15 7132

Ident. No. _____

Form 202
6/85

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Neil Schoeneberger Phone (801) 298-2999

   Post office address 695 W 1100 N Salt lake City, Utah 84054

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is _____ ¼ of SW ¼ of SW ¼, Govt. Lot _____

   Sec. 25 Township 16S Range 36E B.M. Oweida County; additional

   points of diversion if any: NE NE 26 T16S R36E Oweida County

4. Water will be used for the following purposes:

   Amount 6.76 (cfs or ~~acre-feet per annum~~) for Irrigation purposes from 1 April to 1 November (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated is (a) 6.76 (cubic feet per second) and/or (b) _____ (acre feet per annum)

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Well, Pump and Sprinkler System

   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 20 inches; proposed depth of well is 350' feet.

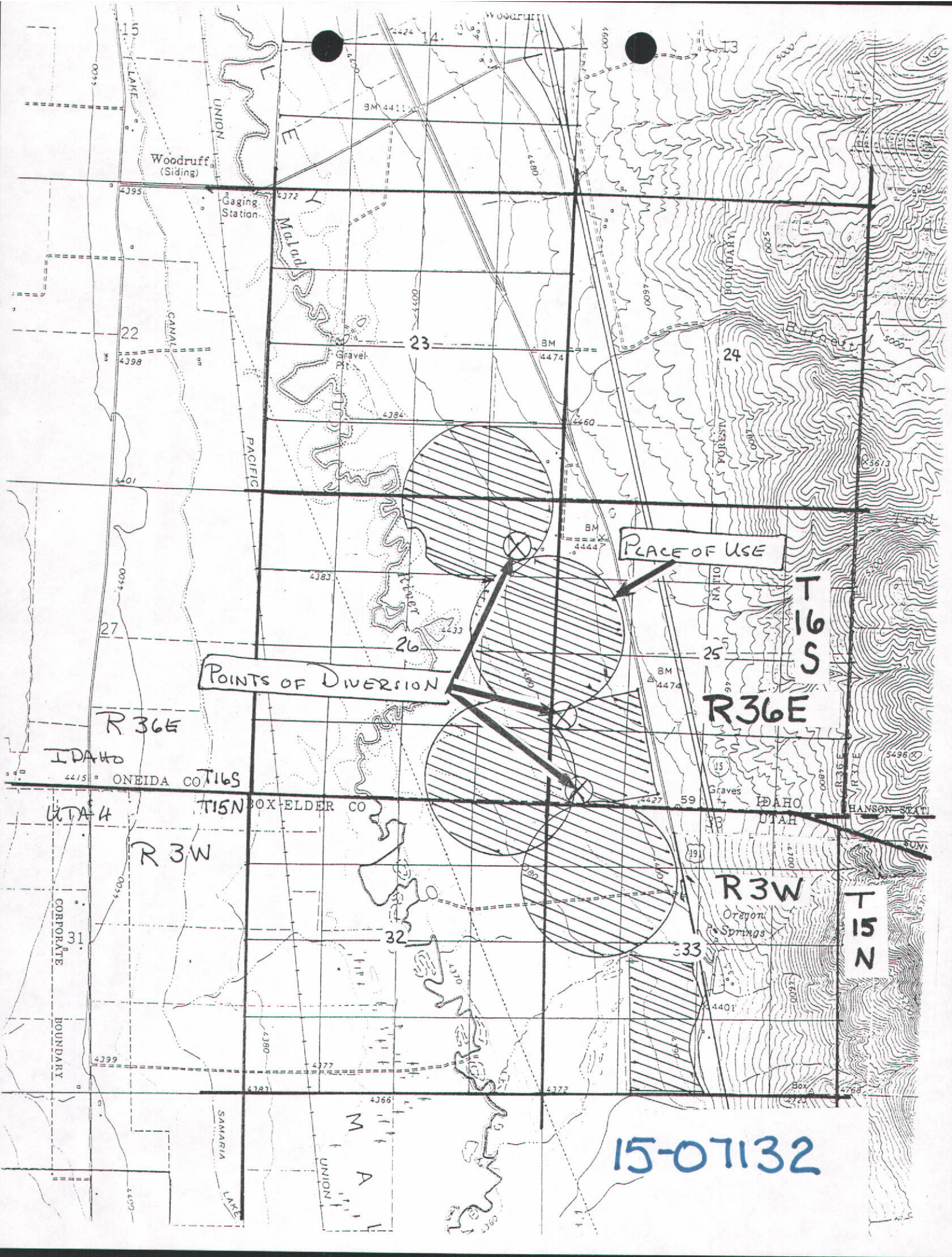
   d. Is ground water with a temperature of greater than 90°F being sought? NO

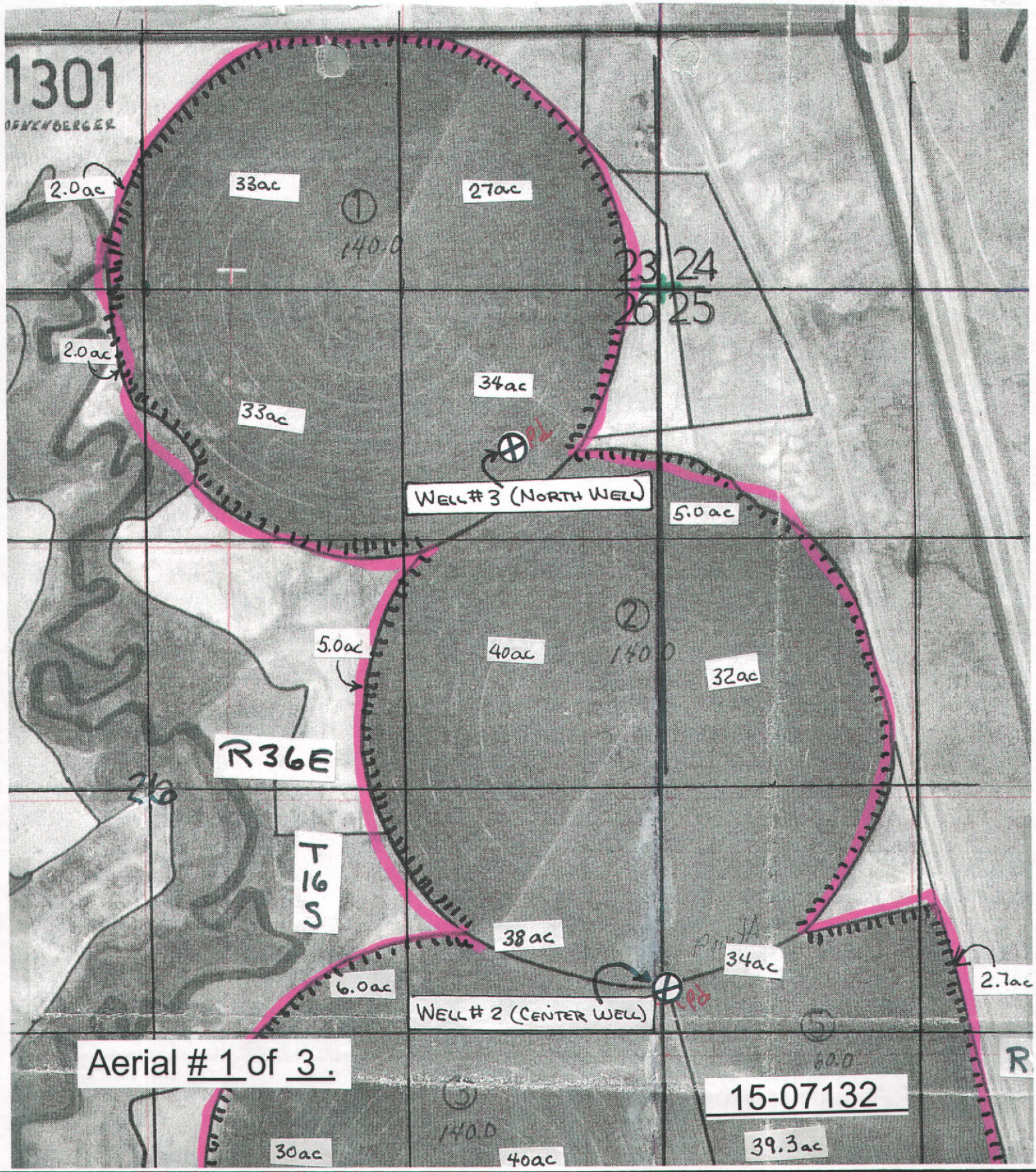
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 3 years (*minimum 1 year*).

