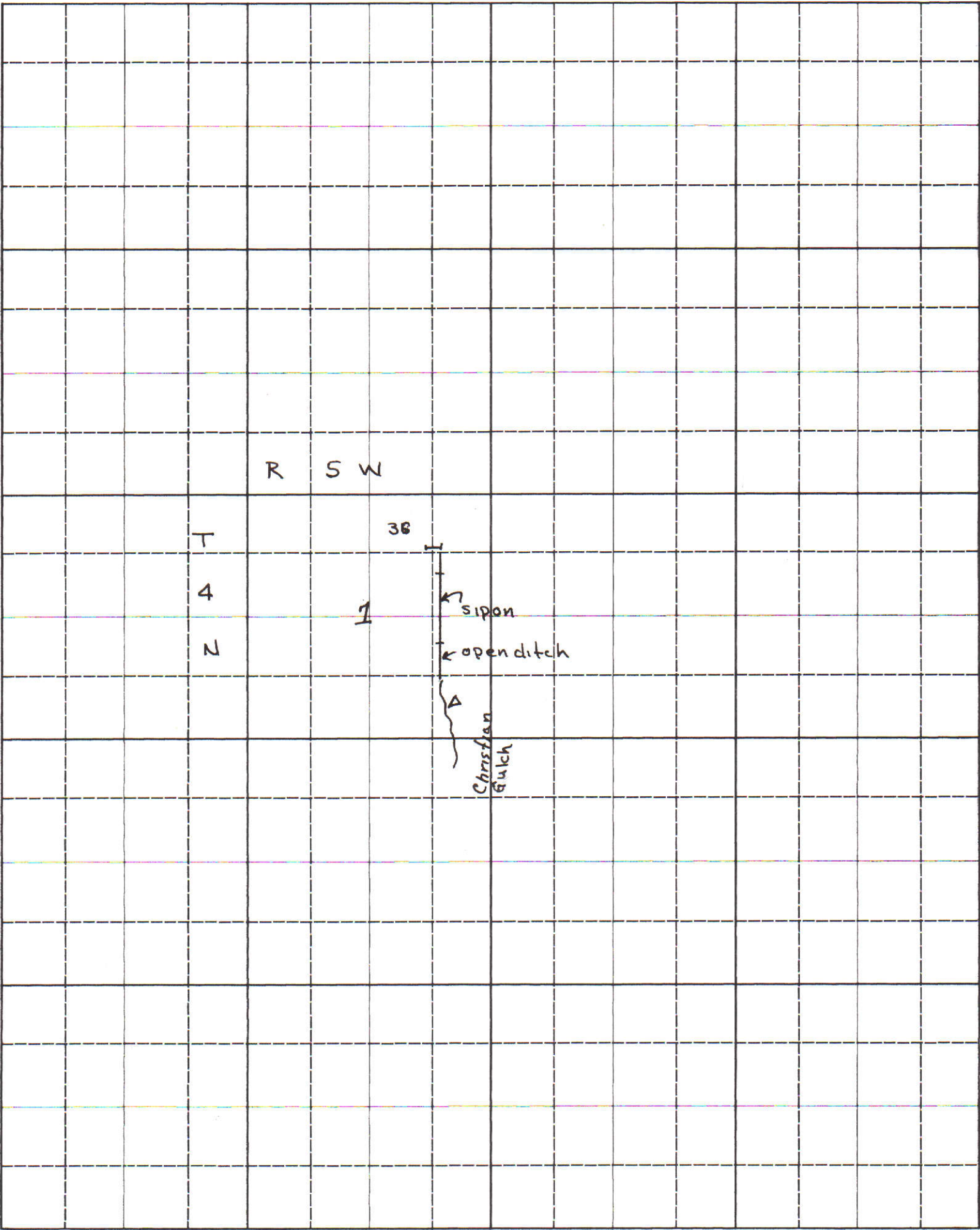


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

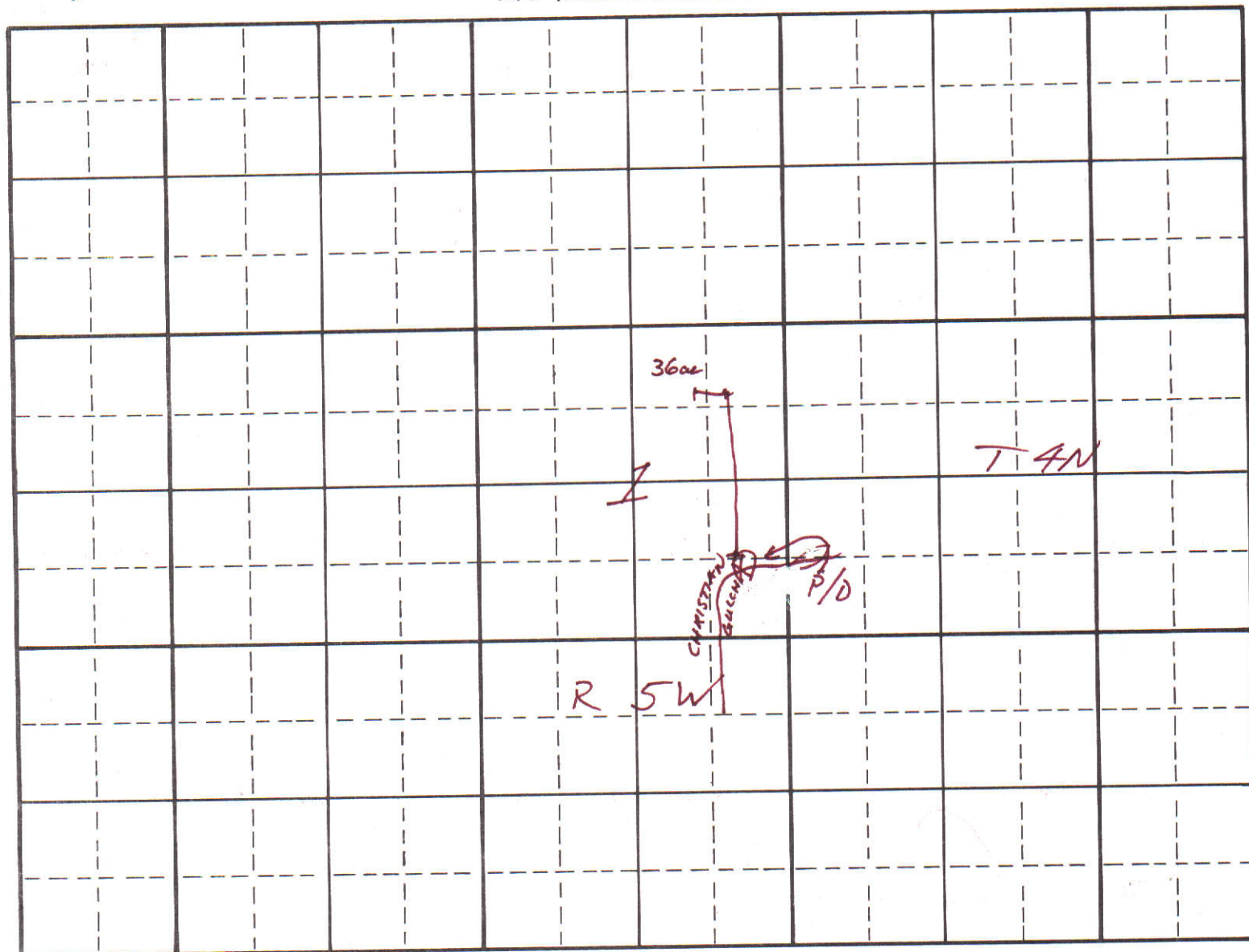


Scale: 2 inches equal 1 mile.

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.

Alfred Kandler
(Applicant)

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

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

Point(s) of diversion: SE SE, Sec 1, T 4N, R 5W

Place(s) of Use

TWP.	RGE.	SEC.	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
☐ Change P.U. as reflected above

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

- ☒ None
☐ Other

Examiner's Signature Charles W. Byrnes Jr.

