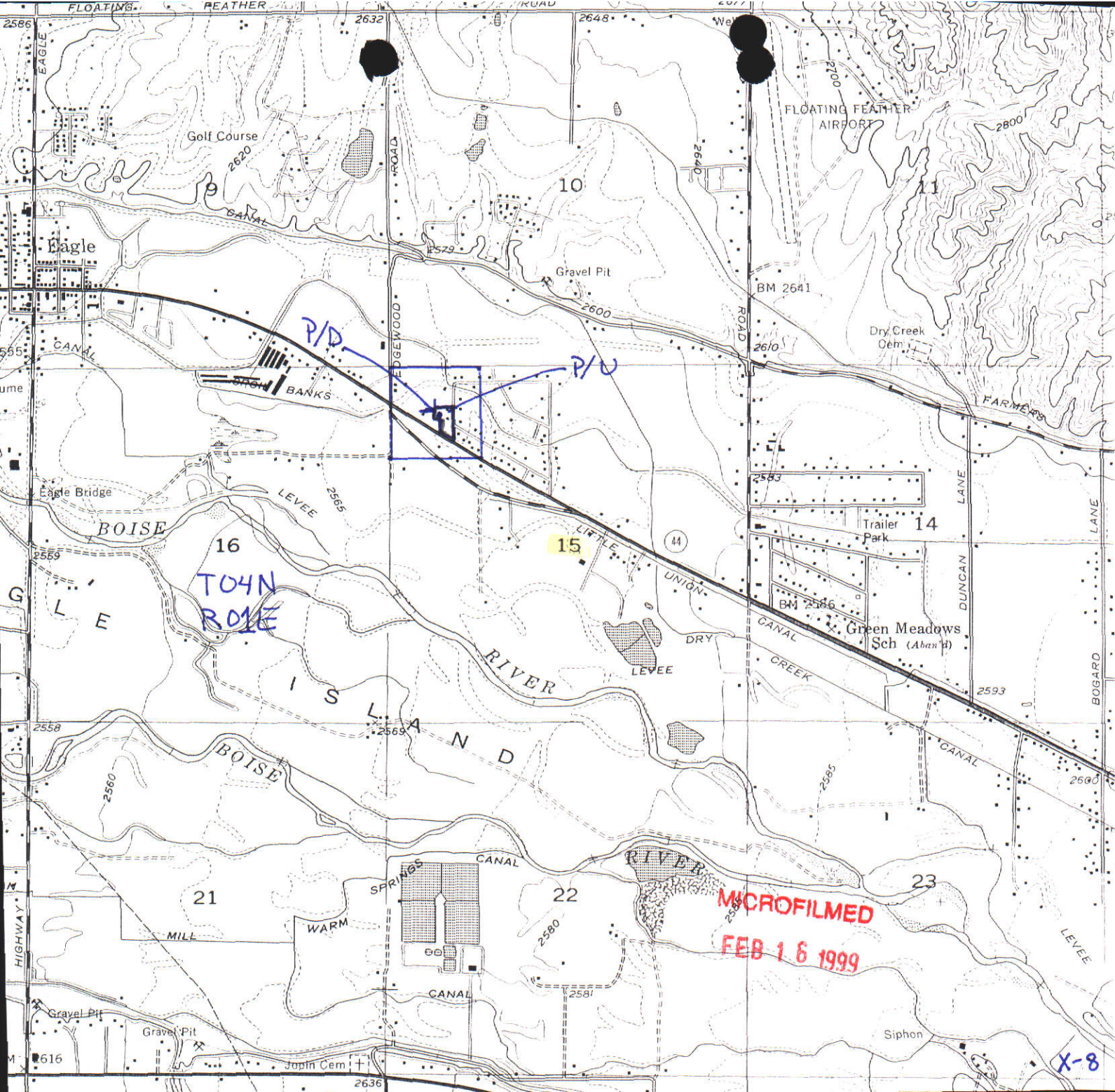
