

T. 4N.
Rgc 18E.

30 x ← Well

MICROFILMED
JUN 13 1999

Application for permit to appropriate the public waters of



(Applicant)

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

DANIEL J. GORHAM

_____, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the

annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 1st day of Feb, 19 89, and

the date of the last publication was on the 8th day of Feb, 19 89.

David J. Gorham
Subscribed and sworn to before me this 8th day of Feb, 19 89.
(SEAL)

Salute McKaicher
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 36
Number of Insertions 2

Lines tabular at _____ 5¢/Pica
36 Lines straight at 17.82 4¢/Pica
36 Subsequent lines at 13.86 3¢/Pica
TOTAL COST 31.68

COPY OF NOTICE

(Paste Here)

Not. of Applic. #37-08437
Capik
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Res.
BILL TO

Water right sought by Capik

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-08437

CAPIK, EMIL J.
COLD SPRINGS PROPERTY
P.O. BOX 4020
KETCHUM, ID 83340

Source: GROUNDWATER

Diversion Pt: NESE Sec 30 T
04N R 18E

Use: COMMERCIAL (.040 CFS)

Date Filed: 10/25/1988

In: T04N R18E S30 NESE

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301, on or before FEBRUARY 20, 1989.

R. Keith Higginson, Director

Publish: Wood River Journal-February 1 & 8, 1989.

7-8 pt. per line successive insertion.....3.5/pica

OK
LD 2/10/89

No 6356

RECEIVED

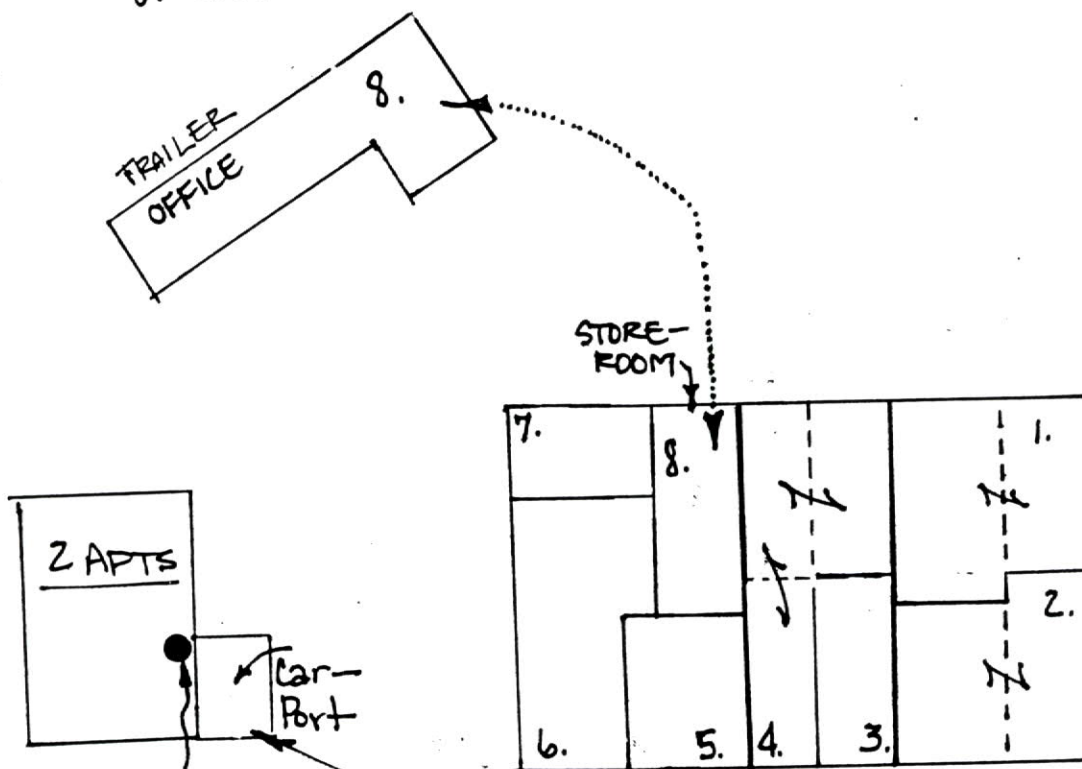
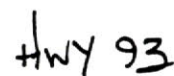
FEB 09 1989

