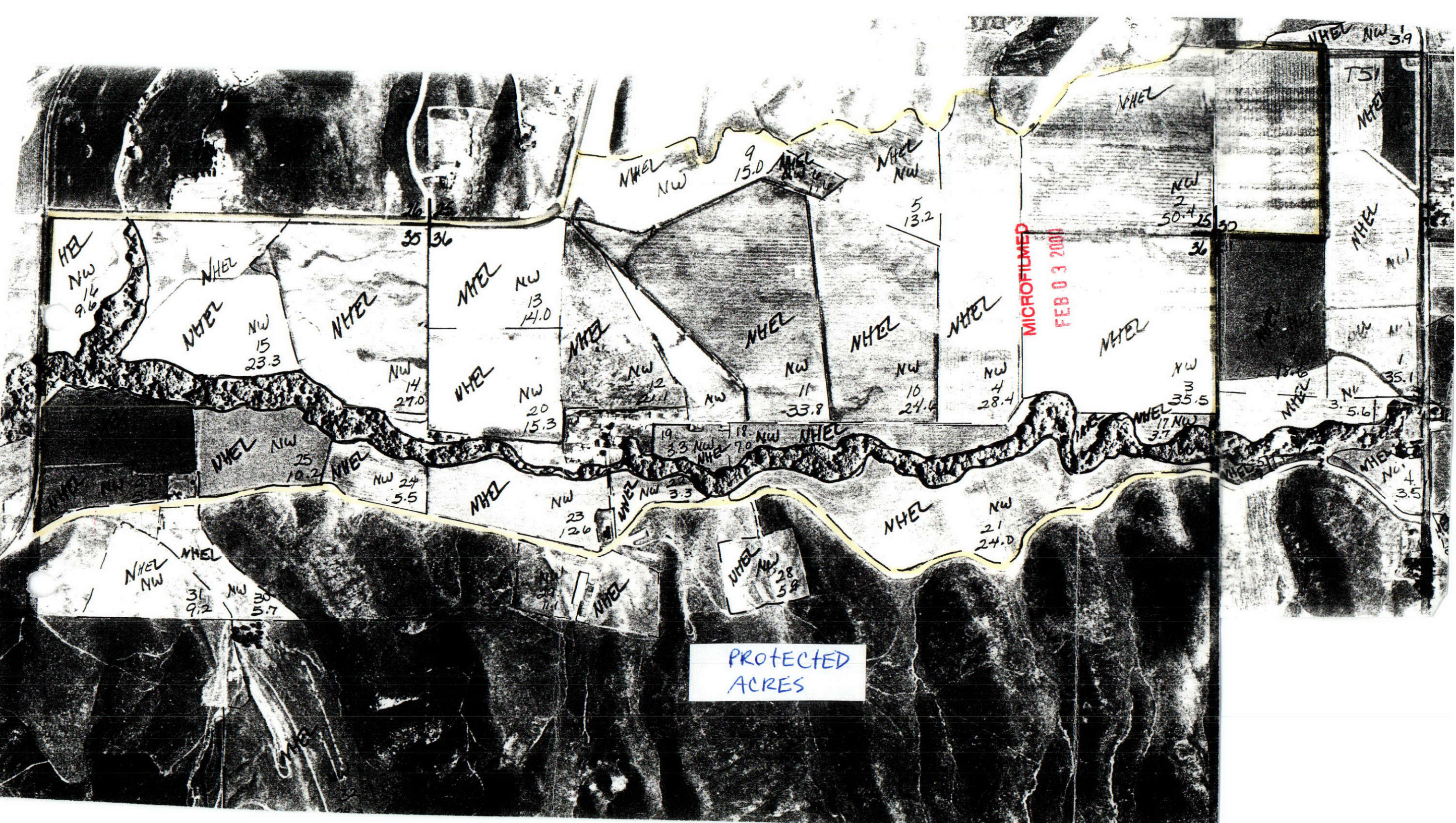




NHFL
NW
9.6

NHFL
NW
15
23.3

NHFL

35 36

NHFL
NW
13
14.0

NHFL
NW
20
15.3

NHFL
NW

9
15.0

NHFL
NW

5
13.2

NHFL

NW
2
50.4

36

NHFL NW 3.9

TS
NHFL

NHFL
NW

NW
3
35.5

NHFL
NW
3.5.6

35.1

NHFL
NW
4
3.5

NHFL
NW
25
10.2

NW
24
5.5

NHFL

NW
23
12.6

NHFL
NW
3.3

19
3.3
NW
NHFL

18
7.0
NW
NHFL

NW
11
33.8

NW
10
24.6

NW
4
28.4

NHFL
NW
17
3.7

NHFL

NW
21
24.0

NHFL
NW
28
5.8

NHFL
NW

NW
30
5.7

31
9.2

PROTECTED
ACRES

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FEB 03 2000

TSN
RIE

7.5 MINUTE SERIES

2771 IV
(MONTGOMERY 1:62 500)

556

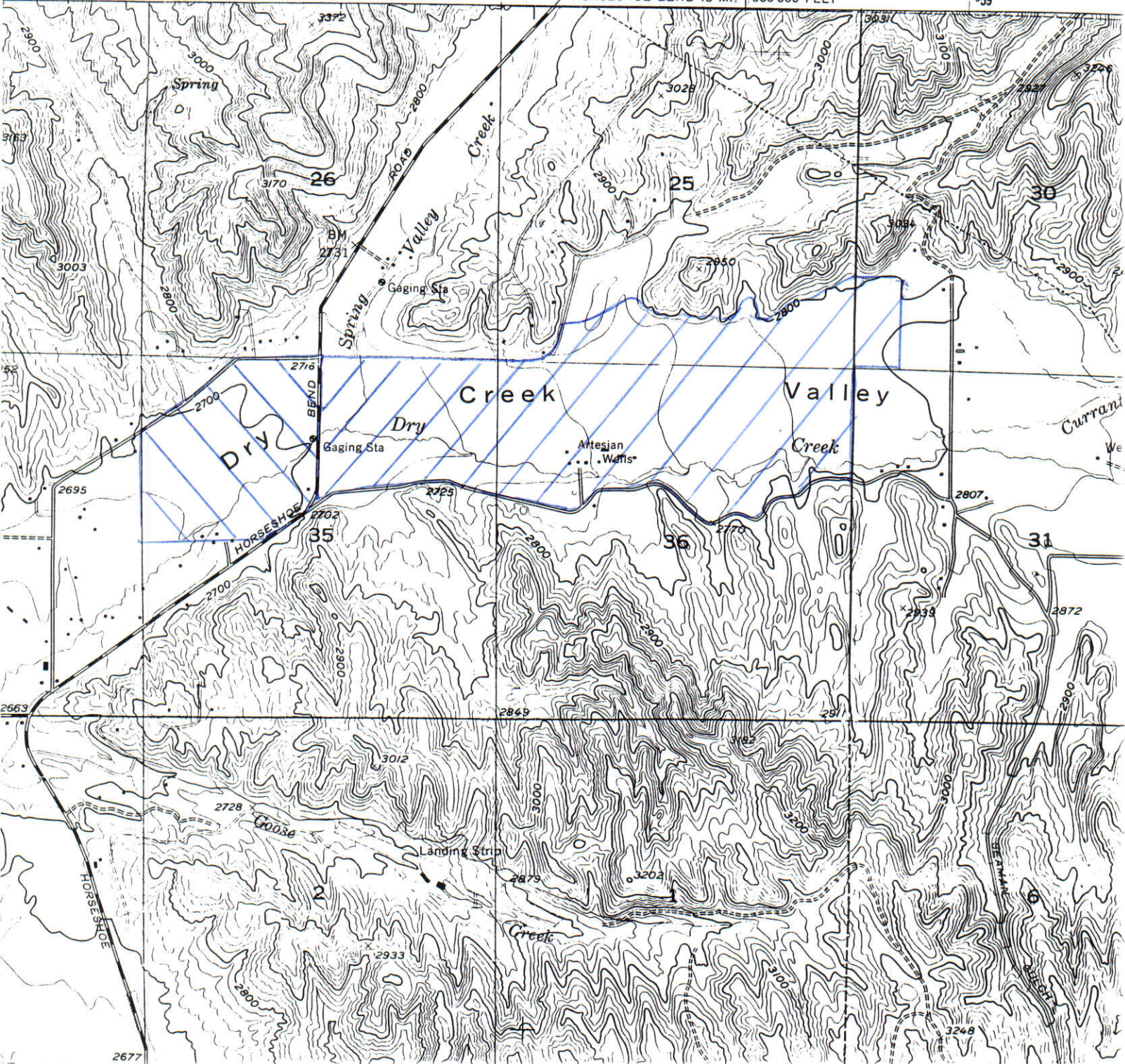
17°30'

CASCADE 66 MI.
HORSESHOE BEND 15 MI.