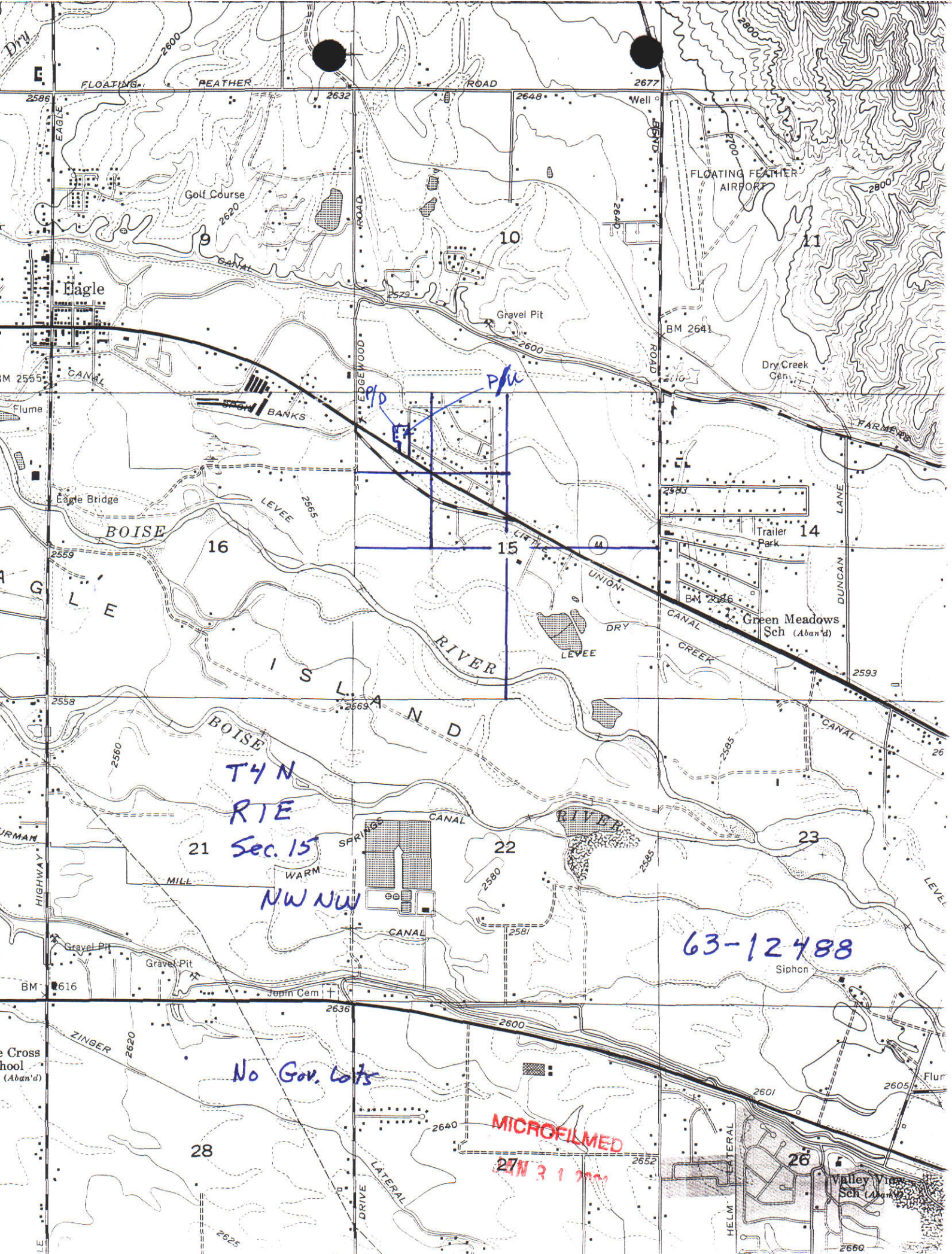