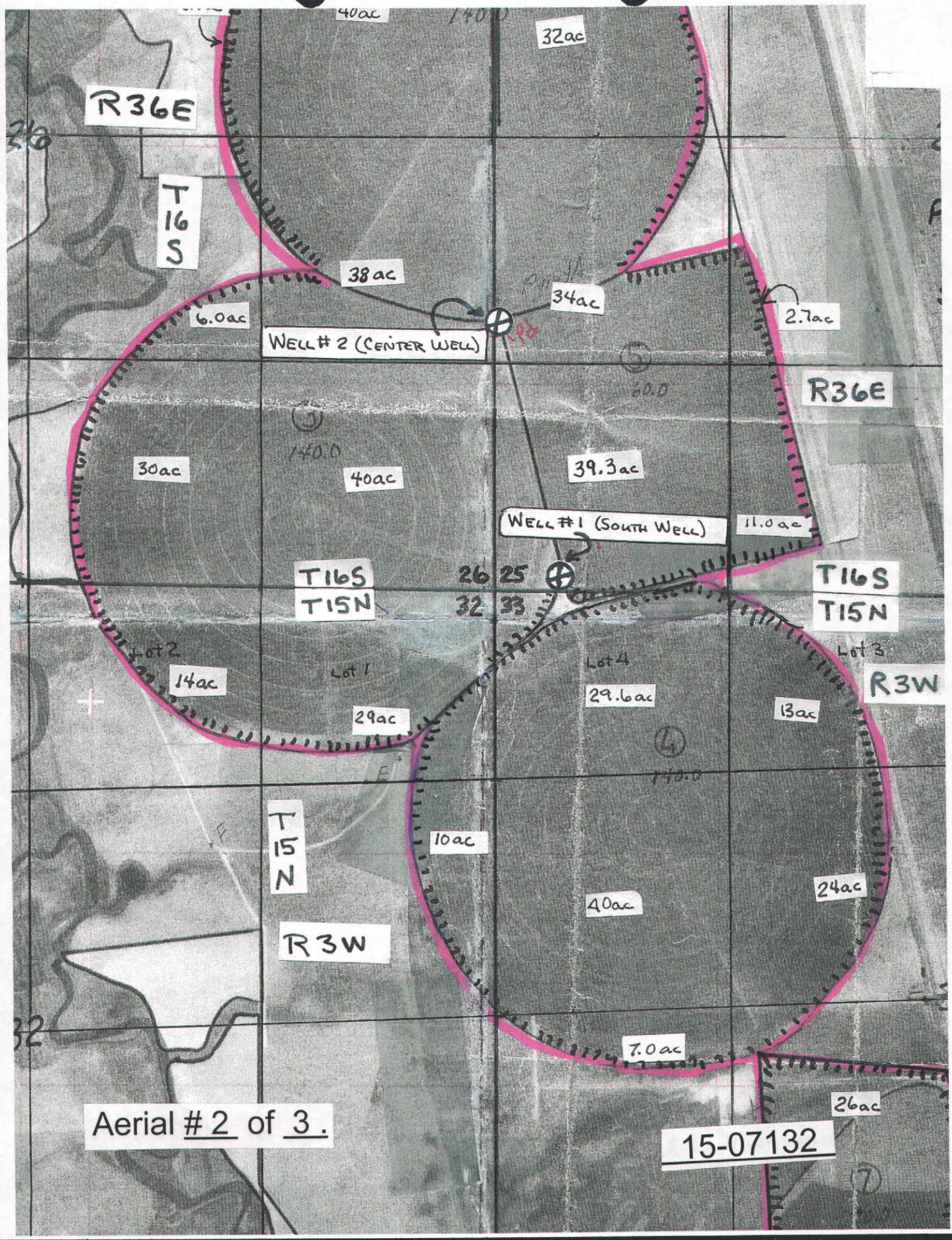
MICROFILMED

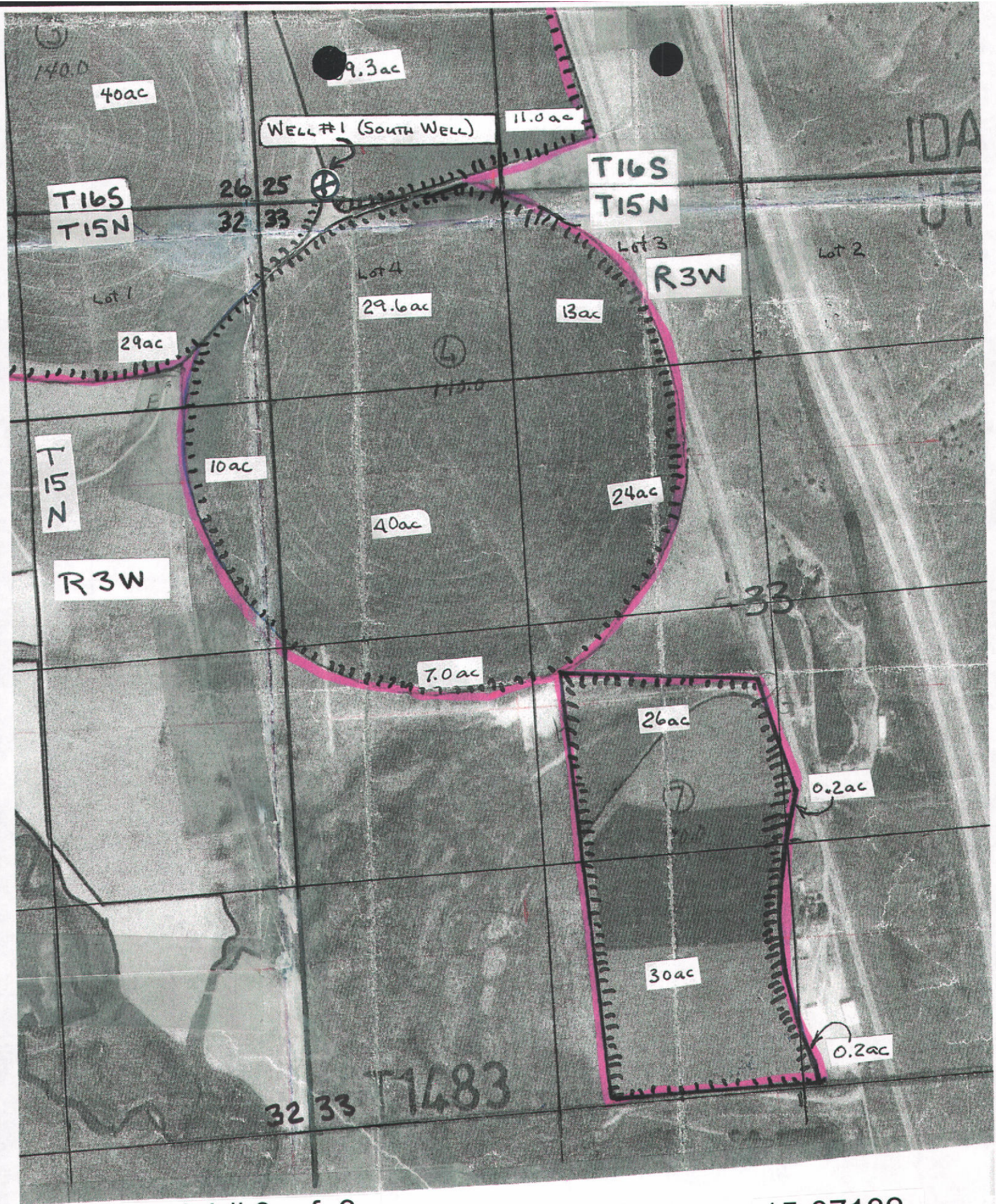
JUL 22 1993


#4
125.6 ACRES
#5
125.6 ACRES
#6
125.6 ACRES
#3
125.6 ACRES
#2
60 ACRES
43 HEADS
#1
55 ACRES
53 HEADS
DALLOLA LINE
POND
2120'
1720'
N
JUL 2 2 1993


