

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

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

OR

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

2. Date of Priority: APR 15, 1979

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

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

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

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number

A63-09212

Date Received

MAR. 13, 1990

Receipt Number

W010912

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) ALFRED OR BERTA KANDLER Phone () 459-4753
Mailing Address 24005 Boise River Rd. Caldwell Zip 83605

2. Date of Priority (Only one (1) per claim) 4-15-79

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

4. a. Location of existing point of diversion is: Township 4N Range 5W Section 01,
_____ 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Canyon

Additional points of diversion if any: _____

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

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

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

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

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

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

MICROFILMED

AUG 24 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

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

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

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

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

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

10. Description of place of use:

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	1		36															36

Total number of acres irrigated 36

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

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

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

14. Remarks:

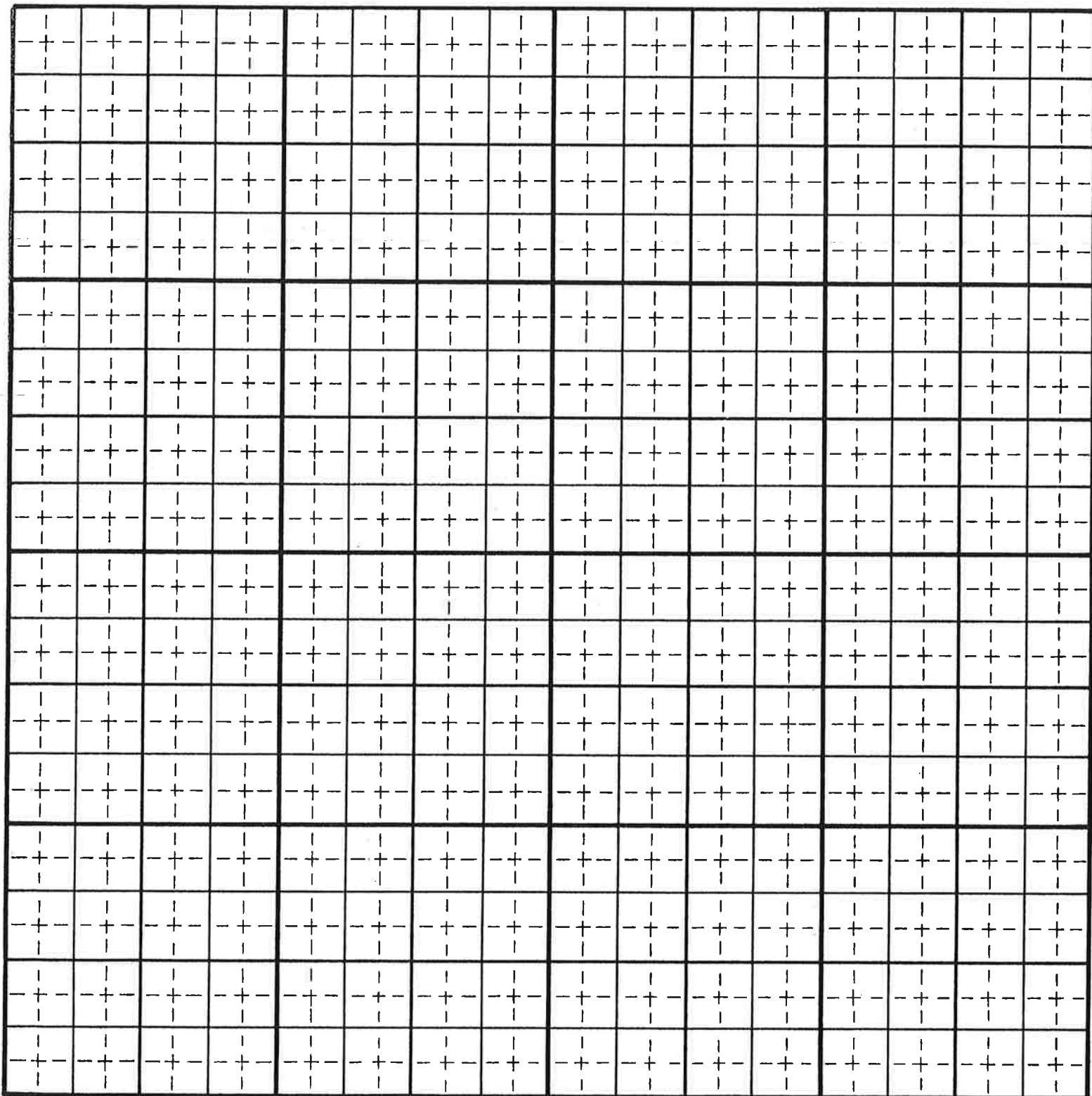
MICROFILMED

Last Name _____ Ident No. _____

Copies: 116 State, Yellow Claimant
AUG 24 1992

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

Scale: 2 inches equals 1 mile



MICROFILMED

Last Name _____ Ident No. _____

AUG 24 1992
Copies: White-Side, Yellow-Clamshell

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

16. Signature (s)

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

Number of attachments _____

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

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

Date _____

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

Signature of Authorized Agent _____
Title and Organization _____ Date _____

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

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

SEAL

Notary Public Lori Harris

Residing at Boise, Idaho

My Commission Expires 12-8-94

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

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

*Sent to D.A. on
10-27-09*

**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. 63-09212
)
)
)
)
)
)
)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

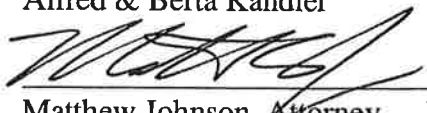
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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


Matthew Johnson, Attorney Date 10/20/2009

OBJECTOR

Wilder Irrigation District


Albert P. Barker, Attorney Date 10/20/09

CERTIFICATE OF MAILING

I certify that on October 20, 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

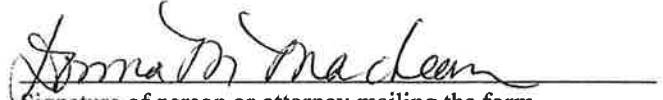
2. Copies to:

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

WILDER 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 033
BOISE, ID 83724

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


Signature of person or attorney mailing the form
White Peterson

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

RIGHT NUMBER: 63-9212

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 right is waste water. The wasting of water may be discontinued at any time.~~QUANTITY: 0.720 CFS
162.000 AFY

PRIORITY DATE: 04/15/1979

POINT OF DIVERSION:

T04N R05W S1 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

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

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

PLACE OF USE: IRRIGATION in CANYON County

T04N R05W S01 Lot 2 NWNE 36.00

36 ACRES TOTAL

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

While the Christian Gulch Wasteway is a natural water way, it is also a federal facility and has been utilized as part of the Boise Project as invoked by the United States through its reservation authority provided by the Act of August 30, 1890 (43 U.S.C. 945). As a federal facility, the Christian Gulch Wasteway, to the extent allowed by law, may be rerouted, piped, or its flow of water interrupted if determined appropriate to better serve Boise Project purposes.

An easement or right of way agreement providing for access to the drain by its owner and those responsible for maintaining it - and/or for access to the drain by the appropriator to divert water pursuant to this right - must be executed among the appropriator, the owner of the drain, and if appropriate, those responsible for maintaining the drain. Failure to execute such an agreement will constitute grounds for legal action to prevent water from being diverted under this right.