Department of Water Resources
Southern Region Office

MICROFILMED

JUN 18 1989

- BIKE PATH R.R. OLD R/V



WELL
INSIDE HOUSE

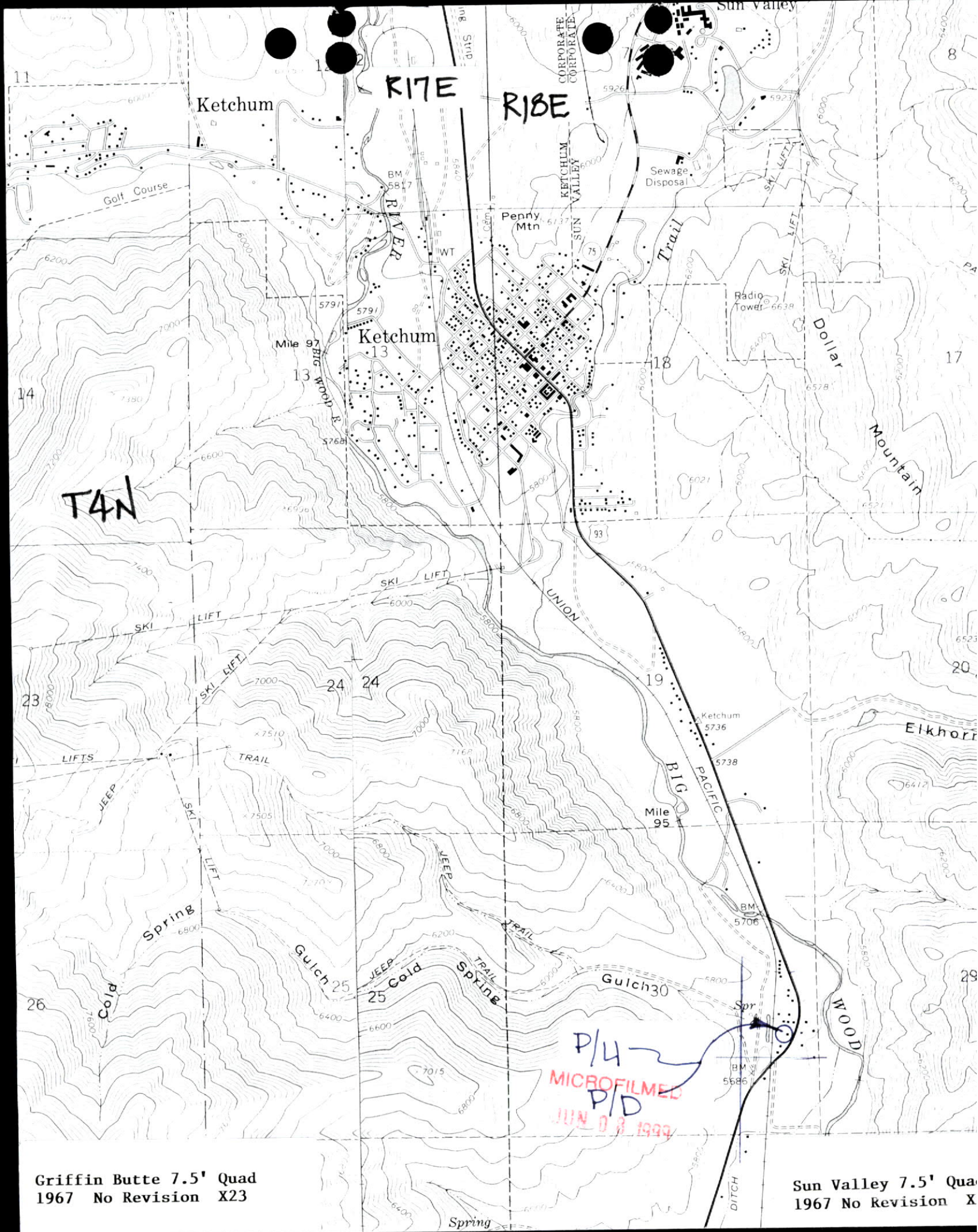
GENE SE $\frac{1}{4}$
SEC 30, T4N, R18E

- GPS
Tag A0007831
SE Cor of
building
(R082616A)

MICROFILMED
JUN 08 1999

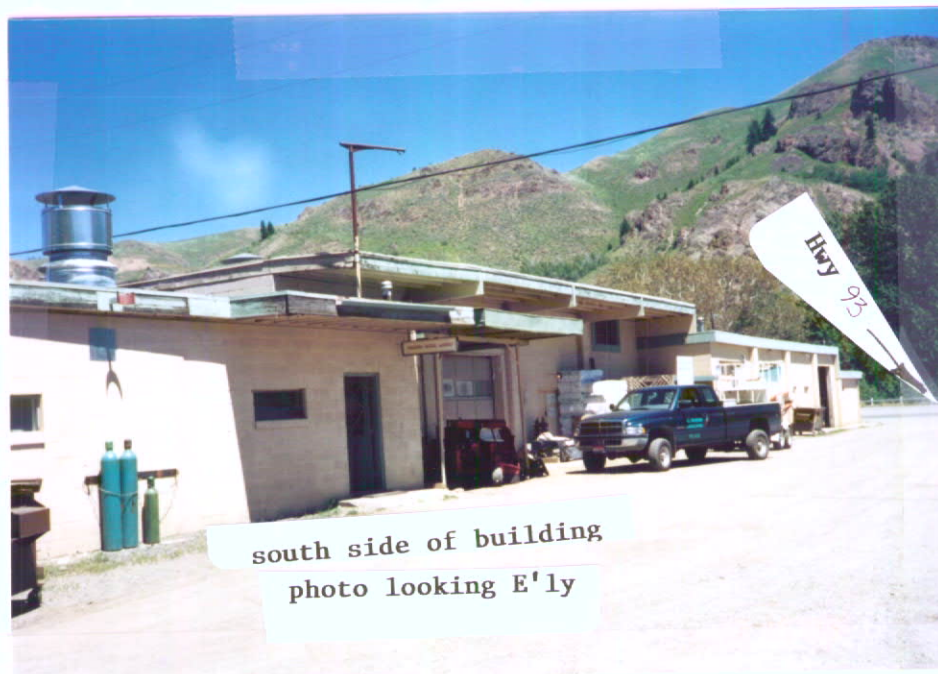
EXAMINER: SATTAP LEE
1430 HRS 15 JULY 1998