R. 1 E.

R. 2 E.

559



areas protected



areas not protected
(use surface water only)

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FEB 03 2000

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

LEGAL ADVERTISING INVOICE

Amount Due

\$82.75

Account Number/Trans. #		Identification	
047628		PROPOSED EXTENSION OF TIME TO AVOID FORFEITURE OF WATER RIGHTS	
Ordered By	P.O. Number	Rate	Run Dates
SUE TAYLOR		NT	MARCH 4, 11, 1999
STATE OF IDAHO DEPT. OF WATER RESOURCES WESTERN REG. 2735 AIRPORT WAY BOISE, IDAHO 83705 - 5082		Estimated Inches	Real Inches
		# Affidavits	Legal Number
		1	3459

RECEIVED

MAR 22 1999

WATER RESOURCES
WESTERN REGION

JANICE HILDRETH

, 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 Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly

☐ single

☐ consecutive daily

☐ odd skip

insertion(s) beginning with the issue of
MARCH 4

, 1999

and ending with the issue of
MARCH 11

, 1999

Janice Hildreth

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 11TH day of MARCH in the year of 1999, before me, a Notary Public, personally appeared JANICE HILDRETH known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Angela M Newland
Notary Public for Idaho
Residing at:

Boise, Idaho

My commission expires:

2/11/05



**LEGAL NOTICE
TO AVOID FORFEITURE OF WATER RIGHTS**

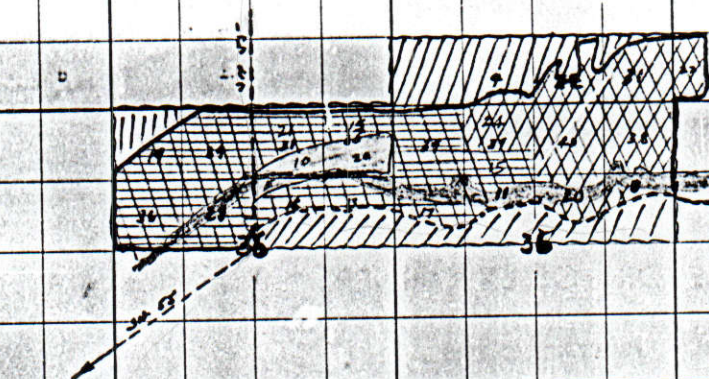
Notice is given that JULIUS JEKER, 6598 Dry Creek Rd, Boise ID 83703, has applied to the Dept. of Water Resources for an Extension of Time to Avoid Forfeiture pursuant to I.C. 42-222 for 4 ground water rights recorded as follows in T5N R1E, Ada County, unless otherwise noted:

No.	Priority	CFS	Uses	Point of Diversion
63-02535	8/24/1937	.70	Irrig/Dom	NENE S35
63-04023	7/01/1927	3.00	Irrig/Stock	NW S36 (3 pts)
63-04086	7/20/1960	5.00	Irrig	NENE S36
63-07123	7/11/1968	.79	Irrig	NENE S36

The first and last rights are licenses, and the others are statutory claims. Irrigation is claimed and licensed in S25, S35, S36, and S30 T5N R2E, for a total of 9.49 cfs and 510 total acres. Snake River Basin Adjudication claims are filed as described above except for a reduction in irrigation to 388 total acres. Site encompasses 1 miles of Dry Creek drainage just east of HWY 55. 5 years, or until 2004. Due to poor health, applicant has been unable to irrigate the property since 1994. Any protest against the approval of the proposed water right applications must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705, together with a protest fee of \$25.00 per right on or before March 22, 1999. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Pub. Mar. 4, 11, 1999

	
14	4
39	12
21	31
15	22
39	24
15	40
36	38
28	20
13	8
17	209
11	
266	



	Acres Filed on	cfs Allowed	Acres to Beneficial Use	cfs Per Acre
Lic 0.70 cfs = 18495	35	.700cfs	35	.02cfs
Claim 30cfs = 63-4023	350	3.0 cfs 1.61	266	.01127cfs .00692 .0173cfs
Permit 50cfs 63-3179 6-22-123	620	5.00cfs 3.32 1.61cfs	209	.0162cfs .002cfs
Permit 2.0cfs = 63-7123	620	0.79 cfs		.004cfs

9.49cfs 510 Acres = Total irrigated

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FEB 03 2000

Priority 7-11-68

Q measured 5.79 cfs

Q recommended 0.79 cfs

Volume 22.95 AF (45x500)

Acresage 620

Found 510

recommended 510

Subdy. 20

Amendments

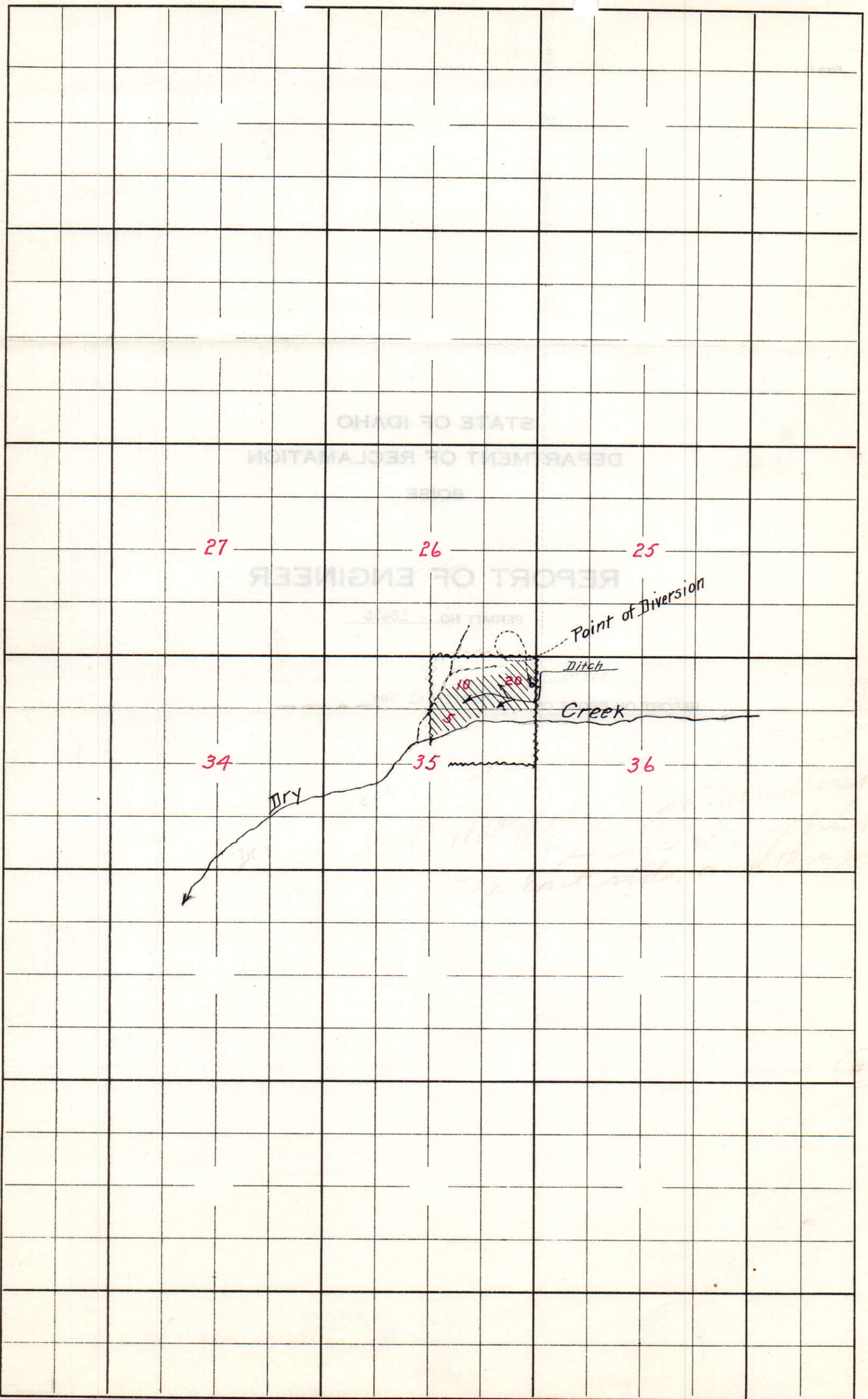
☐ None

☐ P.D.

☐ Place of use

☐

Total volume of divisions of
Permits 18495, 63-4023, 63-3179
and 63-7123 shall not exceed
22.95 Acre feet



PROOF OF PUBLICATION

State of Idaho, }
County of Ada, } ss.

L. B. Gennies being first duly sworn,
on oath says that he is the Principal clerk
of the IDAHO PIONEER, a newspaper of general circulation,
published weekly by Frank G. Burroughs, Inc., publishers and
printers thereof, at Boise, County of Ada, State of Idaho;

That the annexed notice was published in said newspaper once
each and every week for 4 consecutive weeks, the first
publication being on the 11 day of August,
1939, and the last publication being on the 1st day of
Sept., 1939;

That the said newspaper has been published continuously and
uninterruptedly in said county during a period of more than
seventy-eight consecutive weeks prior to the first publication of
the attached notice.

Principal Clerk.
Foreman.

Subscribed and sworn to before me this 1st day
of Sept., 1939.

F. H. Aggers
Notary Public.

My commission expires June 11, 1940
(SEAL)

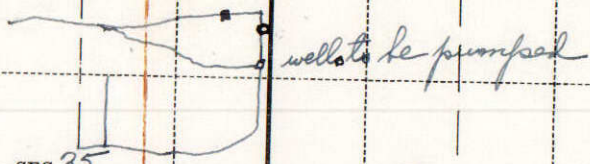
NOTICE FOR PUBLICATION

Notice of Proof Application of Water
to Beneficial Use.
Notice is hereby given that at 11:00
A. M. on the 15th day of September,
1939, at Room 412 Idaho Building,
Boise, County of Ada, State of Idaho,
before Betty W. Wright, Notary Pub-
lic, proof will be submitted of the ap-
plication to beneficial use of 2½ cubic
feet per second of underground waters
in the NE¼ NE¼, Sec. 35, Twp. 5 N.
R. 1 E., in Ada County, Idaho, in ac-
cordance with the terms and condi-
tions of Permit No. 18495 heretofore is-
sued by the Department of Reclama-
tion of the State of Idaho.
The name and postoffice address of
the person or corporation holding said
permit are Karl Paine, Boise, Idaho.
The use to which said water has
been applied is irrigation and domestic
purposes.
The amount applied to beneficial use
is 2½ cubic feet per second.
The place where said water is used
(if for irrigation, give full and accu-
rate description of the lands irrigated)
Northeast Quarter, Section 35, Twp. 5
N., R. 1 E. B. M.
The name of the canal or ditch or
other works by which said water is
conducted to such place of use is pri-
vate ditch.
The right to take water from such
works is based upon Permit No. 18495.
The source of supply from which
such water is diverted is underground
water diverted by means of well.
The date of priority which said user
is prepared to establish is August 24,
1937.
JAMES SPOFFORD,
Commissioner of Reclamation.
2711—4t First pub., Aug. 11.
Last pub. Sept. 1, 1939.