P/D



P/u

MICROFILMED
JAN 31 2001

63-12488



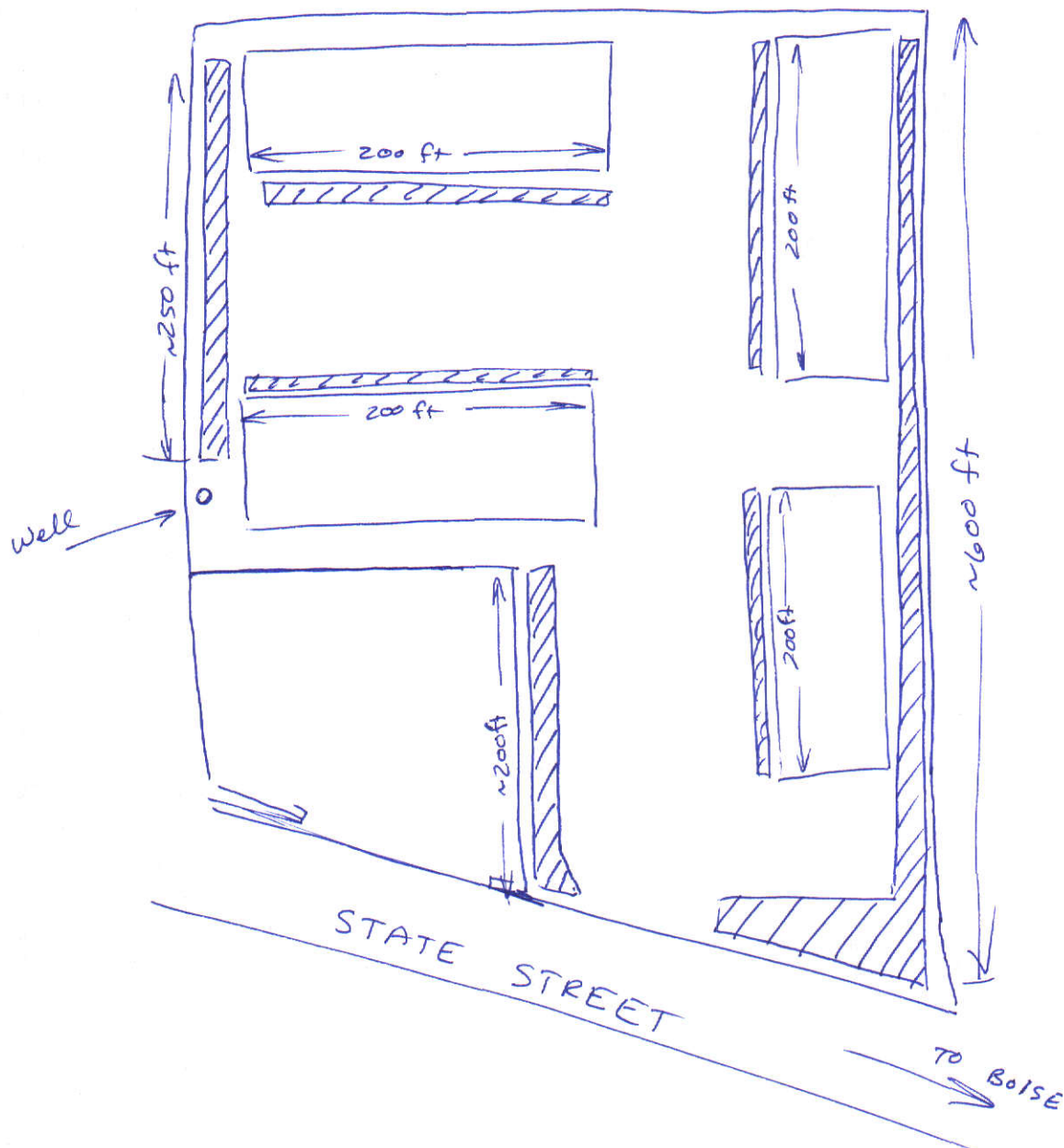
P/u



P/u

MICROFILMED
JAN 31 2001

63-12488



200 ft
 200 ft
 200 ft
 200 ft
 200 ft
 600 ft
 250 ft

 1850 ft

All of the buildings are approximately 60' x 200'

There is approximately 1850 ft of dripline.

 - Indicates areas where plants & trees are located

MICROFILMED

JAN 31 2001

63-12488

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-12488

Priority: September 28, 1998

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 0.6 AF

It is hereby certified that DONALD R ASBELL
1750 E STATE ST
EAGLE ID 83616 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated September 28, 1998; and has
submitted Proof of Beneficial Use on January 12, 2000. An examination indicates that the works have a
diversion capacity of 0.04 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
COMMERCIAL	01/01 to 12/31	0.04 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15, Twp 04N, Rge 01E, B.M. ADA County

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	15						X											

CONDITIONS OF APPROVAL

1. The daily diversion volume for the commercial use authorized under this right shall not exceed 2,500 gallons per day.
2. Commercial use is for landscape irrigation around Andon Business Park.

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

Signed and sealed this 19TH day of JANUARY, 2001

MICROFILMED

Acting for

KARL J. DREHER, Director

RECEIVED

JAN 12 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 63-12488 Telephone No. 208-938-6465

2. Name of Permit Holder(s): Donald R. Agbell

3. Mailing Address: 1750 E. State St.

City Eagle State ID Zip 83616

4. Source of Water: Well If **GROUNDWATER** (well), Date Drilled: mo. / yr. 1943

a. Well Driller: Don't know Drilling Permit Number: - - -

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): Stockwater (No. and type of stock):

Irrigation (No. of acres): 4 (DRIP) Other: Commercial Landscaping
M: nina / Landscaping

6. Total rate of diversion and/or volume for which proof is submitted: cfs OR acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes or No X

Has the measuring device been installed?

Yes or No X

8. Fee Enclosed: \$ (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Don Agbell Telephone Number: 867-1654 cell
938-6415 H

Address:

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Donald R. Agbell
(include your title, if on behalf of company of organization)

Date: 1/12/00

MICROFILMED

JAN 28 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12488

Proposed Priority: September 28, 1998 Maximum Diversion Rate: 0.04 CFS

This is to certify, that DONALD R ASBELL
1750 E STATE ST
EAGLE ID 83611

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

COMMERCIAL	01/01 to 12/31	0.04 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: NWNW , Sec. 15, Township 04N, Range 01E
ADA County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

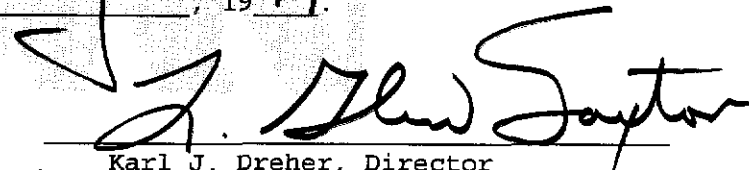
04N 01E 15 NWNW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 2000.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Commercial use is for 1 bathroom, minimal landscape irrigation, and for cooling pipes.
5. The daily diversion volume for the commercial use authorized under this right shall not exceed 2,500 gallons per day.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

9th day of February, 1999.


