

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

NW 1/4 NW 1/4 SEC. 28 T4 N R1 W3M

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.

Wayne C. Caldwell
(Applicant)

63 7823

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that VIRGIL C. CALDWELL, 1015 Riviera, Boise, Idaho has on June 29, 1973 submitted Application No. 63-7823 for a permit to appropriate 0.15 cubic feet per second of water from a groundwater source by means of artesian well, pipeline and pressure pump within the NW¹/₄NW¹/₄, Sec. 28, T. 4 N., R. 1 W., B. M., Ada County to be used from Jan. 1 to Dec. 31 for domestic purposes and from Apr. 1 to Oct. 31 for the irrigation of 6.47 acres within the NW¹/₄NW¹/₄, Sec. 28, T. 4 N., R. 1 W., B. M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before July 30, 1973.

R. KEITH HIGGINSON
Director

Published in the Valley News-Times, Meridian, Idaho on July 12, 1973 and July 19, 1973.

OK'd
7-20-73

PROOF OF PUBLICATION

State of Idaho, }
County of Ada } ss.

I, Lila M. McMillon, being first duly sworn, depose and say, that I am over twenty-one years of age, and Chief Clerk of VALLEY NEWS-TIMES, a weekly newspaper of general circulation, published at Meridian, County of Ada, State of Idaho, and that the annexed notice was published in said paper once each week for 2 consecutive weeks, the first publication being on the 12th day of July, 1973, and the last publication being on the 19th day of July, 1973.

That said notice was published in the newspaper proper and not in a supplement. That said newspaper had been continuously and uninterruptedly published in said county for a period of 78 consecutive weeks prior to the first publication of this notice, and is a newspaper within the meaning of the Idaho statutes.

Lila M. McMillon
Chief Clerk

Subscribed and sworn to before me this 19th day of July, 1973.
R. F. Marks
Notary Public in and for Idaho

Residence or Postoffice Address Meridian, Idaho.