RLA
may
J

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.

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



EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

RIGHT NUMBER: 63-9212

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 right is waste water. The wasting of water
may be discontinued at any time.~~QUANTITY: 0.720 CFS
162.000 AFY

PRIORITY DATE: 04/15/1979

POINT OF DIVERSION:

T04N R05W S1 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

3/15 11/15

0.720 CFS

162.00 AFY

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

PLACE OF USE: IRRIGATION in CANYON County

T04N R05W S01 Lot 2 NWNE 36.00

36 ACRES TOTAL

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

While the Christian Gulch Wasteway is a natural water way, it is also a federal facility and has been utilized as part of the Boise Project as invoked by the United States through its reservation authority provided by the Act of August 30, 1890 (43 U.S.C. 945). As a federal facility, the Christian Gulch Wasteway, to the extent allowed by law, may be rerouted, piped, or its flow of water interrupted if determined appropriate to better serve Boise Project purposes.

An easement or right of way agreement providing for access to the drain by its owner and those responsible for maintaining it - and/or for access to the drain by the appropriator to divert water pursuant to this right - must be executed among the appropriator, the owner of the drain, and if appropriate, those responsible for maintaining the drain. Failure to execute such an agreement will constitute grounds for legal action to prevent water from being diverted under this 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

CHRISTIAN GUNCH WASTEWAY

While the ~~Lower Embankment~~ Drain is a natural water way, it is also a federal facility and has been utilized as part of the Boise Project as invoked by the United States through its reservation authority provided by the Act of August 30, 1890 (43 U.S.C. 945). As a federal facility, the ~~Lower Embankment~~ Drain, to the extent allowed by law, may be rerouted, piped, or its flow of water interrupted if determined appropriate to better serve Boise Project purposes.

CHRISTIAN

GUNCH WASTEWAY

Only on 03-9212

also Juncet remark

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9212 V1

WATER RIGHT NUMBER: 63-9212 V1

<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															36.0
				L 2															

Total Acres: 36

Conditions of Approval:

1. S39 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.
2. An easement or right of way agreement providing for access to the drain by its owner and those responsible for maintaining it - and/or for access to the drain by the appropriator to divert water pursuant to this right - must be executed among the appropriator, the owner of the drain, and if appropriate, those responsible for maintaining the drain. Failure to execute such an agreement will constitute grounds for legal action to prevent water from being diverted under this right.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9212 V1

3. 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.
4. G21 The source of this water right is waste water. The wasting of water may be discontinued at any time.

Remarks:

Comments:

1. kbrown 2/15/2006 Parcel Number

Comment: PARCEL NO: a portion of R3663700000.

2. kbrown 2/15/2006 Property Address

Comment: PROPERTY ADDRESS: 24005 Boise River Rd., Caldwell, 83605.

3. lharris 10/6/2008 Objection Resolution

Comment: Agreement made between irrigation district and claimant. Wastewater and easement conditions added.

SubCase:

SubCase Number: 63-9212

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: kbrown

Basis of Claim: License

Date Filed: 8/16/2007 Objection Status: Active

Date Filed: 6/18/2007 Objection Status: Active

Water Supply Bank:

Shurte, Jan

From: Matthew A. Johnson [mjohnson@WHITEPETERSON.com]
Sent: Tuesday, July 07, 2009 4:44 PM
To: Ridgeway, Renea
Cc: Spencer, Nick; Shurte, Jan; Paul Arrington
Subject: RE: 63-9212

Renea – I have cced Paul Arrington on this e-mail.

This subcase is in a similar situation to the subcases (63-04248A, 63-31633) for which a telephonic scheduling conference was held today (and for which I believe you were present). This morning I received a new draft of the “crossing agreement” from Paul Arrington. The decision regarding the two subcases in parentheses above was to continue the scheduling conference until October pending a meeting of the parties with BOR in August. I submit that this strategy is applicable for 63-9212 as well.

If a status conference is necessary to clear this approach with the Court, then I am amenable to such.

Matt

Matthew A. Johnson
 WHITE PETERSON GIGRAY ROSSMAN NYE & NICHOLS, P.A.
 Canyon Park at the Idaho Center
 5700 E. Franklin Rd., Ste. #200
 Nampa, ID 83687-7901
 208.466.9272 (tel)
 208.466.4405 (fax)
mjohnson@whitepeterson.com

-- This communication and any files transmitted with it contain information which is confidential and may be privileged and exempt from disclosure under applicable law. It is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient, you are hereby notified that any use, dissemination, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender. Thank you for your cooperation. --

From: Ridgeway, Renea [mailto:Renea.Ridgeway@idwr.idaho.gov]
Sent: Tuesday, July 07, 2009 9:18 AM
To: Matthew A. Johnson
Cc: Spencer, Nick; Shurte, Jan
Subject: 63-9212

Hi Matt,

It has been a while since I last bothered you about the above referenced subcase so I thought I would touch base with you again. My last e-mail from you in April reflects that you were reviewing the crossing agreement language. I believe you have an SF5 in your possession for review and signature. If you have reviewed the crossing agreement language and find it acceptable please sign the document and return to my attention. However, if you still have some questions or concerns please contact our office so that we can help move this subcase forward to resolution and ultimately a partial decree. If you need the SF5 resent please let me know that as well and I will make sure a new one gets to you. There is no status conference set in this case but I will ask the Court to set one to make sure it doesn't get lost in the shuffle.

Thanks!

Renea Ridgeway
 Paralegal
 Office of the Attorney General

7/7/2009

Shurte, Jan

From: Ridgeway, Renea
Sent: Tuesday, July 07, 2009 9:18 AM
To: Matthew A. Johnson
Cc: Spencer, Nick; Shurte, Jan
Subject: 63-9212

Hi Matt,

It has been a while since I last bothered you about the above referenced subcase so I thought I would touch base with you again. My last e-mail from you in April reflects that you were reviewing the crossing agreement language. I believe you have an SF5 in your possession for review and signature. If you have reviewed the crossing agreement language and find it acceptable please sign the document and return to my attention. However, if you still have some questions or concerns please contact our office so that we can help move this subcase forward to resolution and ultimately a partial decree. If you need the SF5 resent please let me know that as well and I will make sure a new one gets to you. There is no status conference set in this case but I will ask the Court to set one to make sure it doesn't get lost in the shuffle.

Thanks!

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

7/7/2009

Shurte, Jan

From: Ridgeway, Renea
Sent: Thursday, April 02, 2009 7:51 AM
To: Matthew A. Johnson
Cc: Spencer, Nick; Shurte, Jan; Paul Arrington
Subject: RE: 63-9212

Matt,

Thank you for the update. At this time the Court does not have anything scheduled on their docket for this case. However, I will contact them and ask that they set a status conference in June/July.

Have a great day.

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: Matthew A. Johnson [mailto:mjohnson@WHITEPETERSON.com]
Sent: Wednesday, April 01, 2009 4:40 PM
To: Ridgeway, Renea
Cc: Spencer, Nick; Shurte, Jan; Paul Arrington
Subject: RE: 63-9212

Renea – I am also copying Paul Arrington on this e-mail so that we can make sure we're all on the same page.

