

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR)

PERMIT #63-12421 IN THE NAME OF)

JOHN W BAICY)

_____)

PRELIMINARY ORDER

VOIDING APPLICATION

FINDINGS OF FACT

1. On October 24, 1997, John W Baicy filed application for permit #63-12421 with the Idaho Department of Water Resources (IDWR) seeking ground water for irrigation and domestic beneficial use.
2. On July 31, 2008, IDWR sent a letter to the applicant requesting his intent for processing the application for permit. A response was required within 30 days from the letter date.
3. On August 6, 2008, the request letter was return to IDWR by the US Postal Service as undeliverable. No response has been received.
4. To date, IDWR is unable to contact the applicant.

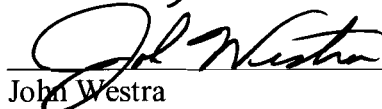
CONCLUSIONS OF LAW

1. Idaho Code (IC)§ 42-204 and the Rules and Regulations of IDWR state that if an applicant does not submit requested information to IDWR within thirty (30) days of the date of request, IDWR may void the application. Water Appropriation Rule #35 also requires applicants to provide written notification to IDWR of changes in the applicant's name or address.
2. John W Baicy failed or refused to provide IDWR the requested information and current address. IDWR can not contact the applicant. The application should be voided.

ORDER

IT IS HEREBY ORDERED that Application for Permit #63-12421 in the name of John W Baicy be VOIDED.

Dated this 26th day of August, 2008

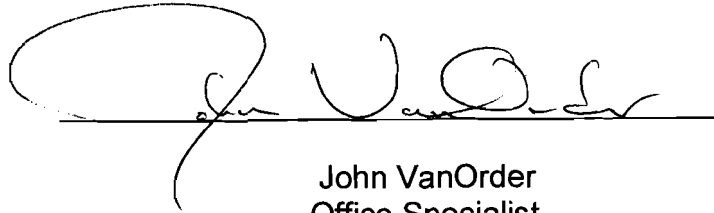


John Westra

Manager, Western Regional Office

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of August, 2008, I mailed a true and correct copy of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

A handwritten signature in black ink, appearing to read "John VanOrder", is written over a horizontal line. The signature is fluid and cursive.

John VanOrder
Office Specialist

Applications for Permit #63-12421

John W Baicy
923 Valley Place
Kent WA 98031

VOID

Ident. No. 63-12421

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: JOHN W BAICY 206-520-0668
Address: 923 VALLEY PLACE
KENT WA 98031
2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: NWNE Sec. 19, Township 01N, Range 01E
ADA County
4. Water will be used for the following purposes:
- | Purpose | From | To | CFS | (or) | AF |
|------------|-------|-------|-------|------|----|
| IRRIGATION | 03/15 | 11/15 | 2.700 | | |
| STOCKWATER | 01/01 | 12/31 | 0.200 | | |
| DOMESTIC | 01/01 | 12/31 | 0.100 | | |
5. Total quantity to be appropriated is:
3.000 CFS (and/or) AF
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc.
EXISTING WELL, (440' X 12"), PUMP, MAINLINE TO SPRINKLERS
b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
c. Proposed well diameter is 12 inches; proposed depth of well is 440
feet.
d. Is groundwater with a temperature greater than 85F being sought? NO
e. If well is already drilled, when? 01/01/1974
Drilling Firm HIDDLESTON
Well was drilled for JOHN W BAICY
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 year(s).
8. Place of Use: IRRIGATION
- | TWN RGE SEC | ACRES | ACRES | ACRES | TOTAL |
|-------------|---------|---------|---------|--------------------------------------|
| 01N 01E 19 | NENE 40 | NWNE 40 | SWNE 40 | |
| | SENE 40 | | | 160 |
| | | | | Total number of acres irrigated: 160 |

Place of Use: STOCKWATER, same as IRRIGATION use

Place of Use: DOMESTIC, same as IRRIGATION use

9. a. Who owns the property at the point of diversion?
APPLICANT
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.

10. Remarks:

Water bearing zone to be appropriated is 325 to 350 feet.

11. Map of proposed point of diversion and place of use attached? [✓]

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.

See Original

Applicant

*From Original
10/30/1997 R17*

Received by KG Date 10/24/97 Time 9:54 Preliminary check by RD

Fee \$ 140.00 Receipted by KG #W023183 Date 10/24/1997

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

Ident. No. 63-12421

Comments: Date: 10/30/1997 User-ID: MMINICUC

Subject: CFS

Amounts for each use data entered as per application. Stock and domestic use may be incorrect, based on the total cfs. Amounts not reduced because it is not that adjustment is appropriate (.20 is not excessive for stock, although .10 is excessive for 1 home). Assume 1 household for domestic use.