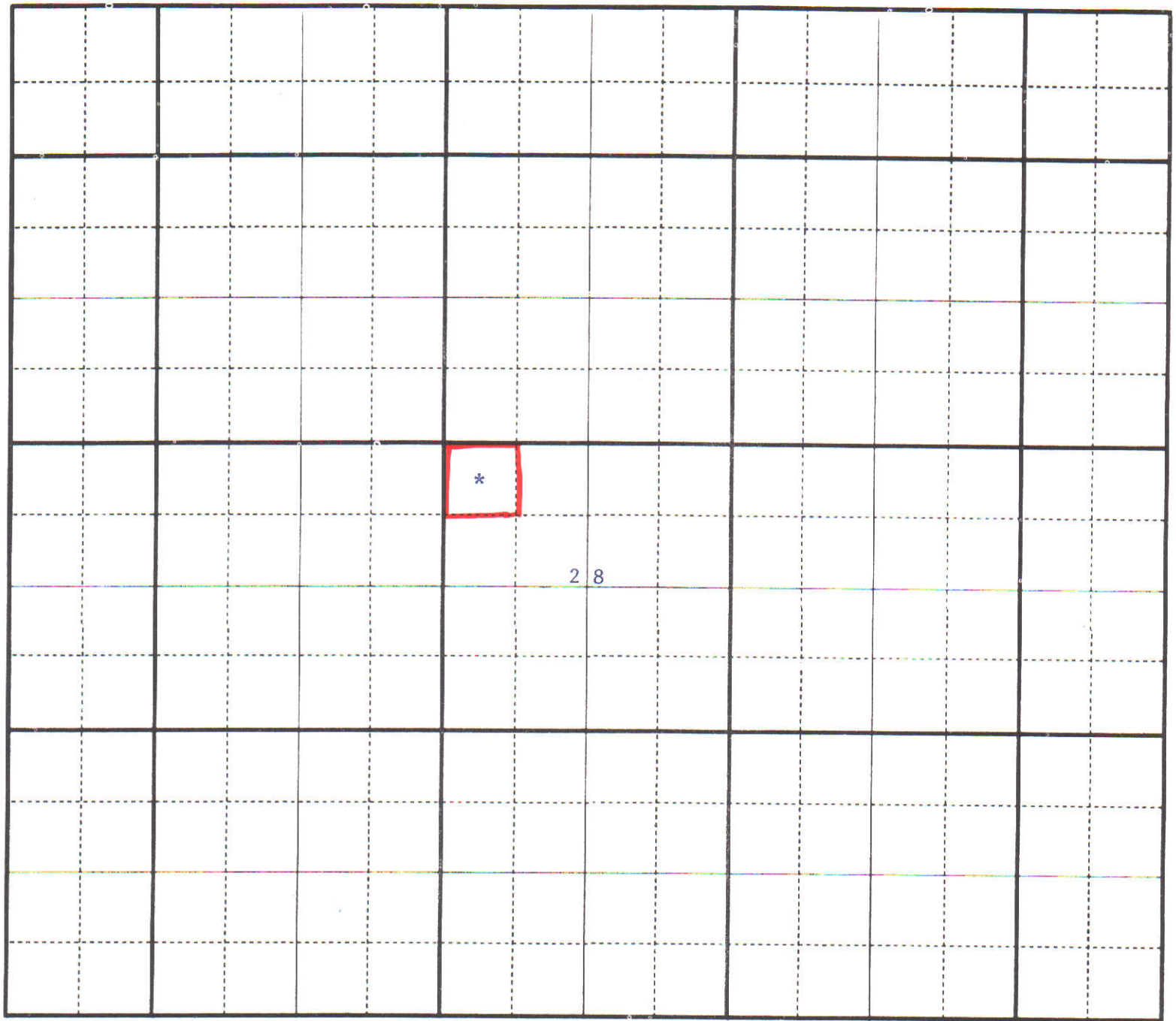


Diagram of System

NOTICE: Notify Mr. Caldwell of
any other filing made covering
the lands this permit covers.

63-7823 Jan 6.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7823 Priority June 29, 1973 Amount 0.15 cfs

THIS IS TO CERTIFY, that VIRGIL C. CALDWELL
of Meridian, Idaho, has complied with the terms and conditions of Permit
No. 63-7823 issued pursuant to Application for Permit dated June 29, 1973,
and has submitted proof to the Department of Water Resources on August 15, 1974,
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 0.15 of water from a ground water source,
tributary to _____, 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
Domestic	from <u>Jan. 1</u> to <u>Dec. 31</u> at <u>0.02</u> cfs and	<u>0.6</u> acre feet	
Irrigation	from <u>April 1</u> to <u>Oct. 31</u> at <u>0.13</u> cfs and	<u>29.0</u> acre feet or	
	from _____ to _____ at _____ cfs and	<u>4.5</u> af per acre	

(both dates inclusive)

Subject, however, to the condition that no more than 0.15 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
29.6 acre feet per year, said waters to be diverted within the NW¹4NW¹4 of Sec. 28,
Twp. 4 N, Rge. 1 W, B. M. in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NE ¹ 4				NW ¹ 4				SW ¹ 4				SE ¹ 4				Totals
			NE ¹ 4	NW ¹ 4	SW ¹ 4	SE ¹ 4	NE ¹ 4	NW ¹ 4	SW ¹ 4	SE ¹ 4	NE ¹ 4	NW ¹ 4	SW ¹ 4	SE ¹ 4	NE ¹ 4	NW ¹ 4	SW ¹ 4	SE ¹ 4	
4 N	1 W	28					X												6.47

Total number of acres irrigated 6.47

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 19 day of
November, 19 74.

Director

Identification No. _____

Application No. 63-7823

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

To appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Virgil C. Caldwell
post office address 1015 Riviera Boise, Idaho 83703
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is NW ¼ of NW ¼ of Section 28 Township 4 N
Range 1 W B.M. Ada County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into Boise River at a point in _____ ¼
of _____ ¼ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .13 for irrigation purpose from April 1 to October 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 for domestic purpose from January 1 to December 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .15 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. artesian well piping and pressure pump for home use (domestic uses)

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 10 inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years.
b. Estimated construction cost is \$ 500.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NW ¼ of NW ¼ of Section 28 Township 4 N
Range 1 W B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 3 horses, 6 cattle

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 1.
(5) If water is to be used for other purposes describe: _____

63-7823

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4 N	1 W	28					6.47												6.47

Total number of acres to be irrigated 6.47

c. Describe any other water rights used for the same purposes as described above. 3.235 miner inches
Settlers Irrigation District, 2.67 miners inches Boise-Kuna Irrigation District

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 _____

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

NW¹/₄NW¹/₄SEC. 28 T4 N R1 WBM

[illegible]

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.