Subcase 63-9212 was one of two water rights claims by our clients Alfred and Berta Kandler. The other water right, 63-3200, has been settled at this point with inclusion of language concerning waste water. We've reached agreement with Riverside on including such waste water language in 63-9212 as well, but there was also an additional issue from the objection concerning requiring a crossing agreement.

When last I communicated with you and Paul, 63-9212 was essentially on hold pending Paul providing me with further information on the crossing agreement (I was waiting on this information in some other subcases as well).

As of today Paul has provided me with a draft of the crossing agreement, but besides my review and comments there may also be some issues with the Bureau of Reclamation. Paul should be able to provide you with more details if need be.

So at this point, from my perspective, 63-9212 is still pending though I believe the parties are optimistic about settlement if the crossing agreement issue can be worked out. However we are not yet ready for an SF-5 at this point. I believe the plan was that another status conference would be held early summer, but do not have any official notice of that conference being set yet. Hopefully we'll have this settled in advance of that conference.

Thanks,
Matt

Matthew A. Johnson
WHITE PETERSON GIGRAY ROSSMAN NYE & NICHOLS, P.A.
Canyon Park at the Idaho Center
5700 E. Franklin Rd., Ste. #200
Nampa, ID 83687-7901
208.466.9272 (tel)

4/2/2009

208.466.4405 (fax)
mjohnson@whitepeterson.com

-- This communication and any files transmitted with it contain information which is confidential and may be privileged and exempt from disclosure under applicable law. It is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient, you are hereby notified that any use, dissemination, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender. Thank you for your cooperation. --

From: Ridgeway, Renea [<mailto:Renea.Ridgeway@idwr.idaho.gov>]
Sent: Tuesday, March 31, 2009 3:36 PM
To: Matthew A. Johnson
Cc: Spencer, Nick; Shurte, Jan
Subject: 63-9212

Good Afternoon,

I am writing to inquire about the above referenced case. A partially executed SF5 was sent at the end of January but I think this got lost in the shuffle since the Department was not away of Mr. Gigray's passing until recently. However, there were two other cases that Mr. Gigray was handling that were turned over to you and I believe those have been filed with the Court. In any case, do you happen to know what the status is on 63-9212? If I need to resend it, I can but I already had some of the signatures collected and so if I can avoid re-circulating the document that would be great. Any information you can provide would be most helpful. Thank 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
(208) 287-4814 office
(208) 287-6700 fax

4/2/2009

Shurte, Jan

From: Ridgeway, Renea
Sent: Tuesday, March 31, 2009 3:36 PM
To: mjohnson@whitepeterson.com
Cc: Spencer, Nick; Shurte, Jan
Subject: 63-9212

Good Afternoon,

I am writing to inquire about the above referenced case. A partially executed SF5 was sent at the end of January but I think this got lost in the shuffle since the Department was not away of Mr. Gigray's passing until recently. However, there were two other cases that Mr. Gigray was handling that were turned over to you and I believe those have been filed with the Court. In any case, do you happen to know what the status is on 63-9212? If I need to resend it, I can but I already had some of the signatures collected and so if I can avoid re-circulating the document that would be great. Any information you can provide would be most helpful. Thank 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
(208) 287-4814 office
(208) 287-6700 fax

No SF5 as of yet. 3-27-09
Jr

4/1/2009

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 & ^{SF5 will} be circulating
 BOK - state, land people are looking at the crossing agreement - wanting to change the language or 63-9212. 63-9212 - Wants crossing language, so not ready to prepare SF5's again - Will ask Renea.

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

2/23/2009

Shurte, Jan

From: Ridgeway, Renea
Sent: Tuesday, February 24, 2009 8:32 AM
To: Shurte, Jan; Spencer, Nick
Cc: Williams, Ray
Subject: RE: Status Conf Tues 2/24/09

The XL Ranch cases are Ray's. I sent the SF5s out to the attorney when Ray was out on medical leave. When he returned he was informed and I stopped tracking the cases. However, on Nick's request I e-mailed the law firm and followed up a couple weeks ago. Mr. Gould responded and stated that Mr. Clayton was reviewing the modifications and that he thought Mr. Clayton was in agreement. Once he had this confirmed he was to complete the SF5s and return them to the Department.

63-3191, 63-3200, and 63-9212 – The attorney handling the case passed away and everything was up in the air. We finally received confirmation yesterday that an attorney at White Peterson would be taking over the cases. The SF5s were sent to the January 30 and I called to follow up on their status on February 12. I spoke to Matthew Johnson at White Peterson who informed me of Mr. Gigray's death and told me that his firm was still trying to contact two of the claimants to see if they wanted White Peterson to represent them. I discussed this issue with Nick and Paul Arrington at a meeting we had here at the Department on February 13. I was out of the office yesterday afternoon and when I returned there were several e-mails between the new attorney and Paul Arrington. All of which I forwarded to Nick for his review. They will be printed out and placed in the file.

63-32463 and 63-32486 – I sent the SF5s to claimants on 10-10-08. I left voice mail messages on 12-10-08 and 02-02-09. The claimants have not returned either one of my messages. I believe all parties, except the claimants have signed the documents

If you need any additional information, please let me know. Thank 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
 (208) 287-4814 office
 (208) 287-6700 fax

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

Here's Kelly's response to XL Ranches, just so you know. I just need to know if you have the same info as I do. Thanks, Jan

From: Christensen, Kelly
Sent: Monday, February 23, 2009 4:22 PM
To: Shurte, Jan
Subject: RE: Status Conf Tues 2/24/09

Shouldn't need either one of us. SF-5s have been routed for some time and got lost on the attorney's desk. A tickler went out to him last week and he replied that he would ck with his claimant. He thought that they were o.k. though.

kkc

2/24/2009

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:

NOTICE OF CHANGE OF ATTORNEY PURSUANT TO I.R.C.P. 11(b)(1) - 1

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:

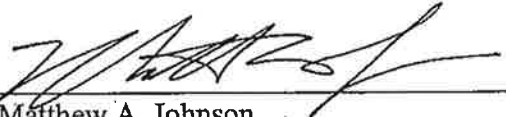
William F. Gigray, Jr., Deceased, of the firm
GIGRAY, MILLER & DOWNEN

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

W:\Work\K\Kandler, Berta\water rights\PLEADING\Substitution.NOT 02-23-09 lh.doc

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:

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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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDERSent to
SO 1-29-09

RIGHT NUMBER: 63-9212

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 right is waste water. The wasting of water may be discontinued at any time.QUANTITY: 0.720 CFS
162.000 AFY

PRIORITY DATE: 04/15/1979

POINT OF DIVERSION:

T04N R05W S1 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

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

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

PLACE OF USE: IRRIGATION in CANYON County

T04N R05W S01 Lot 2 NWNE 36.00

36 ACRES TOTAL

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

An easement or right of way agreement providing for access to the drain by its owner and those responsible for maintaining it - and/or for access to the drain by the appropriator to divert water pursuant to this right - must be executed among the appropriator, the owner of the drain, and if appropriate, those responsible for maintaining the drain. Failure to execute such an agreement will constitute grounds for legal action to prevent water from being diverted under this 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

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

Case No. 39576

) ORDER SETTING SUBCASE(S)
) FOR INITIAL HEARING

) 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

Page 1 5/22/08

(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

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

In Re SRBA)

A. Subcase 63-9212

(Insert water right number)

Case No. 39576)
_____)

STANDARD FORM 1
OBJECTION

RECEIVED

JUN 19 2007

DEPARTMENT OF
WATER RESOURCES

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Wilder Irrigation District

Address: 709 Cleveland Blvd

Caldwell, ID 83605

Daytime Phone: 208-459-3421

Name & Address of Attorney, if any:

Albert P. Barker

Barker Rosholt & Simpson, LLP

1010 W. Jefferson, Ste. 102, Boise ID 83702

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

Name: Alfred and Bert Kandler

Address: 24005 Boise River Rd.