PLACE OF USE
POINTS OF DIVERSION
T 16 S
R36E
T15N
R3W
IDAHO
UTAH
ONEIDA CO
BOX ELDER CO
Woodruff (Siding)
Gaging Station
Gravel Pit
Graves
Oregon Springs
LAKE
UNION
PACIFIC
CANAL
BOUNDARY
CORPORATE
SAMARIA
Malad River
15-07132


1301
2.0ac
33ac
27ac
140.0
23 24
26 25
2.0ac
34ac
33ac
WELL # 3 (NORTH WELL)
5.0ac
5.0ac
40ac
140.0
32ac
R36E
T16S
38ac
34ac
2.7ac
6.0ac
WELL # 2 (CENTER WELL)
Aerial # 1 of 3.
15-07132
140.0
30ac
40ac
39.3ac


R36E
T16S
38ac
6.0ac
WELL # 2 (CENTER WELL)
34ac
2.7ac
R36E
30ac
40ac
39.3ac
WELL #1 (SOUTH WELL)
11.0ac
T16S
T15N
26 25
32 33
T16S
T15N
Lot 2
14ac
Lot 1
Lot 4
29.6ac
Lot 3
R3W
29ac
13ac
T15N
10ac
24ac
40ac
R3W
7.0ac
26ac
Aerial # 2 of 3.
15-07132



Aerial # 3 of 3.

15-07132

301
TENBERGER

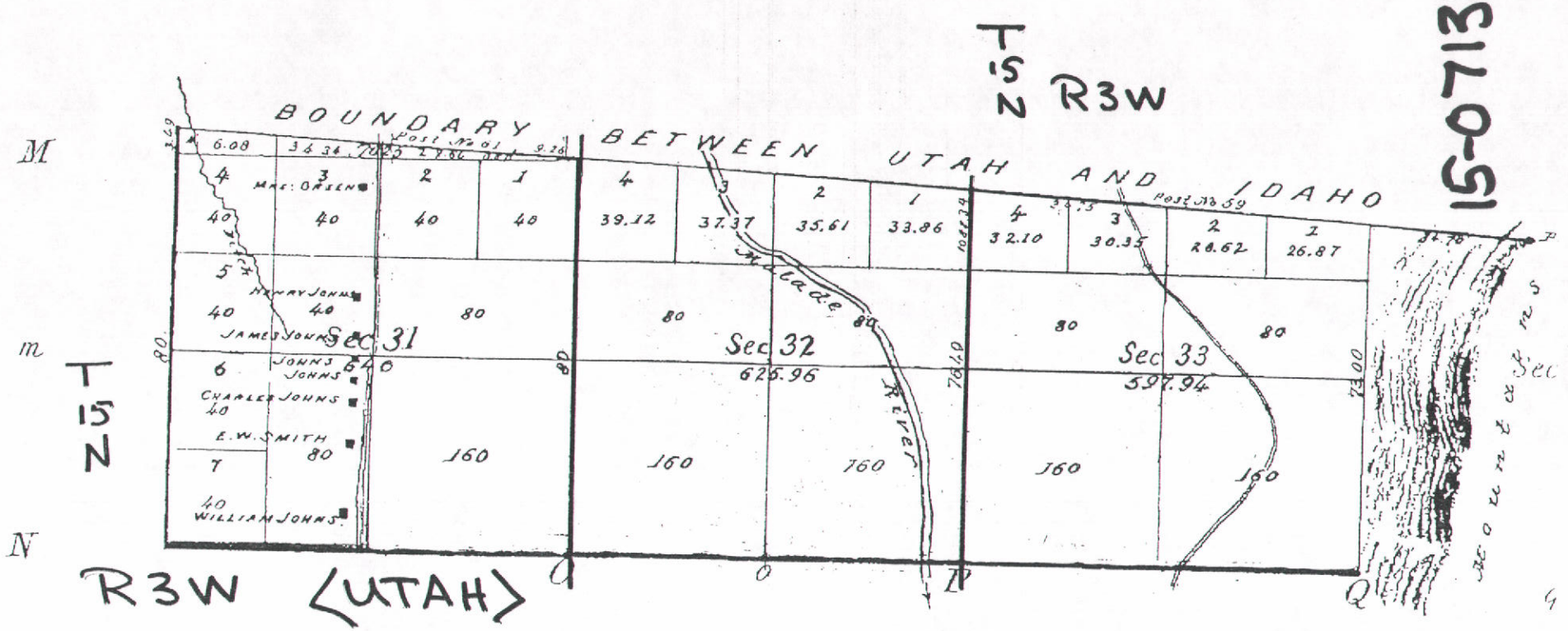
NOT TO SCALE

AERIAL #1 of 3

12.0ac
33ac
27ac
140.0
23 24
26 25
12.0ac
33ac
34ac
WELL #3 (NORTH WELL)
5.0ac
5.0ac
40ac
140.0
32ac
NOT TO SCALE
R36E
26
25
T 16 S
Permits # 15-7128
15-7133
15-7132
38ac
34ac
2.7ac
6.0ac
WELL # 2 (CENTER WELL)
60.0
R36E
AERIAL #2 of 3
140.0
30ac
40ac
39.3ac
WELL #1 (SOUTH WELL)
11.0ac
T16S
T15N
26 25
32 33
T16S
T15N
IDAHO
UTAH
Lot 3
Lot 2
14ac
Lot 1
Lot 4
29.6ac
Lot 3
R3W
Lot 2
29ac
13ac
140.0
T 15 N
10ac
40ac
24ac
R3W
32
33
7.0ac
AERIAL #3 of 3
26ac
0.2ac
30ac
0.2ac
15-0713-S1
32 33 T1483
5 4

IS-07132

T 15 N R 3 W



lines necessarily surveyed.

Total number of Acres 187

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed
North & West Township lines	H. J. Stewart	Oct. 11th 1875	M. 4 Ch. 03 Lks. 49	Resumed 9th 1875
Subdivisions & Closings	do	do	58	44 Accepted 10th 1875