Comments: Date: 10/30/1997 User-ID: MMINICUC

Subject: Prev. rt

Water use previously permitted as 63-07431. That permit was voided due to lack of beneficial use found during field exams in 1991 and 1992. Applicant indicated at that time that water had not been used since 1985. See microfilm file 63-07431 for addl information. Although initial use was commenced previous to 1987 that right has been forfeited and a new water right is required. This application is subject to the 1992 moratorium.

Comments: Date: 10/30/1997 User-ID: MMINICUC

Subject: aka

Property is also be known as Desert Land Entry No. I3414

10/30/1997 MMINICUC Added to data base w/aka

WORK Tel: (206) 655-6759

10/30/1997 MMINICUC Data base updated

Processing delay pending backlog reduction

VOID

RECEIVED

OCT - 4 1997

WATER RESOURCES
WESTERN REGION

Ident. No. 63-12421

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

(206) 655-6759
work.

(206) 520-0668
Home Phone/Fax

1. Name of applicant John W. Bailey Phone ~~509-848-8888~~
Post office address 923 Valley Place Kootenai, Washington 98039
~~3000 2nd Lane SE, Walla Walla, WA 99053~~
2. Source of water supply Subterranean which is a tributary of _____
3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 19, Govt. Lot _____
Sec. 19 Township 1 North Range 1 East B.M. Ada County; additional
points of diversion if any: _____

Ref. Permit No 63-07431

4. Water will be used for the following purposes: * March 15 Nov. 15
- Amount 2.7 for Crop Irrigation purposes from May 1 to Sept 1 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0.2 for Stock purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0.1 for Domestic purposes from Jan 1 to Dec 31 (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 is (a) 3.0 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing deep well
(440' x 12") and main line pipes for sprinkler operation
are on the Property.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. ~~Proposed~~ well diameter is 12" inches; proposed depth of well is 440 feet.

d. Is ground water with a temperature of greater than 85°F being sought? No

e. If well is already drilled, when? 1974; Drilling firm Hedelson Drilling, Mt. Home

Well was drilled for (well owner) John W. Bailey

7. Time required for the completion of the works and application of the water to be proposed beneficial use is

9 months years (minimum 1 year). (max.)

Anticipate it will take 90 days

* The season of use connected to current IDWR standards. on 10/29/1997

8. Description of proposed uses (if irrigation only, go to item 9): NA

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. 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 the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1N	1E	19	40	40	40	40													160
				D															