Application for permit to appropriate

W. C. Caldwell
(Applicant)

(Applicant)

63 7823

Received by JSB Date 29 June 73 Time 3:30 pm
 Preliminary check by JSB Fee \$ 10.00
 Receipted by ef Date 6/29/73 Recit # 11232
 Publication prepared by MP Date 7-6-73
 Published in Valley-Newstime
 Publication dates 7-9-73 7-19, 1973
 Publication approved ef Date 7-20-73
 Priority ~~reduced to~~ 6-29-73 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DHR

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-7823, 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 September 1, 19 74.
- c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 2nd day of August 19 73.

R. Keith Higgins
 Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>R.W.H</u>	<u>7-5-73</u>	Application No. <u>63-7823</u>
(2)			☒ 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
(3)	<u>R.W.H</u>	<u>7-5-73</u>	In form to receipt
	<u>R.W.H</u>	<u>7-5-73</u>	Send Copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	<u>R.W.H</u>	<u>7-5-73</u>	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M. ☐ Request Information from Applicant
(5)	<u>R.W.H</u>	<u>7-5-73</u>	In form for advertising
(6)		<u>NA</u>	Located within Water District No. <u>62</u>
(7)	<u>R.W.H</u>	<u>7-5-73</u>	Critical groundwater area: yes ☐ no ☒
(8)	<u>EB</u>	<u>6-29-73</u>	Groundwater levels: ☐ Decline (comment) _____ ☒ Stable (comment) _____ ☐ Increasing (comment) _____
(9)			Comments: <u>Address is incomplete without City, Boise</u> <u>83203</u>
(10)	<u>KMF</u>	<u>7-26-73</u>	Affidavit of Publication received (date) <u>7/27</u>
(11)	<u>KMF</u>		Final date for protests <u>July 30 1973</u> Protests received: yes ☐ no ☒
(12)			Date and Place of hearing _____ Decision reached at hearing _____
(13)			All requested information received from agencies or applicant yes ☒ no ☐
(14)	<u>KMF</u>	<u>7/30/73</u>	Action recommended: ☒ Approve ☐ Deny ☐ Measuring device required ☐ See attached sheet for additional conditions of approval ☒ No additional conditions for approval
(15)	District <u>Western</u>	By <u>Ken Jait</u>	Priority <u>6/29/73</u> Reason for Reduction _____ Date <u>7/30/73</u>

PROOF OF PUBLICATION

State of Idaho, }
County of Ada } ss.

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R. KEITH HIGGINSON
Director

Published in the Valley News-Times,
Meridian, Idaho on July 12, 1973 and July
19, 1973.

OK'd
7-20-73

I, Lela M. McMillion, being first duly sworn, depose and say, that I am over twenty-one years of age, and Chief Clerk of VALLEY NEWS-TIMES, a weekly newspaper of general circulation, published at Meridian, County of Ada, State of Idaho, and that the annexed notice was published in said paper once each week for 2 consecutive weeks, the first publication being on the 12th day of July, 1973, and the last publication being on the 19th day of July, 1973.

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Lela M. McMillion
Chief Clerk

Subscribed and sworn to before me this 19th day
of July, 1973.
R. F. Marks
Notary Public in and for Idaho

Residence or Postoffice Address Meridian, Idaho.



State of Idaho
DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

March 2, 1988

Vernon K. Smith
Attorney at Law
1900 Main Street
Boise, ID 83702

Re: Artesian Well Located in the NW1/4 NW1/4, Sec. 28, Twp. 4N., Rge. 1W.,
B.M., Ada County.

Dear Mr. Smith:

I am in receipt of your letter dated January 25, 1988, in which you provided information and expressed concerns regarding the above referenced well, on behalf of Mr. Robert H. Ruble. The purposes of this letter are to respond to your letter, and to document the current position of this Department with respect to this matter.

As a format for responding to your letter, I will first describe the information in the Department files, and our assessment of the situation at the well based on the information that has been provided to date. The second section of the letter will respond to points specifically identified in your letter, and the third section will provide summary information.

