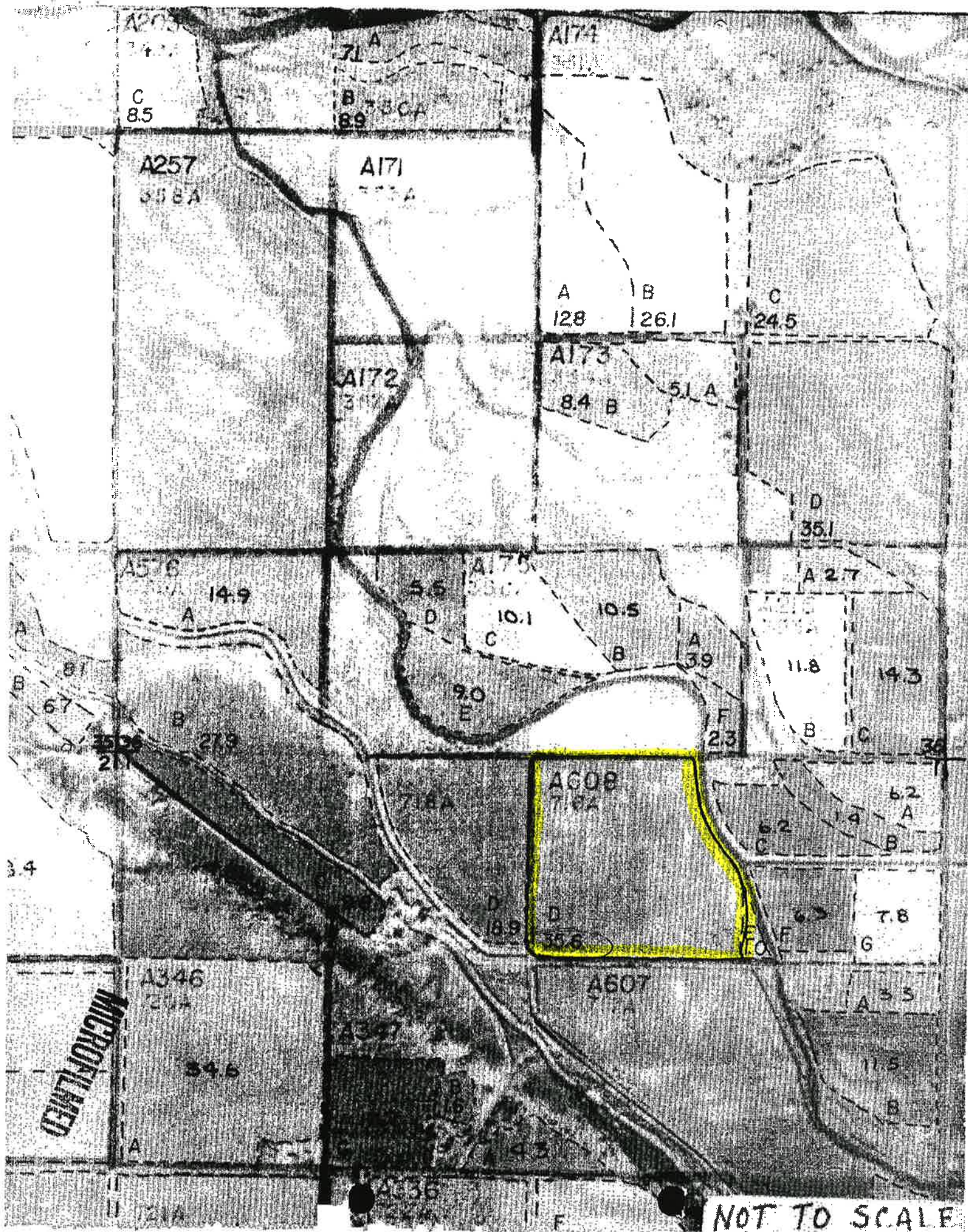
7/16/80

Approved by

Raymond

Date

6/16/81

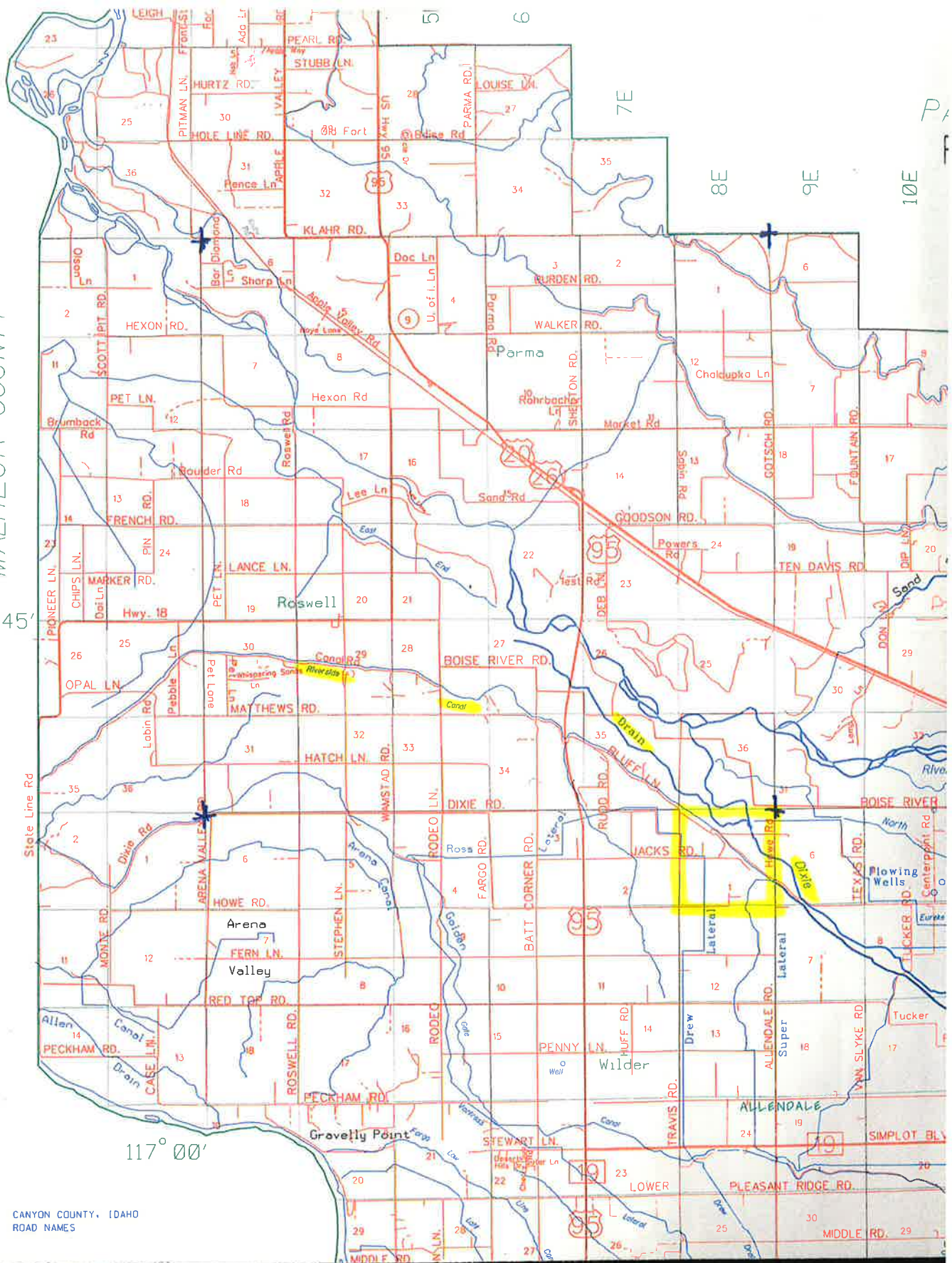


OREGON
MALHEUR COUNTY

43° 45'

117° 00'

CANYON COUNTY, IDAHO
ROAD NAMES



IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3200

01/26/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
3200	Claim	04N	05W	1	NE	NE		IRRIGATION	17/17	ALFRED KANDLER
3200	Water Right	04N	05W	1	NE	NE		IRRIGATION	17/17	SHELDON S. SUITER

no overlap-

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. Keith Higgins
State Reclamation Engineer.

28726

State of Idaho

LICENSE AND CERTIFICATE
OF WATER RIGHT

Water License No. 28726

To Sheldon S. Suiter
Parma, Idaho

Source of Supply Christian Gulch
Wasteway

Canyon County

Amount 0.34 Sec. Ft.

Point of Diversion SE¹/₄SE¹/₄, Sec. 1,
T. 4 N, R. 5 W, B.M.

Place of Use NE¹/₄NE¹/₄, Sec. 1,
T. 4 N, R. 5 W, B.M.