CAPIK, EMIL
37-08437



Griffin Butte 7.5' Quad
1967 No Revision X23

Sun Valley 7.5' Quad
1967 No Revision X



MICROFILMED
JUN 08 1999

- ① Upstairs
- ① Downstairs
- ② Apts.



Harry 93



photo looking NW'ly



MICROFILMED
JUN 08 1999

hot water tank



pressure tank

StaRite VIPIII submersible pump
VIP4E02-07 Data ID89G



well under the insulation

pressure gage was not working

MICROFILMED

JUN 08 1999

Capik, Emil J.

37-08437

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 37-08437

Priority: October 28, 1988

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

4.7 AF

This is to certify, that EMIL J CAPIK
COLD SPRINGS PROPERTY

PO BOX 4020

KETCHUM ID 83340

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 25, 1988; and has submitted Proof of Beneficial Use on June 4, 1990. An examination indicates that the works have a diversion capacity of 0.040 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	01/01 to 12/31	0.04 CFS	4.7 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 30, Township 04N, Range 18E
BLAINE County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

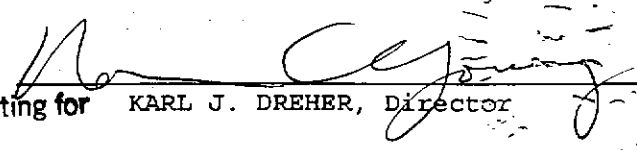
04N 18E 30

NESE

CONDITIONS OF APPROVAL AND REMARKS

1. Commercial use is for an 8-unit business complex and 2 rental apartments.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 3RD day of JUNE, 1999.

Acting for  KARL J. DREHER, Director

MICROFILMED

JUN 08 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 37-8437 IN THE
NAME OF EMIL J. CAPIK/COLD SPRINGS PROPERTY

ORDER OF REINSTATEMENT

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before June 1, 1990; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, on June 1, 1990 the permit lapsed for failure of the permit holder to submit proof of beneficial use; and,

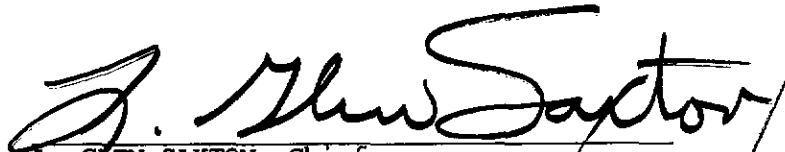
WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on June 4, 1990;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 37-8437 be REINSTATED and the priority advanced to October 28, 1988.

Dated this 26 day of June, 1990.

MICROFILMED
JUL 23 1990


L. GLEN SAXTON, Chief
Water Allocation Bureau

RECEIVED

JUN 4 1990

no fee will
Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only

Amt. of Fee \$

Date

Receipt No.

Received by

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 37-08437 Telephone No. 726-4551

Name(s) of Permit Holder(s): EMIL COBURN DBA COLO SPRINGS PROPERTIES

Post Office Address: Box 4020 Ketchum ID 83340

Source of Water: Groundwater

If ground water, well driller's name: ROESLER Date drilled: 1978

Extent of Use:
Domestic 3 (No. of households) Irrigation _____ (No. of acres)
Stockwater _____ (No. and type of stock) Other 6 SHOP SPACES
TOWERS & SINKS

Total rate and/or volume for which proof is submitted .04 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 1978

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes No Installed? Yes X No

OR

Flow Measurement Port: Required? Yes No Installed? Yes No

Fee Enclosed: \$ 0 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

EMIL J. COBURN 726-4551
Name Telephone No.
Box 4020 Ketchum ID 83340
Address

MICROFILMED

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

JUL 23 1990

5-28-90
Date

[Signature]
Signature (and title if on behalf of a company or organization)

Form 202
6786
RECEIVED

OCT 31 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 37-08437

APPROVED

Department of Water Resources
Southern Region Office

To appropriate the public waters of the State of Idaho

1. Name of applicant EMIL J. COPIK / COLD SPRINGS PROP Phone 726-4551

Post office address Box 4020 KETCHUM ID 83340

2. Source of water supply GROUNDWATER which is a tributary of NIA

3. Location of point of diversion is NE 1/4 of SE 1/4, Govt. Lot

Sec. 30 Township 4N Range 18E B.M. Blaine County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .04 for Commercial 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)

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 is (a) .04 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 3 small ditches, 6 small
spades (tailraces & sinks)

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 6 inches; proposed depth of well is 45' feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

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

1 yr years (minimum 1 year).

