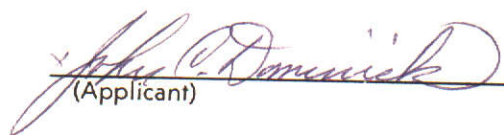


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

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.


(Applicant)

STATE OF IDAHO)
COUNTY OF ADA) ss.

Marilyn A Connell, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

Two ~~consecutive~~ insertions, beginning with the issue of March 15, 1973, and ending with the issue of March 22, 1973.

Marilyn A. Connell
Subscribed and sworn to before me this 23rd

day of March, 1973.

Jana A. Young
Notary Public for Idaho, Residing at Boise, Idaho

**NOTICE OF
APPLICATION FOR
WATER PERMIT**

Notice is hereby given that JOHN C. &/or MARGARET DOMINICK, 7620 Apache Way Circle, Boise, Idaho, has on March 6, 1973, submitted Application No. 63-7739 for a permit to appropriate .12 cubic feet per second of water from two drains, trib. to Boise River by means of pump & sprinkler system within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T. 4 N., R. 1 E., B.M., Ada County, to be used from Jan. 1 to Dec. 31 for stock purposes & March 15 to Nov. 15 for the irrigation of 5 acres within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T. 4 N., R. 1 E., 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 April 2, 1973.

R. KEITH HIGGINSON
Director
Pub. March 15, 22, 1973 397

OK'd
4-2-73

MICROFILMED

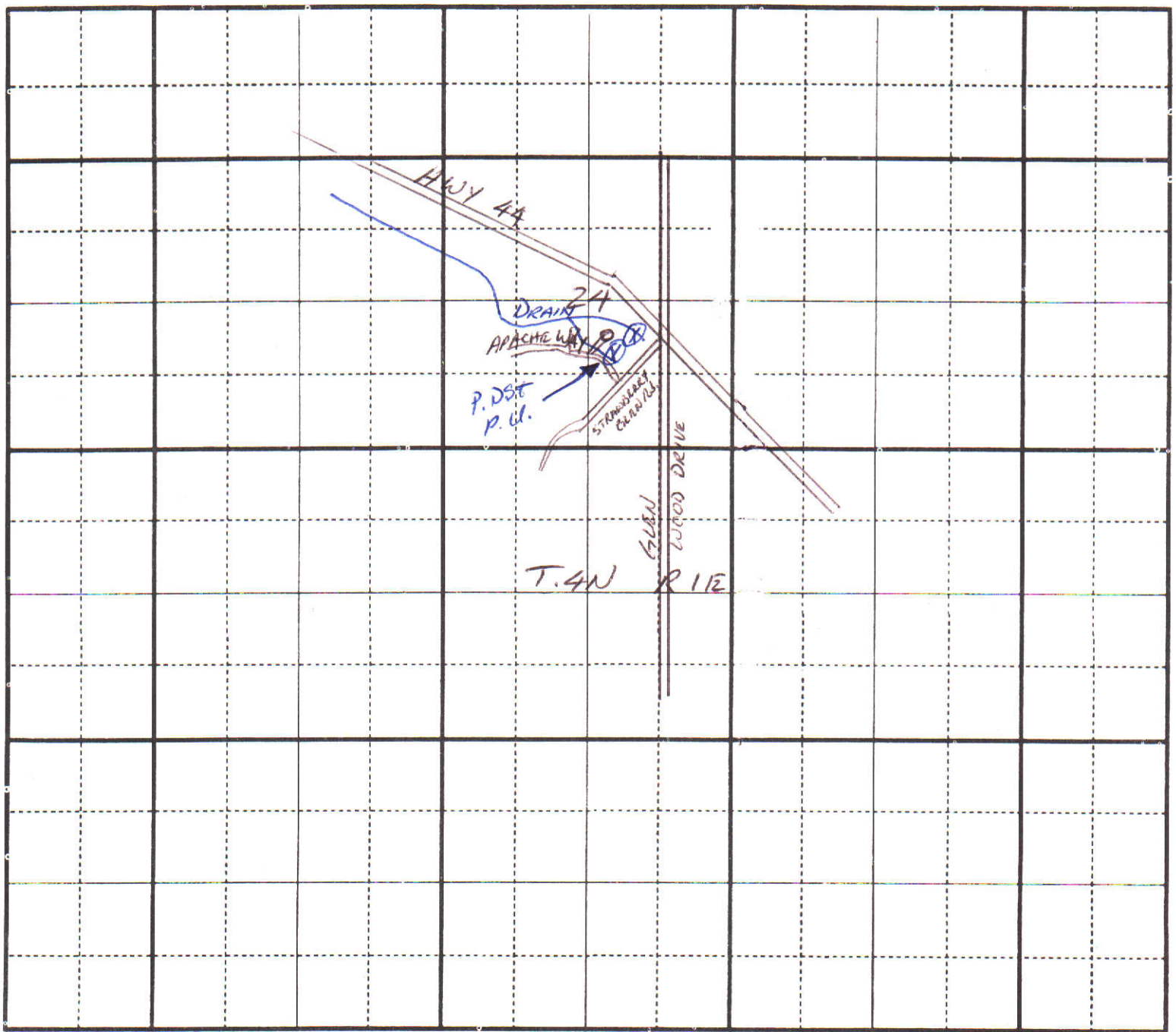


Diagram of System

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7739 Priority 3/6/1973 Amount .06 cfs