Total number of acres to be irrigated 160

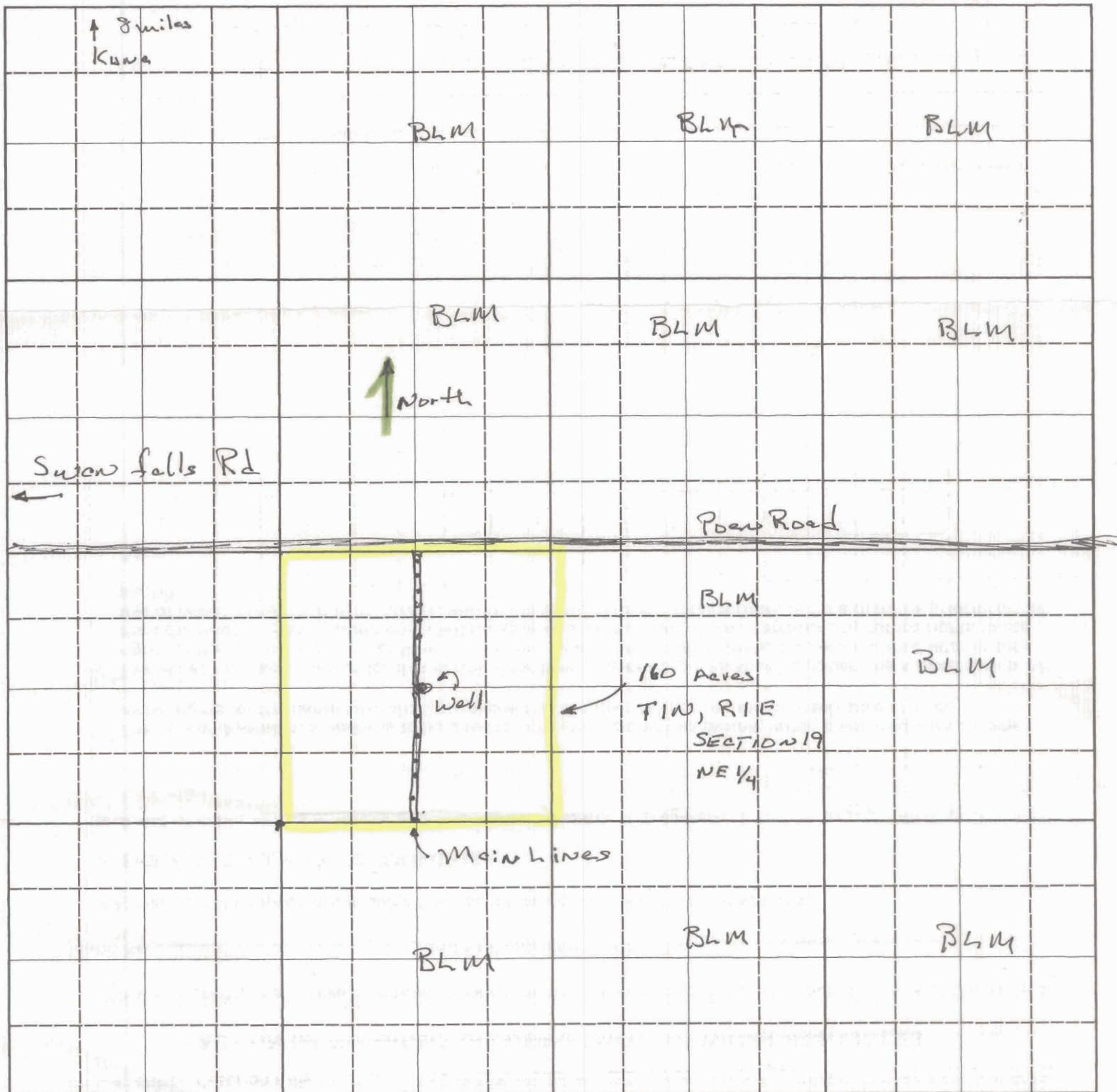
10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? John W. Baicy
- b. Who owns the land to be irrigated or place of use? John W. Baicy
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: The water resources were developed by John Baicy and operated from 1975 - 1986. The land is isolated and there is no conflict with other water users. Power is already installed. BLM land surrounds property on three sides and extends for several miles.

Well column and turbine are installed. The motor (200hp) and control panel are in storage.

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



Scale: 2 inches equal 1 mile.

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

John W. Bailey
(Applicant)

Received by KG Date 10/24/97 Time 9:54 Preliminary check by nn
Fee \$ 140⁰⁰ Received by KG # W023183 Date 10/24/97
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

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. _____, and said application is hereby _____.

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 _____, 19 ____.
- 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. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

August 26, 2008

John W Baicy
923 Valley Place
Kent WA 98031

RE: Preliminary Order in the Matter of Application for Permit #63-12421

Dear Applicant:

The accompanying order is a "**preliminary order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Westra', is written over a horizontal line.

John Westra, Manager
Western Regional Office

Enclosures

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

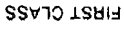
- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



RECEIVED
OCT 14 2008
WATER RESOURCES
WESTERN REGION

To

RETURN TO SENDER
FOLLOWING ADDRESS
UNKNOWN.

100-443887-100

ϕ fund

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED

 **NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD**

John
JOHN BAICY
923 VALLEY PL
KENT, WA 98041

*No address
found*

RECEIVED

AUG 0 6 2008

WATER RESOURCES
WESTERN REGION

63-12421



FIRST CLASS



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

July 31, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JOHN W BAICY
923 VALLEY PLACE
KENT, WA 98031

RE: Held Application for Permit #63-12421--Filed October 24, 1997

Dear Applicant:

As you aware, the above reference application for permit located in the Boise River Basin has been held by our agency since the 1990s. The Department began holding new groundwater applications for consumptive use due to prolonged drought and concerns about declining aquifer levels. As a result, the Treasure Valley Ground Water Study was initiated. The study was completed in 2002, and now provides modeling for projecting future groundwater availability in the valley. Our agency will commence processing held applications as staff resources are available.

Attached is a profile report of your application as submitted to our agency. Please check carefully the specifics on the application. You must still have full possessory interest- ownership in the listed point of diversion and place of use land locations for processing consideration. Your application will need to have public notice published in your local county newspaper. The notice will be published once per week for 2 consecutive weeks. Anyone having issue with an application may file a protest within the time allowed.