NAME OF APPLICANT KARL LINE

FORM NO. 0

T. 5 N., R. 1 E.



SEC.

SEC. 35

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

Permit Map No. 18495

As Approved

AUG 28 1937

R. W. FARIS

Commissioner of Reclamation

SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK

18495

RECEIVED

JAN 13 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

Section 42-222, Idaho Code, provides that a water right shall be lost and forfeited and the water right revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

1. Name of water right holder Julius Jeker
2. Mailing address 6598 Dry Creek Road, Boise, ID 83703
3. The right was obtained or is evidenced by:
- a. Decree to _____ in Case of _____
- vs. _____, Dated _____ in _____ (Name of Court)
- Court, County of _____ Fully describe decree _____
- b. License No. 63-2535 c. Claim No. _____
- d. SRBA No. _____
4. Source of water Underground tributary to _____
(Name of stream or source)
5. Date of priority of right August 24, 1937
6. Description of Right:
- amount 0.7 cfs for Irrigation purposes from April 1 to October 31
(cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
7. Point of Diversion NE 1/4 NE 1/4 of Sec. 35 Twp. 5N Rge. 1E County Ada
8. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
5N	1E	35	20	10	5														35

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Total Acres 35
FEB 03 2000

9. Give the last date when water was put to beneficial use 1994 irrigation

Length of extension of time requested five years, or until _____ (Date)

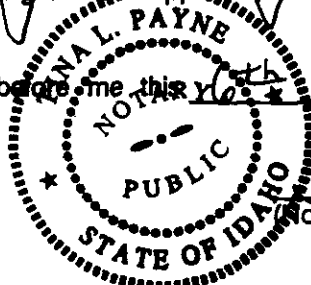
10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use

Because of poor health I have been unable to irrigate
under this water right since 1994. I have also been
unable, thus far, to hire suitable and competent help
for the irrigation

The information contained in this application is true to the best of my knowledge.

X Julius Payne
(Signature of Applicant)

Subscribed and sworn to before me this 27th day of January, 19 99.



Anna L. Payne
(Notary Public)

My commission expires 10/15/04 Residing at Meridian, Idaho

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVED said application subject to the following conditions or reasons:

Approval of this extension does not preclude the review of the extent and validity of the
right in the Snake River Basin Adjudication.

The right holder shall resume use of water on or before November 1, 2004.

Signed this 27th day of January, 19 2000.

L. Glen Saxton

L. GLEN SAXTON, Bureau Chief, Water Allocations Bureau

FOR DEPARTMENT USE ONLY

Date Received 1-13-99 \$100 FEE Received by HW Date 1-13-99 Receipt # 6044340

Preliminary ☒ by 6 Publication prepared by 201 AT Pub. approved by _____ Date _____

Published in Idaho Statesman Dates Published 3-4 & 11-99

Protests filed by _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____

Recommended for - ☒ APPROVAL / ☐ DENIAL By Gary Sporkman

MICROFILMED
FEB 03 2000

A F F I D A V I T

The Department hereby files an exception to Claim of Water Right No. 63-4023. An examination of the land listed under Claim No. 63-4023 was made by this Department on November 3, 1939 concerning Permit No. 63-2535. At that time, the examiner found only 35 acres being irrigated within the $N\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$ Sec. 35, T. 5 N., R. 1 E., B.M. The Claim, as filed, states that there has been 95 acres continuously irrigated within this area since July 1, 1927. Therefore, the basis for this exception is the examination made by this Department on November 3, 1939 which indicates that there could not possibly be 95 acres irrigated within the $N\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$ Sec. 35 since July 1, 1927.

Dated this 6th day of November, 1970.

Bobby D. Fleenor

BOBBY D. FLEENOR
Assistant Director

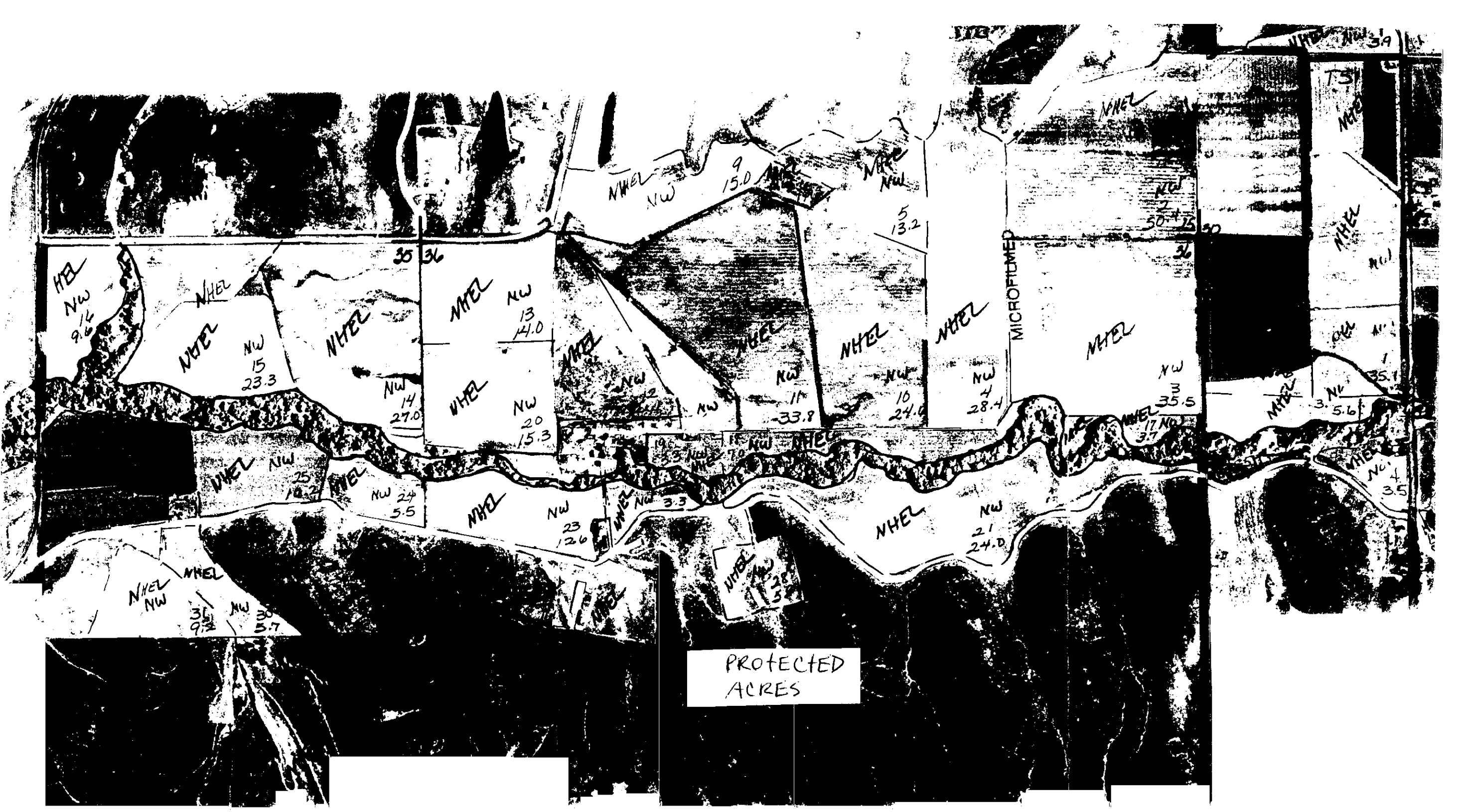
State of Idaho)
County of Ada) ss.

On this 6 day of November, 1970, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he executed the same.