Karl J. Dreher, Director
for

MICROFILMED

1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR PERMIT

RECEIVED

SEP 29 1998

To appropriate the public waters of the State of Idaho

SEP 28 1998

WATER RESOURCES
WESTERN REGION

Department of Water Resources

1. Name of Applicant Donald R. Asbell Phone 939-6415
Post Office address 1750 E. STATE ST. Eagle, ID 83616
2. Source of water supply Well Ground Water which is a tributary of _____
3. Location of point of diversion is NW 1/4 of NW 1/4 of _____ 1/4, Govt. Lot _____
Sec. 15 Township 4N Range 1E B.M. ADA County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
- * Amount 0.04 for Domestic purposes from 01/01 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0.4 for Commercial purposes from 01/01 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. well and pump
w/ drip system in place
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
- c. ~~Proposed~~ well diameter is 6" inches; proposed depth of well is 152 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? N
- e. If well is already drilled, when? Apr 1943 Drilling firm _____
Well was drilled for (well owner) Don't know
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity if KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. Land serving on Comm. flying
- e. Other; describe fully. For cooling pipe production

* per telecon w/ applicant 12/16/98. g

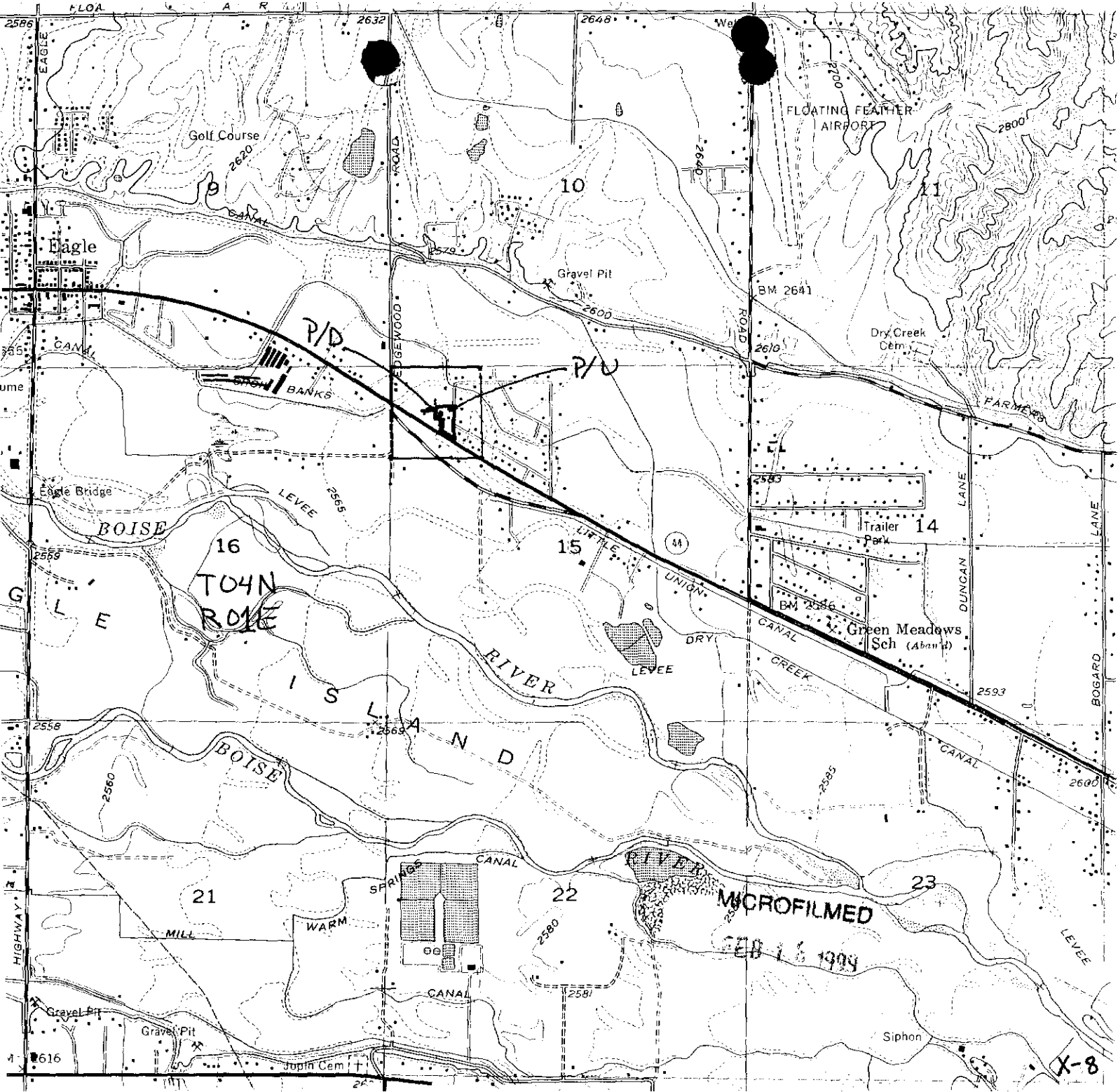
ANDON COMPANY
COMMERCIAL RENTALS



MOBILE 867-1654

DON ASBELL
Owner/Manager

1750 E. STATE STREET
EAGLE, IDAHO 83616
(208) 939-6415



Ident. No. 63-12488

Comments: Date: 12/17/1998 User-ID: STAYLOR

Subject: Use

Commercial use for one bathroom, minimum landscape irrigation and for cooling pipes. Use will be less than 2500 gpd. Well is a back-up source to city water.