Done in 1972

MICROFILMED

JUN 13 1989

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

- 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. 3
- e. Other; describe fully. 6 SHOP SPACE REST ROOMS
(TOILETS - SINKS)

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	
4N	18E	30													90				

Total number of acres to be irrigated _____

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? _____

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

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: _____

RECORDED

JUN 13 1989

2000

MICROFILMED
JUN 18 1990

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.

(Applicant)

Proposed Priority 10/25/88

Received by Emc Date 25 Oct 1988 Time _____ Preliminary check by DRS

Fee \$ 30⁰⁰ Receipted by Emc # M001743 Date 25 Oct 1988

Publication prepared by M. Baldwin Date 1/20/89 Published in Wood River Journal

Publication approved J. Jasper Date 2/10/89

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. 37-8437, 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 June 1, 19 90.

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: Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 9th day of May, 1989.

J. Glen Saylor

RECORDED

JUN 13 1989

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

DANIEL J. GORHAM

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annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 1st day of Feb., 1989, and

the date of the last publication was on the 8th day of Feb., 1989.

Daniel J. Gorham
Subscribed and sworn to before me this 8th day of Feb., 1989.
(SEAL)

Saluta McKee

NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11
Number of Lines in Notice 36
Number of Insertions 2

Lines tabular at _____ 5¢/Pica
36 Lines straight at 17.82 4¢/Pica
36 Subsequent lines at 13.86 3¢/Pica
TOTAL COST 31.68

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JUN 13 1989

COPY OF NOTICE

(Paste Here)

Not. of Applic. #37-08437
Capik
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Res.
BILL TO

Water right sought by Capik

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-08437

CAPIK, EMIL J.
COLD SPRINGS PROPERTY
P.O. BOX 4020
KETCHUM, ID 83340

Source: GROUNDWATER

Diversion Pt: NESE Sec 30 T
04N R 18E

Use: COMMERCIAL (.040 CFS)

Date Filed: 10/25/1988

In: T04N R18E S30 NESE

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R. Keith Higginson, Director
Publish: Wood River Journal-
February 1 & 8, 1989.

7-8 pt. per line successive inser-
tion.....3.5/pica

OK
2/10/89

No 6356

RECEIVED

FEB 09 1989

Department of Water Resources
Southern Region Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 4, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

EMIL J CAPIK
COLD SPRINGS PROPERTY
PO BOX 4020
KETCHUM ID 83340

RE: WATER RIGHT NO. 37-08437

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license 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 or files an exception and/or brief as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

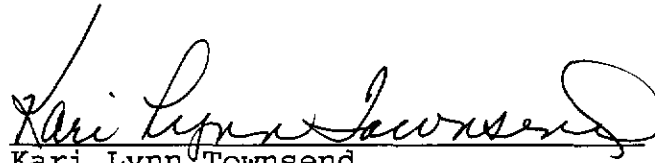
MICROFILMED
JUN 08 1999

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of June, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 37-08437

EMIL J CAPIK
COLD SPRINGS PROPERTY
PO BOX 4020
KETCHUM ID 83340


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 08 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

JUN 08 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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.

MICROFILMED

JUN 08 1999

LICENSE REVIEW CHECKLIST

PERMIT NO.

37-08437

DATE

5/27/99

REVIEWER: SHARLA

NAME
Address

Change/OK

OK
OK

SOURCE

OK

Does change clarify orig. intended source? If no, Void permit

POINT OF DIV

OK

Change (P39 /P47)

Add (P45/P42)

Feds - P40

W32 (multiple in 1/4)
W36 (overlap)
W59 (subd. desc)

no well log found

Overlaps:

Right(s):

File reviewed Profile reports printed

PLACE OF USE

OK

Change (P41/P47)

Add (P41/P42)

Feds - P43

W60 (subd. desc)
W27 (ppu acre limit)

Overlaps:

Right(s):

File reviewed Profile reports printed

PD & PU amend (P37) Feds - P48

RATE OF DIV

Permitted Rate .04 cfs

Fee limit .04 cfs

Measured cfs

Theoretical .04 cfs

No fee pd

1 hp, 40 psi, 45' lift

Recommended Total Div Rate .04 cfs

ave. from well logs in area

WATER USES

Comm.