THIS IS TO CERTIFY, that JOHN C. and/or MARGARET DOMINICK
of Boise, ID, has complied with the terms and conditions of Permit
No. 63-7739 issued pursuant to Application for Permit dated 3/6/1973,
and has submitted proof to the Department of Water Resources on 8/6/1979,
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 .06 cfs of water from unnamed drains,
tributary to sinks, 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>3/15</u> to <u>11/15</u> at <u>.04</u> cfs and	<u>9.0</u> AF	
Stockwater	from <u>1/1</u> to <u>12/31</u> at <u>.02</u> cfs and	<u>.2</u> AF	
	from _____ at _____ cfs and		

(both dates inclusive)

Subject, however, to the condition that no more than .06 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 for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
9.2 acre feet per year, said waters to be diverted within the (2 pts) NWSE, Sec. 24,
T4N, R1E in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	Section												Totals
			NEW	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	24													2

Total number of acres irrigated 2

This right when combined with all other rights shall provide no more than .02 cfs
per acre nor more than 4.5 afa per acre for the lands above.

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 29th day of
May, 19 81.

Director

Identification No. _____

Application No. 43-7739

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

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

APPROVED

1. Name of applicant JOHN C. &/or MARGARET DOMINICK
post office address 7620 Apache Way Circle
2. Source of water supply Two drains which is a tributary of sinks & Boise River
3. a. Location of point of diversion is 2 pts. NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24 Township 4 N.
Range 1 E. B.M. Ada County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .10 ^{07 cfs} for irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 for stockwater purpose from Jan. 1 to Dec. 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. 12 ^{.06 cfs} cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Electric pump, sprinkler system

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 _____ 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 5 years.
b. Estimated construction cost is \$ 300.00.
8. Description of proposed uses:
a. If water is **not** for irrigation: SAME AS 8b
(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: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 5 Head cattle & horses

(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	SW¼	SE¼	
4 N.	1 E.	24														5			5

Total number of acres to be irrigated 5

c. Describe any other water rights used for the same purposes as described above. 4 shares in irrigation district - Boise Valley Irrigation Ditch Co.

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 The irrigation portion of this application would be used as supplemental to the irrigation district water. Also would allow more efficient control of the water and to provide water for the stock.

This has been used since June, 1969.

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

[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.

John C. Dominick
(Applicant)

Proposed Priority 3-06-1973

Received by Ljs Date 3-6-73 Time 9:30 AM
Preliminary check by AB Fee \$ 10.00 # 10,000
Receipted by Ljs Date 3-6-73 #
Publication prepared by af Date 3-8-73
Published in Idaho Statesman
Publication dates 3-15 & 3-22-73
Publication approved af Date 4-2-73
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by af

Hearing held by _____ Date _____

Recommended for approval denial by af

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. 63-7739, 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 October 1, 19 79.
- c. Other: _____

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

Witness my hand this 26 day of October, 19 74.

R. Karl Higin
Director

STATE OF IDAHO)
COUNTY OF ADA)ss.

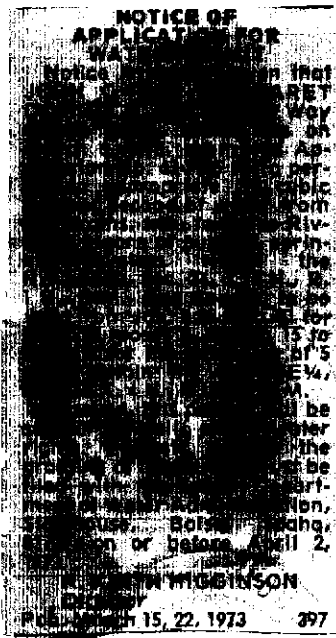
Marilyn A Connell, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

Two ~~XXXXXXXXXX~~ insertions, beginning with the issue of March 15, 1973, and ending with the issue of March 22, 1973.

Marilyn A Connell
Subscribed and sworn to before me this 23rd

day of March, 1973.

Lana A Young
Notary Public for Idaho, Residing at Boise, Idaho



OK'd
4-2-73

RECORDED
INDEXED



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 2, 1989

RE: Water Right No. 63-7739

Cleve H. & Sherri L. Randall
7620 Apache Way
Boise, ID 83703

Dear Mr. and Mrs. Randall:

We are in receipt of the correspondence concerning ownership of the above referenced water right claim.

In Idaho, a claimed water right is considered real property and is acquired when the property to which it is appurtenant is purchased. Proof of owning the land is proof of owning the water right claim, if the previous land owner did not exclude the water right from the sale. Therefore, we will place your correspondence in the file for future reference only and no further action will be taken.

If you have any questions, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', followed by a horizontal line.

JIM JOHNSON
Water Rights Supervisor

JJ:ky

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

Margaret McDevitt Dominick and
I, John C. Dominick, hereby assign to Cleve H. Randall and Sherri L. Randall
of 7620 Apache Way, Boise, Idaho 83703
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 637739
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Lots 1 and 2 in Block 1 of Flake Country Subdivision,

according to the official plat thereof, filed in Book 19 of Plats
at page 1264, records of Ada County, Idaho.

Made this 15th day of December, 19 88.

John C. Dominick
Permit Holder

Margaret M. Dominick
Spouse of Permit Holder

State of Idaho)
County of Ada) ss.