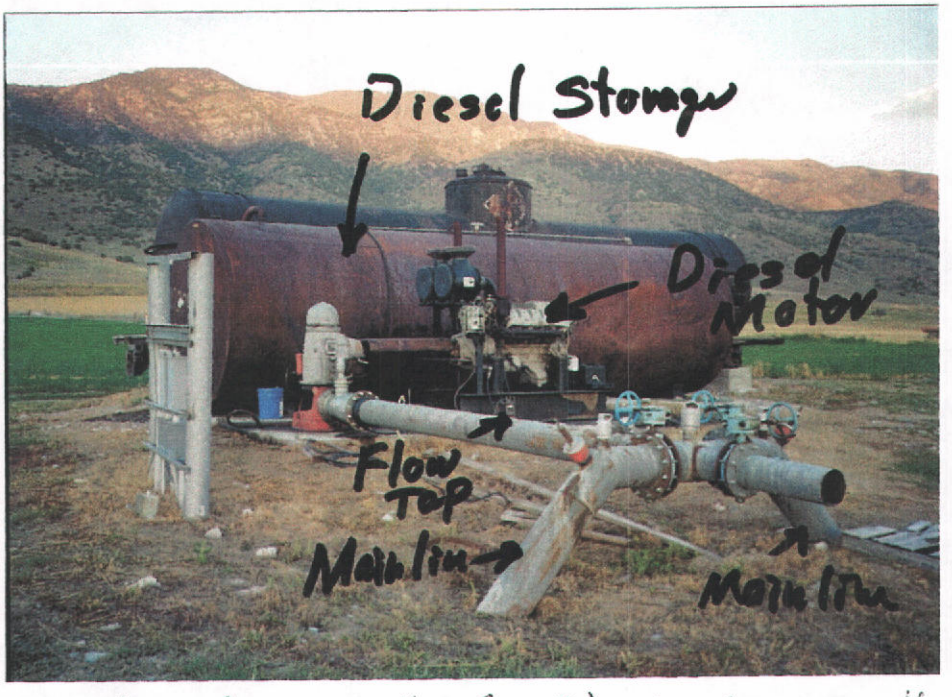


Photo of pumps #1 (South) looking South East

South Well #1

Permit # 15-7128, 15-7132, 15-7133

15-07132



Pump #2 (center) Electric & Control pannel
looking North

CENTER WELL
#2



looking North at pump #2 (center) arrangement to main line

Permits # 15-7128, 15-7132, 15-7133

15-07132

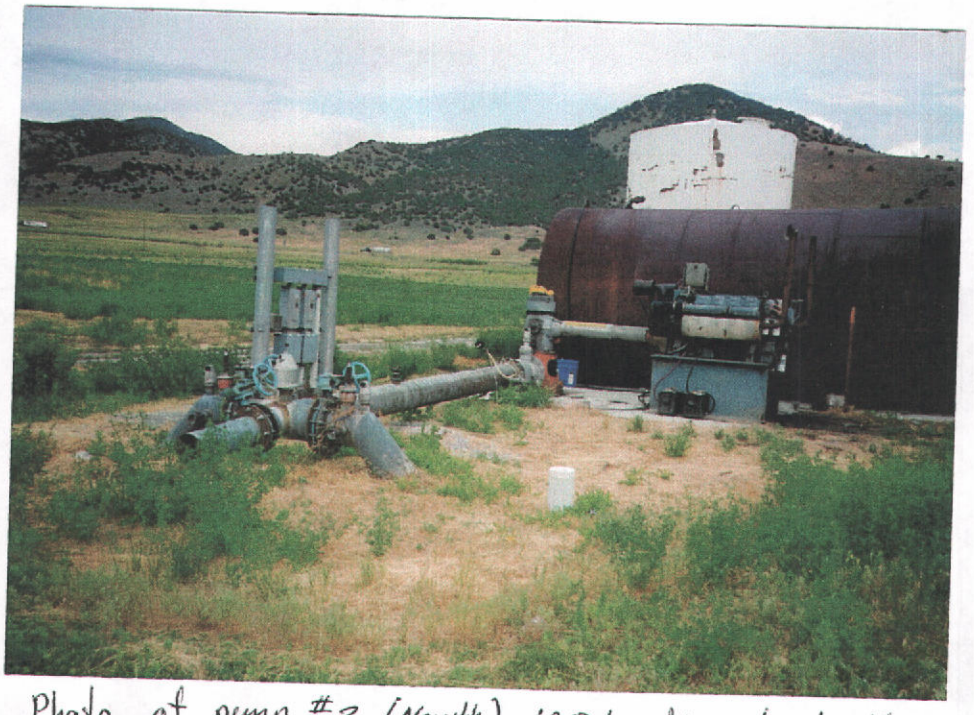
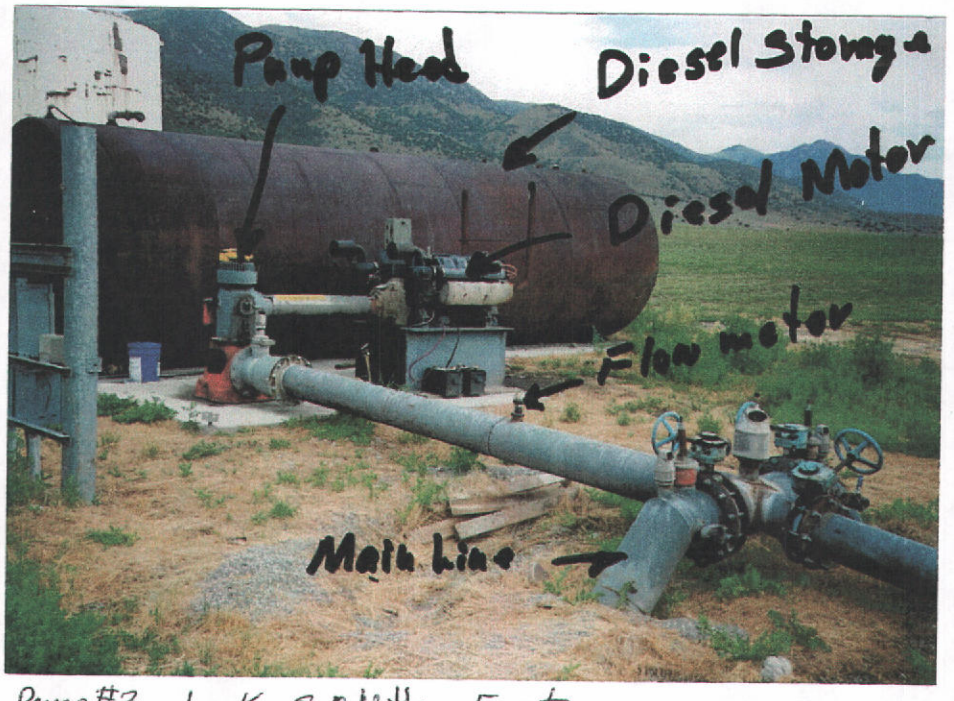