MICROFILMED

FEB 16 1999



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 22, 2001

DONALD R ASBELL
1750 E STATE ST
EAGLE ID 83616

RE: License No. 63-12488 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

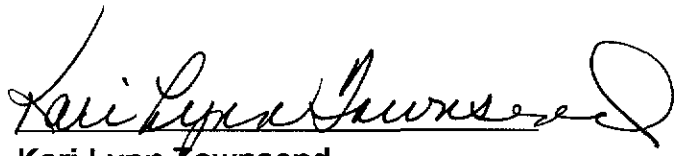
JAN 31 2001

CERTIFICATE OF MAILING

I hereby certify that on January 22, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 63-12488

**DONALD R ASBELL
1750 E STATE ST
EAGLE ID 83616**


**Kari Lynn Townsend
Secretary**

MICROFILMED

JAN 31 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED

JAN 31 2001

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further *factual development of the record is necessary before issuing a final order*. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes *final*, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
JUN 3 1985

LICENSE REVIEW CHECKLIST

Permit No. 63-12488

Date: 1-11-2001 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): city water
File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.04 cfs
Fee Limit 0.04 cfs
Measured 0.03 cfs
Theoretical 0.04 cfs

Recommended Total Diversion Rate 0.04

Water Uses OK

Change (P46)

Season of Use per new Standards

N/A - commercial

Irrigation _____ cfs _____ af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
Commercial 0.04 cfs 0.6 af
_____ cfs _____ af
Total 0.04 cfs 0.6 af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)
supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
>1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (081/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

allow
per
examine -
bucket mont.
made on
road after
going thru
pressure tank

Volume Determination

_____ cfs x 1.9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks:

limit to 2500 gpd

Additional Conditions

N/A Watermaster Control
N/A GW Measurement/Measuring Device
N/A Other
Trust (052/R55 - remove 051)
Non-trust (048/049)

GW Dist? N/A
Water Msmt. Dist? N/A
Crit. GWMA? N/A
GWMA? N/A
Government Lots? _____

Advance Priority? yes If yes, explain why below.
no

SRBA Claim? N/A

Adjust memo N/A

Amend Letters

P87, S06

Second Amendment Notice

S06

per Richard 1/2/2001 - no use in bathroom
or for cooling pipes - only landscaping.
kw

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

AUG -3 2000

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 63-12488

1. Owner: Donald R. Asbell Phone No. (208) 939-12488

Current Address: 1750 E. State Street

2. Accompanied by: Donald R. Asbell EXAM DATE: 6/1/2000

Address: Same as above Phone No.

Relationship to Permit Holder: Owner

3. Source: Groundwater

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 63-11798, 63-12147, 63-02406

2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	NW	15	04N	01E	ADA	USGS TOPO MAP

2. Place(s) of Use:

Indicate Method of Determination **USGS TOPO MAP**

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	15						C											

MICROFILMED
JUN 3 2000

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

SEE ATTACHED SHEET.

X Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

 Aerial Photo Attached (required for irrigation of 10+ acres).

X Photo of Diversion and System Attached*

* Also see sketch of approximate area irrigated.

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Submersible Pump					
		Other data is unknown. Well was drilled in the 1940's.			

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
5 gallon bucket	N/A	N/A	N/A	N/A	N/A	N/A
Stopwatch	N/A	N/A	N/A	N/A	N/A	N/A

2. Measurements: Two trials yielded the results of 37 seconds and 35 seconds. Average time = 36 seconds. The flow rate (Q) is 8.33 gal/min = 0.02 cfs. This measurement was taken directly from a faucet that was connected to the diversion system by approximately 100 feet of 1 inch hose.

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JUN 3 1 2000

E. NARRATIVE/REMARKS/COMMENTS

The well is used to supply water to driplines for the plants, trees, and shrubs around the ANDON Business Park. The well and the place of use are located in the NWNW of Section 15, Township 04N, Range 01E. The well was apparently drilled in the 1940's. The pump was replaced by Burgess Pump Co. In a telephone conversation with the owner, John Burgess, it was learned that a 1 hp pump was installed at a set depth of 21 feet. The static water level is at 7 feet and the pumping water level is at 11 ft. The pump is designed to produce 18 GPM at approximately 50-55 psi.

Less than ½ acre is irrigated using driplines to the trees and bushes per visual inspection.

Occasionally some water is used for commercial purposes such as cleaning equipment. This use is minimal.

There is no way to know if the daily diversion volume is less than 2500 GPD. Because the water is primarily only used to irrigate using driplines, the daily diversion volume is probably less than 2500 GPD.

MICROFILMED

JCB 3 1 2004

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

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

Theoretical

$$Q = [(1.0 \text{ hp}) * 8.814 * 0.70] / [11 \text{ ft} + (55 \text{ psi} * 2.308)] = 0.04 \text{ cfs}$$

Bucket and Stopwatch

$$(5 \text{ gallons} / 36 \text{ seconds}) * (60 \text{ seconds} / 1 \text{ minute}) = 8.33 \text{ GPM}$$

$$8.33 \text{ GPM} * (1 \text{ CFS} / 443.83 \text{ GPM}) = 0.02 \text{ cfs}$$

I recommend that 0.04 cfs be allowed.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

$$C_R = 0.6 \text{ (Recommended volume for external domestic use)}$$

$$C_D = 0.04 \text{ cfs} \times 365 \times 1.9835 = 28.9 \text{ AF}$$

The water use is similar to that of external domestic use. Therefore allow a volume of 0.6 AFA.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Commercial</u>	<u>1/1</u>	<u>12/31</u>	<u>0.04</u>	<u>0.6</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>0.04 cfs</u>	<u>0.6 AFA</u>