On this 16th day of December, 1988, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Dunice B. Thornton
Notary Public residing at Boise

My commission expires:
7-22-92

LAWYERS TITLE OF IDAHO

RECEIVED
JAN 05 1989

4795 EMERALD
P.O. BOX 9245
PHONE 336-1054
BOISE, IDAHO
ZIP CODE 83707

TELECOPIER NUMBERS
EMERALD 384-1398
POTOMAC 377-4801

Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

Department of Water Resources

ORDER No.
LOAN No.
REFERENCE 29630

In connection with the above transaction, we enclose:

- | | |
|--|---|
| ☐ Policy of Title Insurance | ☐ Fire Policy (Binder) |
| ☐ Escrow closing statement | ☐ HUD Settlement Statement |
| ☐ Our Check # | in the amount of \$ |
| ☐ Deed | |
| ☐ Deed of Trust | |
| ☐ Original Note for \$ | made by |
| ☐ Copy of recorded documents which you requested | |
| ☐ Invoice | |
| ☐ Covenants, Conditions, Restrictions and Plat | |
| ☐ Commitment for Title Insurance | |
| ☐ Your Policy will be issued when we receive: | |
| ☒ Assignment of Permit - original | |
| ☐ Please find the enclosed document for your records. | |
| ☐ Thank You !! | |

Thank you for giving us the opportunity of serving you.

LAWYERS TITLE OF IDAHO

By

Denice

Denice Thornton, Escrow Officer



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

~~STEPHEN A. KELLEY~~

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

June 1, 1981

John & Margaret Dominick
7520 Apache Way Circle
Boise, Idaho 83709

Dear Mr. & Mrs. Dominick,

RE: License No. 63-7739

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

Sincerely,

JIM JOHNSON

Water Distribution Supervisor

JJ:mr

Enclosure

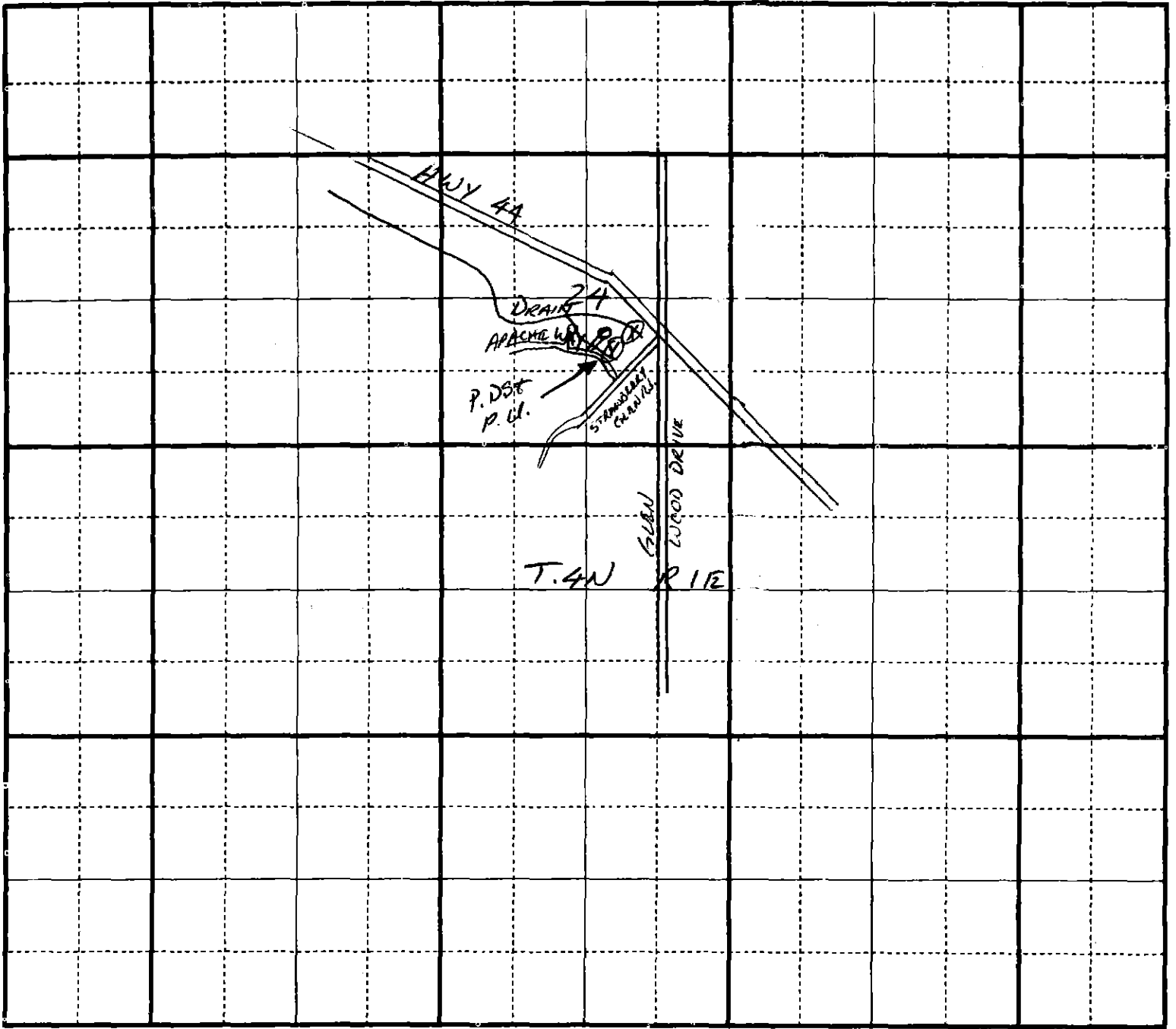


Diagram of System

DATE OF EXAM 7/18/89

ACREAGE
Found 2
Recommended 2 ✓

Irrigation Requirement 4.5 ✓ Ac Ft/Ac

USE
Irrigation Q = .04 c.f.s. V = 9.0 AF/Ann. from 3/15 to 11/15
Domestic Q = c.f.s. V = AF/Ann. from to
Livestock Q = .02 c.f.s. V = 0.2 AF/Ann. from 1/1 to 12/31
TOTAL .06 9.2