Pratt R. Ellison
Notary Public

My Commission expires: 2-18-74

63 2535



PROTECTED
ACRES

State of Idaho

License and Certificate of Water Right

Water License No. 18495Amount 0.7 second foot

Water District No. _____

Priority August 24, 1937

THIS IS TO CERTIFY that **KARL PAINE**
 of **Boise, Idaho**, made application for a permit to appropriate the
 public waters of the State of Idaho, dated **August 24**, 19 **37**; that Permit No. **18495**
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.5 second feet, was issued thereunder on **August 14**, 19 **39**, showing that said works
 were completed on the 7th day of **August**, 19 **39**; and that on the **15th**
 day of **September**, 19 **39**,

KARL PAINE

of **Boise**, State of **Idaho**, made proof to the satisfaction of the
 Commissioner of Reclamation of Idaho, of the right to use the waters of underground
 waters, a tributary of _____, for the purpose of irrigation and
 domestic use, under Use Permit No. **18495** of the Commissioner of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
 hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume **7**
 of Licenses, at page **3973**, on the **18th** day of **January**, 19 **40**;

The right hereby confirmed dates from **August 24**, 19 **37**;

The Point of Diversion is located
 in the **NE** $\frac{1}{4}$ **NE** $\frac{1}{4}$, Sec. **35**, Tp. **5 N.**, R. **1 E.**, B. M. **Ada County**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
 is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed **0.7**
 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	1 E.	35	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	20
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	30	10
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	30	5
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	25	-
				<u>125</u>	<u>35</u>

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
 herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
 this **18th** day of **January**, 19 **40**

JAMES SPOFFORD

Commissioner of Reclamation

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 17564 Amount 0.2 second foot
Water District No. Priority December 11, 1931

THIS IS TO CERTIFY that CARLOS WEED
of Council, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 26, 1931; that Permit No. 17564
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.2 second feet, was issued thereunder on October 6, 1932, showing that said works
were completed on the 16th day of September, 1932; and that on the 9th
day of April, 1939,

CARLOS WEED
of Council, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of a group of wet weather
springs, a tributary of, for the purpose of irrigation and domestic use
, under Use Permit No. 17564 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 3974, on the 18th day of January, 1940;

The right hereby confirmed dates from December 11, 1931;

The Point of Diversion is located on the line between the NE 1/4 NW 1/4 and NW 1/4 NE 1/4
in the 1/4 Sec. 14, Tp. 16 N., R. 1 W., B. M. Adams County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.2
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 N.	1 W.	14	NE 1/4 NW 1/4 SE 1/4 NW 1/4	25 3 28	10 - 10

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 18th day of January, 1940

JAMES SPOFFORD
Commissioner of Reclamation

(SEAL)

Karl Paine
Box 483
Boise, Idaho

Nº 18495

63-2535

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 25814
Permit No. 18495
District No.

1. Name of Applicant: **Karl Paine**

Postoffice address: **Boise** County: **Ada** State: **Idaho**

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: **2½** cubic feet per second.

3. Source of water supply: **Underground water** which is a tributary of **No other water course so far as known.**

4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B. M., and is in the **NE¼ NE¼**
of Section **35** , T. **5 N.** , R. **1 E.** , B. M., County of **Ada**, State of **Idaho**. See also "Statement" under
"Remarks"

5. Water is to be used for: **Irrigation and domestic purposes.**

6. If for mining, milling, power or manufacturing purposes, give:

- (a) Point of use of water: feet distant from corner of Section
T. , R. , B. M., in the of Section , T. , R. , B. M.
- (b) Amount of power generated: H. P., under feet head.
- (c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.

7. Estimated cost of works: \$ **3,500**

8. Kind of works: **wells and ditches**

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width **3** feet; height **2** feet.

11. Ditch: Width at bottom **1½** feet; width at water line **2** feet; depth of water **1½**
feet; dimensions of flume:

Diameter of pipe **12** inches; length of conduit **One** miles.

Average grade per mile **10** feet.

12. The time required for the completion of such work is **2** years.

13. The time required for the complete application of the water to the proposed use is **2** additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? **No.** If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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.

KARL PAINE *Applicant.*

By *Agent.*

Date of first receipt at Department of Reclamation: **4:30 P. M., Aug. 24, 1937**

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is **18495**

Recorded in Book **67** Page **18495** Approved **Aug. 28, 1937**

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before **October 27, 1937** and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before **August 28, 1938**

The whole of said work to be completed on or before **August 28, 1939**

Beneficial use of water appropriated in accordance herewith, to be made on or before **August 28, 1941**

Witness my hand this **28th** day of **August, 1937.**

R. W. FARIS
Commissioner of Reclamation.

Remarks: **See below.**

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5 N.	1 E.	35	40	30	30	25													125
Total Number of Acres to be Irrigated-----																			125

Remarks: The water is to be used on both sides of Dry Creek, which runs through the land, and the water used to irrigate the land on the southerly side thereof will be conveyed across said creek by pipe or flume.

One or more wells will be dug or drilled for the development of artesian water, all located in the NE¼ of the NE¼, Sec. 35, Twp. 5 North, Range 1 East, B. M. which subdivision is a part of the land to be irrigated.

In testimony whereof, we, BARZILLA W. CLARK, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have hereunto caused this instrument to be executed in the name of the of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed this 28th day of August, 1937.

STATE OF IDAHO

By BARZILLA W. CLARK
Governor

(SEAL)

Countersigned:

By IRA H. MASTERS
Secretary of State

PERMIT NO. 18495
Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that KARL PAINE, of Boise, County of Ada, and State of Idaho, the holder of Permit No. 18495 issued upon Application No. 25814, bearing date of priority of August 24, 1937, authorizing the diversion of 2½ second feet of subterranean waters, County of Ada, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2½ second feet of the waters of a well (subterranean), that the point of diversion of said waters is in the NE¼ of Section 35, Township 5 North, Range 1 East, B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Northeast Quarter of Section 35, Township 5 North, Range 1 East, B.M.

Witness my hand this 14th day of August, A. D. 1939

Proof of Completion of works made August 7, 1939

Certificate of Completion of Works issued August 14, 1939

JAMES SPOFFORD
Commissioner of Reclamation

LICENSE ISSUED FOR 0.7 SEC. FT.
Page 9973



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 27, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JULIUS JEKER
6598 DRY CREEK ROAD
BOISE ID 83703

RE: WATER RIGHT NOS. 63-02535, 63-04023, 63-04086 AND 63-07123

Dear Water Right Holder:

Enclosed are copies of approved Applications for Extension of Time to Avoid Forfeiture of a Water Right for the above referenced water rights. Please note that resumption of beneficial use of water shall occur on or before **November 1, 2004**.

Please notify the Department as soon as you resume use of the water. If you have not notified the Department sixty (60) days prior to the resumption date, the Department will send a Resumption of Use Notice to you by certified mail.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the Department. Please contact any office of the Department for the proper form to file a change of ownership of the water rights and/or a change in the address of the owner or if you have any questions concerning this matter.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

FEB 03 2000

WR0749NP
No. 63-02535

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/27/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KARL PAINE BOISE ID	08/24/1937	IRRIGATION DOMESTIC	00/00 00/00 00/00 00/00	0.700 CFS	
TOTAL DIVERSION:					0.700 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T05N R01E S35

NENE

ADA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
05N	01E	35	:	20		10		05	:					:											:	35.0
																							TOTAL ACRES		35.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: ADA

Other Water Rights Listing Overlapping Place(s) of use:

63-04023 63-04086 63-07123

Dates:	App. Received:	Priority Date:	08/24/1937
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	08/28/1979	

Misc: Water District Number: Field Exam Fee:

Comments: Date: 01/13/1999 User-ID: VAULT Subject: Extension of Time Received
Extension of Time Received

Audit: 05/20/85 05/01/88 CONVERT 01/13/99 COMMENTS

REGIONAL STAFF REVIEW FOR EXTENSION OF TIME TO AVOID FORFEITURE

Department of Water Resources

Water Right 63-02535, -04023, -04086, -07123 Applicant Julius Jukes
Initial review by: lg 1/27/99 (name & date)

ADVERTISING & PROCESSING INFORMATION

WP File Name ADV-FORFEIT.JEKER
Legal Notice electronically sent to State Office ☒
Comment Letters ☒ No ☐ Yes, see attached
Extension published correctly ☒ Yes ☐ No
Affidavit of publication received ☒ Yes ☐ No
Protests received (deadline & fee?) ☒ No ☐ Yes, acknowledgement sent
Copy for Regional File ☐ Appl. ☐ Staff Review page ☐ Legal Notice
☐ Other, list: _____ Pam

REVIEWER'S COMMENTS

Recorded rights overlapping acres + wells. Acres
verified for 63-07123 (see below) total system capacity has yet
SRBA factors Filed & recorded, but with 122 less ^{than} determined
acres in NW 535. Looks like rights should
be split
Verification & other comments Field exam for Lic 63-07123
verified total irrigation for all 4 wts @ 510 acres
and system capacity for NENE 536 well @ 9.49 CFS
Additional review memorandum attached? ☐ Yes ☒ No

REGIONAL MANAGER'S RECOMMENDATIONS

☐ Deny ☒ Approve as noted below:
See Lori Grave's breakdown of approvable POU
for this extension in memo dated 4/13/99

by: BayS 5/11 (name & date)

MEMO

DATE: 4/13/1999

FR: lg

TO: Files 63-02535, 63-04023, 63-04086, 63-07123

RE: Extensions of Time to Avoid Forfeiture

Due to illness and incompetent help, applicant stated that claimed and licensed acres have not been irrigated since 1994 and has requested protection from forfeiture on the above listed rights.

Two licenses and two statutory claims are used for irrigation, with overlapping p/u and p/d's. 508 total acres have been licensed for the ground water system; 35 listed on license 63-02535 and 473 acres listed on license 63-07123. The statutory claims represent the same system and overlap within the 508 acres. The capacity of the NENE sec 36 well was calculated at 9.49 cfs during the field exam for license 63-07123, however total system capacity has yet to be determined if additional wells are incorporated as listed on 63-04023.

The SRBA claims were basically filed as recorded except that the two statutory claims were split to reflect the portion of the farm owned separately by applicant's sister (Helen Weissaupt). License 63-07123 also included the sister's acres but was not split in the SRBA, however the sister's acres were excluded from A63-07123. Applicant's sister owns the NW qtr of section 35 (property west of HWY 55).

Per telecon with Helen (sister) and telecon with Julius 4/13/1999, both stated that Helen's property was not and has not been irrigated with ground water. Her irrigation sources are Dry Creek and Spring Creek. The ground water is only applied to Julius' acres east of HWY 55.

All 508 acres appeared irrigated in 1987 per napp photo and also in 1994 per scanned airphoto.

Based on this information, I recommend that the acres in the NW qtr, sec 35, be forfeited and that A63-04023A and A63-04086A be disallowed due to ground water non-use (Helen's acres).