Caldwell, ID 83605

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

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

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

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

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

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10 ☐ **I object because:**

☒ This water right Should not exist.

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

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

F. VERIFICATION (must be completed)

State of Idaho)
County of Ada)ss.

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

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

(Signature of person filing objection)

(Attorney signing in representative capacity)

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



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

Karen Joy Edwards

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

JUN 18 2007

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

1. Original to:

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

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

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

3. Copies to:

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

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

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



Signature of objector or attorney
mailing on Objector's behalf

12/10/2006

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

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

BERTA KANDLER
24005 BOISE RIVER RD
CALDWELL ID 83605

SOURCE: CHRISTIAN GULCH WASTEWAY TRIBUTARY: DIXIE DRAIN

QUANTITY: 0.720 CFS
162.00 AFY

PRIORITY DATE: 04/15/1979

POINT OF
DIVERSION: T04N R05W S1 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

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

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

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

36 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

02/15/2006

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

RIGHT NUMBER: 63-9212

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

BERTA KANDLER
24005 BOISE RIVER RD
CALDWELL ID 83605

SOURCE: CHRISTIAN GULCH WASTEWAY

TRIBUTARY: DIXIE DRAIN

QUANTITY: 0.720 CFS
162.000 AFY

PRIORITY DATE: 04/15/1979

POINT OF DIVERSION:

T04N R05W S1 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

3/15 11/15

0.720 CFS
162.00 AFY

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

PLACE OF USE:

IRRIGATION Within CANYON County

T04N R05W S01 Lot 2 NWNE 36.00

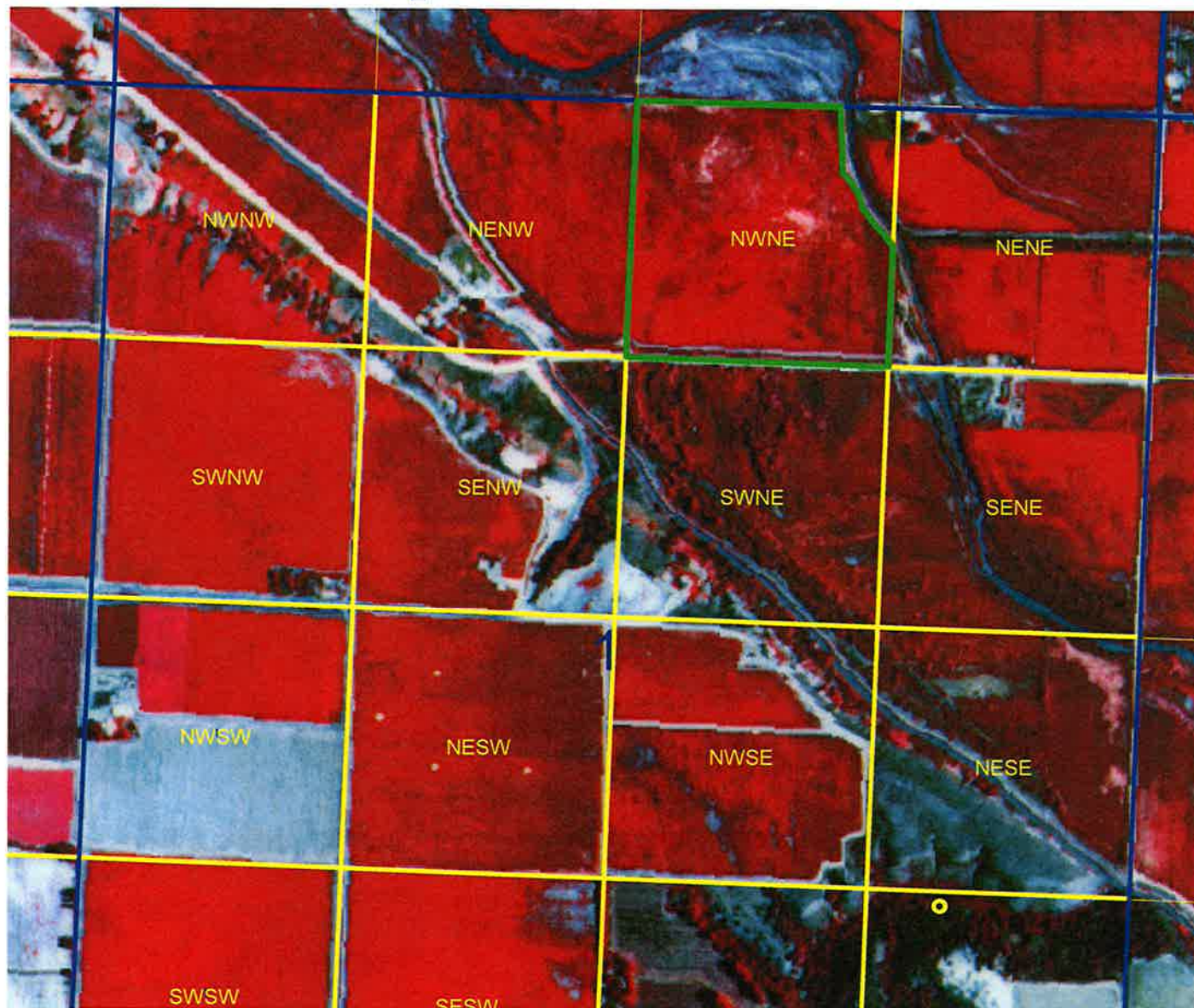
36 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Idaho Department of Water Resources



**T04N, R05W,
S01**

Claim No: 63-9212

Prepared By: Kimberly Brower

Date: February 15, 2006



Place of Use



Section Lines

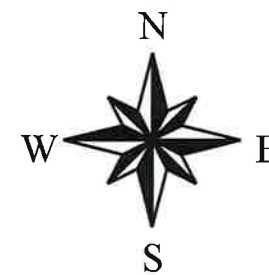


1/4 1/4



Point of Diversion

Irrigated Acres = 36.0



1987 NAPP

0 0.8 Miles

09/29/2006

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 63-9212

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

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

RECEIVED

OCT 20 2006

WATER RESOURCES
WESTERN REGION

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

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

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

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

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

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

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

DATE: 10-17-2006

SIGNATURE: Berta I Kandler

Please print your name: Berta Ila Kandler

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

Note 1: In deed Id. Reclamation water
Permit No. 28726

Note 2: When combined with # 63-3200
this becomes ok

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

Property Address:

24005 Boise River Rd.

<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 DiversionCHRISTIAN GULCH WASTEWAY
CANYON County ✓

SE1/4SE1/4 ✓

Sec. 1, Twp 04N, Rge 05W, B.M. ✓

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
✓ 04N	05W	1		36.0															36.0
				L2															

Total Acres: 36 ✓

Conditions of Approval:

ADD S339 - Season of use is 3/1 to 11/15.