Is water co-mingled? yes no ✓

Name source:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 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 .06 cfs Method of measurement Pressure Gauge/Calculation

Total Q recommended .06 cfs Meter No. Type Condition

Total V recommended 9.2 AF/Ann

Recommended Amendments:

P.D.
Place of Use
Other
None ✓

MEASUREMENT CALCULATION:

$$Q = \frac{1/2 \text{ hp} (8.8) (80\% \text{ EFF})}{(18 \text{ ft} \cdot 1.4333)} + 2' \text{ LIFT} = \textcircled{.06 \text{ cfs}} \text{ CAPACITY}$$

$$V = 4.5 \text{ AF/Acre} (2 \text{ Acres}) = 9.0 \text{ AF/Ann}$$

$$V = .06 \text{ cfs} (1.98) (295 \text{ days/yr}) = 29.1 \text{ AF/Ann}$$

1/2 for stock as per stockwater table = .2 AF

SYSTEM DESCRIPTION:

1/2 hp CENTRIFUGAL PUMP (SEARS) #C98H2EA11B1 UNDERGROUND LINES TO LIGHT
IMPACT TYPE SPRINKLERS (18 psi), NO NOZZLE SIZE AVAILABLE (APPROX 3/16").

ALTERNATES PUMP FROM DRAIN TO DRAIN AS HE NEEDS WATER (2 pts)
2 TO 10 HEAD OF CATTLE

REMARKS:

STOCKWATER AMOUNTS FROM WATER USER'S HANDBOOK.

Examiner's Signature Charles W. Boyer Jr Date 1/2/80

Checked by DBS Date 1/30/80

Approved by Rolyn Date 5/8/81

IDENT. NO. 63-7739

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

WATER RIGHT
DATA ENTRY LOG

[illegible]

Identification No. 163-7739

OTd No.

New No.

Record

1. Original Owner: John C. + Margaret Dominick

Present Owner: _____

2. Address: 7620 Apache Way Cr.3. City: Boise State: Id Zip: 837034. A. Source of Water: unnamed DrainsB. Tributary of: Sinks5. A. Stage (A,P,L,D,S,J): P

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 3-6-1973D. County: 01E. Total Diversion Rate: .06

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NWSE</u>	<u>24</u>	<u>4N</u>	<u>1E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 3-15 to 11-15 for A purposes. Amount .04
(cfs or AC-FT/yr)from 1-1 to 12-31 for S purposes. Amount .02

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: A

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. 2 P/D in NWSE, S24, T4N, R1E.
B. 7 rib. - also Boise R.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

S/S range -

12. Other Rights for Same Use:

Boise Valley Irr. Ditch Co.

13. A. Proof Due Date: 10-1-1979

B. Date Permit Approved or Denied: 10-26-1974

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval:

14. Diversion Means (brief narrative):

pump & sprinklers.



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

September 10, 1979

John C. &/or Margaret Dominick
7620 Apache Way Circle,
Boise, ID 83703

RE: Permit No. 63-7739

Dear Mr. and Mrs. Dominick:

We acknowledge receipt of your statement 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.

☒ A field examination of your system has been scheduled for

Monday, October 22nd at 10:00 am.

If this time and date is not convenient for you, please contact this office as soon as possible.

☐ A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

Kay Walker
Secretary

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. 63-77

Name(s) of Permit Holder: John C. and/or Margaret Dominick

Post Office Address: 7620-Apache Way (irc) e
Boise, Idaho 83703

Home 343-22
 Tel. No. BUS-383-2

Source of Water: Two Drains

Extent of Use:

☐ Domestic	(number of households)
☒ Stockwater	(number and type of stock)
☒ Irrigation <u>27</u>	(acres)
☐ Other	

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

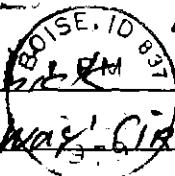
The above information is a true statement of the extent to which the above numbered permit has been developed.

63-77
 Date

John C. Dominick
 Signature of Permit Holder

MICROFILMED

John C. Deming
7620-Apache Way - S.R.
Boise, Idaho 83703



MUSCIE
S.D.P.



RECEIVED

AUG 3 1971



Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



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:

Statehouse

Boise, Idaho 83720

(208) 384-2215

101176

July 31, 1979

John C. and/or Margaret Dominick
7620 Apache Way Circle
Boise, ID 83202

Dear Mr. and Mrs. Dominick:

One of the conditions of approval of your water Permit No. 63-7739 was that evidence of the extent of development must be submitted to this office on or before October 1, 1979. (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

MICROFILMED

October 30, 1974

Re: Permit No. 63-7739

Mr. & Mrs. John Dominick
7620 Apache Way Circle
Boise, Idaho 83702

Dear Mr. & Mrs. Dominick:

Enclosed is a copy of your approved Application for Permit No. 63-7739. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to 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. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

MICROFILMED

List of Protestants

Marvin Stratton
7711 Apache Way
Boise, Idaho 83702

Mr. & Mrs. Mickey W. Matthews 63-7972
7721 Apache Way
Boise, Idaho 83702

Thomas B. & Nancy N. Peterson 63-7986
7640 Apache Way Circle
Boise, Idaho 83702

W. R. & A. Flora Allington 63-7985
7820 Apache Way
Boise, Idaho 83702

Alfred & Margaret Wolfgram
Route #2 28099
Boise, Idaho 83702

Wayne A. & Dorothy M. Phillips 7964?
7601 Apache Way
Boise, Idaho 83702

MICROFILMED

This letter sent to all protestants:

Marvin Stratton
Mr. & Mrs. Mickey W. Matthews
Thomas B. & Nancy N. Peterson
W. R. & A. Flora Allington
Alfred & Margaret Wolfgram
Wayne A. & Dorothy M. Phillips

C
O
P
Y
September 20, 1974

You will recall that a conference was held in Boise about a year ago concerning John Dominick's application for water permit no. 63-7739.