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Specifc acres to be protected include:

T5N	R1E	S25	SESW	4
			SWSE	22
			SESE	31
		S35	NENE	35
			NWNE	31
			SWNE	18
			SENE	13
		S36	NENE	38
			NWNE	40
			SWNE	20
			SENE	8
			NENW	39
			NWNW	39
			SWNW	17
			SENW	11
		S30	SWSW	<u>20</u>
				386 total

Specific acres not to be protected include:

T5N	R1E	S35	NENW	39
			NWNW	19
			SWNW	36
			SENW	<u>28</u>
				122 total

See attached topo map and CFSA photo for visual clarification.

cc: A63-02535, A63-04023A, A63-04086A, A63-07123

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FEB 03 2000

TSN
RIE

7.5 MINUTE SERIES

2771 IV
(MONTGOMERY 1:62 500)

556

17°30'

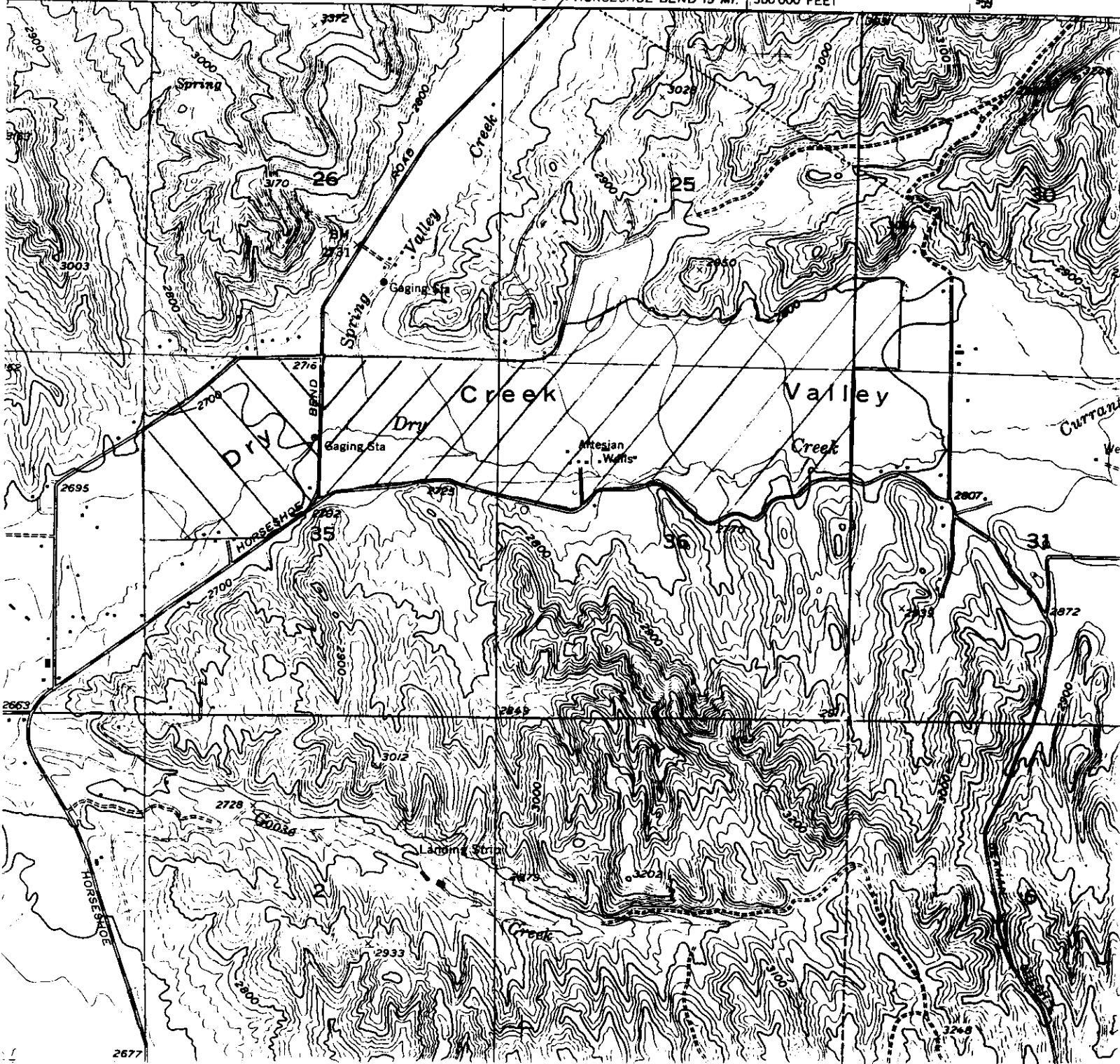
CASCADE 66 MI.

HORSESHOE BEND 15 MI.

R. 1 E. R. 2 E.

360 000 FEET

559



area protected



area not protected
(use surface water only)

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FEB 03 2000

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

LEGAL ADVERTISING INVOICE

Amount Due

\$82.75

Account Number/Trans. #		Identification	
047628		PROPOSED EXTENSION OF TIME TO AVOID FORFEITURE OF WATER RIGHTS	
Ordered By	P.O. Number	Rate	Run Dates
SUE TAYLOR		NT	MARCH 4, 11, 1999
STATE OF IDAHO DEPT. OF WATER RESOURCES WESTERN REG. 2735 AIRPORT WAY BOISE, IDAHO 83705 - 5082		Estimated Inches	Real Inches
		# Affidavits	Legal Number
		1	3459

RECEIVED

MAR 22 1999

WATER RESOURCES
WESTERN REGION

JANICE HILDRETH, 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 Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

- ☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip

insertion(s) beginning with the issue of
MARCH 4, 1999
and ending with the issue of
MARCH 11, 1999

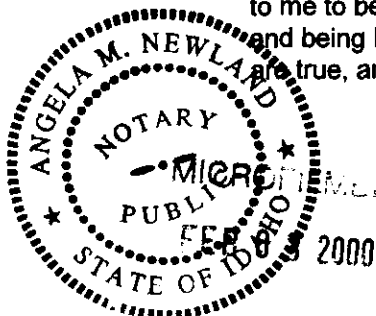
Janice Hildreth

STATE OF IDAHO)
COUNTY OF ADA) ss.

On this 11TH day of MARCH in the year of 1999, before me, a Notary Public, personally appeared JANICE HILDRETH known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Angela M. Newland
Notary Public for Idaho
Residing at: Boise, Idaho

My commission expires: 2/11/05



LEGAL NOTICE TO AVOID FORFEITURE OF WATER RIGHTS

Notice is given that JULIUS JACOB, 659 Dry Creek Rd, Boise ID 83703, has applied to the Dept. of Water Resources for an Extension of Time to Avoid Forfeiture pursuant to the provisions of the Ground Water Rights recorded as follows in T19N1E, Ada County, unless other: 19N1E, Ada County, unless other:

Ac.	Tract	CE	Line	Date of Direction
13-02355	8/24/1987	70	IR/Don	NE/NE S35
43-04223	7/01/1987	3.00	IR/Stock	NE/NE S35 (3 prs)
43-04496	7/09/1980	5.00	IR/IR	NE/NE S34
43-07123	7/11/1988	19	IR/IR	NE/NE S34

The first and last tracts are irrigated, and the others are irrigated by Snake River Basin Adjudication claims are filed as described above except for a reduction in irrigation to the total acres.

Site encompasses 1 miles of Dry Creek drainage just east of HWY 55, 5 years, or until 2004. Due to poor health, applicant has been unable to irrigate the property since 1994.

Any project against the approval of the proposed water right applications must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705, together with a protest fee of \$25.00 per right on or before March 22, 1999. The protest fee must also be a copy of the protest to the applicant.

Karl J. Drepper, Director
Pub. May 4, 11, 1999

	14 34 21 15 39 15 36 28 12 13 17 11 266	4 12 31 22 24 40 38 20 8 209		
		25	30	
		79		
			2.80	
			1.51	
			510	
		Acres Filed on	CFS Allowed	
		Acres Per Acre	CFS Per Acre	
	Lic 870 ft = 18495	35	7000	
	Claim 300 ft = 63-4023	350	3.00	
	Permit 500 ft 63-3179	620	5.00	
	Permit 2.00 ft 63-7123	620	2.00	
		9.44 50 Acres Total irrigated		
MICROFILMED				
FEB 03 2000				
		Previously 7-11-68		
		Q measured 5.79 cfs		
		Q recommended 0.79 cfs		
		Volume 22.95 AF		
		Acreage 620		
		Found 510		
		recommended 510		
		Subdy 20		
		Amendments		
		☐ None ☐ P.D. ☐ Place of use		

Janice Hildreth, Idaho Statesman called Monday, February 22, 1999, at 8:15 a.m. She had been on vacation for a month and the people responsible for getting the legal ads in the paper didn't get 6 applications advertised on February 18 and 25. She will advertise them on March 4 and 11 with the protest date on March 22, 1999.

United Water, amendment

Julius Jeker, ext. of time.

City of Eagle, amendment

Lisa Gray, transfer

Don Watkins, app.

Don Watkins, app.

MICROFILMED

FEB 03 2000

A NOTICE OF PROPOSED EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHTS

Notice is given that JULIUS JEKER, 6598 Dry Creek Rd, Boise ID 83703, has applied to the Dept. of Water Resources for an Extension of Time to Avoid Forfeiture pursuant to I.C. § 42-222 for 4 ground water rights recorded as follows in T5N R1E, Ada County, unless otherwise noted:

No.	Priority	CFS	Uses	Point of Diversion
63-02535	8/24/1937	.70	Irrig/Dom	NENE S35
63-04023	7/01/1927	3.00	Irrig/Stock	NW S36 (3 pts)
63-04086	7/20/1960	5.00	Irrig	NENE S36
63-07123	7/11/1968	.79	Irrig	NENE S36

The first and last rights are licenses, and the others are statutory claims.