Remarks:Comments:Parcel No: a portion of R3663700000.

Field Exam Date 2.15.06

(in office review)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

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

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A63-9212

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

Current Address: 24005 Boise River Rd., Caldwell 83605

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

Accompanied by: N/A

PRIORITY DATE

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

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

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

Source: Christian Gulch Westway Tributary to Dixie Drain

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

POINT OF DIVERSION

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

no Govt. lot

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

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

Description of diverting works

*See Field Report.***OVERLAP REVIEW**

Other water rights with the same point of diversion: _____

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

WATER USES

- ☐ No change
☐ Different Uses

*Season of use begins 8/1 —
(ADD 839)*

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

TOTAL VOLUME – Groundwater only

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

NON-IRRIGATION USES:

- ☒ No change *None*
☐ Changes Exam found: Domestic # of homes _____ Stock # _____
Types _____ Additional comments: _____

PLACE OF USE:

- ☐ No Change
☒ Changes shown below:

*ADD: Govt. lot 2**Parcel No: a portion of R 3663700000.*

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

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

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

no overlap - D&S

Delivery System Narrative: See Field Report.

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

FLOW MEASUREMENTS: N/A

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

(OVER)

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

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

DATE EXAM CONDUCTED: 2.15.06 (in office review)

FIELD EXAMINER: Kimberly Brown

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

01/26/2006

1

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

no overlap - D & S

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

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

THIS IS TO CERTIFY, that ALFRED or BERTA KANDLER
of Caldwell, Idaho, has complied with the terms and conditions of Permit
No. 63-9212 issued pursuant to Application for Permit dated February 9, 1979,
and has submitted proof to the Department of Water Resources on June 5, 1980,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.07 cfs of water from Christian Gulch Wasteway,
tributary to Dixie Drain, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>November 15</u>	at <u>.72</u> cfs and	<u>162</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than .72 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
162 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 4N,
Rge. 5W, B.M. in the County of _____ Canyon

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	5W	1		36															36

Total number of acres irrigated 36

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

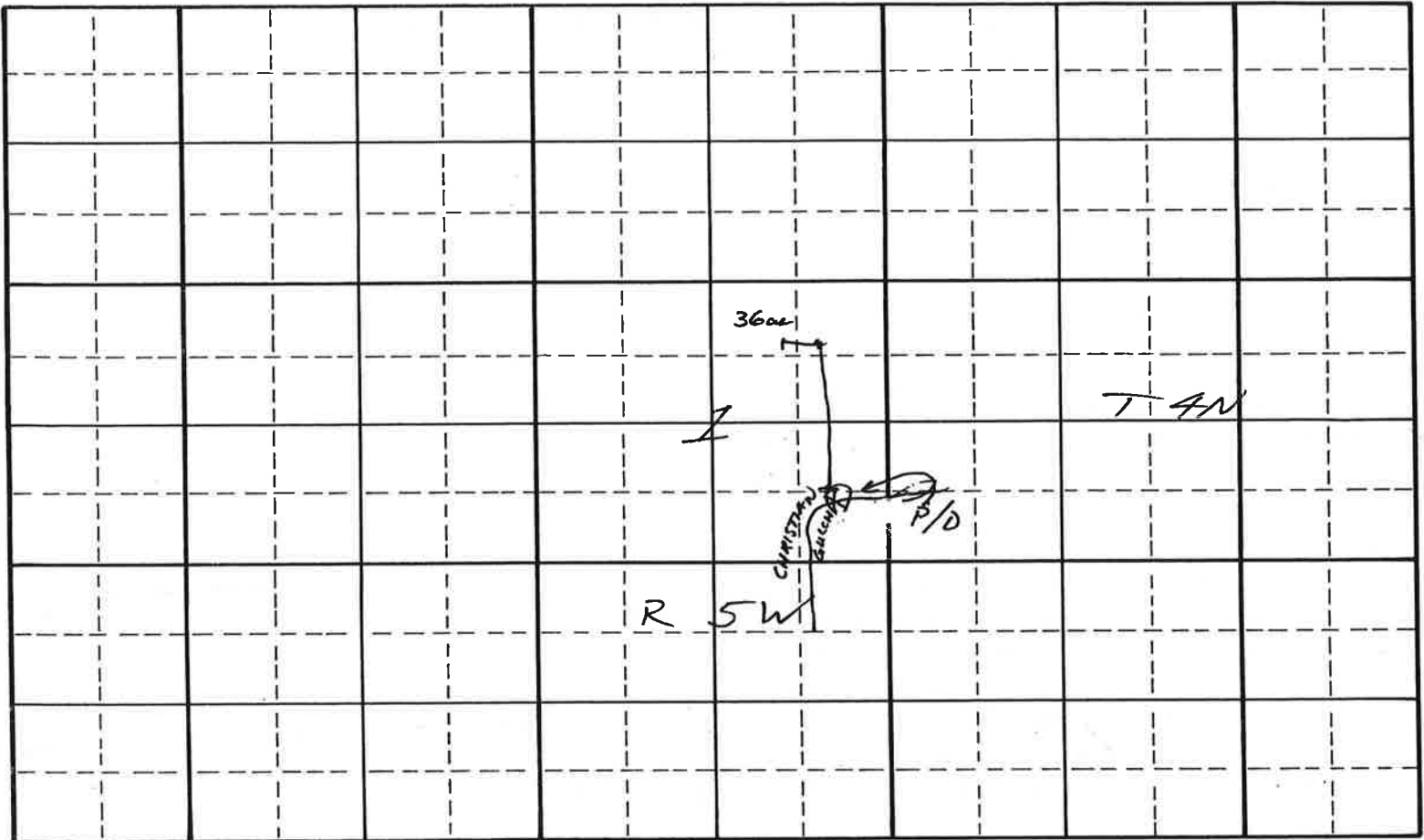
In witness whereof, the seal and signature of the Director, affixed at Boise, Idaho, this 26th day of
June, 19 81.

Director

DRT

MINUTEMAN

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

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

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

Place(s) of Use

TWP.	RGE.	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
4N	SW	1		36															36

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.