At the conference Mr. Dominick reduced his proposed rate of diversion to 0.06 c.f.s. or 27 g.p.m. He also agreed that his water rights were subject to the other prior right on the two drains.

It was agreed by those present that each user would record their water right and that then Mr. Dominick's application could be approved.

We feel that sufficient time has elapsed to allow all those who are interested to file on their water right and we propose now to issue the permit to Mr. Dominick.

Please let us know within 20 days if you have any objection to the issuance of this permit, otherwise final action will be taken.

If you have any questions, please let us know.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:bjg

MICROFILMED

INTER-DEPARTMENT MEMO — 1

DATE September 12, 1974

FROM Kenneth H. Foit

TO File No. 63-7739

MICROFILMED

SUBJECT Memorandum of Conference and Recommendation

On September 17, 1973 a conference was held by Bobby D. Fléenor and myself concerning protests of other land owners in the vicinity of the property owned by Mr. John Dominick (63-7739).

It was Mr. Dominicks intension to file on water to protest the flow to the subdivision. It was then agreed by all that Mr. Dominick would reduce the amount of his application to .04 cfs for irrigation and .02 cfs for stock water (total of 0.06 cfs) and the protestants would drop their protests and would file on their own.

Everyone left the office in good spirit.

Since that time Mr. Dominick has reduced the amount of his application and some of the protestants have made their own unprotected filings.

I, therefore, recommend that application 63-7739 be approved for permit.

Kenneth H. Foit

SIGNATURE
KENNETH H. FOIT, P.E.
Western District Engineer

Applicant owns 2 acres
Other 3 acres no ownership

28099 Wolgram — User below —

Issue

1. Water not available —

★ April to November no excess water —

2. Speculation — need for this amount

~~—————~~ ~~—————~~
~~—————~~ ~~—————~~

Each user will apply according to land purchase date

Mr Dominick will then amend his application to the proper date —

MICROFILMED

63-7739 - JOHN C. &/or MARGARET DOMINICK

Department of Water Administration, 614 State Street, Boise, Idaho

September 17, 1973 - 9:30 pm

ROSTER OF ATTENDANCE

Name	Address	Representing
Thomas B. Peterson	7640 Apache Way Cr	Self
Wayne O. Phillips	7601 Apache Way	Self
Murray Stretton	7111 Apache Way	Self
Margaret Welfgram	Route 2 - Boise	Self
Alfred Welfgram	Route 2 Boise	Self
Sully Matthews	7721 Apache Way	Self
Sam W. Peterson	7640 Apache Way Cr.	Self
W. R. Allington	7820 Apache Way	Self

MAILED

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	JEB	7 Mar 73	Application No. <u>63-7739</u> Name <u>Dominick</u>
(2)	JEB	7 Mar 73	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/L ☒ Place of Use ☒ Map ☒ Fee
(3)	JEB	7 Mar 73	Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	JEB	7 Mar 73	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)	JEB	7 Mar 73	In form for advertising <u>yes</u>
(6)	JEB	4-2-73	Affidavit of Publication received <u>2/6/73</u>
(7)	KHP		Final date for protests <u>4-2-73</u> Protests received: yes <u>X</u> no <u>no</u>
(8)	KHP		Date and Place of hearing <u>Boise, Idaho 9/17/73</u> Decision reached at hearing <u>Reduction of amount agreed upon.</u>
(9)	KHP		Located within Water District No. <u>63</u>
(10)			Critical groundwater area: yes <u>no</u> <u>X</u>
(11)			Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(12)			Comments: _____
(13)	KHP		Action recommended: ☒ Approve Priority <u>3-6-73</u> ☐ Deny Reason for Reduction <u>Hearing</u> See attached sheet for conditions of approval
(14)	KHP		No conditions for approval District <u>Western</u> By <u>Ken Fort</u> Date <u>9/12/74</u> Title <u>WDE</u>

RECORDED

RECOMMENDEDCONDITIONS OF APPROVAL

- ☐ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
- ☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
- ☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.
- ☐ Maximum rate of diversion shall not exceed _____ c.f.s.
- ☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.
- ☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.
- ☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.
- ☐ The proposed well shall not be drilled within _____ feet of another well.
- ☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.
- ☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.
- ☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.
- ☐ Other: _____
- _____
- _____

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JUL 10 1957
DIVISION OF WATER RESOURCES

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Wayne A. Phillips

2

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SEP 10 1973

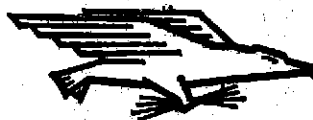
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Margaret Wolfram

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Thomas B. Peterson

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43954

1

Maurice Shalter

2

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INSURED NO.

