

MEMORANDUM

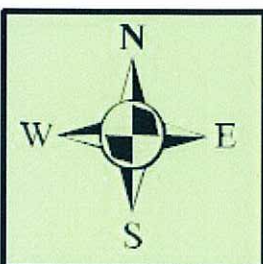
Date: April 03, 2008
To: Water Right File 83-11933
From: mweaver
Re: File Update

Following my initial review of the file I came to the conclusion based upon the field exam that there had been no marked increase in beneficial use at the commercial bottling facility under Permit 83-11933, which had not already been established under Water Right 83-7124. I issued a Notice Order to Void Permit to the permit holder, Mr. Jim Schwartz at that time. After Mr. Schwartz received the Notice he contacted me to discuss the Notice and his Permit. At this time I came to the conclusion that Mr. Schwartz has two commercial water facilities, a bottling plant under 83-7124, and a new bulk water retail facility under 83-11933. Because his Proof of Beneficial Use form referred to the use as commercial bottling, the Field Examiner may have been confused and conducted a field exam on the bottling facility not realizing the bulk distribution warehouse existed. Based upon my review of the file I came to the incorrect conclusion that no new improvements had been made.

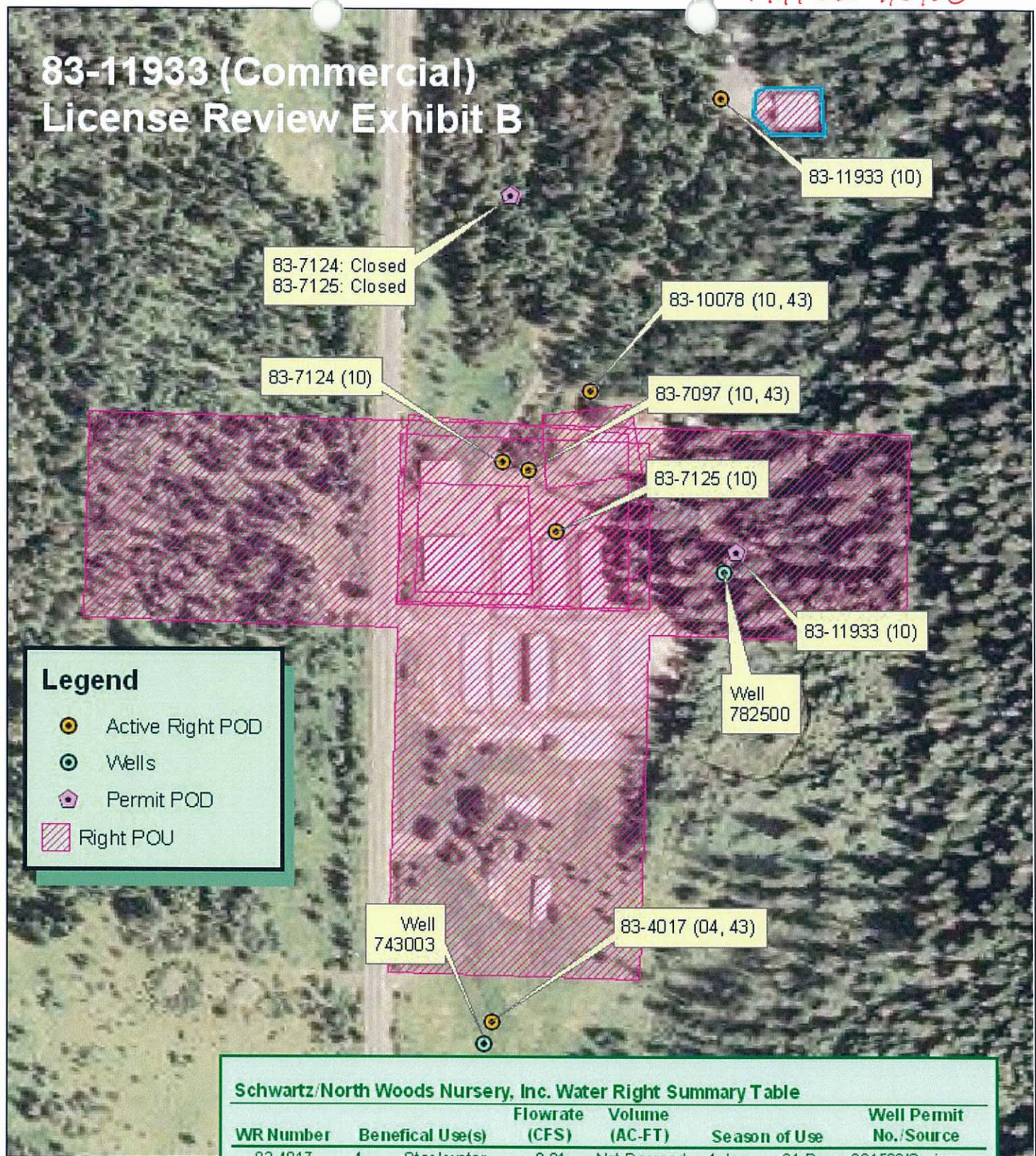
However, according to Mr. Schwartz, and verified by the Well Driller's report (Well 782500), the new well and facilities went in around 2002/2003, prior to the Field Exam in 2004 and are therefore legitimate improvements under Permit 83-11933, but have never been inspected. I have coordinated with Mr. Schwartz to tentatively meet with him to carry out a second field exam in late May early June. I indicated to him that he would not be charge a second examination fee. At this time I hope to prepare a field exam on the bulk water distribution warehouse improvements and issue a Water Right License as appropriate based on my findings.