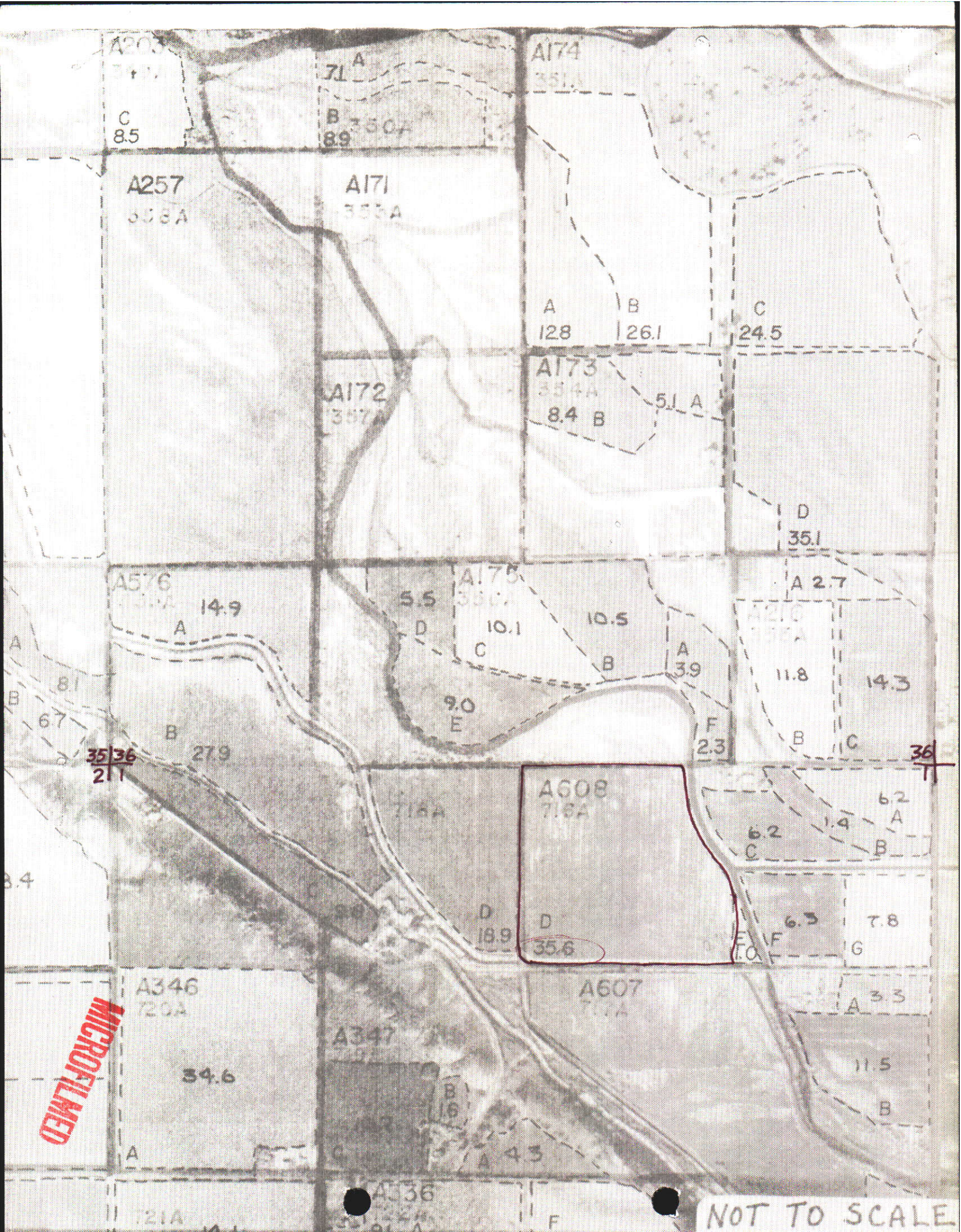
Date 7/10/80

Checked by DBS

Date 7/16/80

Approved by Roeper

Date 6/16/81



A203
34.7

C
8.5

71 A

B
8.9
35.0A

A174
35.1

A257
35.8A

A171
35.3A

A
128

B
26.1

C
24.5

A172
35.7A

A173
35.4A
8.4 B

5.1 A

D
35.1

A576
35.9A
14.9
A

A175
35.0A
5.5 D
10.1 C

10.5
B

A216
35.2A
2.7
A

11.8

14.3

35.36
21.1

27.9

9.0
E

A
3.9

F
2.3

36
11

A608
7.6A

6.2
C

6.2
A
1.4
B

D
18.9

D
35.6

E
1.0

6.3

7.8

A346
7.0A

34.6

A347
7.1A

B
1.6

A607
7.7A

A
3.3

11.5

B

MICROFILMED

NOT TO SCALE

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 <u></u> to <u></u> at <u></u> cfs and <u></u>		
	from <u></u> to <u></u> at <u></u> cfs and <u></u>		

(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.

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

Director

DKF

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 63-9212
IN THE NAME OF ALFRED or BERTA KANDLER

ORDER OF REINSTATEMENT

WHEREAS, on February 9, 1979, Alfred and Berta Kandler applied to the Department of Water Resources for a permit to appropriate 0.72 cubic feet per second of water from Christian Gulch wasteway tributary to Dixie Drain, to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 4N, Rge. 5W B.M., Canyon County, to be used for irrigation purposes; and,

WHEREAS, on March 21, 1979, the Department approved said application and issued Permit No. 63-9212 with the condition that proof of construction of works and application of water to beneficial use be submitted on or before April 1, 1980; and,

WHEREAS, on January 31, 1980, the Department notified the permit holders by certified mail that proof was due and instructed the permit holders as to the steps to be taken to make said proof; and,

WHEREAS, on April 22, 1980, the Department notified the permit holders that Permit No. 62-9212 lapsed for failure of the permit holders to submit proof of beneficial use of water; 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 from the date of the notice of lapsing; and,

WHEREAS, the permit holders have provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on June 5, 1980;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 63-9212 be REINSTATED and the priority date advanced to April 15, 1979.

Dated this 23rd day of June, 1980.