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

MICROFILMED

1998-1-1 2000

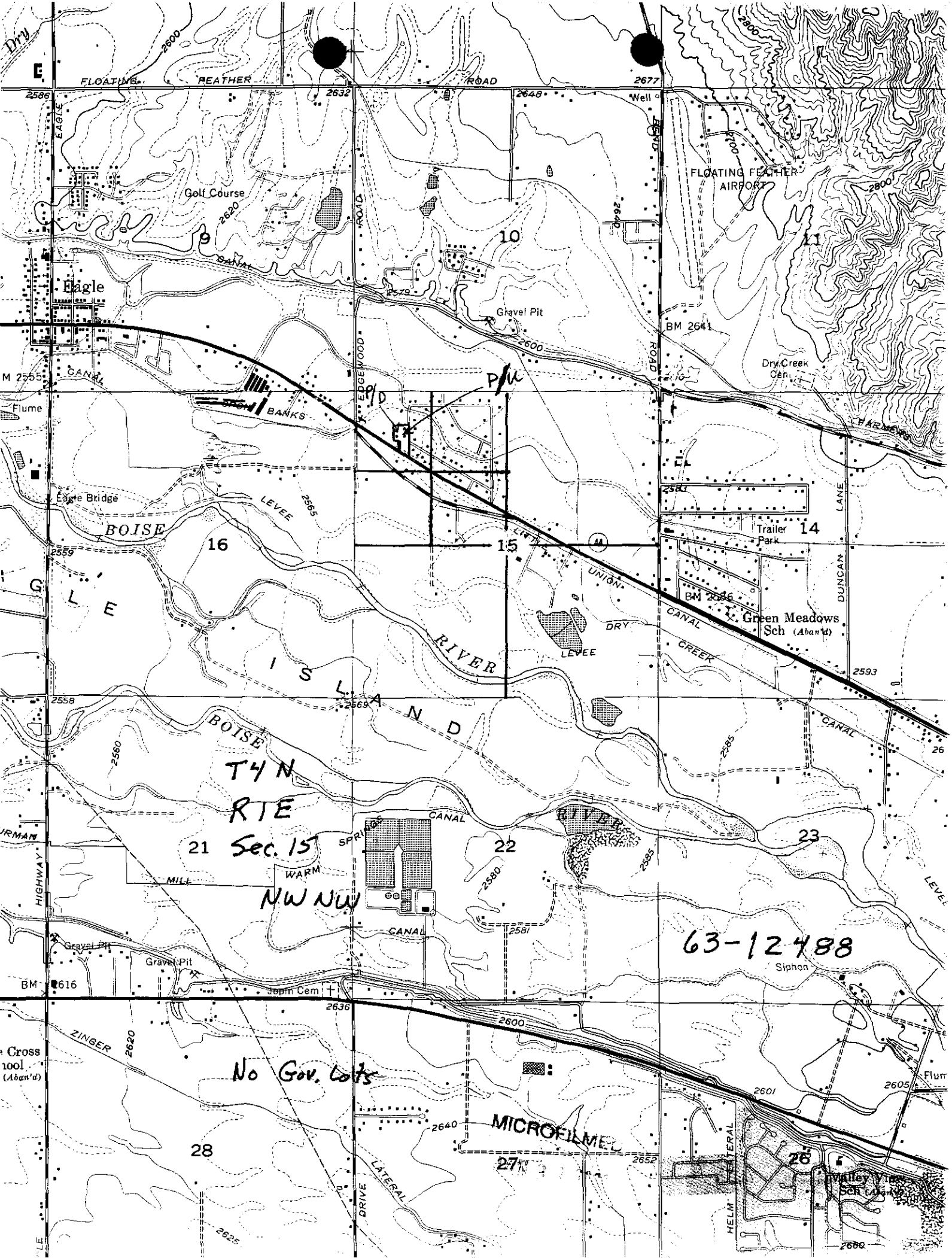
I. AUTHENTICATION

Richard D. Hansen – Field Examiner

Field Examiner's Name Richard D. Hansen Date 6/7/2000

Reviewer _____ Date _____

SEAL



T4N
RTE

21 Sec. 15

NW NW

63-12488

No Gov. Lots

MICROFILMED

IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

1. DRILLING PERMIT NO: _____ OTHER APPLICABLE NO: 63-12488
2. OWNER: Donald R. Asbell Phone: (208) 939-6415
Address: 1750 E. State Street
3. WELL LOCATION: Twp 4N, Rge. 1E, Sec. 15, NW 1/4 NW 1/4
County Ada (Provide sketch map and photo on reverse.)
4. DRILLER: _____ Lic. No. _____
When Drilled? 1940's ?
5. WELL CONSTRUCTION:
Casing Diameter 6' inches Water tight cap? ☐ Yes ☒ No Access Port: ☒ Yes ☐ No
Casing $\geq$ 12 inches above ground? ☒ Yes ☐ No - Describe _____
Depth of Casing unknown ft. Method Drilled unknown
Condition of Well Casing: ☒ Good ☐ Fair ☐ Poor Describe _____
Control Valve? ☒ Yes ☐ No Pressure Gauge: ☒ Yes ☐ No
Condition of Piping and Valving OKAY
Auger to a depth of unknown ft. Evidence of Annular Seal ☐ Yes ☒ No
Are there obvious construction problems that may be a source for contamination or waste of water?
☐ Yes ☒ No (Describe in Remarks and Attach Photo - On Reverse)
6. HYDROLOGIC INFORMATION:
Depth to Static Water 7 ft. Water Temperature cold °F
Flowing Artesian ☐ Yes ☒ No Pressure: 50-55 (psi)
Water Sample Taken? ☐ Yes ☒ No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____
7. WELL USE:
☐ Domestic ☒ Irrigation ☐ Stock
☐ Test ☐ Municipal ☐ Industrial
☐ Abandoned ☐ Waste Disposal/Injection ☐ Not Used
☒ Other: Commercial