I created POD and POU shapes in the data base during my initial review that will need to be updated following the 2nd examination.

B3 - 10077	10	commercial	0.03	Decred	1/6	12/31	~~Linoley~~ LINOLEY co.
" "	43	Dom.	0.03	" "	"	"	



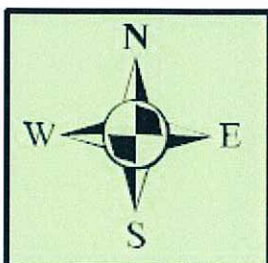
83-11933 (Commercial) License Review Exhibit B



Schwartz/North Woods Nursery, Inc. Water Right Summary Table

WR Number	Beneficial Use(s)	Flowrate (CFS)	Volume (AC-FT)	Season of Use	Well Permit No./Source
83-4017	4 Stockwater	0.01	Not Decreed	1-Jan 31-Dec	284599/Spring
83-4017	43 Domestic	0.04	Not Decreed	1-Jan 31-Dec	284599/Spring
83-7097	10 Greenhouse	0.03	1.5	1-Jan 31-Dec	82-87-N-0008-000
83-7097	43 Domestic	0.03	1.2	1-Jan 31-Dec	82-87-N-0008-000
83-7124	10 Bottling	0.06	3	1-Jan 31-Dec	83-95-N-0006-000
83-7125	10 Greenhouse	0.04	6.6	1-Jan 31-Dec	82-87-N-0008-000
83-10078	10 ?	0.03	Not Decreed	1-Jan 31-Dec	?
83-10078	43 Domestic	0.04	Not Decreed	1-Jan 31-Dec	?
83-11933	10 Bulk Water Sales	0.07	1.1	1-Jan 31-Dec	782500

Condition 3, 83-7125: Rights 83-7097 and 83-7125 when combined shall not exceed a total diversion rate of 0.07 cfs for 12 greenhouses.