Current Filings

Please find enclosed as Attachment 1 a copy of a computer listing of a computer query of all water rights with point of diversion specified as NW1/4 NW1/4, Sec. 28, Twp. 4N., Rge. 1W. Note that within this 40 acre tract there are six recorded water rights. One of the water rights, No. 63-7823, has a stage recorded as "L", which stands for license. This is the licensed water right to which your letter referred. The other five recordings show a stage of "S", which represents statutory claim. Enclosed for your information, and for the benefit of the carbon copy recipient of this letter, are copies of all six filings.

Perhaps at this point a discussion of the differences between a license and a statutory claim is appropriate. Although you are likely familiar with this system, it may be new to some of the carbon copy recipients. In Idaho, since 1903 there have been two systems of developing water rights. One system is through the application, permit, license process established by State statutes. The other system is by diversion and beneficial use, which established a "constitutional", or "beneficial use" water right.

RECEIVED
MAR 14 1988

In the application, permit, license system, a water right applicant files a form with this Department, and the date of filing establishes the date of priority. In the case of Virgil Caldwell's filing, his application, which was submitted on June 29, 1973, established this date as the date of priority for his water right. The number assigned to the application is No. 63-7823. Under this system, the application was advertised, no protests were received, and a permit was issued. On August 15, 1974, the permit holder submitted to the Department proof of beneficial use. The Department conducted a field examination of the system, and on November 19, 1974, a water right license was issued as described on the license form. Mr. Caldwell's water right was established in this manner, and based on the information in our files it is still is a current and valid water right.

On the other hand, the "beneficial use", or "constitutional" system is the method by which many water rights in Idaho have been established. Under this system, a water user could establish a water right merely by diverting and beneficial using a flow of water. For many years, there was no means of recording this type of a water right, but in the late 1960's the legislature provided a system for recording such rights on a form entitled "Claim to a Water Right". The filing of a Claim to a Water Right is intended to record and describe a previously unrecorded beneficial use water right, for purposes of preserving information with respect to the water right. A claim is advertised by the Department, but is not inspected and a hearing is not held if the claim is protested.

When a court determination is made regarding water rights in a specific area via the water right adjudication process, both beneficial use water rights and water rights established by the application, permit, license process are reviewed and can result in adjudication and court verification. In the case of the well in question, adjudication has not taken place so court verification, thus, has not been completed.

A summary of the five claims to water rights from the artesian well is as follows:

Water Rt. No.	Last Name	Rate of Flow	Use	Priority Date
63-4644	McCollum	.60 cfs	Irrigation	8/20/1936
63-4676	Eby	.64 cfs	Irrigation	8/20/1936
63-5395	Lutz	.12 cfs	Irrigation	8/20/1936
63-5397	Kuehn	.14 cfs	Irrigation	8/20/1936
63-5398	Cope	.16 cfs	Irrigation	8/20/1936
		.02 cfs	Stockwater	8/20/1936

Note from this summary that the date of priority noted in each of the claims is August 20, 1936. The reason for this common date of priority is that the claimants all indicate that their property was irrigated as part of a combined irrigation operation. It is the contention of the claimants at one time all of the land was part of one common farm, and irrigation commenced on all of the land at the same time. This is a common scenario in situations where property has been subdivided.

One limitation of a beneficial use water right is that as of March 25,

MAR 14 1986

1963, the legislature terminated the opportunity to form new beneficial use rights from ground water sources, for any use other than single household domestic or stockwater use. Thus, the use of the well made prior to that date can be claimed in a beneficial use right, but use begun after that date cannot be claimed in this manner. It is probably not feasible to use the domestic exemption for the addition of more than one domestic use to an irrigation well.

Based on our initial assessment of the recorded water rights on the well, it is possible and likely that the claimed water rights are valid, at least to some extent, and that more than one water right currently exists from the well.

Response To Your Letter Dated January 25, 1988

The position of this office with respect to water right disputes, whether from surface or ground water sources, is to maximize the information that is provided to all interested parties, in order to encourage a solution developed by and enacted by the users of the system. Accordingly, copies of this letter are being sent to all known interested parties in this matter. The intent is to place all factual matters on the table for inspection by each of the parties, and to encourage a solution using those facts.