Photo of pump #3 (North) 125 hp diesel look North East

NORTH WELL #3



Pump #3 look South East

Permits #15-7128, 15-7132, 15-7133

15-07132



~~Photo~~ Photo looking South at propents

Permit #
15-07332
15-07328



Photo showing acreage in Utah looking South West toward Pantage

Permits # 15-7128, 15-7132, 15-7133

2
15.0
NHEL

3
8.0

200.3
NHEL

NHEL

C

NHEL

518

8
42.7

10
59.9
NHEL

NHEL

12
38.2

NHEL

9
9.8
NHEL

8
5.9

NHEL

NHEL

6
9.4
NHEL

7
9.0

12
47.6

Oregon Springs

App. No. 15-07132
Neil Schoenberger
Attachment 1

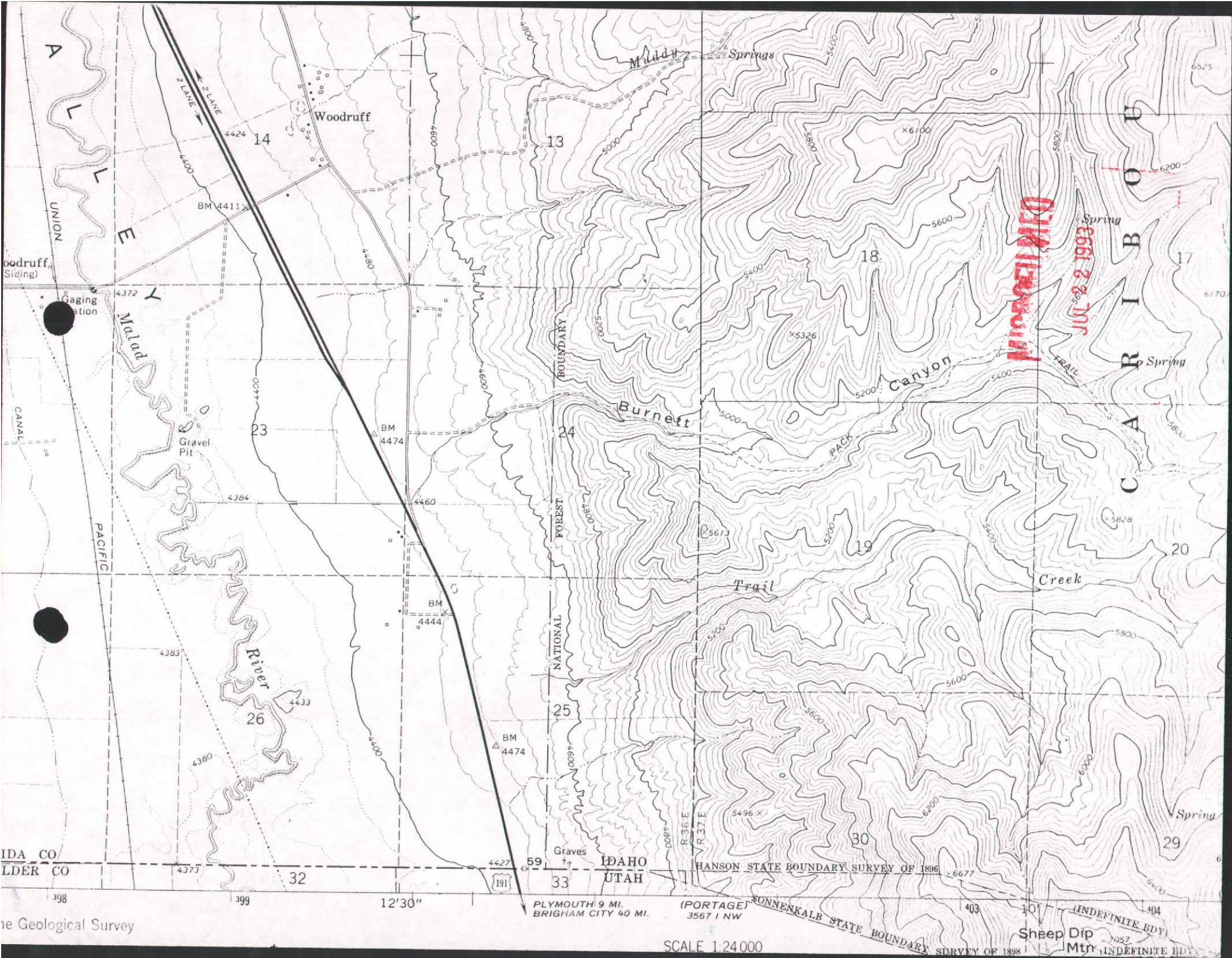
Parcel A: Not previously irrigated

Parcel B: Previously flood irrigated with surface water from Oregon Springs (Supply no longer adequate; not now irrigated)

Parcel C: Previously irrigated with Oregon Springs water via wheel lines. Supply no longer adequate.

Parcel D: Previously irrigated with Oregon Springs water via flood techniques. Supply no longer adequate.

Oregon Springs


ALLEY
CARIBOU
Woodruff
Muddy Springs
Spring
Canyon
Burnett
Trail
Creek
Gravel Pit
Gaging Station
Malad River
UNION PACIFIC
BOUNDARY
NATIONAL FOREST
BM 4411
BM 4474
BM 4444
BM 4474
Graves
IDAHO
UTAH
IDA CO
LDER CO
HANSON STATE BOUNDARY SURVEY OF 1896
SONNENKALB STATE BOUNDARY SURVEY OF 1898
PLYMOUTH 9 MI.
BRIGHAM CITY 40 MI.
(PORTAGE)
3567 I NW
Sheep Dip Mtn
(INDEFINITE BDY)
12'30"
SCALE 1:24000
JUL 22 1993
he Geological Survey

Parcel A: Not previously irrigated

Parcel B: Previously flood irrigated with surface water from Oregon Springs (Supply no longer adequate; not now irrigated)

Parcel C: Previously irrigated with Oregon Springs water via wheel lines. Supply no longer adequate.

Parcel D: Previously irrigated with Oregon Springs water via flood techniques. Supply no longer adequate.

T518 R1

T518 R1E

T520 R2E

IDAHO

NHEL

1 91.4

2 15.0

3 8.0

4 200.3

5 54.6

6 27.7

7 8.1

8 42.7

9 9.8

10 59.9

11 54.7

12 38.2

13 3.6

4 40.3

5 47.2

6 9.4

7 9.0

8 5.9

10 10.1

17 47.0

Well #1

Well #2 (capped)

Well #3

A

B

C

D

11NE 1 3233

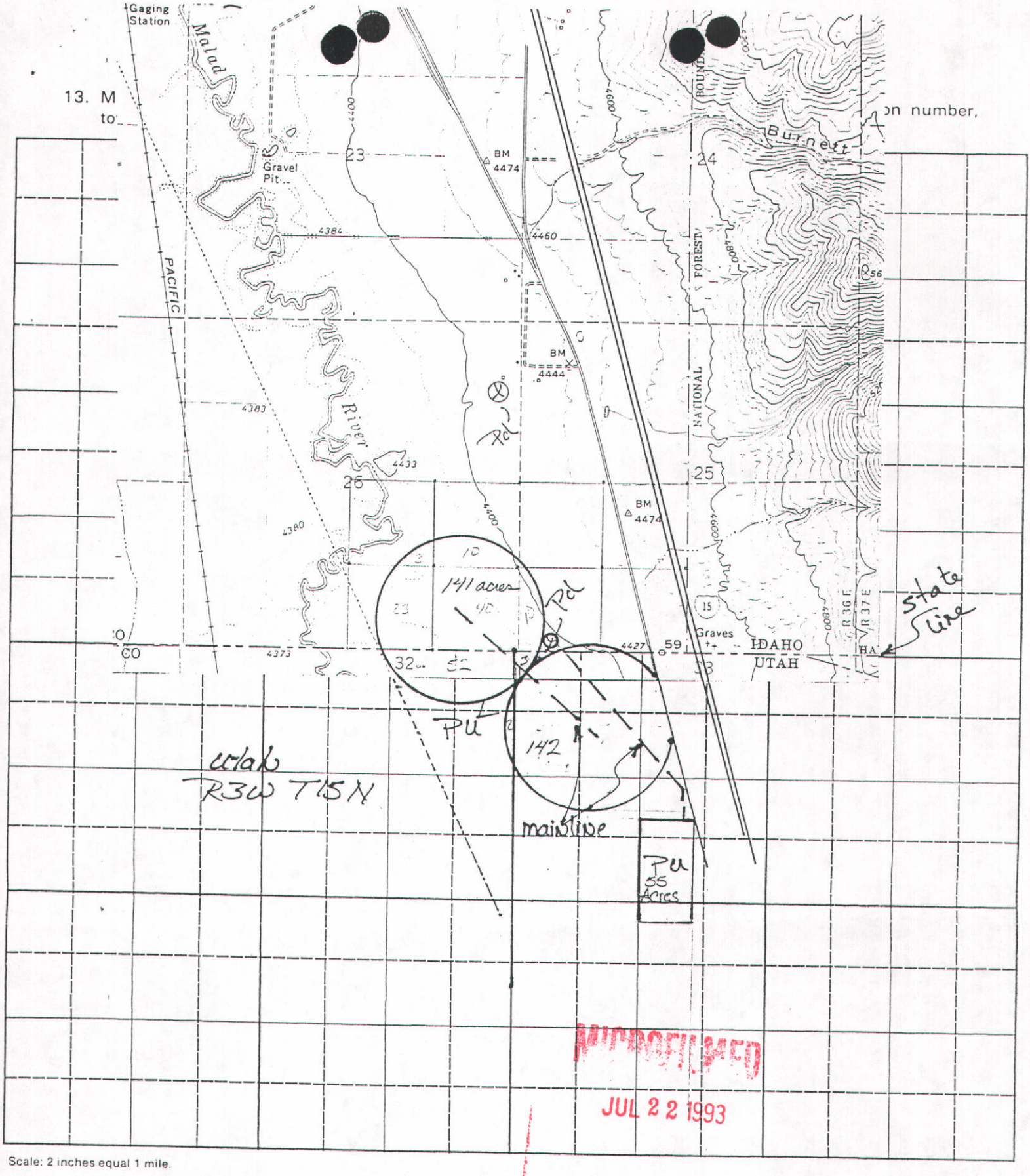
Oregon Springs

App. No. 15-07132
Neil Schoenenberger
Attachment 1

13. M

to

on number,



Scale: 2 inches equal 1 mile.