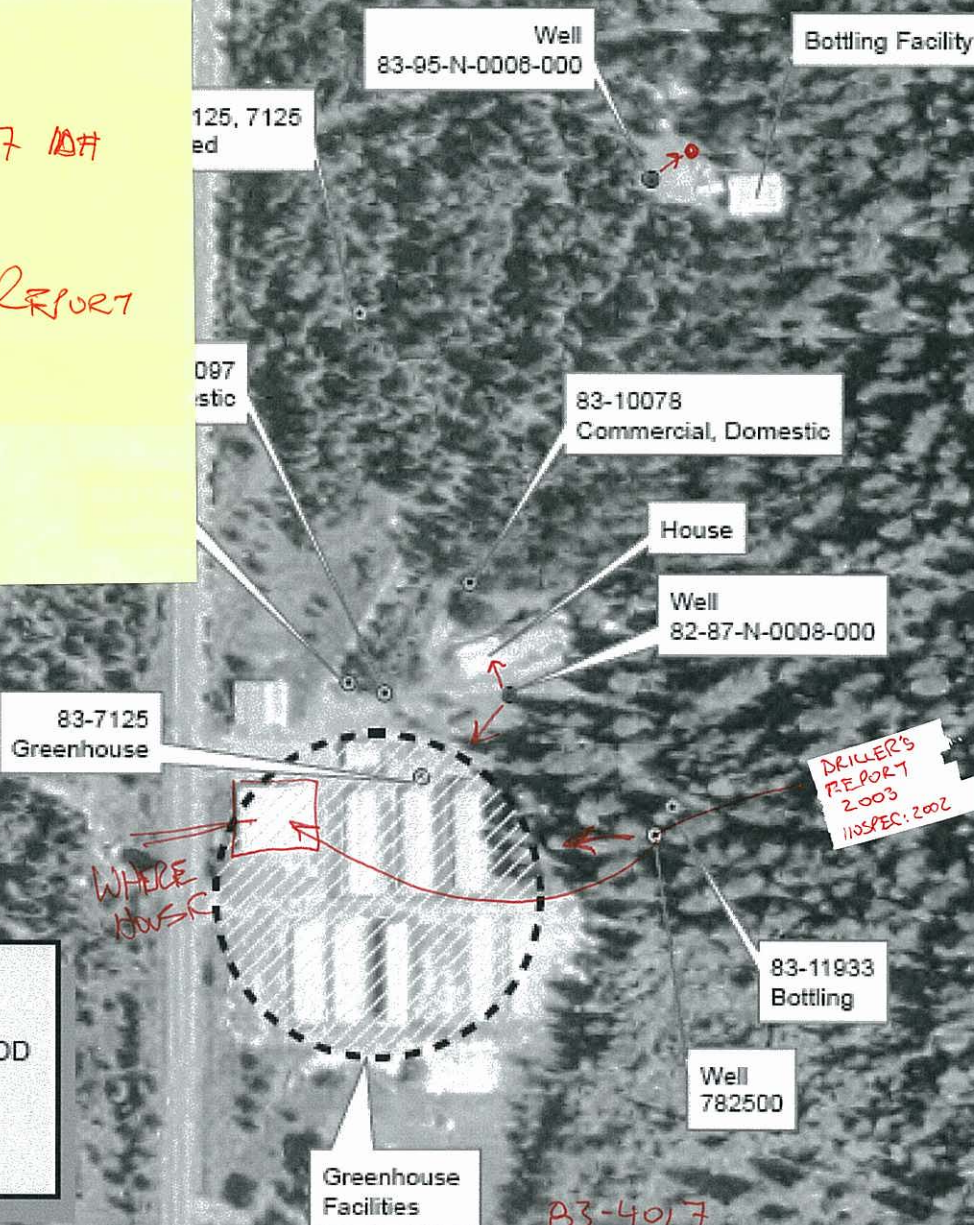


- CLAIM 1924 83-4017
- TURN INTO A WATER RIGHT?