L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED
UNIVERSITY MICROFILMS

Form 202
3/74
RECEIVED

Ident. No. 63-9212

FEB 12 1975

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Western Regional Office

APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

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

Post office address Route 2, Caldwell, ID 83605

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

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

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

4. Water will be used for the following purposes:

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

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

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

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

5. Total quantity to be appropriated:

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

6. Proposed diverting works:

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

gravity flow through headgate, open ditch

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

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

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

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

8. Description of proposed uses:

a. If water is not for irrigation:

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

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

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

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

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

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SE¼	SW¼	
4N	5W	1		36															36

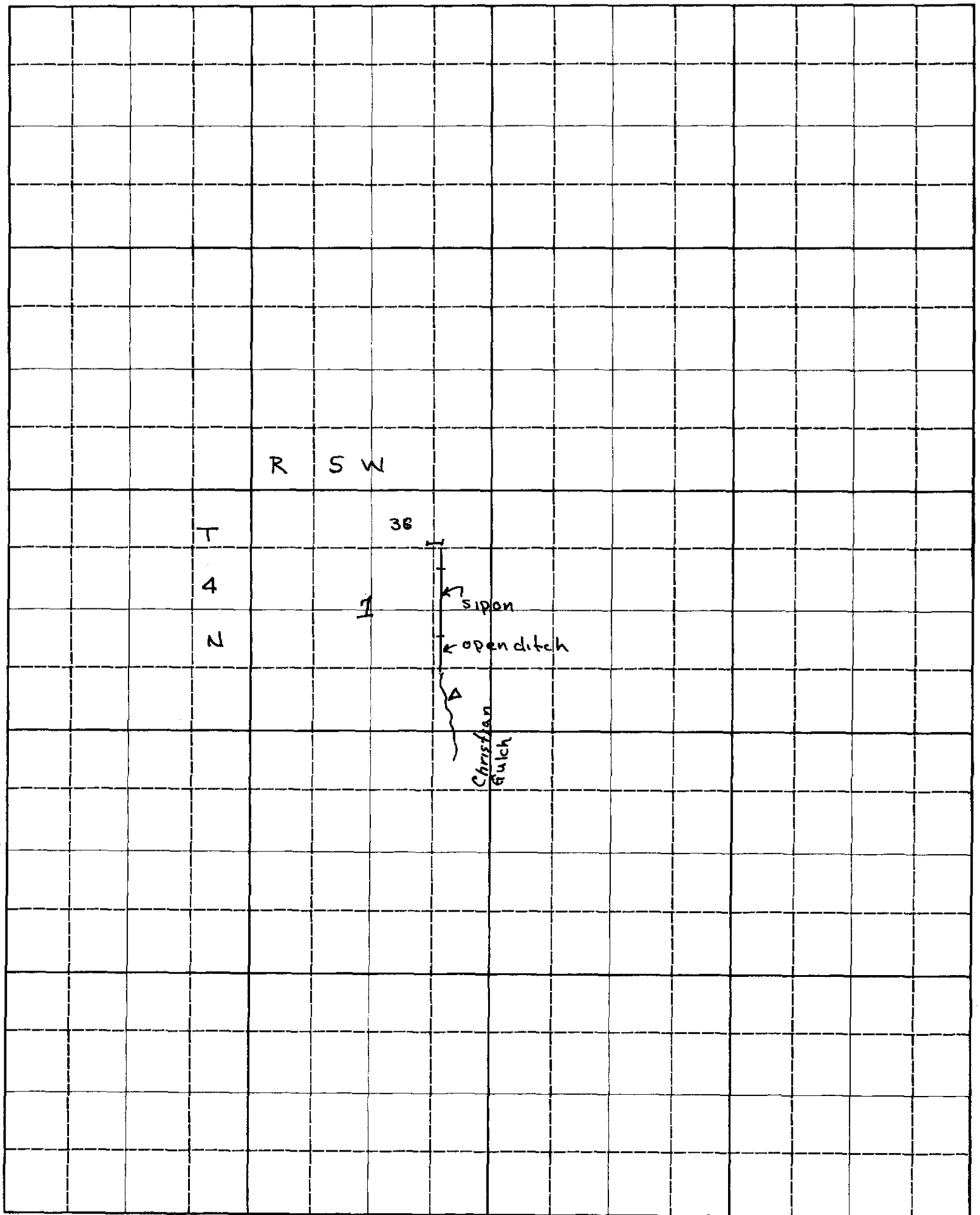
Total number of acres to be irrigated 36

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.



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 sg 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 DBS 5.5

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-9212, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 19 80.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: (1) The issuance of this permit in no way grants any right-of-way or easement across the land of another. (2) Use of water under this permit is subject to control by the watermaster of State Water District No. 63, Weiser River. (3) A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

Witness my hand this 21st day of March, 19 79.

L. Glen Saxton
CHIEF, OPERATIONS BUREAU

RECEIVED

MAR 6 1979

Department of Water Resources
Western Regional Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Canyon)

Susan Wilkerson
of Nampa, Canyon County, Idaho, being first duly
sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Free Press and The News-Tribune, a daily, (except Sunday) newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two Times

in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

February 22; March 1, 1979

Subscribed and sworn to before me this

1st day of March, 1979

Jeanne Smith
Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES
JULY 12th, 1981

NOTICE OF APPLICATION FOR WATER RIGHT
Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

43-9212

KANDLER, ALFRED &/or BERTA
ROUTE 2, CALDWELL, IDAHO 83605
Source: CHRISTIAN GULCH WASTEWAY tributary to DIXIE DRAIN

Date Filed: February 9, 1979

Amount: 0.72 CFS

Diversion Point: SESE Sec. 1 T 4N R 5W, CANYON County

Use: IRRIGATION (0.72 CFS) from March 15 to November 15

Place of Use: NWNE Sec. 1 T 4N R 5W FOR 36 ACRES

Diversion Means: HEADGATE & OPEN DITCH

If issued the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705 on or before MARCH 12, 1979.