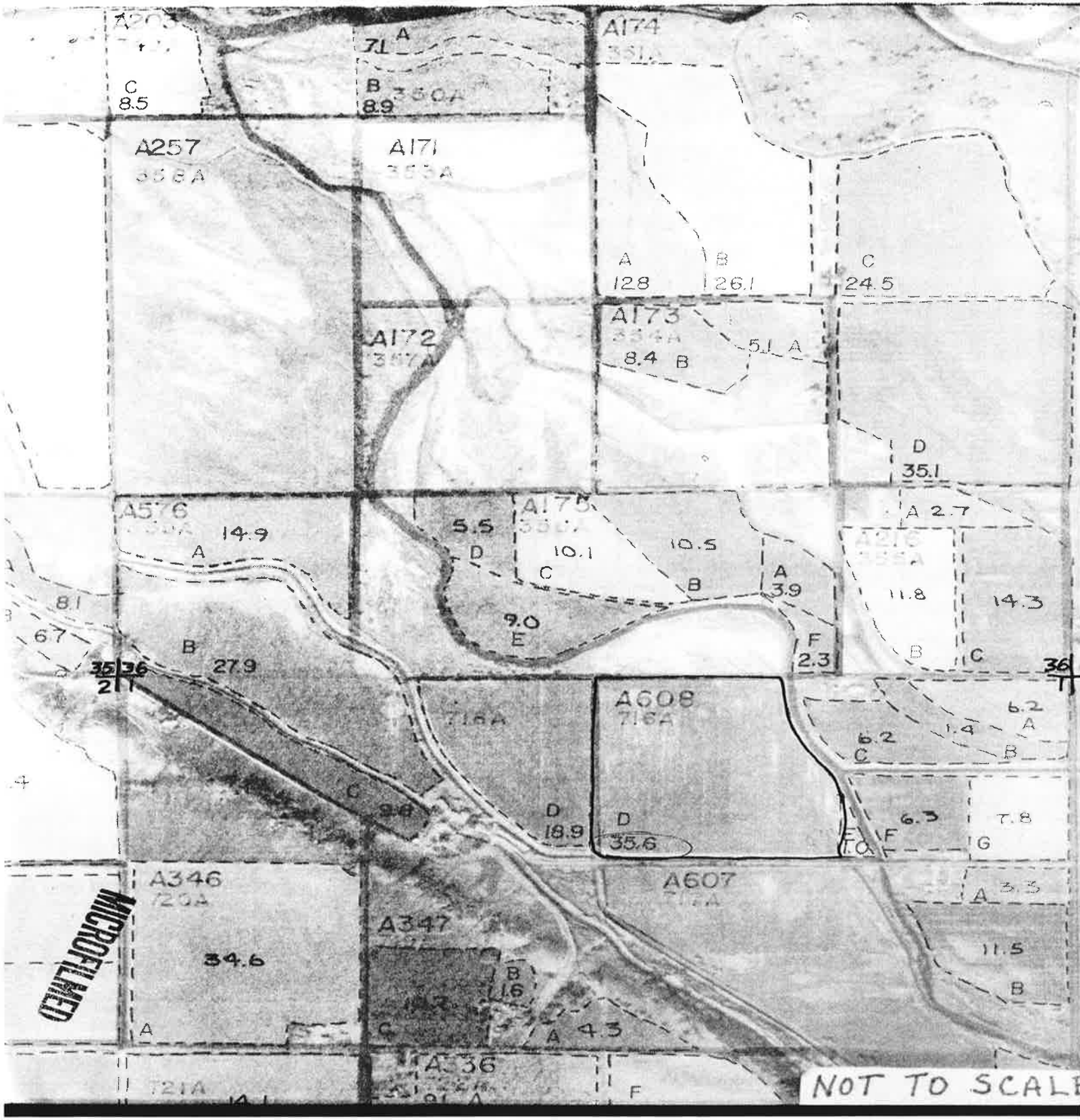
Date 7/10/80

Checked by DBS

Date 7/16/80

Approved by Rogers

Date 6/16/81



RECEIVED
Form 302
3/78

FEB 12 1978

Ident. No. 63-9212

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Western Regional Office

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

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

Post office address Route 2, Caldwell, ID 83605

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

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

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

4. Water will be used for the following purposes:

Amount 0.72 for irrigation purposes from 3-15 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

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

6. Proposed diverting works:

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

gravity flow through headgate, open ditch

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

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

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

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

8. Description of proposed uses:

a. If water is not for irrigation:

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

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

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

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

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

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

[illegible]

Total number of acres to be irrigated	36
---------------------------------------	----

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

None

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

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

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

10. Remarks

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

R S W
T
4
N
36
1
siphon
open ditch
Christian Gulch

Scale: 2 inches equal 1 mile.

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

Alfred Kandler
(Applicant)

Proposed Priority 2-9-79

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

Preliminary check by J.J Fee \$ 35.00

Receipted by ag Date 2/9/79 # 13773

Publication prepared by KK Date 2/15

Published in News-Tribune

Publication dates 2/22 + 3/1

Publication approved KK Date 2/12/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DAS J.S

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

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 Twp 04N, Rge 05W, B.M.
CANYON County

DOMESTIC

[illegible]

STOCKWATER

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-21841

Conditions of Approval:

1. PARCEL NO. 1R36637 000 0 STOCKWATER, 50 RANG
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE
DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT UTILIZATION 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 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	
		<u>Total Diversion:</u>	0.050 CFS	

Location of Point(s) of Diversion

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

Place of Use

DOMESTIC

[illegible]

STOCKWATER

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-21850

Conditions of Approval:

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

Remarks:

Comments:

Water Supply Bank:

overlap review -

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3200

WATER RIGHT NUMBER: 63-3200

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

Priority Date: 08/23/1960

Basis: License

Status: Active

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

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

<u>Location of Point(s) of Diversion</u>		
CHRISTIAN GULCH WASTEWAY CANYON County	SE1/4SE1/4	Sec. 1 Twp 04N, Rge 05W, B.M.

Place of Use
IRRIGATION

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

Total Acres: 17

Conditions of Approval:

Remarks:

State of Idaho

License and Certificate of Water Right

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

THIS IS TO CERTIFY that

SHELDON S. SUITER

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

SHELDON S. SUITER

of Parma, State of Idaho, made application 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 1/4 SE 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 1/4 NE 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.

State Reclamation Engineer.

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

Permit No. 28726 ✓

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

1. Name of applicant Sheldon S. Syiter ✓ Rt. N1 of Palmer Idaho

2. Source of water supply: Christian Gulch Wasteway

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

T. 4 N R. 5 W County of Canyon

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

5. Water is used for: Irrigation ✓

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

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

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

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

8. What large stream would the water here appropriated finally none

Remarks: Diversion system capable of carrying 1.14 cfs also an additional 250 cfs The requested