MICROFILMED
JUL 22 1993

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

(Applicant)

Fo 7/94

FOR OFFICE USE ONLY
Amt. of Fee $: 250.00
Receipt No. C033495
Receipt By: JW
Date Receipted: 9-5-95

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 0 5 1995
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 who has been appointed by the department.

1. Permit No. 15-07137 Telephone No. 801-866-2203

2. Name(s) of Permit Holder(s): NEIL SCHOENENBERGER

3. Mailing Address: 695 W 1100 N NORTH SALT LAKE CITY UT 84054

4. Source of Water: WELL If **GROUNDWATER** (well), Date Drilled: mo. 10 / yr. 91

a. Well Driller: WEECH DRILLING Drilling Permit Number: E - 0 - 0 - 6
15-91-E006

b. ***OPTIONAL:***
Pump Horsepower: 125 Pressure (psi): 50 Dynamic pumping level (ft): 85

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

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

Irrigation (No. of acres): 313 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 6.26 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 V or No ____
Has the measuring device been installed? Yes V or No ____

Flow Measurement Port: Is a flow measurement port required? Yes ____ or No ____
Has the measurement port been installed? Yes ____ or No ____

8. Fee Enclosed: $ 250.00 (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: NEIL SCHOENENBERGER Telephone Number: 801-866-2203

Address: 26800 Frontage Rd Montague CA 96064

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

Signature of permit holder: _____ Date: 8/29/95
(include your title, if on behalf of company or organization)

SEP 13 1995

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 15-07132

Proposed Priority: September 12, 1991 **Maximum Diversion Rate:** 6.26 CFS

This is to certify, that **NEIL SCHOENENBERGER**
695 W 1100 N
SALT LAKE CITY UT 84054
has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	04/15 to 10/15	6.26 CFS

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 25, Township 16S, Range 36E
NENE , Sec. 26, Township 16S, Range 36E
ONEIDA County

PLACE OF USE: IRRIGATION

TWN RGE SEC		ACRES	ACRES	ACRES	TOTAL
IN UTAH:					
15N 03W 32	NENE	25	NWNE 10	SENE 5	40
33	NENW	40	NWNW 30	SWNW 30	
	SENW	30	NESW 40	SESW 10	185
IN IDAHO:					
16S 36E 25	SESW	12			12
26	NESE	10	NWSE 3	SWSE 23	
	SESE	40			76

Total number of acres irrigated: 313

CONDITIONS/REMARKS:

1. See Memorandum Decision and Order for conditions of approval.

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

7 day of July, 1993.

R. Keith Higginson, Director

RECEIVED
JUL 22 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 15-7132 IN THE NAME OF NEIL SCHOENENBERGER	**MEMORANDUM DECISION AND ORDER**

This matter having come before the Department of Water Resources (department) in the form of an application for permit to appropriate water in Idaho for use in Idaho and Utah, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On September 12, 1991, Neil Schoenenberger (applicant) submitted application 15-7132 to the department proposing the diversion of 6.76 cfs of water from wells located in Idaho in the SW1/4SW1/4 Section 25 and NE1/4NE1/4 Section 26, T16S, R36E,BM for the irrigation of a total of 338 acres. Eighty eight (88) acres of the total acres are in Idaho within parts of sections 25 and 26, T16S, R36E in Oneida County. The remaining land to be irrigated will be in the state of Utah.

2. On September 23, 1992, the applicant advised the department that the amount of land to be irrigated in Utah should be reduced such that the total acreage to be irrigated under the application is 313 acres rather than the 338 originally applied for. The land to be irrigated in Idaho was not changed.

3. The application was advertised as required by law and was not protested.

4. Section 42-203A, Idaho Code, provides that the director of the department may reject or partially approve an application if the proposed use is such:

a) that it will reduce the quantity of water under existing water rights, or

b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or

c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or

d) that the applicant has not sufficient financial

MICROFILMED

JUL 22 1993

resources with which to complete the work involved therein, or

e) that it will conflict with the local public interest, or

f) that it is contrary to conservation of water resource within the state of Idaho.

6. Section 42-401, Idaho Code, requires the director of the department to consider the following factors before approving an application for use outside the state:

a) The supply of water available to the state of Idaho;

b) The current or reasonably anticipated water shortages within the state of Idaho;

c) Whether there are current or reasonably anticipated water shortages within the state of Idaho;

d) Whether the water that is the subject of the application could feasibly be used to alleviate the current or reasonably anticipated water shortages within the state of Idaho;

e) The supply and sources of water available to the applicant in the state where the applicant intends to use the water; and

f) The demands placed on the applicant's supply in the state where the applicant intends to use the water.

7. Other water rights will not be injured since the only other wells in the vicinity are owned by the applicant.

8. The water supply is sufficent for the irrigation proposed and the application was made in good faith.

9. The applicant has the financial resources to proceed with the proposed development if the application is approved.

10. The application will not conflict with the local public interest since the use is located in a remote area and will not adversely affect other parties.

11. The application is not contrary to the conservation of water within Idaho even though Idaho has experienced below normal water supply for several years.

12. On May 15, 1992, the department issued a moratorium against the approval of applications proposing the appropriation of

JUL 22 1993

water for the irrigation of new land. On April 30, 1993, the department issued an amended order which allows for the approval of applications for new irrigation development in the area of the above captioned application since there is not a ground water shortage in the vicinity of the captioned application.

13. The application proposes use of water near the Idaho-Utah border at a location that the water can not be feasibly used to alleviate water shortages in Idaho.

14. The applicant uses the surface water which is available for the irrigation of the land. The only other water source is ground water.

CONCLUSIONS OF LAW

1. The application meets the criteria of Section 42-203A, Idaho Code.

2. The director has also considered the criteria in Section 42-401(3), Idaho Code, and has determined that approval of the application is not in conflict with the public welfare of Idaho citizens or the conservation of waters within Idaho.

3. The water sought for appropriation under the application can not feasibly be used to alleviate water shortages in Idaho.

4. The director should approve the application and issue a permit with certain conditions and limitations.

ORDER

IT IS THEREFORE, hereby ORDERED that application for permit No. 15-7132 is APPROVED subject to the following conditions and limitations:

1. Proof of construction of works and application of water to a beneficial use shall be submitted to the department on or before October 1, 1995.

2. Use of water under the permit is subject to all prior water rights.

3. The rate of diversion under this permit when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

4. The permit holder shall commence project construction within one year from the date of permit issuance and shall proceed diligently to completion unless the permit holder can show to the satisfaction of the Director that delays were due to circumstances over which the permit holder had no control.

JUL 22 1993

5. Prior to the diversion of water under this right, the right holder shall install a flow measurement port or other device as specified by the department to provide for the installation of measuring equipment and determination of the rate of diversion by the department.

6. The right holder shall use the full allotment of surface water for the place of use, to the extent it is available, in conjunction with ground water diverted pursuant to this permit.

7. The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code, and the requirements of the Idaho well construction standards.

8. The right holder shall comply with the laws of the state governing the appropriation and use of water including any future changes to the water right.

9. Use of water under this right on lands in Utah is subject to the same conditions and restrictions that may be imposed on water use in Idaho.

10. The right holder shall designate and maintain on record with the department at all times the name and address of an agent residing in Idaho for receipt of service of due process and other legal notices.

Dated this 7 day of July, 1993.