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JAN 31 2001

8. POSSIBLE CONTAMINATION SOURCES:

Is there evidence of Chemigation? ☐ Yes ☒ No

If yes, is there a check-valve present? ☐ Yes ☐ No *unknown*

Is there a possible source of contamination nearby? ☐ Yes ☒ No

If yes, what Type? _____

How far away from the well is this source? _____

9. REMARKS: _____

Richard D. Hansen - Field Examiner

Signature of Dept. Representative & Title

6/1/00

Inspection Date

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:



P/D



P/U

MICROFILMED

SEP 11 1981

63-12488



P/u



P/u

MICROFILMED

NOV 1986

63-12488

FIELD REPORT NOTES

MICROFILMED

1981

63-12488

63-12488

Flow Measurements

Bucket

<u>Trial #</u>	<u>Time</u>
1	37 s
2	35 s
<u>Average 36 s</u>	

$$\frac{5 \text{ gal}}{36 \text{ s}} \times \frac{60 \text{ s}}{1 \text{ min}} = 8.33 \text{ GPM}$$

Access Port

Pressure gauge

ON - 50 psi

OFF - 55 psi

John Burgess

Burgess Pump installed pump

3/4" & 1" buried mainline

All dripline. No sprinklers.

4 buildings (All ~ 60' x 200')

MICROFILMED

JAN 31 2001



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 20, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DONALD R ASBELL
1750 E STATE ST
EAGLE ID 83616

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-12488

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **WESTERN** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Kari Lynn Townsend
Secretary

c: IDWR - Regional Office

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JAN 28 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 63-12488 Reviewed by 178 Date 1-17-00

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?

Comm

yes Address same as permit?

yes Proof timely received?

Correct Uses? yes

If not, complete calculation below.

SOURCE OF WATER

 Surface water source

✓ Ground water source

 Drilling permit required?

 Copy in the file? Drilling Permit No.

 Amount paid for permit Correct?

 Well log in the file?

LICENSE EXAMINATION FEE

NO Required?

 Amount Submitted

 Correct?

MEASURING DEVICE

 Required?

 Installed?

 Waiver requested?

PRIORITY CALCULATION

Date proof received

Date proof due -

No. of days late =

Priority Date +

New Priority Date

DEFICIENCIES OR ACTION ITEMS

none/ok proof

DATA ENTRY

New Address

Proof Made 1-12-2000

November 30, 1999

DONALD R ASBELL
1750 E STATE ST
EAGLE ID 83611

PROOF DUE NOTICE

RE: PERMIT NO. 63-12488

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 2000. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

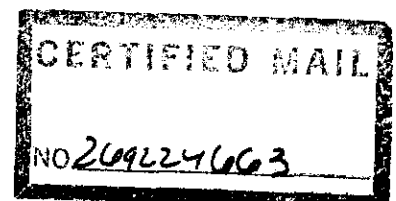
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
JAN 28 2000





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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 10, 1999

DONALD R. ASBELL
1750 E STATE ST
EAGLE ID 83611

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12488

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

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

MACROFILMED
FEB 15 1999

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

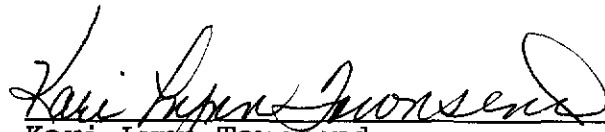
MICROFILMED
FEB 16 1999

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of **February, 1999**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 63-12488

DONALD R ASBELL
1750 E STATE ST
EAGLE ID 83611



Kari Lynn Townsend
Secretary

MICROFILMED
FEB 16 1999

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

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

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

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

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

FEB 16 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by CindylonNo.: 63-12488 Name: Asbell Date: 2/3/99 Ad OK? ☒ Gvmt Lts: ☒

AREA OF CONCERN:

- No/Yes: BRD Mor / GWMA / Trust / Non-trust

PROTESTED:

- 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year

- 26A-P17

≤ 1 year/no proof

- P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT:

All wells (✓ WDQ3)

- 016 P23

In Basin 34?