As a means of organizing this response, I will address your comments in the order in which they were raised. The intent of this response is not to reiterate those items that have been covered by the discussion of water rights above, but rather to add additional information that was not included as a part of that discussion.

With respect to the relationship between the Settlers Irrigation District ditch and the water provided by this artesian well, we acknowledge that Settlers Irrigation District personnel make no claim to the water from the artesian well. It is our understanding that some or all of the lands which are claimed to use water from the artesian well have as an additional supply water from Settlers Irrigation District. However, it is common within the Boise drainage and elsewhere throughout the state that water users located near the ends of laterals sometimes experience shortage in water supply due to upstream demands. It is therefore common for water users located at the end of laterals to develop alternate sources of supply, such as supplemental wells. In this case, the position of the well with respect to the Settlers Irrigation District lateral suggests that when the well was drilled, the purpose was to provide such augmentation flows for irrigation purposes. Thus, even though the Settlers Irrigation District personnel do not claim a water right with respect to the well, it is conceivable from our standpoint that such a water right may exist.

With respect to your paragraph VII, it is clear that Mr. Cope has attached a pipe to the artesian well for purposes other than irrigation and stockwater. The date of this attachment has been identified as sometime during the 1970s, so these uses are later in time than the aforementioned March 25, 1963 cut-off date. Thus, in order to establish a legal diversion for the heating and domestic uses that Mr. Cope apparently has initiated, he will need to either drill a separate well or establish a water right from this well through the proper procedures of filing an Application for Permit.

RECEIVED
MAY 14 1988

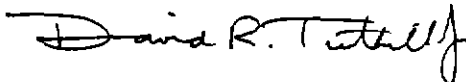
Such an application would be advertised and subject to protest. Mr. Cope visited the office recently, and I advised him of this factor and provided him with blank application for permit forms.

Summary Information

As a summary, I will review my understanding of the current status with respect to the recommendations A through D in my letter dated May 21, 1987. Regarding recommendation A, it appears that all users who had not recorded their irrigation water rights from the well have done so, in the form of claims to water rights. With respect to Item B, it is my understanding that non-irrigation uses from the well have ceased, perhaps because the uses were disconnected forcibly by Mr. Ruble. With respect to Item C, it is my understanding that the well head discharge has not yet been restored to its original elevation. With respect to Item D, I have not received information which indicates that the owners of land which receives water from the well have contacted an attorney to develop a contract regarding repair and modification of the well, and use of water therefrom. However, at this point with your involvement, Mr. Smith, and with the involvement of Mr. Bill Brauner, an attorney from Caldwell, there is perhaps a start toward establishment of a resolution of this matter.

As indicated in my earlier letter, this situation seems to be one which has the opportunity to be settled based on involved parties working together in a neighborly manner. I would encourage further discussions to be conducted by the parties in this matter, and I will be available to participate further in this matter if necessary.

Sincerely,



DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:jp

c.c. Tom McCollum
Gene Eby
Robert Ruble
Dean Bentley
Peter K. Kuehn
Pete Cope
Alvin E. Lutz
Louis Asumendi
Wm. J. Brauner
Joe Jones
State Office - Bob Fleenor ✓

Enclosures: Copies of Water Rights Nos. 63-4644, 63-4676, 63-5395,
63-5397, 63-5398, 63-7823

MAR 14 1988

RECEIVED

INTER-DEPARTMENT MEMO — 1

DEC 1 1981

DATE

12/1/1981

FROM F.E.L., WESTERN

Department of Water Resources

TO FILE 63-7823

SUBJECT CORRESPONDENCE FOR ABOVE.

ALL CORRESPONDENCE CONCERNING LICENSED RT. #63-7823
SHOULD BE SENT TO NEW OWNER OF PROPERTY:

MR. BOB RUBLE
6175 WEST CHINDEN BLVD.
MERIDIAN ID., 83642

MICROFILMED

MAR 14 1988



SIGNATURE

C
November 19, 1974

O
Re: Permit No. 63-7823

P
Mr. Virgil Caldwell
Route 2, Highway 20
Meridian, Idaho 83642

Dear Mr. Caldwell:

Enclosed is a copy of the water license issued on the above referenced permit.