C. STEPHEN ALLRED

Director

February 22; March 1, 1979

OK-KR
3/12/79

WRD417

WATER RIGHTS PROOF READING REPORT

04/04/85

PAGE 1

WATER RIGHT NUMBER 63-9212

OWNER LAST NAME - KANDLER

FIRST NAME - ALFRED

ORIG OWNER -

OWNER LAST NAME - KANDLER

FIRST NAME - BERTA

ORIG OWNER -

ADDRESS LINE 1 - ROUTE 2

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - CALDWELL

STATE - ID ZIP CODE - 83605

SOURCE - CHRISTIAN GULCH WASTEWAY

TRIBUTARY OF - DIXIE DRAIN

STAGE - LICENSE

STATUS -

PRIORITY - 04-15-1979 COUNTY - CANYON

TOTAL DIV. RATE - .7200 -CFS

TOTAL DIV. VOLUME - 162.00 AFA TRFR/AMEND -

WATER DIST. - 63 DLE/CAREY ACT - RIGHT BASIS -

DIVERSION POINT - SESE 01 04N 05W LOT REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - 03-15 TO - 11-15 USE - IRRIGATION

USE DIV. RATE - .7200 CFS USE DIV. VOLUME - 162.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 04N RNG 05W SEC 01 TRACT NWNE LOT AC 36

DECREE NAME -

DATE -

TOTAL ACRES 36

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE - 04-01-1980 PERMIT/DENIED - 03-21-1979 PROTESTED -

HEARING -

DLO NO. -

PROOF MADE - P FLD EXAM - R COND. OF APPROVAL -

DIVERSION MEANS - HEADGATE, & OPEN DITCH

9-20
ec

WATER RIGHTS WORK SHEET

IDENTIFICATION NUMBER 03-9212

RECORD 01 LAST NAME(40 char.) FIRST NAME(20 char.) ORIG. OWNER

ACTION CODE

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

RECORD 02 ADDRESS LINE 1(30 char.)

LINE 2(30 char.)

_____	_____
_____	_____

RECORD 03 ADDRESS LINE 3(30 char.)

CITY(23) STATE(2) ZIP(5)

_____	_____	_____
_____	_____	_____

RECORD 04 SOURCE OF WATER(30 char.)

TRIBUTARY OF(30 char.)

_____	_____
_____	_____
_____	_____
_____	_____

RECORD 05

ACTION CODE

A. STAGE(1 char.)
(A,P,L,D,S,J OR BLANK)

_____	_____
-------	-------

B. STATUS(1 char.)
(D,L,R,C,A,I,F OR BLANK)

_____	_____
-------	-------

C. PRIORITY DATE(8 char.)

_____	_____
-------	-------

D. COUNTY OF P/D(2 char.)

_____	_____
-------	-------

E. TOTAL DIVERSION RATE(10 char.)

_____	_____
-------	-------

F. TOTAL DIVERSION VOLUME(10 char.)

<u>C</u>	<u>162.0</u>
----------	--------------

G. TRANSFER/AMENDMENT(1 char.)
(P, T, A OR BLANK)

_____	_____
-------	-------

H. WATER DISTRICT NUMBER(3 char.)

_____	_____
-------	-------

I. DLE/CARRY ACT(1 char.)
(D, C OR BLANK)

_____	_____
-------	-------

J. RIGHT BASIS(1 char.)
(for adjudications only A, B, C, D, E, F OR BLANK)

_____	_____
-------	-------

RECORD 06

ACTION CODE	POINT OF DIVERSION(16 char.)				GOV'T. LOT	REDIV.
	<u>TRACT</u>	<u>SEC.</u>	<u>TWP.</u>	<u>RGE.</u>		
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

RECORD 07 PERIOD OF USE(8 char.)

ACTION CODE	FROM	TO	USE CODE	CFS	AFA
<u>C</u>	<u>03/15</u>	<u>11/15</u>	<u>A</u>	<u>72</u>	<u>142.0</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RECORD 08 PLACE OF USE

ACTION CODE	USE CODE	TWP.	RGE.	SEC.	TRACT	LOT	ACRES
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

RECORD 09 NAME(60 char.)

DECREE DATE(3 char.)

RECORD 10 REMARKS(65 char.)

X (This deletes all remarks.)

A. _____

B. _____

C. _____

D. _____

E. _____

RECORD 11, 12 or 14 11 OTHER USES(65 char.)
 12 OTHER RIGHTS(65 char.)
 14 DIVERSION MEANS(65 char.)