We are asking for you to convey your intentions regarding this application by completing the attached response form. *Please respond to the following:*

- If you desire to develop the water use, and wish our agency to complete the processing of your application, please mark the *YES* response, provide any updates/changes needed, and list the water bearing zone for the well source.

OR

-Mark the *NO* response to withdraw the application. The application will be removed from processing and our records. Our agency will not be able to provide refunds of fees for withdrawn applications.

-Sign, date, and return the response. Response forms need to returned to this office no later than 30 days of this letter date.

Should you have questions about further processing of this application, please contact Denise Buffington or John Westra at the Western Regional Office, phone 334-2190.

Sincerely,

John Westra, Manager Western Region
Enclosure: Proof Report, Response Sheet

for



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 18, 2003

JOHN W. BAICY
2715 SHADY LANE
WEBSTER TX 77598

Re: Application to Appropriate Water No. 63-12421 and Invalid Permit to
Appropriate Water No. 63-07431

Dear Mr. Baicy:

This letter acknowledges receipt of your letter dated March 4, 2003 and your telephone call to me of March 10, 2003.

You inquired about the status of application no. 63-12421, and requested that the application be processed and approved by the Idaho Department of Water Resources (IDWR). You stated that application no. 63-12421 was filed in 1995. The files of IDWR show that the application was filed in October, 1997. The application has been held because of a suspension in processing that was in place at the time you filed the application. I am sending you a copy of a letter that was written to you in 1998 by Maria Minicucci, then an employee of IDWR. Her letter explains the suspension of processing that continues today. I note in the application file that you also corresponded with Shelley Keen about processing of your application. Your application will continue to be held until the suspension of process is lifted, or you submit a plan of mitigation to compensate for your proposed ground water withdrawal.

We also spoke about the old permit no. 63-07431. I searched the microfilm of IDWR to determine the history of the permit. Documents in the file reveal that there were several attempts to conduct a filed exam in the late 80's and early 90's. All of the information in the file shows that there was no irrigation at the place of use described in permit no. 63-07431 after 1985. I am sending you some of the documentation that confirmed the lack of irrigation. IDWR determined that, even if the water had been beneficially used, the water right was forfeited because of a continuous five years of non-use. The orders in that matter are final.

I cannot resurrect an old water right unless there is a clear showing that the conclusions of the department that justified the voiding of the permit are incorrect. Should you have such information, I would be happy to review it.

John W. Baicy
March 18, 2003
Page - 2 -

IDWR can process your application if you submit an adequate plan of mitigation. It is also possible that the present suspension of processing could be lifted on the initiative of the department or by some other means. I would be happy to discuss this further with you if you would like.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Spackman", with a large, sweeping flourish at the end.

Gary Spackman

GS/st

Encl.

3/4/03

Gary Spackman
Idaho State Water Resources
2735 Airport Way
Boise, Idaho

83705-5082

RECEIVED

MAR 07 2003

WATER RESOURCES
WESTERN REGION

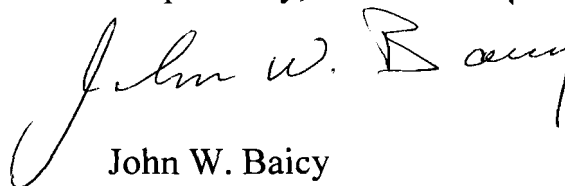
Dear Sir:

I am writing in reference to water permit application 63-12421 which was file in 1996. I had a permit 63-07431 obtained in 1975 but was voided in 1995 under protest.

My property is location on Poen Road off of the Swann Falls Road. We are the last irrigated ground before the BLM property and the Snake River. There are no other users 'down stream' from us. There is no possibility that our water usage would conflict with or impact other users. I ask that the Water Resource Department will consider our case and approve our permit.

My work takes me all over the USA and I have not been notified of the status of my permit or properly notified of past hearing. Please assist me in reinstating/obtaining my water permit.

Respectfully,



John W. Baicy
2715 Shady Lane
Webster, Texas
77598

281-792-5537

STAFF REVIEWERS

January 21, 2000

Steve Lester

To ensure compliance with S.O. directives, complete the following before file goes to Regional Manager or S.O.