OK
.04 cfs

Change (P46)

4.7 af

Irrig -

overlap (R58-R61, R62-R65, R66-R69)

supp. gw (WB7/065/079)

overlap spec. combined rts (W35)

<1acre (W31)

Domestic (W01/WB5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042) Fire (077) Wtr Quality (081/R07)

TOTALS

.04 cfs

4.7 af

permit
9 x .6 = 5.4
af

2 * .6 = 1.2
8 @
3.5
4.7
OK

Flow rate .04 cfs X 365 days X 1.98 = 29.0 af

REMARKS

business complex & 2 rental apts.

ADD'L CONDITIONS

 Watermaster Control WD#

 GW Measurement/Measuring Device

 Others Trust (052/R55 - remove 051)

Non-trust (048/049)

Advance Priority yes no

SRBA Claim N/A

Adjust Memo use

Amend letters

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 29 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 37-08437

1. Owner: Emil Capik (Cold Springs Property) Phone No. 726-4551
Current Address: PO Box 4020, Ketchum, ID 83340

2. Accompanied by: _____ EXAM DATE: 15 JULY 98
Contact Person: Jim Whittet Phone No. 726-8536

Relationship to Permit Holder: Rents one of the apts from Capik

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE
2. Other water rights with the same point of diversion: " "

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	SE	30	04N	18E	BLAINE	FIELD EXAMINATION/PHOTOS
									VERBAL FROM
									JIM WHITTET
									GPS A0007831 on SE Cor

2. Place(s) of Use:

Indicate Method of Determination

building

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	18E	30																	
"	"	"																	

MICROFILMED

JUN 08 1999

[illegible]

____ Photo of Diversion and System Attached

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
GPSA0007831				STARITE SUBMERSIBLE	VIP4E02.07

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

JUN 08 1955

E. NARRATIVE/REMARKS/COMMENTS

E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee
DATE: 31 August 1998
RE: 37-08437

On 15 July 1998 at 1430 hrs, I was met by one of the tenants, Randy, of Cold Springs Business Park. Mr. Emil Capik has owned the building for approximately 10 years. The permit is for year round commercial use from a well.

The commercial use is for a business complex located 1½ miles south of Ketchum on the west side of highway. The building is occupied by 8 different businesses ranging from automotive, electric, furniture restoration, and gardening services. All of the offices have their own sink and toilet, with exception to the occupant of Number 6, which has 2 sinks and 2 toilets.

There is a two story building with two apartments located on the west side of property. Each apartment has 1 bedroom, 1 bath, and a kitchen. The well is located on the south-east corner of the apartment building. Jim Whittet has rented the first floor apartment for about 5 years. It was necessary for him to let me enter the apartment to photograph the well. And even then it was not easily accessible.

The property owned by Capik is north east of the property that the new hospital will be built (as of this date, construction has started). Debra Deans at the Ketchum Planning and Zoning said that the city water and city sewer will be tied into the hospital. Eventually, the other property owners in the area surrounding the new hospital will be tied into the city system also.

COMMERCIAL:

9 sinks 2 gal/sink used 50 times/day = 900 gal/day
9 toilets 5 gal/toilet used 50 times/day = 2250 gal/day

TOTAL 3150 gal/day

3150 gal/day 365 days/year = 1,149,750 gal/year
325,850

3.53 af

DOMESTIC:

2 homes (In House only)

0.04 cfs 1.2 af

Have conditions of permit approval been met? ☒ yes ☐ no

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JUN 08 1999

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

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

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

Exam Fee Limit Need to Pay?
Permit Rate 0.04 cfs
Recommended Rate 0.04 cfs

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume Y (afa)
	From	To		
Commercial	1/1	12/31	0.04	3.5
Domestic	1/1	12/31	0.04	1.2
Totals:			0.04 cfs	4.7 afa

2. 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

Add Use Domestic?
Called to in application
for permit.

I. AUTHENTICATION

Field Examiner's Name

George Satterlee

Date

31 Aug 98

Reviewer

Date

SEAL

MICROFILMED

JUN 08 1999

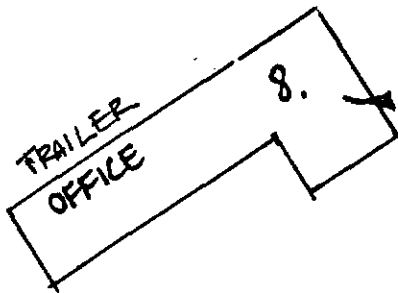
1. Pink's Electric
2. Automotive, Randy's
3. Woodworker
4. Painter, Contractor
5. Landscaper, " "
6. Furniture, Builder
7. Concrete, Contractor
8. Furniture, Restoration