RECORD ACTION CODE

RECORD 13

ACTION CODE

A. PROOF DUE DATE(8 char.)

B. PERMIT/DENIED DATE(8 char.)

C. PROTESTED DATE(8 char.)

C. HEARING DATE(8 char.)

E. OLD NUMBER(5 char.)

F. PROOF MADE(1 char.)

G. FIELD EXAM-MADE(1 char.)
(P, R, F OR BLANK)

H. CONDITIONS OF APPROVAL(3 char.)
(8 CONDITIONS)

X

01,04,05



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

~~A. STEPHEN KALLAHOX~~

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

July 8, 1981

Alfred & Berta Kandler
Rt. 2
Caldwell, ID 83605

Dear Mr. & Mrs. Kandler,

RE: Permit No. 63-9222

Enclosed is a copy of the Water Right License issued on the above referenced Permit.

Please be advised that one of the conditions of your permit was that a measuring device be installed as part of your diversion works. That requirement has been waived with issuance of the enclosed license. However, in the event that water supply shortages become a problem installation of measuring devices may be required.

Sincerely,

A handwritten signature in cursive script, reading "Jim Johnson", is written over the typed name.

JIM JOHNSON

Water Distribution Supervisor

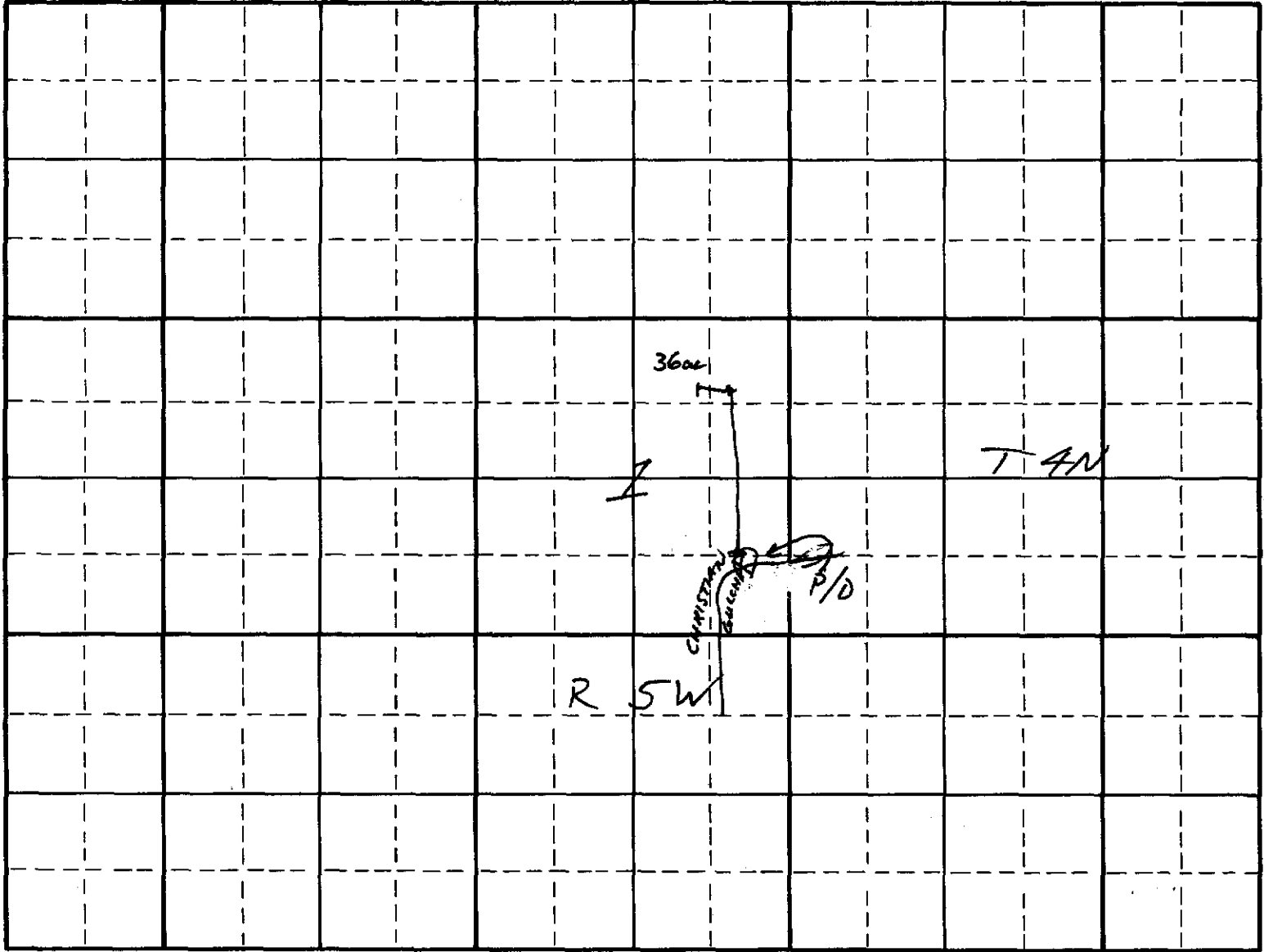
JJ:mr

Enclosure



DECLASSIFIED

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

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

Point(s) of diversion: SE SE, Sec 1, T 4N, R 5W

Place(s) of Use

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
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. Bryan Jr.