Sincerely,

Y
BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

MICROFILMED

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder Virgil C. Caldwell
Post office address Route #2, Hwy. 20, Meridian, ID 83642 Phone _____
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount .13 c.f.s. for irrigation
_____ AF/Annum (nature of use)

Period of Use: from Apr. 1 to Oct. 31
(mo.-day) inclusive (mo.-day)

Amount .02 c.f.s. for domestic
_____ AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 63-7823
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion .15 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 4N N/S, Range 1W E/W, B.M., Section 28, Subdivision NW $\frac{1}{4}$ NW $\frac{1}{4}$, Ada
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Other Points of Diversions: _____

Description of diverting works: Artesian well is in the middle of a concrete irrigation ditch.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or 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	1W	28						X(domestic)											6.47

TOTAL ACREAGE 6.47

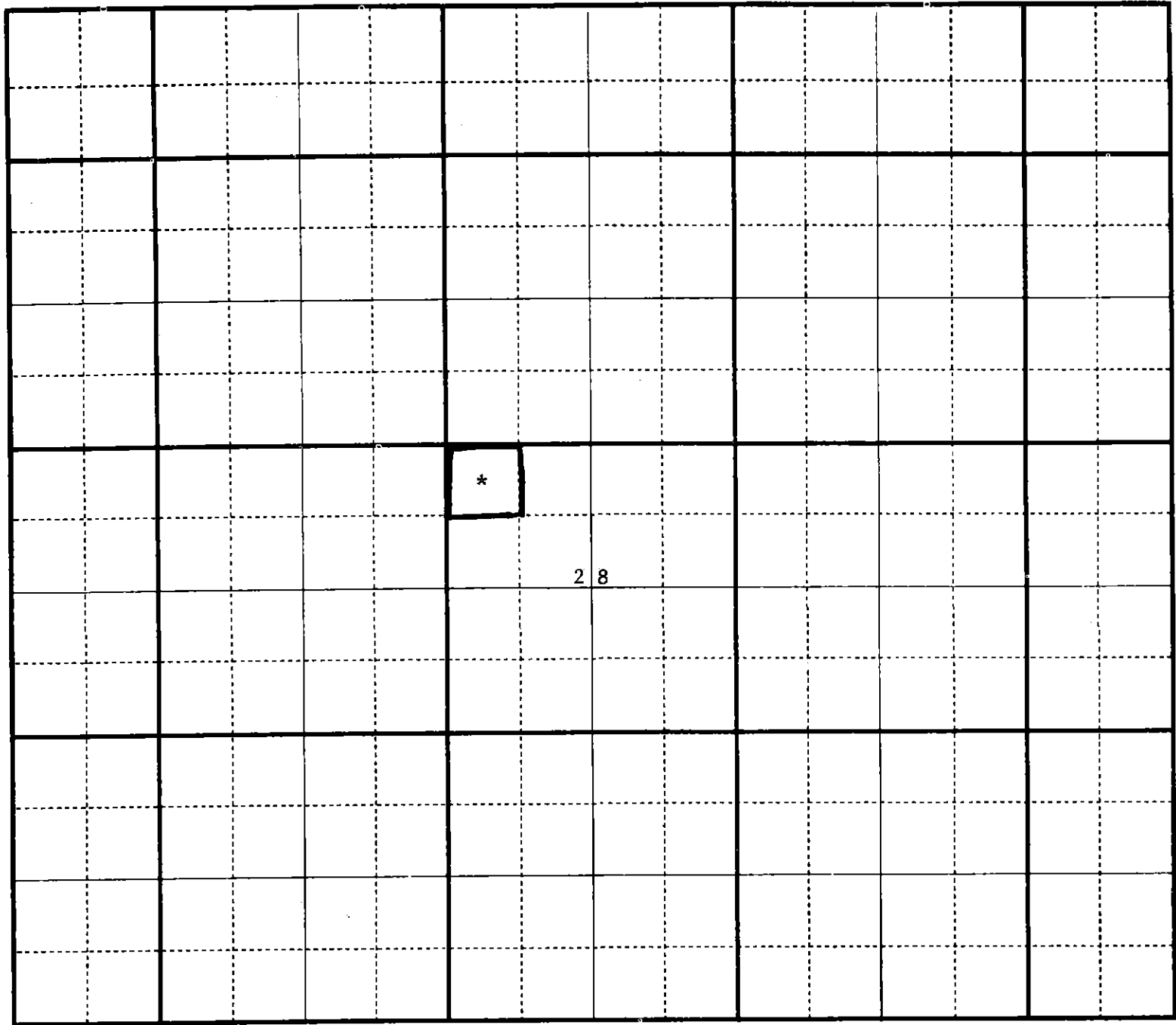


Diagram of System

DATE OF EXAM 28 Aug 1974

ACREAGE

Found 6.47
Recommended 6.47

Irrigation Requirement 4.5 Ac Ft/Ac

USE

Irrigation Q = .13 c.f.s. V = 29.25 AF/Ann. from Apr 1 to Oct 31
Domestic Q = .02 c.f.s. V = 1.2 AF/Ann. from Jan 1 to Dec 31
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

Name source: Groundwater 2 (pts)
twp. 4 N/S, Rge 1 E/W B.M., Sec. 28, Sub. NW 1/4 NW 1/4 Ada County

Exchange? yes _____ no _____

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Total Q measured .13 + .04 = .17 Method of measurement Est

Total Q recommended .15 Meter No. _____ Type _____ Condition _____

Total V recommended 30.45 Ac Ft/Ac

Recommended Amendments:

P.D. _____
Place of Use _____
Other None

MEASUREMENT CALCULATION:

Q = .13 cfs for Irrigation of 6.47 Acres
.02 cfs for Domestic
V = (6.47)(4.5) + (1.2 dom) = 30.45 Ac Ft

SYSTEM DESCRIPTION:

6" Well Beside house, Submerged pump - Domestic use
8" (?) Artesian well behind house in concrete ditch supplies water for irrigation. 8" Gate valve installed

REMARKS:

Examiner's Signature f. Borker Date Sept 4

Checked by _____ Date _____

Approved by _____ Date _____

August 28, 1974

Mr. Verg Caldwell
Idaho Commission for the Blind
Statehouse

Re: Application for Permit No. 63-7823

Dear Mr. Caldwell:

Pursuant to your telephone request of August 27, 1974, please find enclosed one copy of this department's Application for Extension of Time.

If you should have any further questions or if we may be of any assistance to you in the completion of this form, please do not hesitate to contact this department.

Sincerely,

CATHY L. ATKINSON
Stenographer

CLA:c

Enclosure

MICROFILMED

MAR 14 1988

August 16, 1974

Re: Permit No. 63-7823

Virgil C. Caldwell
Route #1, Hwy. 20
Meridian, ID 83682

Dear Mr. Caldwell:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

63-7823

RECEIVED

AUG 15 1974

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Identification No. _____

Permit No. _____

AUG 12 1974

Department of Water Resources

1. a) Name of Permit Holder Virgil C. Caldwell
- b) Post Office Address Rt #1 Hwy. 20, Meridian, Idaho 83642
2. Permit Number 63-7823
3. Date of Priority that you are prepared to establish 6-29-73
4. a) Source from which water was appropriated ground water
- b) Location of the point of diversion: NW 1/4 NW 1/4, Section 28
Township 4N, Range 1W Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
amount .13 for Irrigation purposes from April 1 to Oct. 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
- b) Total amount appropriated .13 cfs and/or acre feet per annum
- c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) artesian well is in the middle of my concrete irrigation ditch
- b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
- c) Give well drillers name and address and date the well was completed the well came with the land. I do not know who drilled it.

Exam typed

8/16/74 by jg

63-7823

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use I have applied for domestic use (cattle + horses) but
I have not put my fences up yet.

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	1W	28						6.47											6.47

Total number of acres irrigated 6.47

10. Remarks:

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

August 8 (Date) Vigil C Caldwell (Signature)

State of IDAHO ss.
County of ADA

On this August 15th day of AUGUST, 1979, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Chertow Wilson
Notary Public residing at 3036 Rowland Lane
Boise, Idaho

My commission expires July 3, 1978

August 13, 1974

Re: Permit No. 63-7823

Virgil C. Caldwell
Route #1, Hwy. 20
Meridian, ID 83642

Dear Mr. Caldwell:

We are in receipt of your affidavit submitted as proof of beneficial use for the above referenced permit.

