



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 6, 2013

JOSEPH SCHNELL
231 MILL CREEK LN
GRANGEVILLE ID 83530

RE: License No. 85-15505

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.

Your license is based on the field examination that was previously conducted. The field examiner found that you are storing/appropriating **25.4 acre-feet** which exceeds the volume authorized by this right. The Department conducted a search and was unable to find other water rights that authorized the additional appropriation. You will need to file another application for permit for your artesian well (POD), and the following places of use: the containment pond (pond #1), the 2 really small ponds adjacent to pond #1, and the lower pond (pond #2; the amount not covered by water right 85-15505). The amount to be filed on your new application should be for 15.4 acre-feet, the amount that is not yet covered under any water right.

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 208-287-4916.

Sincerely,

Craig L. Saxton
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2013, 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.

85-15505

**JOSEPH SCHNELL
231 MILL CREEK LN
GRANGEVILLE ID 83530**



**Darla Block
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 Water Resource 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).

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 service date 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.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 85-15505

Priority: August 19, 2004

Maximum Diversion Volume: 10.0 AF

It is hereby certified that JOSEPH SCHNELL
231 MILL CREEK LN
GRANGEVILLE ID 83530 has complied with the terms and conditions of
the permit, issued pursuant to Application for Permit dated August 19, 2004; and has submitted Proof of
Beneficial Use on April 26, 2006. An examination confirms water is diverted from:

SOURCE

UNNAMED STREAM

Tributary: MILL CREEK

and a water right has been established as follows:

BENEFICIAL USE

WILDLIFE STORAGE

PERIOD OF USE

01/01 to 12/31

**ANNUAL
DIVERSION VOLUME**

10.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NW1/4NE1/4 Sec. 27, Twp 30N, Rge 03E, B.M. IDAHO County

PLACE OF USE: WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
30N	03E	27		X				X											

CONDITIONS OF APPROVAL

1. The right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
2. Water shall not be diverted under this right when flows in the Clearwater River are below established minimum flow amounts.

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.