Purpose irrigation

Date of Priority Aug. 23, 1960

Recorded December 20, 1966

in Book 14 of Licenses, Page 8625

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. Sulter ✓ Rt. # 1, Parma, Idaho ✓

2. Source of water supply: Christian Gulch Wasteway ✓

3. Location of point of diversion: Is in the SE 1/4 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 NE 1/4, NW 1/4 NE 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 conveying the requested
1.14 cfs @ 150 on additional 2.50 cfs

This examination was made on the Oct 14 day of October, 19 65

(Signed) Donald W. McElderry Examiner.

Loy Johnson

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.

RECEIVED
NOV 9 1965

Department of Reclamation

Sheldon S. Suiter ✓
Route #1 ✓
Parma, Idaho

Permit No. 28726 ✓

Examination for Completion of Works & Beneficial Use ✓

County Canyon ✓

Sec. 1 T. 4N R. 5W ✓

Quantity:

1.14 cfs

Source:

Christian Gulch Waterway

P.D.:

*SE 1/4 SE 1/4
Sec 1 - T. 4N, R. 5W*

Use:

Irrigation

Extension:

Protest:

Completion of Works:

Other Rights: *none*

Filed:

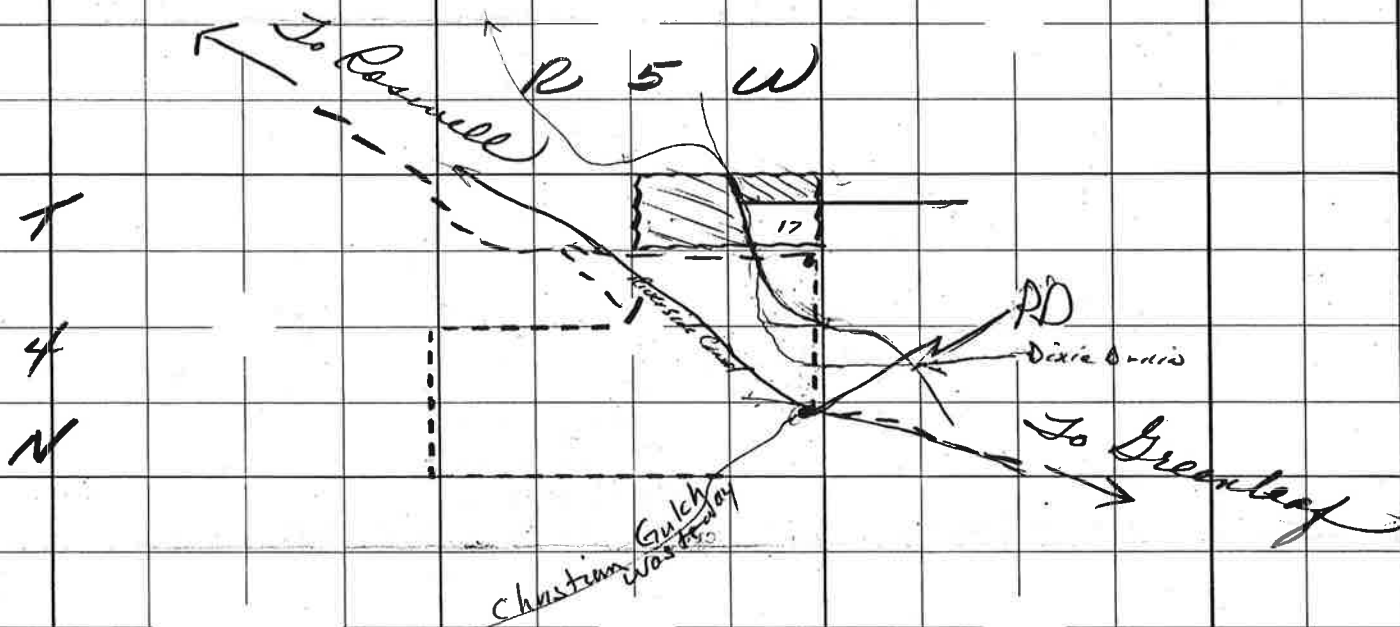
May 20, 1960

Due:

May 27, 1965

Made: *Aug 30, 1965*

Priority: *Aug 23, 1960*



Proofs made 8-30-65
 Due 5-27-65
 Filed 3-3-60
 Prio. 5-20-60
 8-23-60

Subdivisions = 1

Area = 17 Acres

~~Class R = 3.60 cfs or 174 inches~~

allow $Q = .34$ cfs or 17 inches

See Permit = 28616 Earl Martin

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 28726 ✓

REPORT ON PROOF OF Completion of Works & Beneficial Use ✓

Sheldon S. Suiter ✓

Route #1

Parma, Idaho

Application For Permit To Appropriate the Public Waters of the State of Idaho

63-3200

APPLICATION No. 36707
PERMIT No. 28726
DISTRICT No.