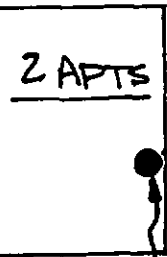
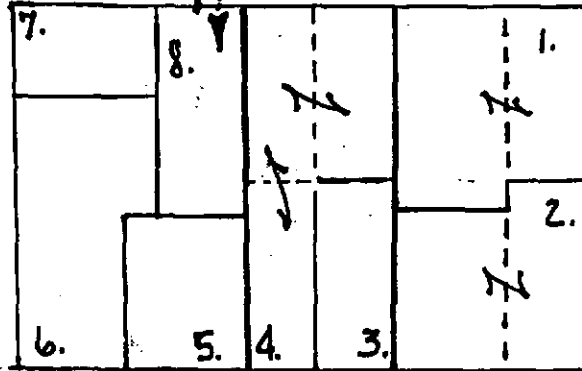
NTS

KETCHUM
1.5 MI.

Hwy 93



STORE-
ROOM



Car-
Port

WELL
INSIDE HOUSE

GENE SE 1/4
SEC 30, T4N, R18E

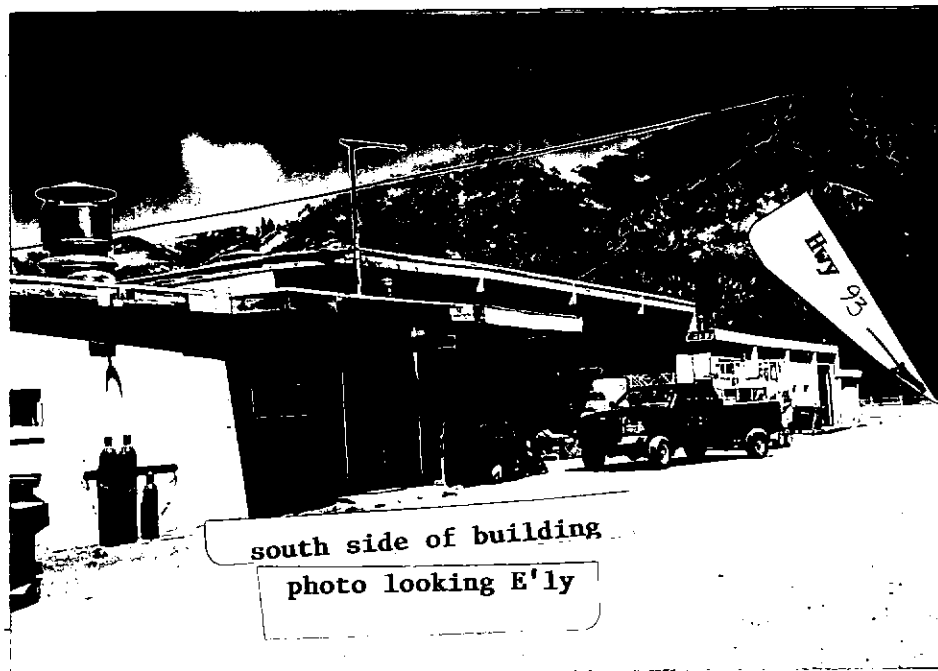
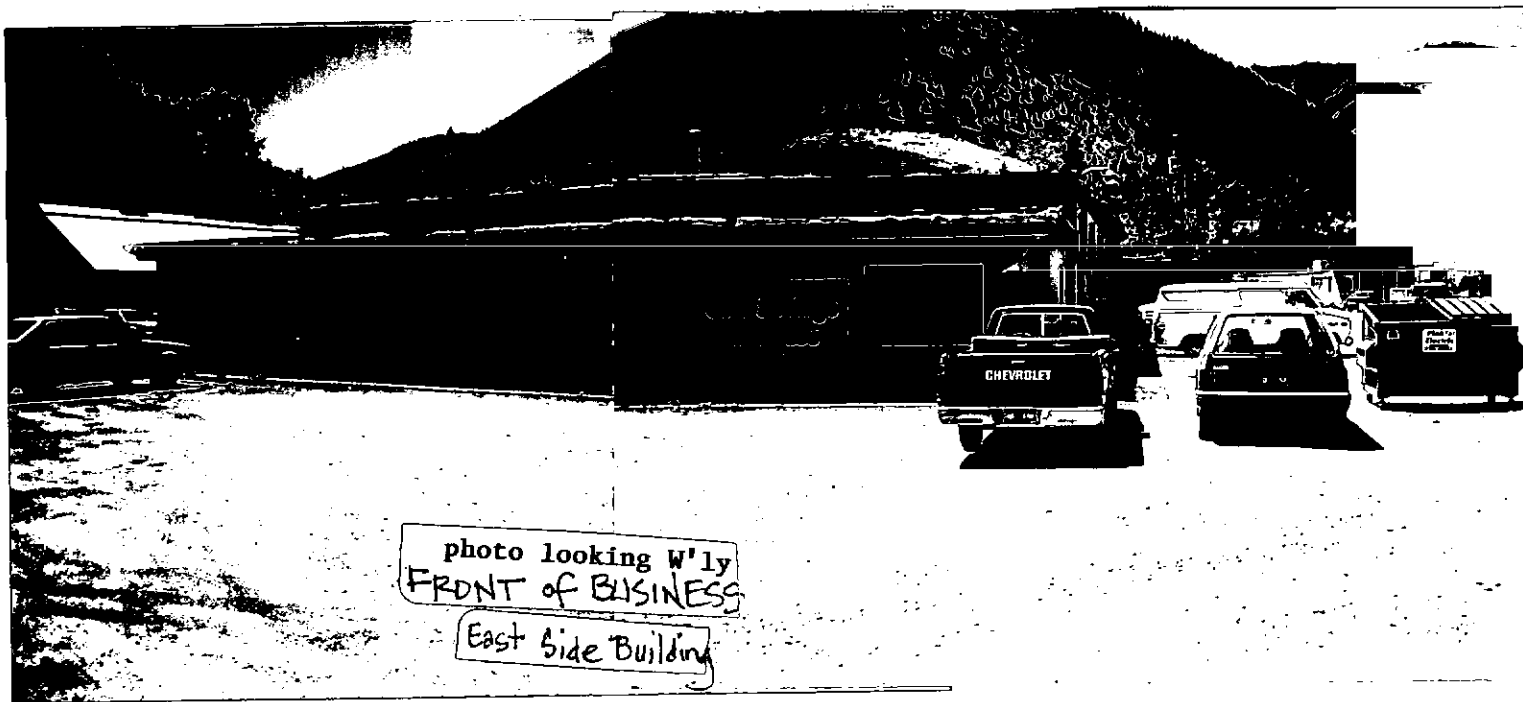
GPS
Twy A0007831
SE Cor of
building
(R082616A)