However, we cannot process your proof unless your signature is notarized. Therefore, we are herewith returning your proof affidavit.

Please return the notarized affidavit on or before September 1, 1974, the proof due date for this permit.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosure

63-7823

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

AUG 12 1974

Department of Water Resources

1. a) Name of Permit Holder Virgil C. Caldwell
b) Post Office Address Rt #1 Hwy. 20, Meridian, Idaho 83642
2. Permit Number 63-7823
3. Date of Priority that you are prepared to establish 6-29-73
4. a) Source from which water was appropriated ground water
b) Location of the point of diversion: NW 1/4 NW 1/4, Section 28
Township 4N, Range 1W, Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
amount 13 for Irrigation purposes from April 1 to Oct. 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 13 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) artesian well is in the middle of my concrete irrigation ditch
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well drillers name and address and date the well was completed the well came with the land. I do not know who drilled it.

Copy

63-7823

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

Total number of acres irrigated 6,47

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

Vijay C Chakraborty
(Signature)

On this _____ day of _____, 19_____, personally appeared before me the
signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

My commission expires _____

63-7822

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐

Show address
where delivered

☐

Deliver **ONLY**
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

1

Shirley Caldwell

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

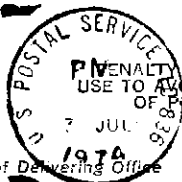
SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

3

7-3-74

63-7823

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



Postmark of Delivering Office



SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.



- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

RETURN
TO



DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83727

PS Form 3811
June 1973

63-7803

July 1, 1974

CERTIFIED MAIL

#25525

Re: Permit No. 63-7823

Virgil C. Caldwell
1015 Riveria
Boise, ID 83703

Dear Mr. Caldwell:

One of the conditions of approval of your water Permit No. 63-7823 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before September 11 1974. Enclosed is an affidavit form which must 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 affidavit 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.



R. KEITH HIGGINSON
Director

Enc: Proof affidavit

63-7823

August 2, 1973

Re: Permit No. 63-7823

Mr. Virgil C. Caldwell
1015 Riviera
Boise, Idaho 83703

Dear Mr. Caldwell:

Enclosed is a copy of your approved Application for Permit No. 63-7823 . We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosure

63 7823

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse -- Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office



Water Rights Administration
Water Resource Investigation
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

July 6, 1973

RE: APPLICATION FOR PERMIT NO. 63-7823 VIRGIL C. CALDWELL
CLAIMS TO A WATER RIGHT NOS. 63-4226 RUSSELL F. WESTBROOK
63-4227 VIRGIL G. &/or ZOE EVELYN LOBNITZ

Valley News-Times
P. O. Box 365
Meridian, Idaho 83642

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Sincerely,

Bill submitted 7-20-73 df

63 7823

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that VIRGIL C. CALDWELL, 1015 Riviera, Boise,
Idaho
has on June 29, 1973 submitted Application No. 63-7823
for a permit to appropriate 0.15 cubic feet per second ~~more feet~~
~~per second~~ of water from a groundwater source
by means of artesian well, pipeline and pressure pump
within the NW 1/4, Sec. 28, T. 4 N., R. 1 W., B.M., Ada County

to be used from Jan. 1 to Dec. 31 for domestic purposes and from Apr. 1 to
~~for~~ Oct. 31 for the XXX irrigation of 6.47 acres
within the NW 1/4, Sec. 28, T. 4 N., R. 1 W., B.M.

If issued, this permit will be subject to all prior water rights. Pro-
tests against the granting of the permit must be filed with the Idaho Depart-
ment of Water Administration, Statehouse, Boise, Idaho, 83707, on or before
July 30, 1973.

R. KEITH HIGGINSON

Director

Published in the Valley News-Times, Meridian, Idaho
on July 12, 1973 and July 19, 1973
63 7823

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse -- Annex 2
Boise, Idaho 83707
(208) 384-2215



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

July 5, 1973

RE: APPLICATION FOR PERMIT NO. 63-7823

Mr. Virgil C. Caldwell
1015 Riviera Drive
Boise, Idaho

Dear Mr. Caldwell:

Attached herewith is your Receipt No. 11232 in the amount of \$ 10.00
for Application for Permit No. 63-7823

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

63 7823