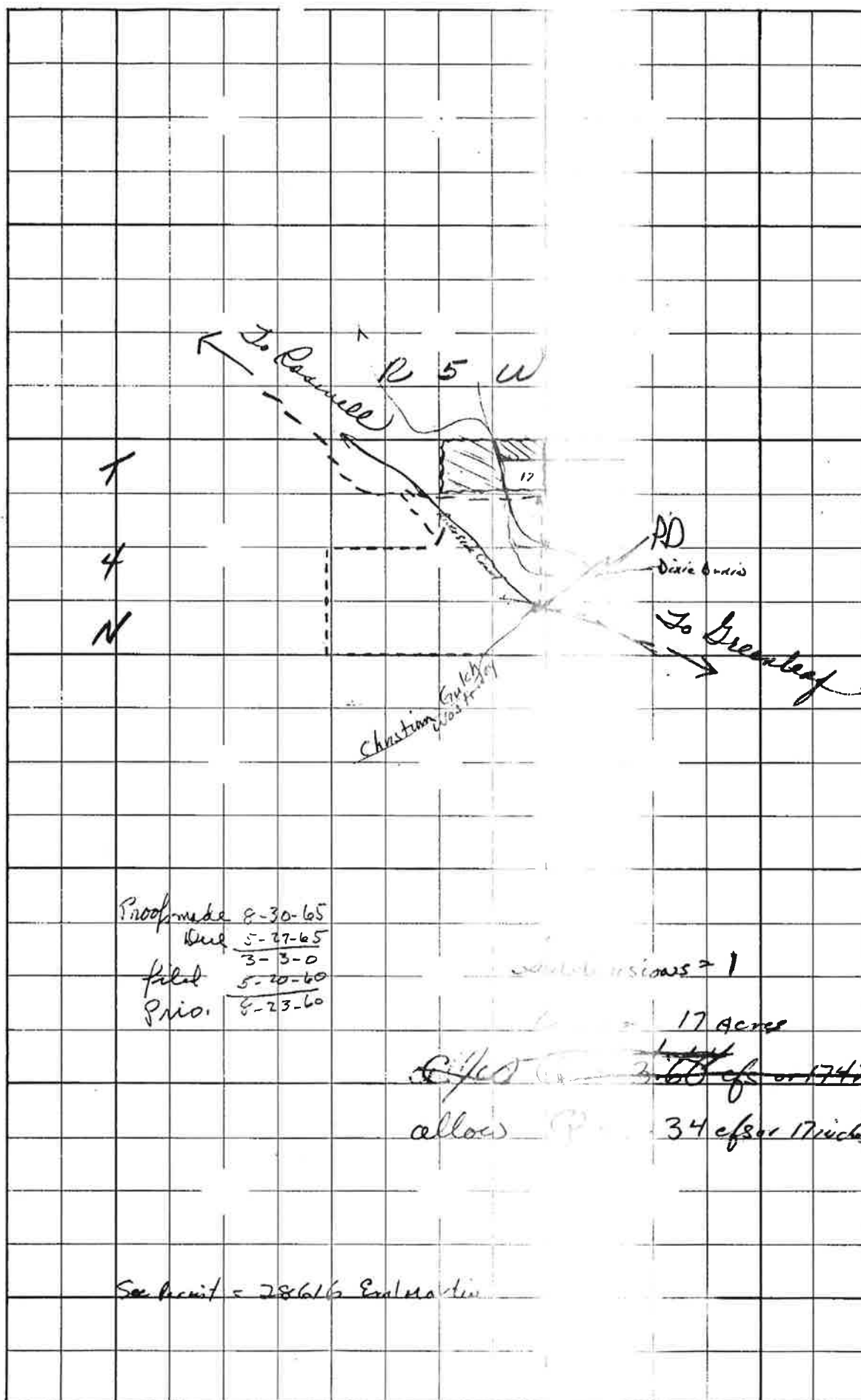
This examination was made on the Oct 10 day of October, 19 55
(Signed) Dore H. Idame Examiner.

28726

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Form 23
2M-4-66

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 28726

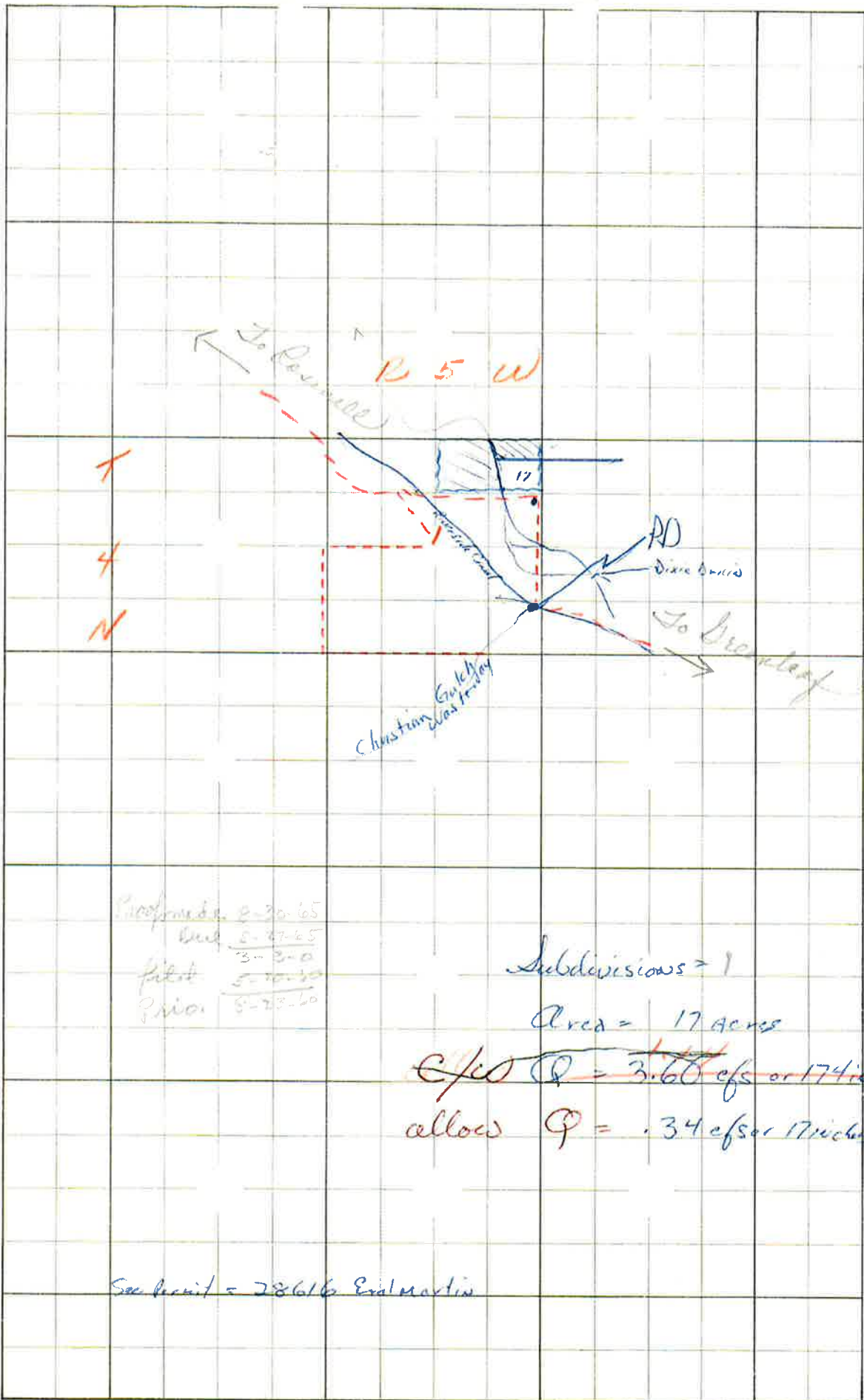
REPORT ON PROOF OF Completion of Works for Final Use