Maurice Shalter

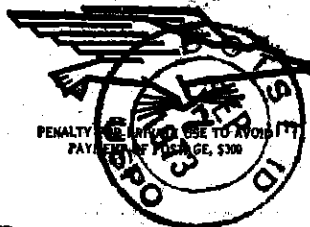
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9-7-73

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43953

1

X Magauth. Dominick

2

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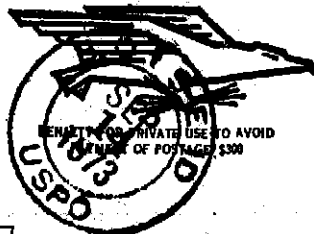
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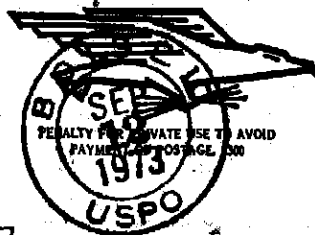
63-7739

65-16-71542-11 347-108 GPO

POD Form 3811, Apr. 1969

e35-16-7154B-11

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Mr & Mrs Shirley Matthews

2

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INSURED NO.

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Shirley Matthews

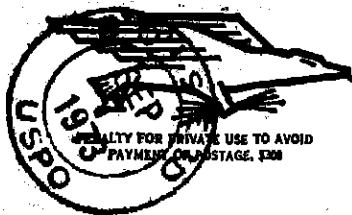
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1 43953	John C. & Margaret Dominick, 7620 Apache Way, Boise							63-7739
2 43954	Marvin Stratton, 7711 Apache Way, Boise							" "
3 43955	Thomas B. & Nancy N. Peterson, 7640 Apache Way, Boise							" "
4 43956	W. B. & A. Flora Allington, 7820 Apache Way, Boise							" "
5 43957	Mr. & Mrs. Mickey N. Matthews, 7721 Apache Way, Boise							" "
6 43958	Alfred & Margaret Wolfgum, Rt. 2, Boise							" "
7 43959	Wayne A. & Dorothy M. Phillips, 7601 Apache Way, Boise							" "
8								
9								
10								
11								
12	Sent by certified mail by Deanna J. Holt 9-6-23							
13								
14								
15								
16								
17								
18								
19								
20								

TOTAL NO. OF PIECES
LISTED BY SENDER

TOTAL NO. OF
PIECES REC'D AT P. O.

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FD-36 (Rev. 11-15-66)

APPLICATION FOR REGISTRATION OR CERTIFICATION

(Surcharges are not required on international registered mail)

645-10-8702-15 U.S. GOVERNMENT PRINTING OFFICE

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval)
of Application for Permit No. 63-7739)
in the name of JOHN C. &/or MARGARET DOMINICK)
_____)

NOTICE OF HEARING

On March 6, 1973, John C. &/or Margaret Dominick filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. The Department received protests against approval of said application on March 24, 1973, from Marvin Stratton, on March 27, 1973, from Thomas B. and Nancy N. Peterson and W. R. and A. Flora Allington, on April 2, 1973, from Mr. & Mrs. Mickey W. Matthews and Alfred and Margaret Wolfgram and on April 3, 1973 from Wayne A. and Dorothy M. Phillips.

The Department has set the matter of protests for hearing for Monday, September 17, 1973, at 9:30 a.m., in the conference room of the Idaho Department of Water Administration, 614 State Street, Boise, Idaho. The hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 6th day of September, 1973.

[Handwritten signature]

Kenneth H. Foit

KENNETH H. FOIT, P. E.
Western District Engineer

April 4, 1973

Re: Application No. 63-7739

Mr. & Mrs. John Dominick
7620 Apache Way
Boise, Idaho 83702

Enclosed is a copy of another protest filed against the issuance of a permit pursuant to your Application No. 63-7739. As the protest period has ended, this will be the final one we can accept.

If we can be of further service, please feel free to contact this department.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:def

Enclosure

MICROFILMED

April 4, 1973

Re: Application No. 63-7739 John C. &/or Margaret Dominick

Mr. & Mrs. Wayne A. Phillips
7601 Apache Way
Boise, Idaho 83702

Dear Mr. & Mrs. Phillips:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:df

MICROFILMED

April 2, 1973

Re: Application for Permit No. 63-7739

Mr. & Mrs. John C. Dominick
7620 Apache Way Circle
Boise, Idaho 83702

Dear Mr. & Mrs. Dominick:

We have enclosed copies of the protests filed against the issuance of a permit pursuant to your Application No. 63-7739. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required. (Section 42-202, Idaho Code)

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:def
Enclosures

INDEXED

April 2, 1973

Re: Application for Permit No. 63-7739 John C. &/or Margaret Dominick

Mr. & Mrs. Thomas B. Peterson
7640 Apache Way Circle
Boise, Idaho 83702

Dear Mr. & Mrs. Peterson:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
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3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF: def

MICROFILMED

April 2, 1973

Re: Application for Permit No. 63-7739 John C. &/or Margaret Dominick

Mr. & Mrs. W. R. Allington
7820 Apache Way
Boise, Idaho 83702

Dear Mr. & Mrs. Allington:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
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3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:def

MICROFILMED

April 2, 1973

Re: Application for Permit No. 63-7739 John C. &/or Margaret Dominick

Marvin Stratton
7710 Apache Way
Boise, Idaho 83702

Dear Mr. Stratton:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:df

MICROFILMED

April 2, 1973

Re: Application No. 63-7739 John C. &/or Margaret Dominick

Mr. & Mrs. M W. Matthews
7721 Apache Way
Boise, Idaho 83702

Dear Mr. & Mrs. Matthews:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:def

APPROVED

April 2, 1973

Re: Application for Permit No. 63-7739 John C. &/or Margaret Dominick

Mr. & Mrs. Alfred Wolfgram
Route #2
Boise, Idaho 83702

Dear Mr. & Mrs. Peterson:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:def

MICROFILMED

March 29, 1973

Re: Application No. 63-7739 John C. &/or Margaret Dominick

Mr. & Mrs. Wayne A. Phillips
7601 Apache Way
Boise, Idaho 83703

Dear Mr. & Mrs. Phillips:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code);

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

If you feel that any or all of the above items apply to the applicant, please resubmit your protest to our Department. We shall hold the application for a period of ten days from the date of this letter before we proceed with the processing, to give you ample time in which to resubmit your protest.