1. **“Pre or post memo”** -- document the file to show if processed prior to the new “change to applications” memo.
2. **Comments** should not be on left side of file – move to top of right side and be sure that staff review sheet includes a heads up about comments.
3. **Computer printout of application if not the original** – label as “file copy” and move to right side of file. Note that items 2 and 3 might be done as one step.

Items 1-3 apply to all files now being processed: files at your desk, in advertising, protested, or at Manager’s desk.

Items 2-3 will apply to all files processed in the future: new filings or those processed from “hold” drawers.

Please file a copy of this with your May 1999 “Final Review of Applications” guidelines that I distributed.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BAIT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 2, 1998

JOHN W BAICY
923 VALLEY PLACE
KENT WA 98031

RE: APPLICATION FOR PERMIT NO. 63-12421

Dear Mr. Baicy:

Your application for permit to appropriate ground water for irrigation, domestic, and stockwater was received on October 24, 1997. Processing of the application must be delayed.

Due to continued drought and to protect existing water rights and water supplies, the Director of this agency declared a moratorium on May 15, 1992, concerning water right applications proposing new consumptive uses of public water. The moratorium has been lifted, but processing of all new or pending applications has been suspended until technical data are available from a comprehensive Treasure Valley ground water study now underway. Initial results of the study are not yet available. It does not appear that processing of applications will resume in time to approve your application for the 1998 irrigation season.

This office will hold your application and will begin processing as soon as possible. Delays related to department actions do not affect the date of priority or seniority of any application, once established.

If you have any questions, please feel free to contact this office at 334-2190.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Maria Minicucci'.

Maria Minicucci
Sr. Water Agent

4/86

RECEIVED
SEP 22 1986

OCT 31 1986

Department of Water Resources
Western Regional Office

SEP 22 1986

RECEIVED

KEYPUNCHED

For Office Use Only

Fee Received 150

Date 11/6/86

Receipt # 25235

Receipt by TRE

Sent to S.O. 11-7-86

Department of Water Resources
Western Regional Office

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

RECEIVED
OCT 30 1986

1. Permit No. Idaho WATER Permit No 63-7431

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: John W. Baicy

3. Post Office Address: 43050 Ed Halley Place

LANCASTER, Calif. 93534 Telephone No. (805) 943-1463

4. Source of Water: Deep Well on NE 1/4 Section 19, T1N R1E

5. Extent of Use:

Domestic 1 (No. of households) Stockwater 0 (No. and type of stock)

Irrigation 160 (acres) Other/Remark

6. Total rate &/or volume for which proof is submitted 3.0 cfs 13 acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

June 1975

8. Person to contact to accompany the department representative during the field examination:

Eric Baicy King Road West
(Name)

Kune, Idaho 922-4650
(Address)

RECEIVED

NOV 7 1986

Department of Water Resources

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

Date

May 17 1986

Signature of Permit Holder (and title, if appropriate)

John W. Baicy

43050 Ed Halley Pl. (805) 943-1463

Lancaster, CA 93534

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 63-7431

1. Owner: John W. Baley

Phone No. 805-722-5703

Current Address: 43050 Ed Halley Pl Lancaster CA 93536

2. Accompanied by: None

EXAM. DATE: 6/1/92

Address:

Phone No.**Relationship to Permit Holder:**

3. Source: groundwater tributary to

B. OVERLAP REVIEW

1. Other water rights with same place of use: None

☐ Copies Attached

2. Other water rights with same point of diversion: None

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

This image shows a full page of blank graph paper. The grid consists of small squares formed by thin black lines. There are approximately 20 columns and 25 rows of squares. A thicker vertical line runs down the left side, about one-fifth of the way from the edge, creating a margin. A thicker horizontal line runs across the middle of the page, dividing it into two equal halves. These thicker lines intersect at a point near the center-left. The rest of the page is filled with the standard grid pattern.

Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ **Aerial Photo Attached**
(required for irrigation of 10 acres or more).

☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

No beneficial use. No cultivation apparent.
Power supply in place. No evidence of irrigation
See remarks.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

2. Volume Calculations for Other Uses:

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Department has attempted to schedule exam since 1987. In October 1991 I attempted a drive-by exam and found no use. ~~Per~~ Permit holder was contacted and could provide no evidence of use. This year, I did a second field visit and found no change.

SCS office last October told me they felt land was abandoned & so had not been re-surveyed during last mapping. 1987 Napp photography showed no recent irrigation.