3 WELLS

- TRASS 83-04017 10#
N. Woods NURSERY
→ WELL/SPRING
- INCLUDE PROOF REPORT
FOR 83-4017

NOTES FROM PHONE CONVERSATION 4/1/08



DRIVER'S REPORT 2003
INSPER: 2002

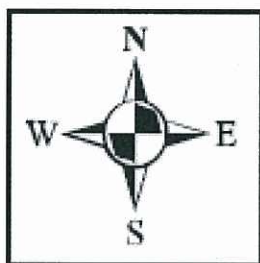
Schwartz Water Right Summary Table

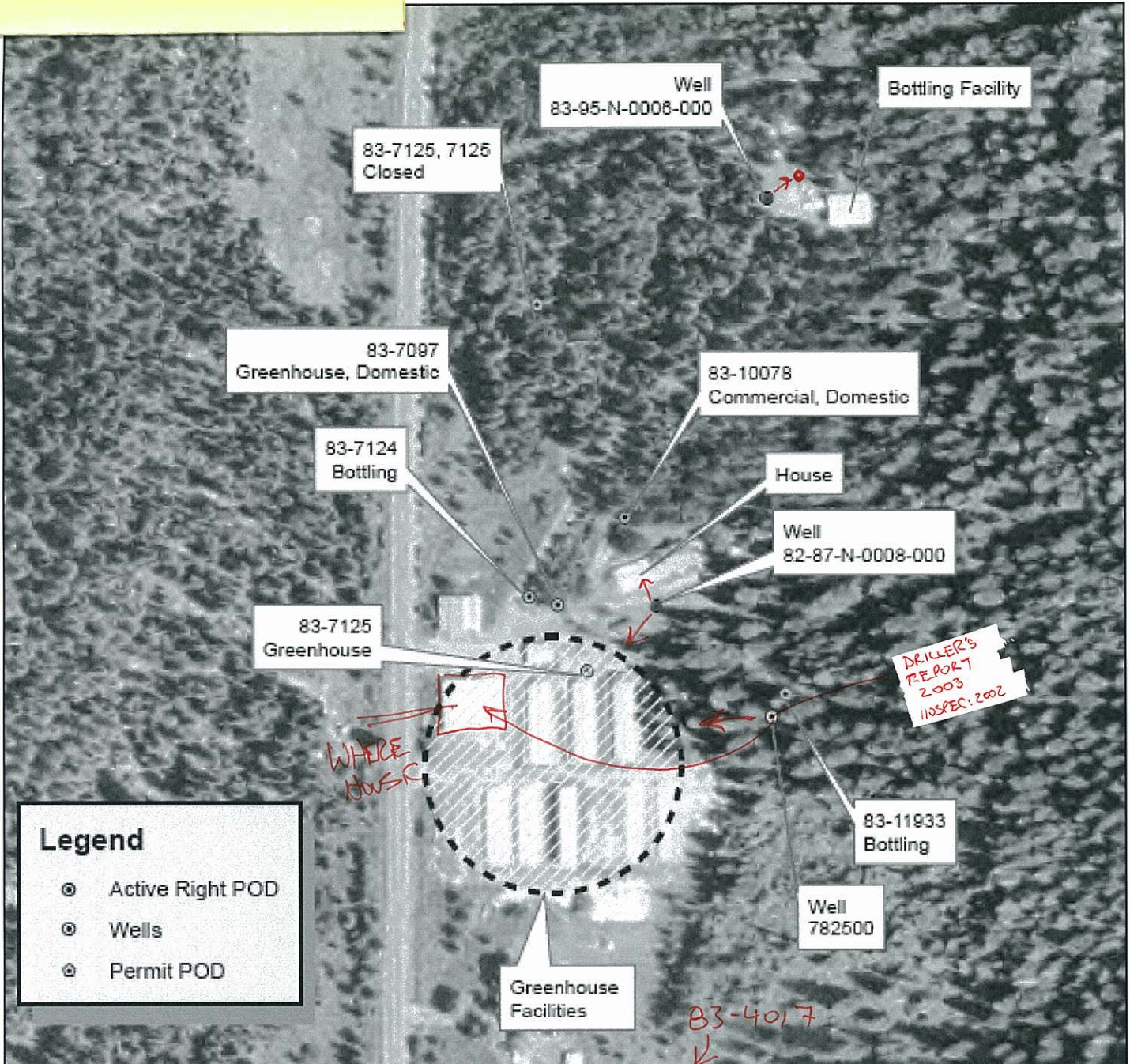
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83-7097	10 Greenhouse	0.03	1.5	1-Jan	31-Dec	82-87-N-0008-000
83-7097	43 House	0.03	1.2	1-Jan	31-Dec	82-87-N-0008-000
83-7124	10 Bottling	0.06	3	1-Jan	31-Dec	83-95-N-0006-000
83-7125	10 Greenhouse	0.04	6.6	1-Jan	31-Dec	82-87-N-0008-000
83-10078	10 ?	0.03	Not Decreed	1-Jan	31-Dec	?
83-10078	43 House	0.04	Not Decreed	1-Jan	31-Dec	?
83-11933	10 Bottling	0.07	1.1	1-Jan	31-Dec	83-95-N-0006-000

Condition 3, 83-7125: Rights 83-7097 and 83-7125 when combined shall not exceed a total diversion rate of 0.07 cfs for 12 greenhouses.

BULK WATER SALES, GREEN

83-11933 (Commercial: Bottling Facility)
License Review Exhibit





Schwartz Water Right Summary Table

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