Irrigation is claimed and licensed in S25, S35, S36, and S30 T5N R2E, for a total of 9.49 cfs and 510 total acres. Snake River Basin Adjudication claims are filed as described above except for a reduction in irrigation to 388 total acres. Site encompasses 1½ miles of Dry Creek drainage just east of HWY 55.

EXTENSION REQUESTED FOR

5 years, or until 2004. Due to poor health, applicant has been unable to irrigate the property since 1994.

Any protest against the approval of the proposed water right applications must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705, together with a protest fee of \$25.00 per right on or before March 8th 1999. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Idaho Statesman on ~~February 18 and 25~~, 1999.

March 4 + 11
Statesman error

MICROFILMED

FEB 03 2000

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

2

June 30, 1941

Re: 18495

Carl Paine
Box 483
Boise, Idaho

Dear Sir:

I enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 18495, which should be filled out and returned to this office at least 40 days before the date upon which you wish to make proof. The proof must be submitted before a notary public or other officer authorized by law to administer oaths. The date for proof, as set out in your permit, is Aug. 28, 1941, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

E. V. BERG.

Commissioner of Reclamation

18495

January 19, 1940

Re: Permit No. 18495

Mr. Karl Paine,
Idaho Building,
Moise, Idaho.

Dear Mr. Paine:-

We are enclosing herewith License and Certificate of Water Right, issued under the above numbered Permit, confirming your right to the use of 0.7 second foot of underground waters, with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, Township 5 North, Range 1 East, B.M., Ada County.

This is for irrigation and domestic use upon 35 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ of this same section, with a date of priority of August 24, 1937.

We also enclose the Department's Receipt No. 17263 for the \$6.00 fee paid by you in connection with this final proof.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Chief Clerk

JLA
Encs.

18495

KARL PAINE
ATTORNEY AT LAW
BOISE, IDAHO

January 16, 1940

James Spofford
Commissioner of Reclamation
Boise, Idaho

Attention Jeanne L. Anderson,
Chief Clerk

Dear Sir

Reference is made to your letter of
January 15, 1940.

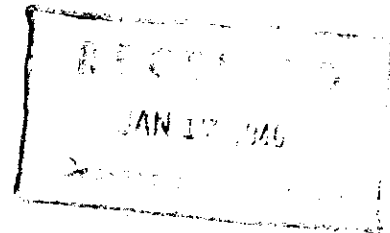
We enclose Mr. Paine's check for
\$6.00 to cover the statutory fee.

Yours very truly,

Petty H. Wright

Secretary to Karl Paine

bw.
Encl.



18495

January 15, 1940

Re: Permit No. 18495

Mr. Karl Paine,
Idaho Building,
Boise, Idaho.

Dear Mr. Paine:-

We have received the report of our Field Engineer in connection with his examination for beneficial use proof under the above numbered permit.

This report shows that you are irrigating 35 acres in three legal subdivisions, namely the NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, Township 5 North, Range 1 East, B.M.

Therefore, upon receipt of the statutory fee of \$6.00, being at the rate of \$2.00 for each legal subdivision, a License will be issued.

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

JLA

By

Chief Clerk

18495

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18495

This proof is for Beneficial Use

In Water District No.

1. Name of applicant Karl Paine, Idaho Bldg., Boise, Idaho

2. Source of water supply: Underground water

3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35

T. 5 N. R. 1 E. County of Ada

4. Describe works as they exist, giving dimensions and capacities of same: Drilled artesian

well, 525 ft total depth. Cased 60 ft with 8 inch casing.
Flow controlled by Crane type valve.
Ditch 2 ft wide x 1 ft deep

5. Water is used for: Irrigation and domestic purposes

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): NE $\frac{1}{4}$ Section 35, Township 5 North, Range 1 East, B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? None

Remarks: Well not in use at time of examination.
The ranch Foreman, Mr. Goade, stated that the maximum flow of the well was 125 miner inches.

This examination was made on the 3rd day of November, 1939.

(Signed) Fred L. Johnson Examiner

18495

53
Karl Paine
Idaho Bldg., Boise, Idaho

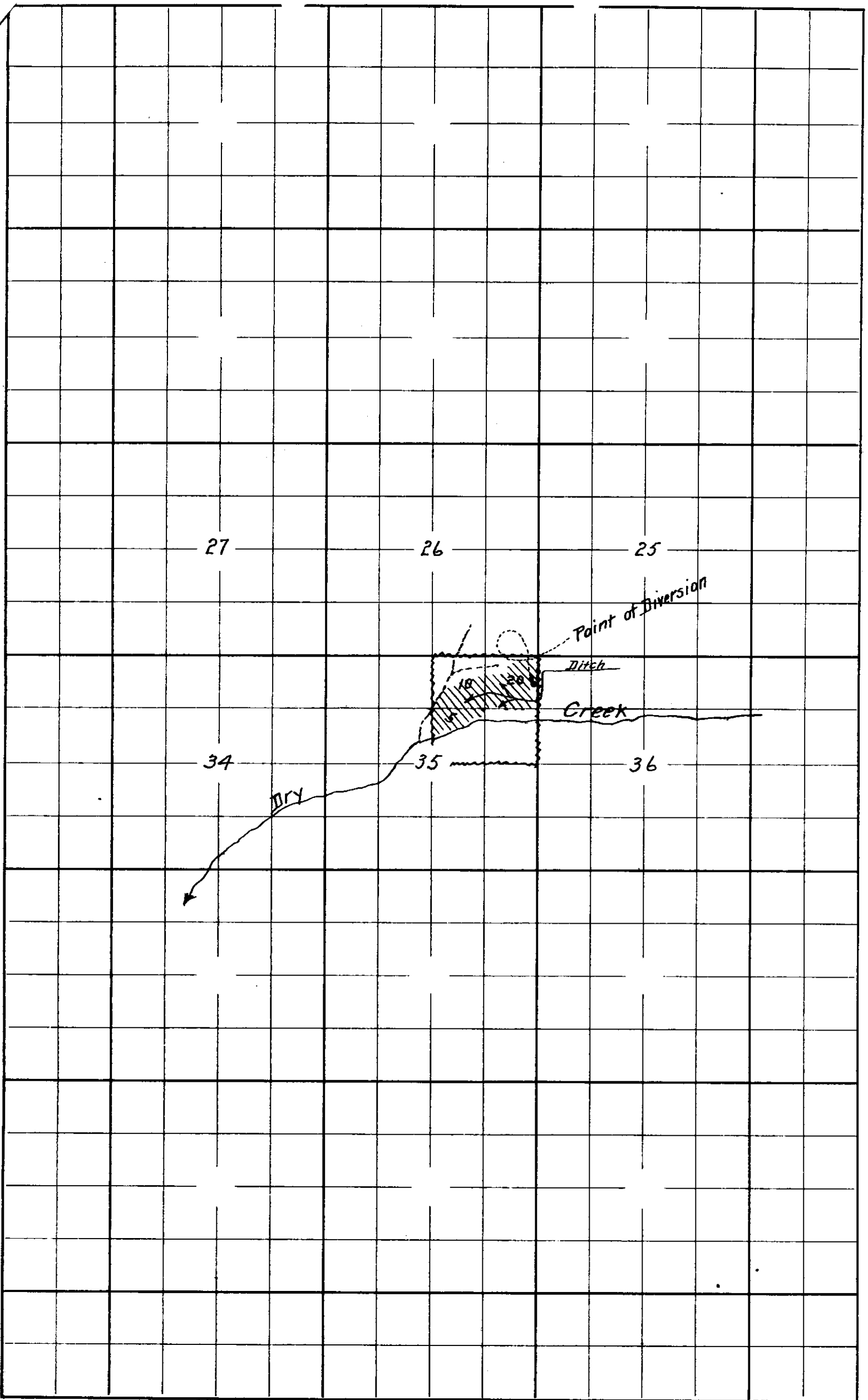
Permit No. 18495

Examination for Beneficial Use

County Ada

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make a plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
-



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

18495

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 18495

REPORT ON PROOF OF Beneficial Use

3.25 0.70 SF
Fee \$6 on 35 acres in 3 Sub

H.D. 1-13-40

18495

October 13, 1939

Re: Permit No. 18495

Mr. Karl Paine,
Idaho Building,
Boise, Idaho.

Dear Sir:-

This will acknowledge receipt of the deposition of the holder, depositions of two witnesses, and the affidavit of proof of publication from the Idaho Pioneer, all in connection with beneficial use proof under the above numbered permit.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this department. We are unable to say just when this examination will be made, since the Department has but one field engineer who makes examinations all over the State.

However, Mr. Tolman, Field Engineer for this department, will contact you at the time set for examination, so that you may show him over the grounds.

After his report is on file in this office, you will be further notified as to fees before the issuance of your license.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

JLA

By

Chief Clerk

18495

September 18, 1939

Re: permit No. 18495

Miss Betty M. Wright,
Notary Public,
C/o Mr. Karl Paine,
Idaho Building,
Boise, Idaho.

Dear Miss Wright:-

We are in receipt of your letter of September 15th,
which reached us this morning, enclosing depositions
as stated in regard to above numbered permit.

However, these are made on Completion of Works forms,
instead of the forms for Beneficial Use- and evidently
the wrong forms were sent you, which we regret exceedingly.