- 085

Irr. within WD

- P05 (new well location)

WMD (✓ MAP)

- North / East / West

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

WMD Supp irr use only

- 065-079-102 (if GW use SW)-(keep SW)-(GW not primary irr source)

Supp. irr + uses

- 100-101-102

> 0.24 cfs/5 acres

- 01M (report when notified)

≤ 0.24 cfs/5 acres

- No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

FISH & GAME CONTACTED:

- Yes / No; WHEN: _____ RESPONSE: _____

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9

IN-STREAM DEVELOPMENT

- P52 (stream channel alteration)

WD (✓ MAP & LISTING)

- R04 (WD # _____)

> 0.10 cfs

- 01J-P08 (MD & LD)

≤ 0.10 cfs

- 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

- *W22-P04, NA

(02/03-irr)

- 007 (w/ remark *WB9 if above Weiser), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's)

- 029 (fish screens), NA

Weiser R (67)

- 086, 087

USE:

Storage (✓ 3 compo.)

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

Irr ≤ 5 acres

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

> 5 acres

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

Stockwater

- R37 (BLM/USFS); NA

Mining

- 054(req)-081-P10

Fish Propagation

- 029(70's only)-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

Power

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

Municipal

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

Domestic surface

- 022, 075, 004 (+memo?), NA (not in restricted area)

>1 in rest. area

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

Fire Protection

- 071-070

- 077

LOCATION:

Boise Front LoGeo

- 058 (<85° GW temp only)

Mitigation

- 120

42-248 area

- P84 (in 20/30/40/50/60/70/80 (87) basin)

SWAN FALLS FLAG (See Code Chart)

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

- ① W03

BENEFICIAL USE DUE:

- 2 /1/ 2000

COMMENTS:

FEB 05 1999

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

INITIAL REVIEW BY: g DATE: 12/16/98 APPLICATION: 63-12488

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Gov't. Lots: P/D
 P/U

ADDITIONAL INFORMATION

N ADVERTISE REMARK(S)
(Reviewer identify which remarks)

to do T FLAG CHANGED TO P FLAG

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ Overlapping point of diversion.
- ☒ Critical groundwater area:
- ☒ Groundwater management area:
- ☒ 1992 moratorium: exempt
- ☒ Surface water source, IDFG letter needed.
- ☒ Bull trout impact area, IDFG letter needed
- ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ E-mail to Dam Safety staff: (for any storage)
- ☒ Mitigation plan: Check any that apply.
☐ immediate = acceptable plan required and submitted.
☐ future = open areas, acceptance of condition of approval is in file.
- ☒ Send power requirement letter &/or fish farm requirement letter.
- ☒ Power residency affidavit:
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

system + use description - telecon

Date Requested 12/16/98 Date Response Received 12/16/98

PROCESSING

APP. NO. 63

YES NO

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:
☐ ☒ Final date for protest 1-25-1999
☐ ☒ Protests received.
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Water delivered by water master? District # _____
☒ ☐ Special conditions of approval or cover letter: 046

See below for additional information

Recommended Date or Priority 9/28/98

Recommended by: Dany S

Date: 2/2/99

ADDITIONAL INFORMATION:

city water primary source, well is
back-up - per applicant 12/16/98

The Idaho Statesman

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

LEGAL ADVERTISING INVOICE

Amount Due

\$74.50

Account Number/Trans. #

Identification

047628

APPLICATION FOR WATER RIGHT

Ordered By

P.O. Number

Rate

Run Dates

SUE
TAYLOR

NT

JANUARY 7, 14, 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 RECEIVED

3023

JAN 15 1999

WATER RESOURCES
WESTERN REGION

3023

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

JANUARY 7

1999

and ending with the issue of

JANUARY 14

1999

Janice Hildreth

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 14TH day of JANUARY 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.

Notary Public for Idaho
Residing at:

Boise, Idaho

My commission expires:
MICROFILMED

02/28/02

LEGAL NOTICE NOTICE OF APPLICATION FOR WATER RIGHT

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

63-12488

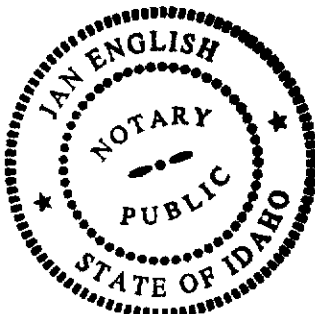
ASBELL, DONALD R
1750 E STATE ST.
EAGLE, ID 83611

Source: GROUNDWATER
Diverston Pt: NWNW
Use: COMMERCIAL
Total Diverston:
Date Filed: 9/23/1998
In: ADA County
T04N R01E S15 NWNW

Sec 15 T 04N R 01E In ADA County.
0.040 CFS)
0.040 CFS)

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before JANUARY 25, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
Pub. Pub. Jan. 7, 14, 1999





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DECEMBER 30, 1998

Legal Notices Department
THE IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before JANUARY 25, 1999.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MICROFILMED

DEC 15 1998

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED
FEB 16 1999

63-12488

ASBELL, DONALD R
1750 E STATE ST
EAGLE, ID 83611

Source: GROUNDWATER

Diversion Pt: NWNW Sec 15 T 04N R 01E in ADA County.

Use: COMMERCIAL	(	0.040 CFS)
Total Diversion:	(	0.040 CFS)

Date Filed: 9/23/1998

In: ADA County	
T04N R01E S15	NWNW

MICROFILMED

FEB 16 1999

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before JANUARY 25, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 1/ 7/1999 & 1/14/1999

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FEB 16 1999