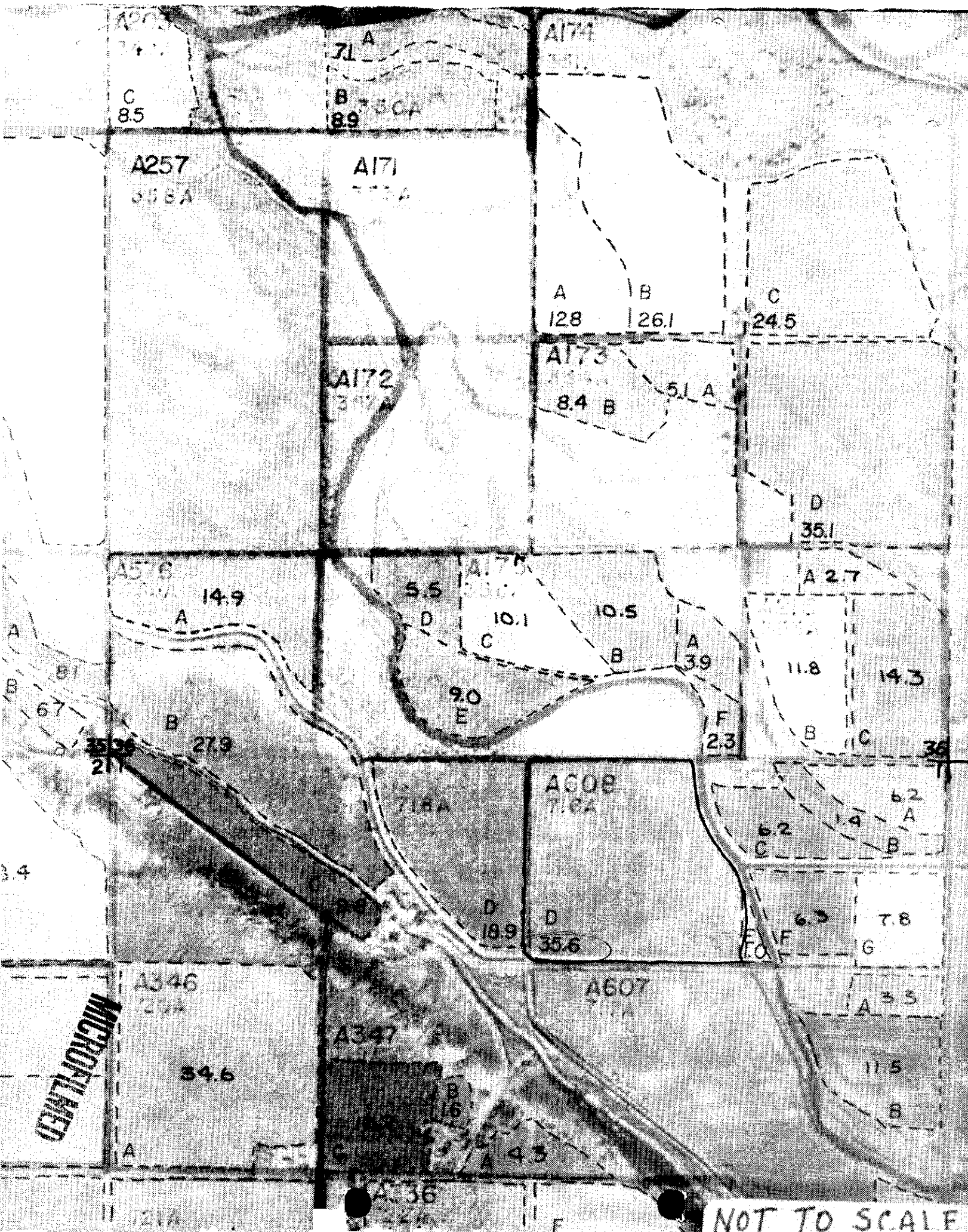
Checked by DBS

Approved by Royce

Date 7/10/80

Date 7/16/80

Date 6/16/81



IDENT. NO.

License update

August 6, 1980

Alfred and Berta Kandler
Route 2
Caldwell, ID 83605

Dear Mr. and Mrs. Kandler:

RE: Permit No. 63-9212

The purpose of this letter is to inform you that the department has received the statement of beneficial use and the department has reinstated your permit with an advance of priority to April 15, 1979. Enclosed is a copy of the reinstatement order.

Also, I understand that the field examination of your water distribution system has been completed by our Western Regional office. Consequently, a letter describing the examiner's findings or a license will be forthcoming.

Sincerely,

RITA FLECK
Sr. Secretary

RF:rr

Enclosures

RECEIVED
AUG 14 1980
MICHIGAN

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 63-9212.