1. Name of Applicant: **Sheldon S. Suiter**

Postoffice address: **Route 1, Parma**

County: **Canyon**

State: **Idaho**

I. If applicant is a corporation, give:

- (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) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: **1.14**

cubic feet per second.

3. Source of water supply: **Christian Gulch Wasteway Drain. Water is seepage and drainage water.**

which is a tributary of **Dixie**

4. Location of point of diversion:

feet distant from the

corner of Section **T. 4 N**, R. **5 W**, B.M., and is in the **SE 1/4** of section **1**, T. **4 N**, R. **5 W**, B.M., County of **Canyon**

5. Water is to be used for **Irrigation**

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section **T. 4 N**, R. **5 W**, B.M., in the of Section of **T. 4 N**, R. **5 W**, B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet distant from the corner of Section **T. 4 N**, R. **5 W**, B.M., in the of Section **T. 4 N**, R. **5 W**, B.M.

7. Estimated cost of works: \$ **200.00**

8. Kind of works: **Ditches**

9. Height of dam **59"** feet; length of dam at top **6** feet; length of dam at bottom **6** feet; material used in dam:

10. Size of headgate: Width **59"** feet; height **50" in front, 48" in back** feet.

11. Ditch: Width at bottom **59"** feet; width at water line **59"** feet; depth of water feet; dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is **five** years.

13. The time required for the complete application of the water to the proposed use is **0** additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: **none known**



... of State of the State of Idaho hereunto this instrument is
... Seal of the State of Idaho is hereunto affixed, this 17th
STATE OF IDAHO
BY s/ M. E. DREWLOW, Acting Governor

16. (a) Is reservoir to be used? **no** If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

s/ Sheldon S. Suiter Applicant.

By _____ Agent.

Date of first receipt at Department of Reclamation: 8:00 A.M. May 20, 1960

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 28726

Recorded in Book 101 Page 28726 Approved May 27, 1960

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 **July 27, 1960**

and to continue diligently and uninterruptedly to completion.

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before **November 27, 1962**

The whole of said work to be completed on or before **May 27, 1965**

Beneficial use of water appropriated in accordance herewith, to be made on or before **May 27, 1965**

WITNESS My hand this 27th day of May, 1960

S/ GEO. N. CARTER

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, W. E. DREVLIN, Acting, Governor of the State of Idaho,
and ARNOLD WILLIAMS, 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 27th

day of May, 1960.

STATE OF IDAHO

Countersigned:

(SEAL)

By.....s/.....ARNOLD WILLIAMS

.....
Secretary of State.

By s/.....W. E. DREVLOW.

Acting Governor.

REMARKS: Water claimed is public water and subject to appropriation

"Condition of Permit" - While Completion of Works Proof can be accepted in order to keep permit in good standing, license cannot be issued until determination is made that the water claimed is public water.

Twp.	Range	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	
4 N	5 W	1	20	37	Permit No. 28726 ✓ CERTIFICATE OF COMPLETION OF WORKS												57		
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that SHELDON S. SUITER of Parma, County of Canyon, and State of Idaho, the holder of Permit No. 28726, issued upon Application No. 36707 bearing date of priority of Aug. 23, 1960, authorizing the diversion of 1.14 second feet of waters of Christian Gulch Wasteway County of Canyon, State of Idaho, for irrigation 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 0.34 second feet of the waters of Christian Gulch Wasteway, tributary of Dixie Drain; that the point of diversion of said waters SE 1/4, Sec. 1, T. 4 N., R. 5 W., B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: NE 1/4 NE 1/4, Sec. 1, T. 4 N., R. 5 W., B.M.																			
Proof of Completion of Works Made: August 30, 1965																			
Witness my hand this 20th day of December, A. D. 1966																			
/s/ R. KEITH HIGGINSON State Reclamation Engineer																			
LICENSE ISSUED FOR 0.34 SEC. FT. LICENSE PAGE NO. 8625																			

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

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

4-2-90

[Alfred or Berta Kandler
24005 Boise River Rd.
Caldwell, ID 83605
]

Dear Claimant(s):

We have received your Notice(s) of Claim to a Water Right filed in the Snake River Basin Adjudication.