MICROFILMED
JUN 08 1999

EXAMINER: SATTEN LEE
1430 HRS 15 JULY 1998

CAPIK, EMIL
37-08437

BIKE PATH
OLD R.R. R/W



MICROFILMED
JUN 08 1999

Capik, Emil J.

37-08437

- ① Upstairs
- ① Downstairs
- ② Apts.



May 93

photo looking E'ly

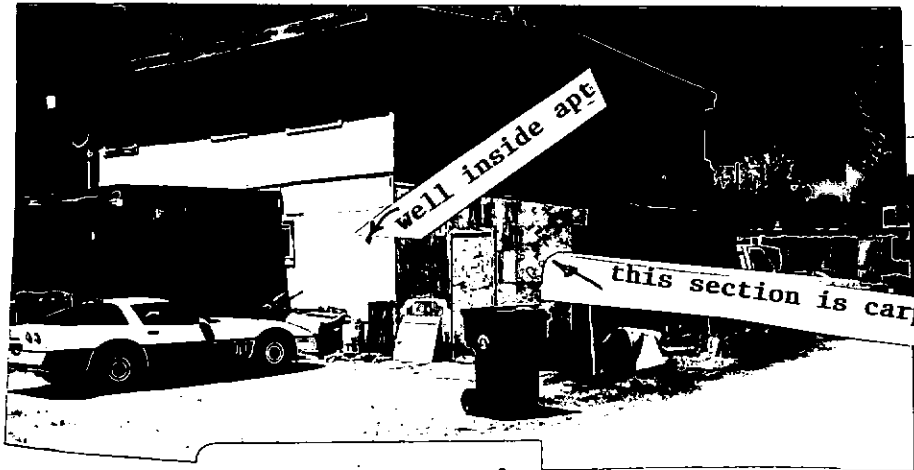


photo looking NW'ly

this section is carport



photo looking N'ly

MICROFILMED

JUN 08 1999

StaRite VIPIII submersible pump
VIP4E02-07 Data ID89G

hot water tank

pressure tank

well under the insulation

pressure gage was not working

MACT FILMED

JUN 08 1999

Capik, Emil J.

37-08437

June 26, 1990

EMIL J. CAPIK
COLD SPRINGS PROPERTY
P.O. BOX 4020
KETCHUM, ID 83340

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08437

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

Enclosure

MICROFILMED

JUL 23 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 37-8437

Date: 6-22-90

General Considerations:

☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change NO If yes, prepare a data entry
☒ Proof received timely NO
 Reinstated

Source of Water:

 Surface water
☒ Groundwater
 1. well log in file 1972
NA 2. drilling permit
NA A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

☒ Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

Priority Calculation:		
Date proof received	<u>June 4, 1990</u>	<u>155</u>
Date proof due	<u>June 1, 1990</u>	<u>- 152</u>
No. of days late		<u>= 3</u>
Priority date	<u>Oct 25, 1988</u>	<u>+ 298</u>
NEW PRIORITY DATE	<u>Oct 28, 1988</u>	<u>= 301</u>