See Western Region file for correspondence.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
DISALLOW			
Totals:			

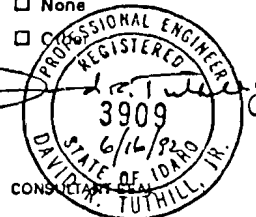
2. Recommended Amendments

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

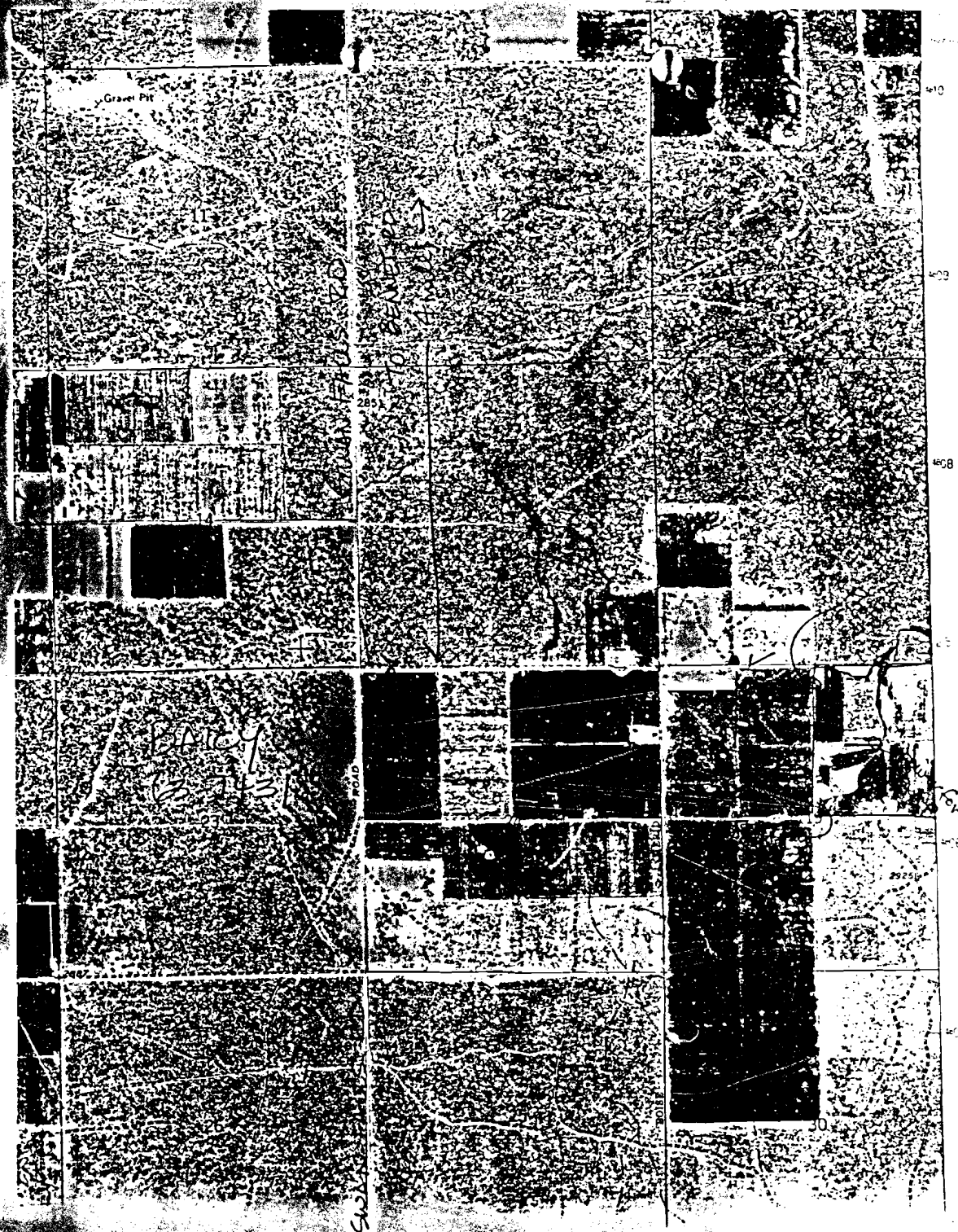
☐ None

J. AUTHENTICATION

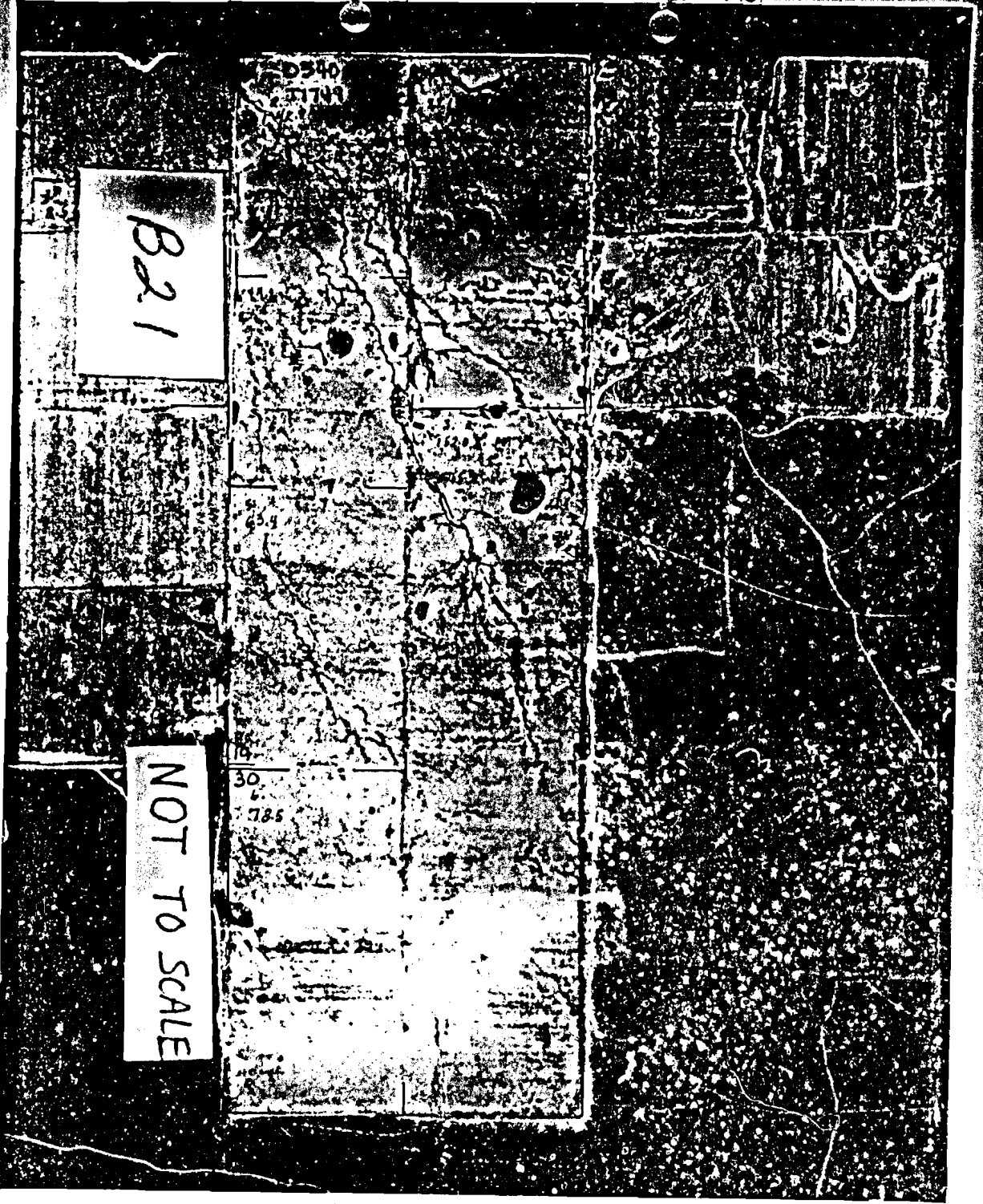
Field Examiner's Name CINDY HODGES
Signature C. Hodges
Certification Date _____
Field Report Preparation Date 6/15/92



- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.







RECEIVED

MAY 02 1994

Department of Water Resources

April 26, 1994

MR. Jim Johnson
Water Rights Supervisor
State Of Idaho
Department of Water Resources

Dear Jim Johnson,

In reference to the relinquishment of the water permit, No. 63-07431, I would like to inform the Department of Water Resources that I will not relinquish that permit. Our interpretation of the the regulations indicate that we meet all the requirements to hold the permit. We developed the water resources in 1975 with a successful deep well which cost over \$45,000.00. We signed contracts with Idaho Power to use a minimum amount of power over the following five years. We consumed that power. We irrigated from 1975 to 1985 putting the water to beneficial use.

The rapid increase in electrical power and the stagnate price for gains and hay have made irrigating unprofitable at this time. However, we should not have to yield our rights to the water we developed due to the present economic conditions.