In the initial review of this claim(s) we found it necessary to either complete or change an item or items on your claim form(s). A copy of your original claim(s) with these changes marked, along with the computer generated copy, and Receipt No. N/A are enclosed. Only the item(s) shown below with a checkmark have been either changed or added to your claim(s).

_____ Item #2 - Only a portion of your priority date was listed. This item requires a month, day and year. We have added in the required information based on the Department's rules for dates of priority.

_____ Item #4 - The point of diversion appears to be incorrectly described or not described at all. Based on other information provided which included your legal description, we have added in the quarter-quarter, section, township and range. If you had listed the Lot, Block and Subdivision name, enclosed is a copy of the subdivision map from which we computed the quarter-quarter legal description.

_____ Item #5 - No description of diverting works was listed. Because the source was described as a groundwater source, we have completed this item with well, pump and pipeline. If your groundwater source is not a well, please notify us.

_____ Item #6 - The period of use is not listed for the use(s) claimed. The Department has recommended periods of use for certain uses. The recommended period of use has been added to your claim.

MICROFILMED
AUG 18 1992

- _____ Item #7 - The total quantity claimed was not completed.
The use(s) claimed have been added together and
this amount added to your claim.
- _____ Item #9 - The number of homes was not listed on your claim.
It appears to be filed for one domestic home and
this information has been added to your claim.
- _____ Item #10- The place of use appears to be incorrectly
described, or not described at all. Based on
other information submitted we have added in the
quarter-quarter, section, township and range.
If you had listed the Lot, Block and Subdivision
name, we have enclosed a copy of the subdivision
map from which we computed the quarter-quarter
legal description. Or, if you have listed a
quarter-quarter legal description under Item No.
4, we have listed this same quarter-quarter,
section township and range on this item.
- _____ Item #12- The ownership of the place of use has not been
marked. We have assumed you own the place of use
and this information has been added to your
claim.
- _____ Item #15- Basis of Claim was not completed. No previously
recorded water rights were found, therefore, we
have marked beneficial use of the water as the
basis for filing this claim.
- ✓ _____ Other The claim you submitted did not list a tributary. I inserted
the Dixie Drain, using our record of water right
63-03200 previously on file.

If you have any problems or questions concerning these additions and/or changes, please feel free to change the copy of your claim form(s) and return it to this office. The new changes can then be made and a computer generated copy showing these changes sent to you. If we do not hear from you, we will assume these changes meet with your approval and the claim(s) will remain as shown on the enclosed copies.

Sincerely,

Linda Werner

LINDA WERNER
Sr. Water Resource Agent
Adjudication Section

LW:js

MICROFILMED
AUG 18 1992

3/26/1990

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Kandler, AlfredCLAIM IDENT. NO. AG 3-03200DATE RECEIVED 3-13-CK# W 10912

AMOUNT \$ _____

Required

- | | YES | NO | Info? |
|--|---|-------------------------------------|-------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? ☒ | | | |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ | | | |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☐ N/A | ☒ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☐ | ☒ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☐ N/A | ☒ | |
| Is the consumptive use correct? | ☐ N/A | ☒ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ N/A | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? (see Item No. 17 for checking other water rights) | ☐ | ☒ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ N/A | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the basis of claim is shown as license, permit or decree is the existing water right number listed? (If yes, compare claim with the existing water right and either attach a proof report or state in comments that existing right was compared to claim) | ☒ N/A | ☐ | |
| 17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. on the claim? (If yes, describe these rights in "Comments") NOTE: If the claim is for domestic/stockwater this check is not as necessary unless it is indicated there is an existing right | ☒ N/A | ☐ | |
| 18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ N/A | ☐ | |
| 19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 20. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 21. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 22. Is the fee enclosed correct? | ☐ Exempt | ☒ | * |

MICROFILMED

AUG 18 1992

YES NO

23. Should this claim be receipted and data entered?

Claim checked by: HW Date: 3-27-90

Claim must be returned to claimant: (Yes) (No)

Claimant must be notified of modifications: (Yes) (No)

Receipt Prepared by: _____ Date: _____

Claim data entered by: _____ Date: _____ Checked by: _____ Date: _____

Sent to claimant by: _____ Date: _____

Comments: Added trib. for w.R. license. Assume fee is
correct as receipt shows only 1 water right
totaling \$ 203.00. (AG3-09212 for 72 Acres)

MICROFILMED
AUG 18 1992