Sheldon S. Suiter

Route #1

Parma, Idaho

28726



Proposed 8-30-65
 Ditch 8-27-65
 Filed 8-3-65
 Prior 8-23-60

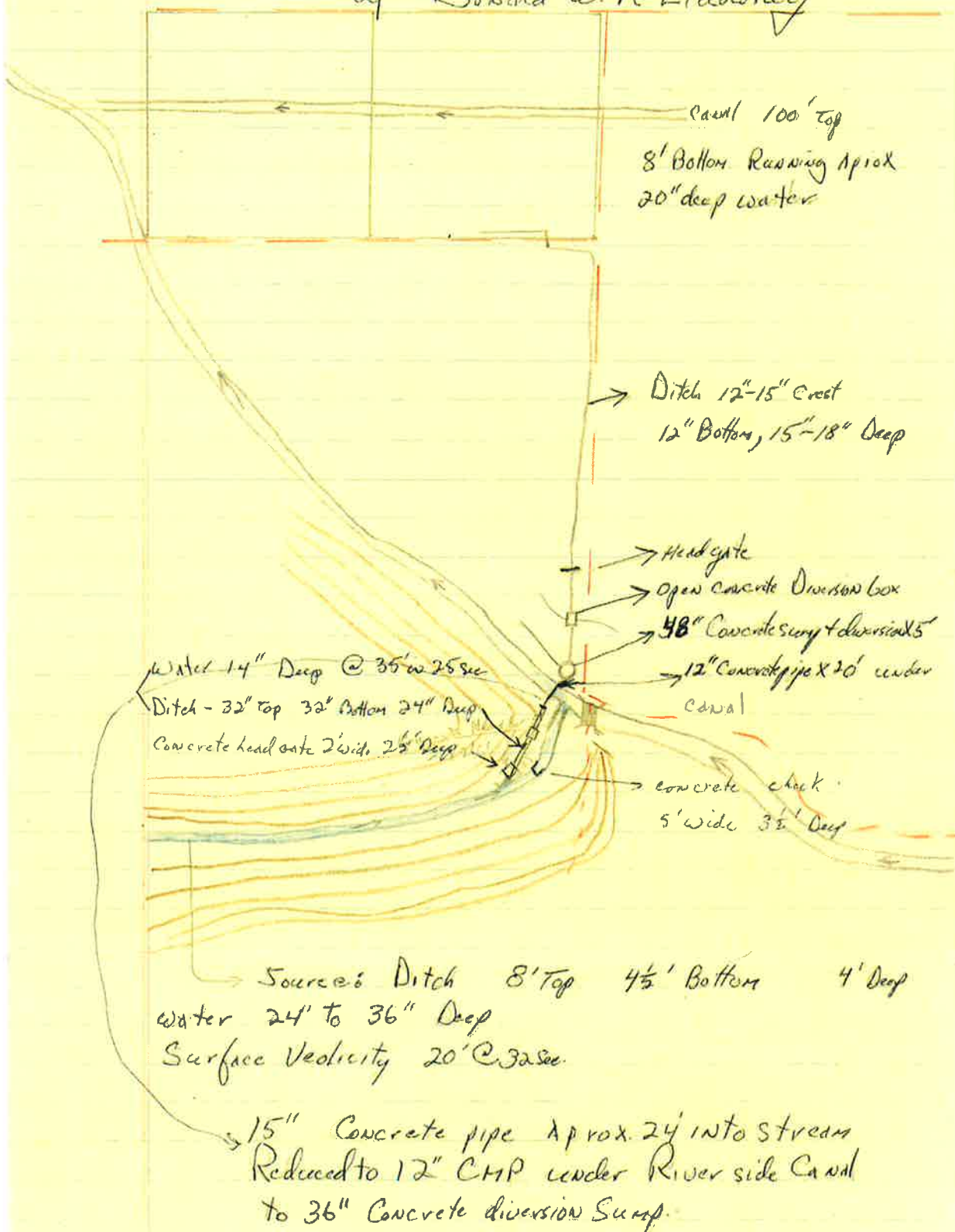
Subdivisions = 1

Area = 17 Acres

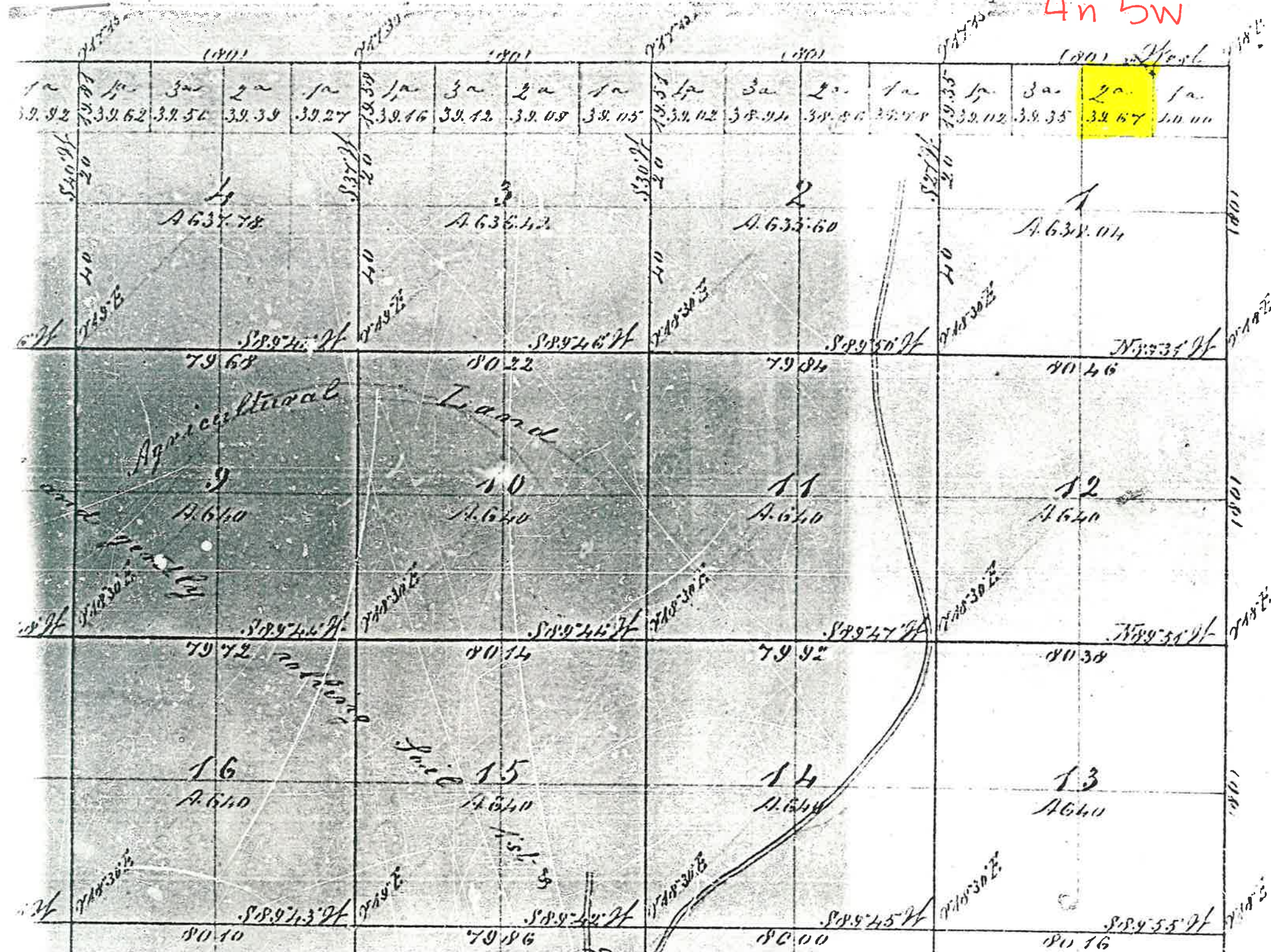
~~CFO Q = 3.60 cfs or 174 inches~~
 allow Q = .34 cfs or 17 inches

See Permit = 28616 Earl Martin

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



4n 5w



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