Name(s) of Permit Holder: ALFRED MORRISON KANDLER

Post Office Address: Rt 2, CALDWELL, ID 83605

Tel. No. 459-4753

Source of Water: CHRISTIAN GULCH WASTEWAY

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 35 (acres)
☐ Other

Measuring Device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

6/5/80
Date

Alfred Kandler
Signature of Permit Holder

PLACE
TEN CENT
STAMP
HERE

RECEIVED

JUN 5 1980



Department of Water Resources
Western Regional Office

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

KANDLER, ALFRED & BERTA
ROUTE 2
CALDWELL, ID 83605

APRIL 02, 1980

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 63-9212 HAS LAPSED SINCE YOU HAVE NOT NOTIFIED US THAT YOU HAVE COMPLETED THE PROJECT BY THE DATE REQUIRED ON YOUR PERMIT. YOU WERE PROVIDED FORMS FOR THAT PURPOSE IN OUR NOTICE TO YOU DATED JANUARY 31, 1980.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE PROOF OF BENEFICIAL USE AFFIDAVIT, ENCLOSED, OR SHOW OTHER REASONABLE CAUSE WHY THE PERMIT SHOULD BE REINSTATED WITHIN 60 DAYS FROM THE DATE OF THIS LAPSE NOTICE.

C. STEPHEN ALLRED
DIRECTOR

ENCLOSURE

CERTIFICATION OF MAILING

I hereby certify that this letter was
sent by first class mail, postage paid,
on April 2, 1980, to the
addressee.
Debra Luck

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

KANDLER, ALFRED & BERTA
ROUTE 2
CALDWELL, ID 83605

101775

JANUARY 31, 1980

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 63-9212 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE APRIL 01, 1980. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

RECEIVED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Storehouse
Boise, Idaho 83720
(208) 384-2215

March 21, 1979

Re: Permit No. 63-9212

Alfred or Berta Kandler
Route 2
Caldwell, Idaho 83605

Dear Mr. or Mrs. Kandler:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

Please note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. Enclosed is a letter describing the different types of measuring devices accepted by this Department.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power. While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosure

COPIED
FILED

63-9212

STAFF REVIEW - STATE OFFICE

1. ✓ Name vs. Signature
2. S.W. Source
3. ✓ Point of Diversion
4. .72 Amnt. & Period of Use
5. ✓ Descrip. of Diverting Wrks.
6. 1 Time req. for Proof of B/U
7. N/A Place of Use for other than irrig.
8. 36 Place of Use for irrigation (add acres)
9. Etoe Property Owner at Pt. of Div. & Pl. of Use A
10. ✓ Map
11. 35 Fee & Rec't. No.

Copies Sent To:

<u>NO</u> Idaho Health Department	<u>NO</u> U.S.F.S.
<u>7</u> Idaho Fish & Game Dept.	<u>7</u> Dept. of Lands
<u>7</u> Bureau of Land Management	<u>7</u> Other

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area _____ yes ✓ noOther rights on same land Done plottedWithdrawals of all protests received N/A yes _____ no

Conditions:

ID Power Co. Letter - Snake R. NOID Power Co. Letter - G.W. & Tribs. YesSnake River Condition NOPayette River Letter 7Priority Date 2/9/79Water Quality #16 NOWater Quality #10 7

intrastate _____ interstate _____

Meas. Dev. or Sc. Meas. NOTotalizing meter NOSupplemental 7Right-of-Way Cond. YesWatermaster Cond. Yes
Wtr. Dist No. 63Meas. Dev. Cond. for apps within
a Water Dist. Yes

Jmi
Reviewer
3/20/79
Date

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 63-9212

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) CWB 2/13/79

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) CWB 2/13/79

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. 63

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) OK OK

Affidavit of Publication received (date) 3/12/79

(12) _____

Final date for protests 3/12/79
Protests received: yes _____ no X

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

2/9/79 Proposed Priority

Reason for Reduction _____

☒ Measuring device required

See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District W By shu Date 3/15/79

Right of way
I.P. letter
W.M. condition

RECEIVED

MAR 19 1979

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

FEBRUARY 15, 1979

News-Tribune
Box 1179
Caldwell, ID 83605

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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 MARCH 12, 1979.

Yours truly,

Karla Knecht
Secretary

Encl.



KANDLER, ALFRED &/or BERTA

ROUTE 2, CALDWELL, ID 83605

Source: CHRISTIAN GULCH WASTEWAY tributary to DIXIE DRAIN

Date Filed: 02/09/1979

Amount: 0.72 CFS

Diversion Point: SESE Sec 01 T 04N R 05W, CANYON Co.

Use: IRRIGATION (0.72 CFS) from 03/15 to 11/15

Place of Use: NWNE Sec 01 T 04N R 05W FOR 36 ACRES

Diversion Means: HEADGATE, & OPEN DITCH

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705 on or before MARCH 12, 1979.

C. STEPHEN ALLRED

Director

Published 2/22 & 3/1/79.

RECEIVED
MARCH 12 1979
IDAHO DEPARTMENT OF WATER RESOURCES