We have meet all the requirements of the Water Department even though the department did not perform the inspects as we requested.

If the department of Water Resources intends to force us to relinquish our permit, I would like to be notified and given sufficient time to retain an attorney to represent my claims. I hope you will extend me this courtesy.

Respectfully,

John W. Baicy

John W. Baicy
23302 NE 8 Street
Redmond, Washington
98053

(206) 868-2947 (h)
(206) 662-1265 (w)

MEMORANDUM TO FILE

To: A63-07431 Baicy, John

From: Mel Schulte *MTS*

Date: July 12, 1995

Re: Field inspection

JUL 13 1995

Department of Water Resources

On July 11, 1995 I visited the property subject to the above referenced claim. The purpose of my visit was to determine if irrigated uses had been re-established since the Department attempted to conduct a beneficial use exam June 1, 1992.

I found no evidence of any current irrigation or other beneficial use of water. There is an electrical power line to the well site located near the center of the NE 1/4 of the section but the pump motor had been removed from the well. There are several piles of ten inch surface mainline on the property that supports the possibility there had in the past been some irrigation on the property. The fields appeared to have been cleared of rocks and sage brush at some time but there was no evidence of any crops or crop residue. The fields are currently covered with various types of weeds.

There is a small machine shed located to the West middle of the property that might qualify for a small domestic use but there were no houses on the site. Two horses were standing next to a watering trough along the West property line between the machine shed and the county road. There was no evidence of a hydrant or water line to the trough. It appears water is carried to the water trough used for these two horses.

MTS

CONVERSATION MEMORANDUM

DATE 10/29/1997FILE 63-12421NAME OF PARTY John BaicyEMPLOYEE TDWicucciRE: Application for permit Tel. Conversation

Mr. Baicy indicated that the pump is set at 350 feet and the drawdown is to 325 feet.

He also indicated that the last time he ~~was~~ irrigated was 1988 or 1989. He would like this application to go forward in processing because he previously had a permit for irrigation of the same ground. We discussed forfeiture issues. He again asked that the application be processed promptly.

(The previous permit, 63-07431, was voided because no beneficial use was found by the field examiner. Mr. Baicy indicated at that time that the land had not been irrigated since 1985. IPWR's evaluation is that 63-07431 has been lost through non-use and that this new application is subject to ^{the} current moratorium.)

5. On May 12, 1978, the Department received Proof of Beneficial Use for the permit.

6. In October of 1991, and on June 1, 1992, Department staff conducted field exams and found that water had not been diverted and put to a beneficial use as authorized by the permit.

7. On November 17, 1992, the Department sent a Notice of Pending Order Voiding Permit to the permit holder requesting relinquishment of the permit because of failure to put the water to beneficial use as authorized by the permit.

8. On December 14, 1992, the Department received correspondence from the permit holder expressing his desire to retain permit no. 63-07431.

9. On March 31, 1994, the Department sent another Request for Relinquishment form to the permit holder.

10. On May 2, 1994, the permit holder responded confirming that water had not been used since 1985, but he did not return the relinquishment form.

11. On July 11, 1994, Department staff inspected the place of use and again found that no water was being used.

CONCLUSIONS OF LAW

1. Section 42-219, Idaho Code, states:

"In the event that the Department shall find that the applicant has not fully complied with the law and the conditions of the permit, it may issue a license for that portion of use which is in accordance with the permit, or may refuse issuance of a license and void the permit."

10/21/77

RECEIVED

OCT 24 1997

WATER RESOURCES
WESTERN REGION

Shelley W. Keen
Water Rights Supervisor

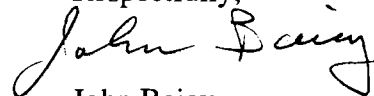
Dear Shelley Keen,

Thank you for the informative letter dealing with the voided water permit No. 63-07431. I am submitting an application for a new water permit. As you are aware the facilities for the water delivery are in place already. I have the motor and control panel in storage. I have invested a good deal of money over the years to develop the water system. The power lines and transformers are also in place.

My 160 acres is about 28 miles south of Boise. We are surrounded by several million acres of BLM land. My well tested very strong and even during the drought years we have had no additional draw down on the well. There are no potential conflicts with other users for this water. I hope you will assist me in obtaining the permit. My situation was very similar to those who had their land in government programs in that profits from production have been marginal at best. I now have the financial resources to continue farming this land.

Thank you for any assistance you may be able to provide.

Respectfully,



John Baicy

206 - 655-6759 work

Application for Permit
63-12421