Can you get the witnesses in your office again- to execute
the proper forms?

Forms for Beneficial Use proof are enclosed herein.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Chief Clerk

TLA
Enc.

18495

KARL PAINE
ATTORNEY AT LAW
BOISE, IDAHO

September 15, 1939

Mr. James Spofford
Commissioner of Reclamation
Boise, Idaho

Dear Sir

Reference is made to your letter of
September 5, 1939.

I am returning herewith the following
papers in connection with proof of beneficial
use of water under Permit No. 18495.

1. Two forms of deposition of witness,
one executed by A. E. Goade and the other by
Jay W. Goade.

2. Deposition of holder.

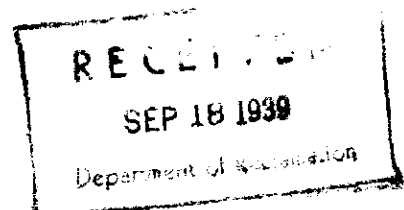
3. Affidavit of publication of notice.

Yours very truly,

Betty H. Wright

Notary Public

bw.
Encl.



18495

PROOF OF PUBLICATION

State of Idaho, }
County of Ada, } ss.

2.13 Jernstedt being first duly sworn,
on oath says that he is the Principal clerk
of the IDAHO PIONEER, a newspaper of general circulation,
published weekly by Frank G. Burroughs, Inc., publishers and
printers thereof, at Boise, County of Ada, State of Idaho;

That the annexed notice was published in said newspaper once each and every week for 4 consecutive weeks, the first publication being on the 11 day of August, 1939, and the last publication being on the 31st day of Sept., 1939;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Principal Clerk.
Foreman.

Subscribed and sworn to before me this 15 day
of Sept., 1939.

Notary Public.

My commission expires June 11, 1940

(SEAL)

[illegible]

18495

PERMIT NO. 18495

Proof of Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Karl Paine; residence, Boise, Ada County, Idaho; occupation, lawyer; postoffice address, Box 483, Boise, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. ----

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. No. 18495; date August 28, 1937; $2\frac{1}{2}$ cubic feet per second; source, underground water; point of diversion in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T. 5 N., R. 1 E., B. M., Ada County, Idaho.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. For irrigation. 95 acres in Northeast Quarter, Sec. 35, T. 5 N., R. 1 E., B. M., Ada County, Idaho.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Turned in in fall of 1937 and during the irrigation season of 1938. 125 inches.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Yes.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. ---

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Artesian well and ditches. Ditch on north side of Dry Creek. Width of ditch at bottom $1\frac{1}{2}$ ft.; at water line 2 ft; depth of water $1\frac{1}{2}$ ft; length of ditch $1\frac{1}{2}$ mile; capacity 125 inches of water. Ditch on south side of Dry Creek: Width at bottom 1 ft; width at water line $1\frac{1}{2}$ ft; depth of water 1 ft; capacity 100 inches; length of ditch $1\frac{1}{2}$ mile; cost of both ditches \$100.00. Cost of well \$1,000.00.

(Sign here.)

7. *Karl Paine*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Boise,

County of Ada, State of Idaho, on this 15th day of September, A. D. 1939.

Betty A. Wright
Notary Public.

My Commission expires October 24, 1942.

Residence: Boise, Idaho

18495

Permit No. 18495.....

Proof of Completion of Works**DEPOSITION OF WITNESS**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. A. E. Goade, Eagle, Idaho, rancher, ^(P. O. address.) Route 1, Eagle, Idaho.

Ques. 2. Are you acquainted with Karl Paine....., the holder of Permit No. 18495, authorizing the diversion of $2\frac{1}{2}$ second-feet of the waters of an artesian well....., at in Ada County, Ida. for irrigation purposes? How long have you known him, and where does he reside?

Ans. Yes, for ten years. He resides at 115 West Jefferson St., Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 18495, and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes. 95 acres of arid land which require irrigation at rate of $1/50$ of a second foot (1 miner's inch) per acre.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Artesian well and ditches. Ditch on north side of Dry Creek:

Width of ditch at bottom $1\frac{1}{2}$ ft.; at water line 2 feet; depth of water $1\frac{1}{2}$ ft.; length of ditch $1/2$ mile; estimate of capacity 125 inches of water. On south side of Dry Creek: width at bottom 1 foot; width at water line $1\frac{1}{2}$ ft; depth of water 1 ft; capacity 100 inches; length of ditch $1/2$ mile.

(Sign here.)

A. E. Goade

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Boise, County of Ada, State of Idaho, on this 15th day of September, A. D. 1939.

Betty H. Wright
Notary Public for Idaho
Residence: Boise, Idaho

18495

Permit No. 18495

Proof of Completion of Works**DEPOSITION OF WITNESS**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Jay W. Goade; residence and post-office address, Route 3, Boise, Idaho; occupation rancher.

Ques. 2. Are you acquainted with Karl Paine, the holder of Permit No. 18495, authorizing the diversion of $2\frac{1}{2}$ second-feet of the waters of an artesian well, in Ada County, Idaho, at Idaho, for irrigation purposes? How long have you known him, and where does he reside?

Ans. Yes. I have known him for ten years. He resides at 115 West Jefferson St., Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 18495, and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes. 95 acres of arid land which require irrigation at rate of $1/50$ of a second foot (1 miner's inch) per acre.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Artesian well and ditches. Ditch on north side of Dry Creek: Width of ditch at bottom $1\frac{1}{2}$ ft.; at water line 2 feet; depth of water $1\frac{1}{2}$ ft.; length of ditch $1\frac{1}{2}$ mile; estimate of capacity 125 inches of water. On south side of Dry Creek: Width at bottom of ditch 1 foot; width at water line $1\frac{1}{2}$ ft; depth of water 1 ft; capacity 100 inches of water; length of ditch $1\frac{1}{2}$ mile.

(Sign here.)

Jay W. Goade

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Boise,

County of Ada, State of Idaho, on this 15th day of September, A. D. 1939.

Betty H. Wright
Notary Public for Idaho
Residence: Boise, Idaho

18495

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 18495

Proof of Application of Water to Beneficial Use

Deposition of Holder

✓ Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Karl Paine; residence 115 W. Jefferson St., Boise, Idaho;
and post-office address Box 433, Boise, Idaho;
occupation, lawyer.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. -----

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 18495; date August 28, 1937; date of priority August 28, 1937.

✓ Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Source, underground water; point of diversion in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T.
5 N. R. 1 E. B. M., Ada County, Idaho

✓ Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Artesian well and ditches. Ditch on north side of Dry Creek: Width of
ditch at bottom 1 $\frac{1}{2}$ ft.; at water line 2 ft.; depth of water 1 $\frac{1}{2}$ ft.; length of
ditch 1/2 mile; capacity 125 inches of water. Ditch on south side of Dry Creek:
Width at bottom 1 ft.; width at water line 1 $\frac{1}{2}$ ft.; depth of water 1 ft.;
capacity 100 inches; length of ditch 1/2 mile;

✓ Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation . 95 acres in Northeast Quarter of Sec. 35, T. 5 North,
R. 1 E. B. M., Ada County, Idaho. Arid land. 95 acres in alfalfa, corn,
and garden.

Ques. 7. If for other than for irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. ----

OK
HD

18495

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 125 inches.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. -----

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Turned in in fall of 1937 and during the irrigation season of 1938.
125 inches.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None

(Sign) 1 Carl Paine

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Boise, County of Ada, State of Idaho, on this 22nd day of September, A. D. 19 39.

Betty L. Wright

Notary Public for Idaho
Residing at Boise, Idaho

My commission expires Oct. 24, 1942.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18495

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

✓ Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Jay W. Goade, residence and post-office address Route 3, Boise,
Idaho; occupation rancher. Age over 21 years.

Ques. 2. Are you acquainted with Karl Paine, the holder of Permit No. 18495? How long have you known him and where does he reside?

Ans. Yes, I have known him for ten years. He resides at 115 West
Jefferson St., Boise, Idaho.

✓ Ques. 3. Have you read or heard read said Permit No. 18495, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

✓ Ans. Source, underground water; place of diversion is artesian well
in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, Twp. 5 North, Range 1 East, B. M., Ada County,
: Two ditches: one on north side of Dry Creek $\frac{1}{2}$ ft wide at
Idaho; bottom, at water line 2 ft, depth of water $\frac{1}{2}$ ft, length of
ditch $\frac{1}{2}$ mile; capacity 125 inches of water; ditch on south side of Dry Creek,
1 ft wide at bottom, width at water line $\frac{1}{2}$ ft; depth of water 1 ft.; capacity
100 inches, length of ditch $\frac{1}{2}$ mile.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 2 $\frac{1}{2}$ second feet or 125 inches; have seen same amount so conveyed.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. Irrigation. 95 acres in Northeast Quarter, Sec. 35, T. 5 N.,
R. 1 E. B. M., Ada County, Idaho. Arid land. 95 acres in alfalfa, corn,
and garden.

OK
HD

18495

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent

Ans. --

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Arid land; 125 inches.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No interest.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Water turned into ditches in fall of 1937 and during the irrigation season of 1938. 125 inches.

(Signed)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in _____, County of Ada _____,

State of Idaho, on this 22nd day of September, A. D. 1938

My commission expires Oct. 24, 1942.

Betty W. Wright
Notary Public

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18495----

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. A. E. Goade, residence and post-office address Route 1, Eagle, Idaho;
occupation rancher. Age over 21 years.

Ques. 2. Are you acquainted with Karl Paine, the holder of Permit No. 18495? How long have you known him and where does he reside?