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

138493

March 31, 1990

EMIL J. CAPIK
COLD SPRINGS PROPERTY
P.O. BOX 4020
KETCHUM, ID 83340

PROOF DUE NOTICE

RE: PERMIT NO. 37-08437

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1990.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

RECORDED

JUL 23 1990

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 334-7900
May 10, 1989

EMIL J. CAPIK
COLD SPRINGS PROPERTY
P.O. BOX 4020
KETCHUM, ID 83340

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 37-08437

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also

RECEIVED
MAY 10 1989

JUN 1 1989

enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED
JUN 13 1989

caplk. EMIL / Cold Springs Prod.
capik

37-08437

Form No. 202a
/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY DR DATE 11-16-88 APPLICATION NUMBER _____REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- Field check by _____
- ☐ Yes ☒ No Field report attached
- ☐ Yes ☒ No Critical groundwater area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit
- ☐ Yes ☒ No Power efficiency form
- ☒ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

RECEIVED
MAR 27 1989

REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____

Department of Water Resources

PROCESSING

☒ Yes ☒ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

COPIES TO

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM, District _____
☐ Idaho Dept. of Fish & Game, Region _____ ☐ U.S. Forest Service, Forest _____
☐ Idaho Dept. of Lands ☐ Water District # _____
☐ Adjudication Bureau Unit ☐ Other _____

REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application

☐ Yes ☒ No Protests received

Final date for protest _____

☐ Yes ☒ No Protests, dates, resolution of protest, recorded on application

☐ Yes ☒ No Recommendations attached

☐ Yes ☒ No Measuring device required

☐ Yes ☒ No Access port required

☒ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. 37 - P05

☐ Yes ☒ No Special conditions of approval or cover letter below. _____

☐ See below for additional information

Date of priority recommended 10/25/88

BY Laron O. Halmer Date 3/17/89

STATE OFFICE REVIEW

P05, P23 P16 46 04

☐ See below for additional information

By KW Date 5/3/89

ADDITIONAL INFORMATION

App. in TRUST area -

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

JANUARY 20, 1989

WOOD RIVER JOURNAL
P.O. BOX 988
HAILEY, ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 20, 1989.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

JUN 13 1989

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed appropriate the public waters of the State of Idaho:

37-08437

CAPIK, EMIL J.
COLD SPRINGS PROPERTY
P.O. BOX 4020
KETCHUM, ID 83340

RECEIVED
JUN 13 1989

Source: GROUNDWATER

Diversion Pt: NESE Sec 30 T 04N R 18E

Use: COMMERCIAL (.040 CFS)

Date Filed: 10/25/1988

In: T04N R18E S30 NESE

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before FEBRUARY 20, 1989.

R. Keith Higginson, Director

Published 2/01/1989 & 2/08/1989

MICROFILMED

JUN 13 1989

Water right sought by Capik

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-08437

CAPIK, EMIL J.
COLD SPRINGS PROPERTY
P.O. BOX 4020
KETCHUM, ID 83340

Source: GROUNDWATER

Diversion Pt: NESE Sec 30 T
04N R 18E

Use: COMMERCIAL (.040 CFS)

Date Filed: 10/25/1988

In: T04N R18E S30 NESE

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301, on or before FEBRUARY 20, 1989.

R. Keith Higginson, Director

Publish: Wood River Journal-
February 1 & 8, 1989.

OK
TJ 1/31/89

MICROFILMED

JUN 13 1989

19-Jan-1989

Emil J. Capik
Cold Springs Prop.
P.O. Box 4020
Ketchum, ID 83340

Re: Application for Permit No. 37-08437

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office will be advertising the application in the Wood River Journal on 2/1 & 2/8/89. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Douglas Jones, E. I. T. *DJS*
Water Resources Engineer

DJ:MB

MICROFILMED

JUN 13 1989

STAFF ANALYSIS SUPPLEMENT

1) Water District None Basin # 37

2) Local description (of one P/D)

☐

At the above street address

☐

_____ miles N/S _____ and _____ miles E/W _____

of

(City center or numbered highway intersection)

☒About 1 1/2 mi south of Ketchum City Limitsalong Hwy 75 at Cold Springs Gulch

(Travel directions from city center or highway intersection)

3/79

IDENT. NO. 37-08437IDAHO DEPARTMENT OF WATER RESOURCESWATER RIGHT
DATA ENTRY LOGInitialsDateItemMB1/5/89

Original form entered

Edit Report Correct

Date Protested

Date of Hearing

Date Approved/Denied
(Proof due date, stage and/or status,
conditions of approval, water district)

Record Verified

Amendment Approved

Extension Approved

Partial Proof

Proof Complete

Field Exam Received

Field Exam Accepted
and changes entered

License Signed

Transfer Approved

Keypunched by State Office