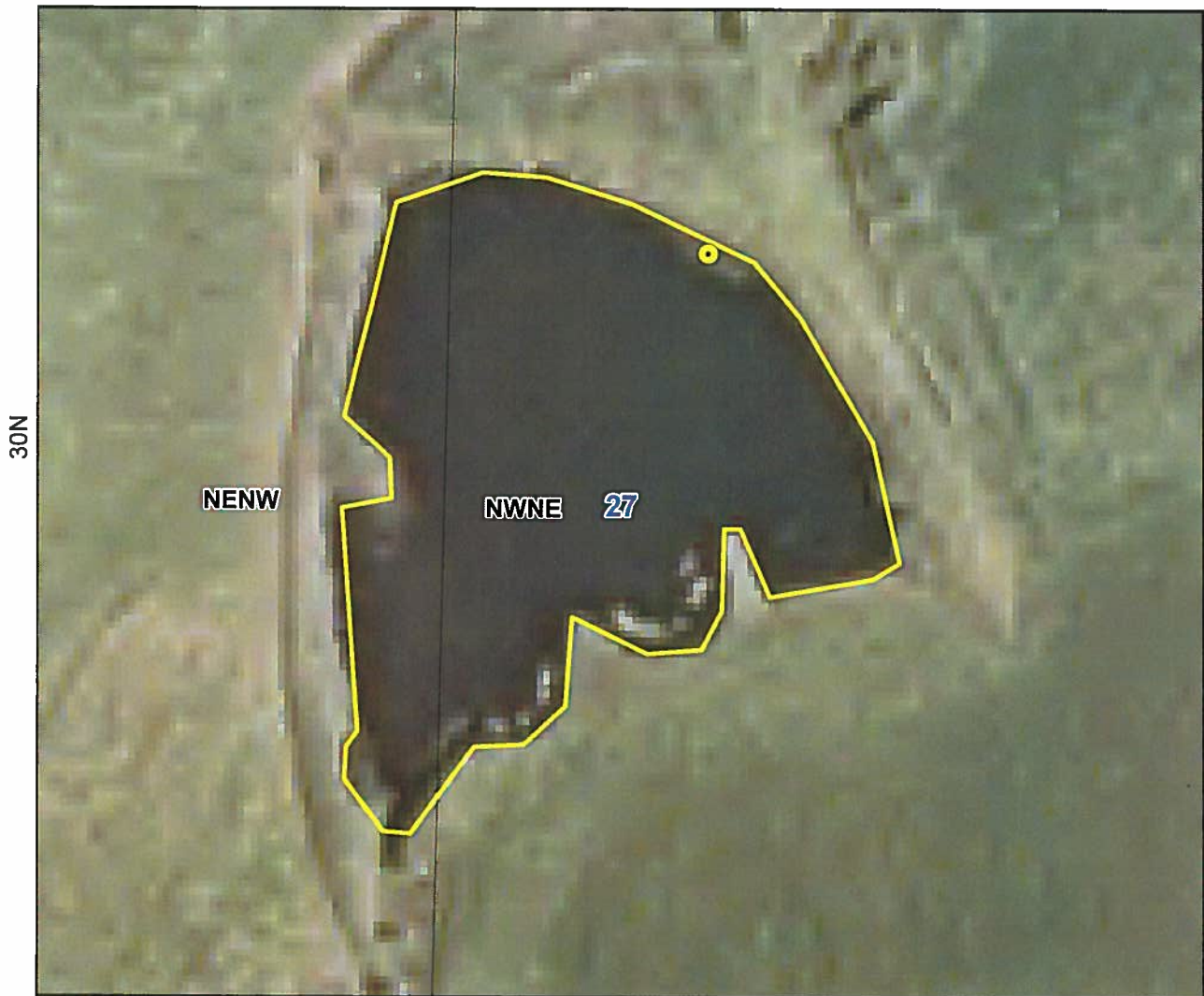
Signed this 5th day of November, 2013.


For GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
85-15505

This map depicts the WILDLIFE STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

03E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.01 0.02 0.04 Miles





Joseph,
Please:

- 1) file an application for permit + include the following
 - A) Point of Diversion (POD#1 Artesian well)
 - B) Place of Use (Pond#1, A, B, + Pond#2 for additional volume that was not covered under water right 85-15505)
- file for:
 - C) 15.4 AF required to cover everything not covered by 85-015505.
 - D) attach this map with the completed

Hemenway, Sandy

From: Hemenway, Sandy
Sent: Wednesday, November 06, 2013 6:23 AM
To: jrparadise2@yahoo.com
Cc: Hemenway, Sandy; Sandy Hemenway
Subject: FW: 85-15505 Schnell

Importance: High

Joseph,

Your signed and approved License for water right 85-15505 will be going out in the mail today. Attached to the license will be an application for permit for you to complete and return, along with a map. By completing and returning the new application for permit, that will ensure that all of the ponds will be completely covered by a water right.

License 85-15505 covers 10.0 AF of the lower pond (pond #2), and leaves 15.4 AF to be put on your new application for permit to ensure all the ponds are covered under a water right:

Pond #1 (the well containment pond) = 0.66 acres X 14 average ft = 9.2 AF

Pond #2 (the lower pond) = 1.0 acre X 16 average ft = 16.0 AF

The 2 small ponds = 0.04 acre total X 6 average ft = 0.2 AF

TOTAL = 25.4 AF – 10.0 AF covered by water right 85-15505 = 15.4 AF (for your new application for permit, to get everything covered).

By completing the new application for permit, that will ensure that all of the ponds are covered under by water rights.

Since you work so late, if you have any questions please give me a call in the evenings or weekend on my cell phone.

Thank you,

Sandy Hemenway
Sr. Water Resource Agent
IDWR State Office
PO Box 83720
Boise, ID 83720-0098
(208)287-4920 6am – 4pm MST
Cell (208)761-0280 any other times

AF Exceedance