Ans. Yes, have known him for ten years. He resides at 115 West Jefferson,
Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 18495, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Source, underground water; place of diversion is artesian well in
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, Twp. 5 North, Range 1 East, B. M., Ada County, Idaho.

Two ditches; one on north side of Dry Creek $\frac{1}{2}$ ft wide at bottom, at water
line 2 ft, depth of water $\frac{1}{2}$ ft, length of ditch $\frac{1}{2}$ mile; capacity 125 inch-
es of water; ditch on south side of Dry Creek, $\frac{1}{2}$ ft wide at bottom, width
at water line $\frac{1}{2}$ ft; depth of water 1 ft.; capacity 100 inches, length of
ditch $\frac{1}{2}$ mile.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 2 $\frac{1}{2}$ second feet or 125 inches; have seen same amount so conveyed.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. Irrigation. 95 acres in Northeast Quarter, Sec. 35, T. 5 N.,
R. 1 E. B. M., Ada County, Idaho. Arid land. 95 acres in alfalfa, corn,
and garden.

OK
ND

18495

Ques. 7. If for power or other purposes ~~than irrigation~~, state how water has been applied and to what extent

Ans. --

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Arid land ; 125 inches.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No interest.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Water turned in, ^{to ditches} in fall of 1937 and during the irrigation season of 1938. 125 inches.

(Signed)

A. E. Goad

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in _____, County of Ada,

State of Idaho, on this 22nd day of September, A. D. 1939.

Betty V. Knight
Notary Public.

My commission expires Oct. 24, 1942.

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE
INSTRUCTIONS
PROOF OF BENEFICIAL USE OF WATER

Boise, Idaho, **September 5, 1939**

Re: Permit No. 18495

**Miss Betty W. Wright, Notary Public,
C/o Mr. Karl Paine,
Idaho Building,
Boise, Idaho**

Dear Sir: ~~Miss Wright:~~

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 18495.....

Deposition of Permit Holder,
Depositions of Two Witnesses.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On September 15, 1939....., the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at.....
Boise, Idaho.....before Betty W. Wright, Notary Public,

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

-----~~JAMES STOFFORD~~-----
Commissioner of Reclamation.

18495

August 14, 1939

Re: Permit No. 18495

Mr. Karl Paine,
Idaho Building,
Boise, Idaho.

Dear Sir:-

We enclose herein Certificate of Completion of Works issued under the above numbered permit to appropriate $2\frac{1}{2}$ second feet of subterranean water in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, Township 3 North, Range 1 East, B.M., Ada County, for irrigation and domestic purposes; also Department's receipt for the statutory fee of \$5.00 which you paid in connection with the completion of works proof.

We also acknowledge receipt of notice in duplicate for publication in connection with beneficial use proof on this same permit, and your authorization to have the notice published in the Idaho Pioneer.

A copy of the notice has been sent to the newspaper, with instructions to publish it once a week for four consecutive weeks prior to September 15th, 1939. About ten days prior to that date depositions, consisting one for the holder and one for each of two witnesses, will be mailed to Betty W. Wright, Notary Public, so that she may have them in ample time for the proof.

On the date designated, you should appear at her office, with two disinterested witnesses who are familiar with the terms of the permit and the works constructed thereunder, for the purpose of executing the depositions.

Very truly yours,

JAMES SPOTTFORD
Commissioner of Reclamation
By
Chief Clerk

JLA
Encs.

18495

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date August 10, 1939

Re: Permit No. 18495

IDAHO PIONEER
Boise, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to September 15, 1939, the date set for proof, the expense of the publication to be paid by the applicant, Karl Paine, Boise, Idaho

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

JAMES SPONTFORD

Commissioner of Reclamation

18495

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at **11:00** A. M. on the **15th** day of **September**, 19 **39**
 at **Room 412 Idaho Bldg., Boise,** County of **Ada**, State of Idaho, before
Betty W. Wright, Notary Public, proof will be submitted of the
 application to beneficial use of **2½** cubic feet per second of ~~the waters of~~ **underground**
waters in the NE NE¼, Sec. 35, Twp. 5 N. R. 1 E., in Ada County, Idaho,
 in accordance with the terms and conditions of Permit No. **18495**
 heretofore issued by the **Department of Reclamation** of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....

Karl Paine, Boise, Idaho

The use to which said water has been applied is **irrigation and domestic purposes**

The amount applied to beneficial use is **2½ cubic feet per second**

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) **Northeast Quarter, Section 35, Twp. 5 N., R. 1 E. B. M.**

The name of the canal or ditch or other works by which said water is conducted to such place
 of use is **private ditch**

The right to take water from such works is based upon Permit No. **18495**

The source of supply from which such water is diverted is **underground water**
diverted by means of well

The date of priority which said user is prepared to establish is **Aug. 24, 1937**

JAMES SPOTFORD

Commissioner of Reclamation.

18495

Permit No. 18495STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Ada

ss.

AUG 8 1939

Department of Reclamation

Karl Paine,

being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 18495, and that his postoffice address is Box 483, Boise,
State of Idaho

Second: That the name of the stream from which said water is to be directed is
underground water.

Third: That the point of diversion of said water is a well

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by August 28, 19 39

Fifth: That the use for which said water is intended is irrigation.

Sixth: That on the date above mentioned, the works constructed under said permit were ~~(or were not)~~ fully completed and consisted of the following:

I. Kind of works: Artesian well and ditch.

(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam -- feet, length of dam at top -- feet, length of dam at bottom -- feet. Material used in construction --

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir -- acre feet.

(c) Size of headgate: Width -- feet, height -- feet.

(d) Conduit (ditch) width at bottom 1 1/2 feet, width at water line 2 feet
(State whether ditch, flume or pipe.)
feet, depth of water 1 1/2 feet; diameter of pipe -- inches, average grade per mile is 10 feet. Length of conduit is One miles.

Seventh: That said works are capable of conducting to the place of intended use 2 1/2 second feet
~~second-foot~~ of water.

Eighth: That water appropriated under said permit is available for 125 acres of land described as follows: The Northeast Quarter of the Northeast Quarter, or 40 acres; 30 acres in Northwest Quarter of Northeast Quarter; 30 acres in Southwest Quarter of Northeast Quarter; 25 acres in Southeast Quarter of Northeast Quarter, or total of 125 acres.

Ninth: Remarks: That

Karl Paine
(Sign here)

Subscribed and sworn to before me this 7th day of August, 19 39

My commission expires October 24, 1942

Betty R. Knight
Residing at Boise, Idaho Notary Public.

OK
FD 8-8-39
18495

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Aug 7 1939

(P. O.) Boise Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Idaho Pioneer of Boise Idaho, published in
the county in which the works are situated.

Karl Paine

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

18495

May 10, 1939

Re: Permit No. 18495
Karl Paine

Mr. Edwin Snow,
Idaho Building,
Boise, Idaho.

Dear Mr. Snow:-

In reply to your letter of May 10th, we are enclosing herewith blank notice for proof of application of water to beneficial use under the above numbered permit, which should be filled out and returned to this office at least forty days before the date upon which proof is to be made, as it must be published once a week for four consecutive weeks prior to said date.

The proof must be submitted before a Notary Public, or other officer authorized by law to administer oaths.

We are also enclosing, as you request, the forms of deposition to be used by the Notary Public in connection with this proof, by the holder and two witnesses

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Chief Clerk

JLA
Encs.

18495

Edwin Snow
Lawyer
Boise, Idaho

May 10, 1939

Department of Reclamation
Boise, Idaho

Attention Mr. James Spofford

Gentlemen

Re: Permit No. 18495

The holder of the above permit desires to make proof of beneficial use of water in the near future. I would accordingly appreciate it if you would mail me the necessary blanks for this proof and for the notice to be published,

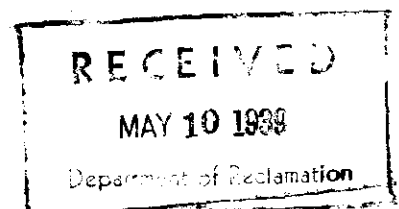
Thanking you, I am

Very truly yours,

Edwin Snow

EDWIN SNOW

ES.bw



18495

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Re: Permit No. 18495

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mr. Karl Paine,
Idaho Building,
Boise, Idaho

Boise, Idaho, **April 28, 1939**

Dear Sir:—

Under the terms of your permit No. 18495 you are required to complete your diversion works on or before August 23, 1939. **In reply to your letter of April 27th,** I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

JAMES SPOFFORD

Commissioner of Reclamation.

18495

KARL PAINE
ATTORNEY AT LAW
BOISE, IDAHO

April 27, 1939

James Spofford
Commissioner of Reclamation
Boise, Idaho

Dear Sir

Will you kindly send me proofs for completion of irrigation works under permit No. 18495?

Yours very truly,

1 Karl Paine

KARL PAINE

KP.bw

2 1/2 Sec ft
Dec 6/1939

18495

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 18495

Boise, Idaho, **August 30, 1937**

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as
given under approval of the Commissioner of Reclamation on
the third page.

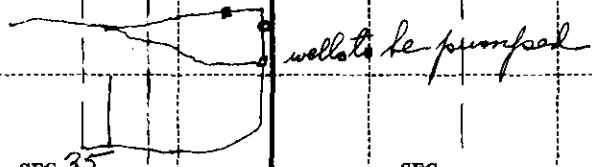
Karl Paine
Box 433
Boise, Idaho

Encl.
Office Receipt for \$5.50.

R. W. FARIS
Commissioner of Reclamation.

18495

T.5N, R.1E.



SEC.

SEC. 35

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

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SEC.

SEC.

SEC.

Permit Map No. 18495

As Approved

AUG 28 1937

R. W. FARIS

Commissioner of Reclamation