If we may be of further assistance, please contact us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:def

MICROFILMED



FARMERS INSURANCE GROUP

MARVIN STRATTON
DIVISION AGENCY MANAGER
MEMBER OF THE PRESIDENTS COUNCIL
~~5070 YELLOWSTONE AVENUE~~
~~BILLINGS, MONTANA~~
Phone: Bus. 332-3401
Res. 352-1710

March 24, 1973. *KAT*

Re: Application No. 63-7739

Idaho Department of Water Administration.
State House
Boise Idaho 83707.

Attn: R Keith Higginson.

Dear Sir,

This letter is written as a protest against the issuance of a permit under the above mentioned application. The following reasons are the reasons for the objection.

The property now owned by Mr Dominic was once owned by me and when sold to Mr Little from whom he purchased the house and extra acre, it had water rights sufficient to take care of the land with it.

In addition, there is insufficient water in the ditches to grant the amount applied for. If the total flow of the past six months is the basis for consideration.

There are several users of the present water supply of which I am one, that are drawing water from said ditch. If the permit were granted a dam would have to be built to collect the water to provide sufficient to make the grant.

When the property was sold to prior owner, there were only two acres involved, not five as stated in the permit request.

Another area of prime concern is that if any additional water was taken from the ditch, it would be completely stagnant and a breeding area for insects and disease. There is some problem now.

For the stated reasons, I object to granting the water permit.

Respectfully submitted.

Marvin Stratton
7711 Apache Way
Boise Idaho
Ph 342-1946

FARMERS INSURANCE GROUP

FARMERS INSURANCE EXCHANGE
TRUCK INSURANCE EXCHANGE
FIRE INSURANCE EXCHANGE
MID-CENTURY INSURANCE COMPANY
FARMERS NEW WORLD LIFE INSURANCE COMPANY

MICROFILMED

7640 Apache Way C-1
Boise, Idaho 83704
March 26, 1973

RECEIVED

Department of Water Administration
KAR

Mr. R. Keith Higginson, Director
Department of Water Administration
Statehouse
Boise, Idaho 83707

Re: Application No. 63-7739
NW 1/4 SE 1/4, Sec. 24,
T. 4N., R. 1E., B.M.

Dear Mr. Higginson:

This is a formal objection to water application No. 63-7739
filed by John C. and Margaret Dominick. Reasons for the
objection are as follows;

We depend heavily on the drainage for stock water.

The drainage is not adequate to provide stock water
and pumping for irrigation.

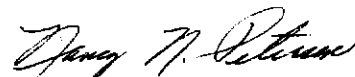
The drainage starts approximately 600 feet above the
applicant's land and is not a tributary of Boise River.

Applicant has adequate shares of water to irrigate
his land.

Our property adjoins the applicant's property.

Very truly yours,


Thomas B. Peterson


Nancy N. Peterson

MICROFILMED

7820 Apache Way
Boise, Idaho 83702
March 26, 1973

RECEIVED
37-1973
KJR

Mr. R. Keith Higginson, Director
Department of Water Administration
Statehouse
Boise, Idaho 83707

Re: Application No. 63-7739
NW 1/4 SE 1/4, Sec. 24,
T.4N., R.1E., B.M.

Dear Mr. Higginson:

This is a formal objection to water application No. 63-7739
filed by John C. and Margaret Dominick. Reasons for the
objection are as follows:

We depend heavily on the drainage for stock water.

The drainage is not adequate to provide stock water
and pumping for irrigation.

The drainage starts approximately 600 feet above the
applicant's land and is not a tributary of Boise River.

Applicant has adequate shares of water to irrigate
his land.

Our property is within 100 feet of the applicant's property.

Very truly yours,

W.R. Allington
W. R. Allington

A. Flora Allington
A. Flora Allington

RECORDED

Mar 29, 1973
7721 Apache Way
 Boise, Ida 83702

RECEIVED

4/2/73

Department of Water Resources

Idaho Department of Water Administration
State House
Boise, Ida 83707

Dear Sir:

We are writing in reference to application No. 63-7739 submitted by John C. &/or Margaret Dominick to appropriate .12 cubic feet per sec. from 2 Boise River drain tributaries.

One of the tributaries crosses our property. At certain times of the year there is very little water in the tributary. We are afraid if Mr. Dominick gets his permit there will not be enough water for our livestock.

We understand Mr. Dominick owns shares of water in the Boise irrigation system to irrigate his 2 acres. Why is it also necessary for him to have a permit to pump from the tributary to irrigate

We protest the permit.

Sincerely

Mrs Mickey W Matthews
Mickey W Matthews

RECORDED

NOTICE OF
APPLICATION FOR
WATER PERMIT

Notice is hereby given that JOHN C. and MARGARET DOMINICK, 7620 Avenue Way Circle, Boise, Idaho, has on March 6, 1973, submitted Application No. 63-772 for a permit to appropriate .12 cubic feet per second of water from two drains, trip. to Boise River by means of pump & sprinkler system within the NW1/4SE1/4, Sec. 24, T. 4 N., R. 1 E., B.M., Ada County, to be used from Jan. 1 to Dec. 31 for stock purposes & March 15 to Nov. 15 for the irrigation of 5 acres within the NW1/4SE1/4, Sec. 24, T. 4 N., R. 1 E., 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 April 2, 1973.

R. KEITH HIGGINSON
Director
Pub. March 15, 22, 1973 397

Boise, Idaho
April 2, 1973

Mr. R. Keith Higginson, Director
Idaho Department of Water Administration
State House
Boise, Idaho 83707

Dear Mr. Higginson:

This letter represents our protest to the above Application for Water Permit.

Our use of the water from this drain ditch dates back to Application No. 36059 and Permit No. 28099 approved by your office on August 14, 1959. It has been our understanding that we have the prime water right on this drain ditch (because of our previous filings) and we certainly put to use every drop that gets to our farm without any addition diversion.

We irrigate 75 acres of ground by the use of two large pumps, all the water for irrigation of this ground comes from the above described drain ditch. At times we get only enough water to run one pump due to the fact that people have dropped small pumps in above us without getting your permission or anyone else's permission. We have never complained up this point but we cannot let our water supply be depleted any more. Mr. Dominick, who has applied for the water permit above, already has access to 14 hours of irrigating water for only two acres of ground without using our water.

The water from this drain ditch is also our only source of supply for stock water. We run 140 head of beef cows plus their calves on our ground, and the subject drain ditch provides their drinking water the year around.

Please take the above into consideration before making your decision but we would like to point out that we presently are experiencing a water shortage without any additional users.

Thank you,

Sincerely,

Alfred Wolfgram
Alfred Wolfgram
Margaret Wolfgram
Margaret Wolfgram

Alfred Wolfgram
Route # 2
Boise, Idaho 83702

RECEIVED

RECEIVED

April 3, 1973

7601 Apache Way

Boise, Idaho

April 2, 1973
Department of Water Administration

Mr. Kenneth H. Foit
Western District Engineer
Department of Water Administration
614 State Street
Boise, Idaho

Re: Application No. 63-7739
John C. and/or Margaret Dominic

Dear Mr. Foit:

We herewith resubmit our protest to the issuance of the above application. Our objections are based on the following principal items as outlined in your letter of March 29, 1973:

1. Will the proposed use reduce the quantity of water under existing water rights?

Yes. According to the existing covenant applicable to the Flake County Subdivision all property owners have protected rights in existing water sources. Issuance of the above permit would substantially reduce the available water to downstream property owners.

2. Is the proposed water supply insufficient for the purposes intended?

Yes. The stream flow is of minimal quantity and any reduction would substantially affect the aesthetic value of the stream to downstream property owners. It would also reduce property values if the stream flow is reduced too low.

3. Is the application made in good faith or for delay or speculative purposes?

The application sites the amount of land to be five (5) acres while in fact there is less than three (3).

Very truly yours,

Dorothy M. Phillips
Dorothy M. Phillips

Wayne A. Phillips
Wayne A. Phillips

MICROFILMED

RECEIVED

7601 Apache Way
Boise, Idaho 83703

March 26, 1973

Does not appear to be a
Valley protest.

Mr. Keith Higginson, Director
Department of Water Administration
614 West State
Boise, Idaho 83702

Dear Sir:

We hereby lodge a formal protest against the water rights
Application #63-7739 submitted by John C. and Margaret Dominic
of 7620 Apache Way Circle.

Our objections are based on the following:

1. It is our understanding that the provisions of the sub-
division covenant protect the water rights of all
property owners along the course of the main stream.
The stream is in fact one of the major attractions of
several homesites down stream from Dominics. This is
adjacent to and below the Dominic property.
2. The volume of flow in the stream is quite limited and
we do not feel that it should be further depleted.
3. Dominics have assigned water shares to irrigate with
and their needs for additional water are no greater
than others in the subdivision.
4. The Dominic property consists of two acres rather than
five as indicated in the application.
5. Any significant reduction of stream flow could materially
reduce the value of our property.

Dorothy M. Phillips
Dorothy M. Phillips

Wayne A. Phillips
Wayne A. Phillips

RECEIVED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that JOHN C. &/or MARGARET DOMINICK, 7620 Apache
Way Circle, Boise, Ida.
has on March 6, 1973 submitted Application No. 63-7739
for a permit to appropriate .12 cubic feet per second ~~XIXXIXXIX~~
~~XXXXXXXXXX~~ of water from two drains, trib to Boise River
by means of pump & sprinkler system
within the NW 1/4, Sec. 24, T. 4 N., R. 1 E., B.M., Ada County

to be used from Jan. 1 to Dec. 31 for stock purposes & March 15 to Nov. 15
for the irrigation of 5 acres

within the NW 1/4, Sec. 24, T. 4 N., R. 1 E., 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
April 2, 1973.

R. KEITH HIGGINSON

Director

Published in the Idaho Statesman, Boise, Ida.
on March 15, 1973 and March 22, 1973



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

March 8, 1973

Re: Claim to a Water Right No. 63-4206 Dan &/or Marie Andregg
Application for Permit No. 63-7739 John C. &/or Margaret Dominick
No. 63-7740 Esco, Incorporated

Idaho Statesman
P. O. Box 2640
Boise, Idaho 83701

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,

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

March 6, 1973

Re: Application for Permit No. 63-7739

John C. Dominick
7620 Apache Way Circle
Boise, Idaho

Dear Mr. Dominick:

Attached herewith is your Receipt No. 10000 in the amount of \$ 10.00

for Application for Permit No. 63-7739

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

MICROFILMED