R. KEITH HIGGINSON
Director

JUL 22 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 15-07132

Proposed Priority: September 12, 1991 **Maximum Diversion Rate:** 6.76 CFS

This is to certify that **NEIL SCHOENENBERGER**
695 W 1100 N
SALT LAKE CITY UT 84054

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is APPROVED for development of water as follows:

EXPIRED

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	04/01 to 11/01	6.76 CFS

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 25, Township 16S, Range 36E
NENE , Sec. 26, Township 16S, Range 36E
ONEIDA County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
16S	36E	25	SESW	12					12
		26	NESE	1[illegible]		WS[illegible]3		SWSE 23	
			SESE	40					76

Total number of acres irrigated: 88

CONDITIONS/REMARKS:

1. This permit to appropriate water expires at the end of the 1992 irrigation season. The Director retains jurisdiction to reinstate the permit if drought conditions justify resumption of groundwater use.
2. A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.
3. This right to divert groundwater is void if the surface water right appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
4. The permit holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this permit.
5. The permit holder must employ reasonably efficient methods of water application to conserve the water of the State of Idaho.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. Construction of the well must comply with Idaho well construction standards.
8. This right is subject to all prior rights.

MICROFILMED

JUL 22 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 15-07132

CONDITIONS/REMARKS

9. The Director retains jurisdiction over this application upon expiration of the temporary approval and upon consideration of the application as a permanent water right, to require republication and payment of an associated republication fee, and to review the application as a new application, including a review for use of water outside the state pursuant to Section 42-401, Idaho Code.

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

29th day of June, 1992

for Keith Higginson, Director

EXPIRED

RECEIVED
JUL 22 1993

Form 202
6/85

Ident. No. 15 7132

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Neil Schoeneberger Phone (801) 298-2999

   Post office address 695 W 1100 N Salt lake City, Utah 84054

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is _____ ¼ of SW ¼ of SW ¼, Govt. Lot _____

   Sec. 25 Township 16S Range 36E B.M. Oneida County; additional

   points of diversion if any: NE NE 26 T16S R36E Oneida County

4. Water will be used for the following purposes:

   Amount 6.76 (cfs or ~~acre-feet per annum~~) for Irrigation purposes from 1 April to 1 November (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated is (a) 6.76 (cubic feet per second) and/or (b) _____ (acre feet per annum)

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Well, Pump and Sprinkler System

   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 20 inches; proposed depth of well is 350' feet.

   d. Is ground water with a temperature of greater than 90°F being sought? NO

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 3 years (*minimum 1 year*).

RECEIVED

JUL 22 1993

8. Description of proposed uses (*if irrigation only, go to item 9*):

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (*example: D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16S	36E	26													10	3	23	40	76
		25												12					12
15N	3W	32	26	26		2	34.5	34.5	34.5	34.5									192
Box Elder County	Utah	33					3				40			10		5			58

Total number of acres to be irrigated 338

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Applicant

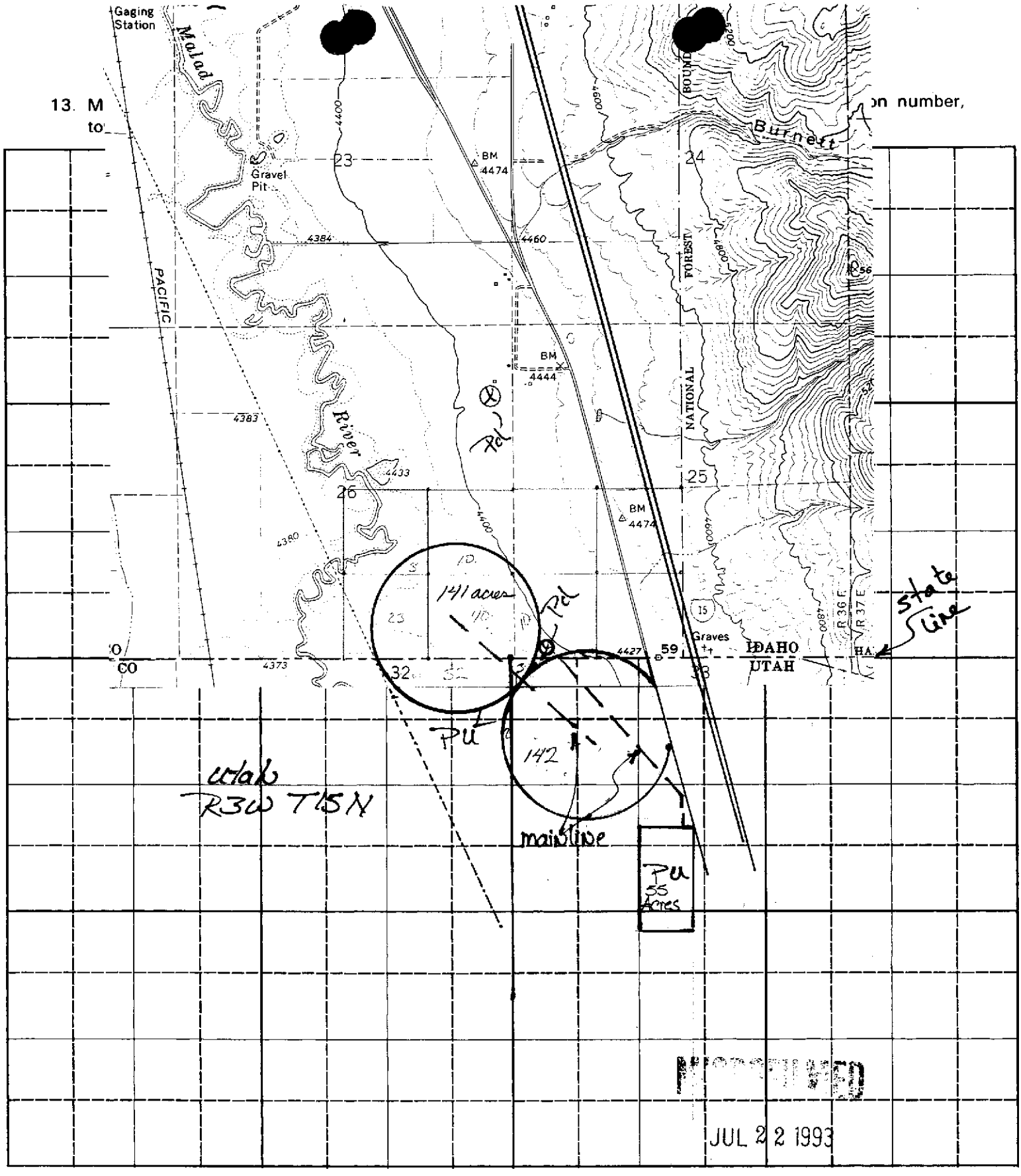
b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: See Permit 15-07128

JUL 22 1993

13. M ...on number, to ...



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

(Applicant)

Received by DMD Date 12 Sept 91 Time 11:15 Preliminary check by _____

Fee $ 165.00 Receipted by DMD # E016548 Date 12 Sept 1991

Publication prepared by RB Date 10-3 & 10-9-91 Published in Idaho Enterprise

Publication approved RB Date 11-21-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

   e. Other:

MICROFILMED

JUL 22 1993

#6
125.6 ACRES
#5
125.6 ACRES
#4
125.6 ACRES
#2
60 ACRES
43 HEADS
#3
125.6 ACRES
#1
55 ACRES
53 HEADS
IDAHO LN
HEL
N
JUL 22 1993

№ 1365

AFFIDAVIT OF PUBLICATION

RECEIVED
NOV 12 1991
Department of Water Resources
Eastern District Office

STATE OF IDAHO, } ss.
County of Oneida }

Sandra Struhs

being duly sworn, deposes and says: That she is the Secretary of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with October 3, 19 91, and ending with the issue of October 10, 19 91

Sandra Struhs

Fee $ 63.50

Subscribed and sworn to before me this 7th day of Nov. 19 91

Susan D. Wittman
Notary Public, Residing at Malad, Idaho

My Commission Expires 2-9, 19 94

NOTICE OF APPLICATION FOR WATER RIGHT

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

NOTICE OF APPLICATIONS FOR WATER RIGHT

The Following application has been filed to appropriate the public waters of the State of Idaho:

15-07132

SCHOENENBERGER, NEIL
695 W 1100 N
SALT LAKE CITY UT 84054
Source: GROUNDWATER
Diversion Pt: SWSW Sec 25 T16S R36E NENE Sec 26 T16S R36E Oneida County
Use: IRRIGATION (6.760 CFS) FROM 4/1 TO 11/1
TOTAL DIVERSION: (6.760 CFS)
DATE FILED: 9/12/1991
IN: T16S R36E S25 SESW S26 NESE NWSE SWSE SESE Oneida County, Idaho 88.0 Acres T15N R3W S32 NENE NWNE SENE NENW NWNW SWNW SENW S33 NENW NESW SESW NWSE Box Elder County, Utah 250.0 Acres
338.0 ACRES TOTAL

15-07133

SCHOENENBERGER, NEIL
695 W 1100 N
SALT LAKE CITY, UT 84054
Source: GROUNDWATER
County: ONEIDA
Diversion Pt: SWSW Sec 25 T 16S R 36E NENE Sec 26 T 16S R 36E
Use: IRRIGATION (1.200 CFS)
Total Diversion (1.200 CFS)
Date Filed: 9/12/1991
In: T16S R36E S25 NESW NWSW SWSW SESW
60 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoupe Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before OCTOBER 21, 1991

R. KEITH HIGGINSON, Director

Published 10/3/1991 & 10/10/1991 #1365.

JUL 22 1993

RECEIVED
JUN 6 - 2000
Department of Water Resources

MEMORANDUM

TO: SHELLEY KEEN June 5, 2000

FROM: KEITH C. WILSON - Eastern Region

RE: FIELD EXAMS 15-07128, 15-07132, 15-07133, 15-07149 & 22-07805

It appears that Mr. Schonenenberger may have sold the place of use under 15-07128, 15-07132, 15-07133, and 15-07149. I attempted to contact Mr. Schonenenberger by phone and by letter to confirm the place of use under 15-07149. I was unable to contact him by phone & I have had no response to the letters (using both Idaho & Utah addresses). I completed the write up of 15-07149 based on information obtained from the FSA office in Malad, ID.

22-07805 should be relative easy to license.

Keith C. Wilson
Senior Resource Agent

Jones, Harold (Skip)

From: Keen, Shelley
Sent: Monday, May 08, 2000 1:05 PM
To: Jones, Harold (Skip)
Cc: Curtis, Sharla; Hansen, Richard
Subject: Licensing of Schonenenberger rights

Skip,

I am reviewing the recommendation to void permit 15-07141 (N Bar S Ranch/Schoenenberger). The exams for three related permits -- 15-07128, 15-07133, and 15-07149 -- were done two years ago, but they've not yet been sent here. To ensure that we're not making a mistake, I'd like to license these three before voiding 15-07141. Can you see that the reports are finished and sent to me ASAP? Thanks.

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-327-7946
skeen@idwr.state.id.us

Keith, would you look into this + let me know the status.

Thanks!

Skip

5-8-2000

On Feb 15, 2000 I wrote a letter to Mr. Schonenenberger (sent letter to two diff addresses) requesting that he get back in touch with me about 15-07149. I requested that he outline the place of use on an enclosed aerial and return the map & any additional information to me by Feb 29, 2000. As of this date I have not received any information. I will go ahead and write up what I've got.

KCW

Form 219
6/92

RECEIVED
JUN 8 2000
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 15-07132

1. Owner: Neil Schoeneenberger Phone No. (435) 866-2203

Current Address: 11900 S 2000 E, Malad, Idaho 83252

2. Accompanied by: Neil Schoeneenberger EXAM DATE: 7/8/98

Address: 26800 N. Frontage Road Portage, Ut 84331 Phone No. (435) 866-2203

Relationship to Permit Holder: Owner

3. Source: Ground water tributary to —

B. OVERLAP REVIEW

1. Other water rights with the same place of use:

2. Other water rights with the same point of diversion:

C. DIVERSION AND DELIVERY SYSTEM

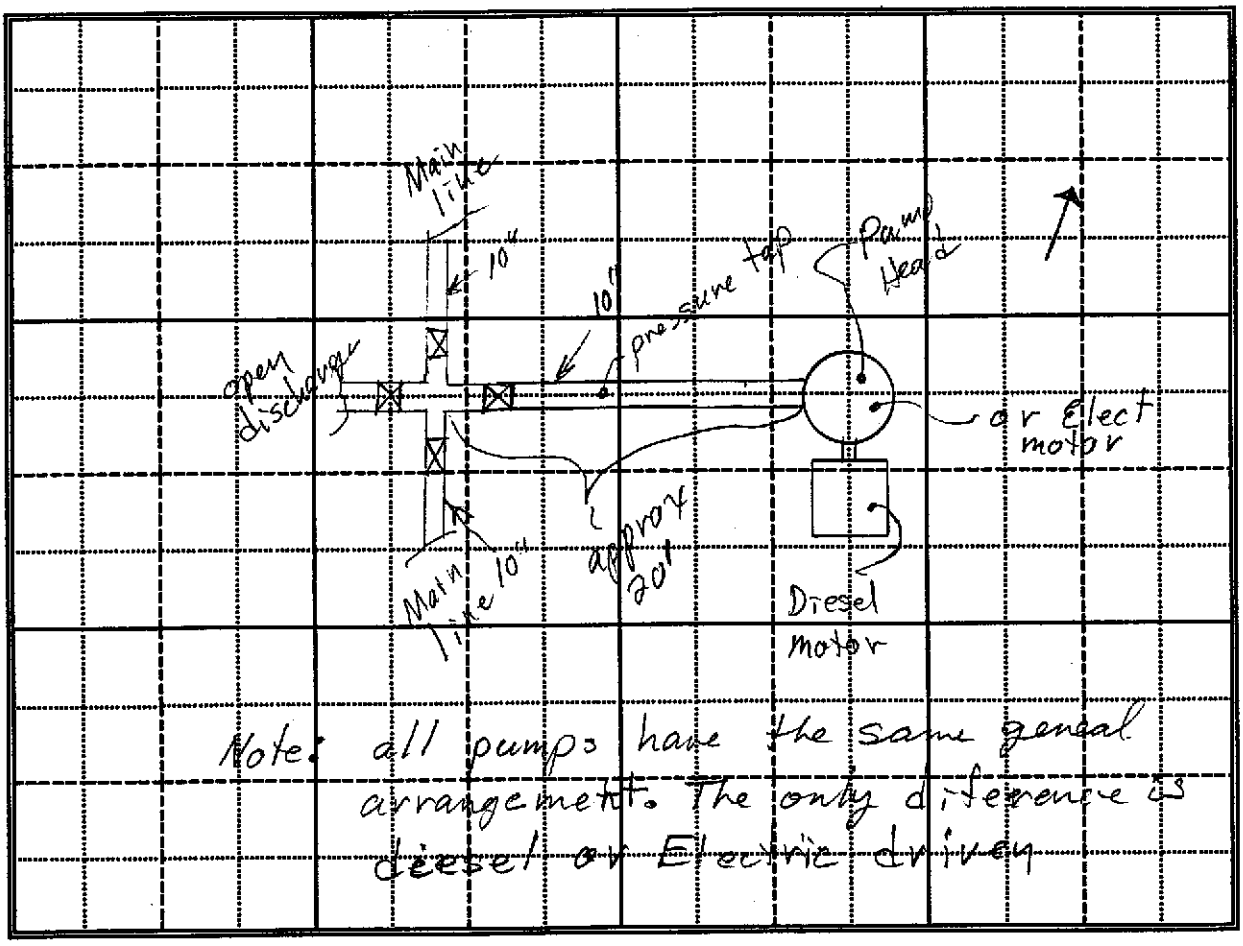
1. **Point(s) of Diversion:**

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	SW	25	T16S	36E	Oneida	USGS and NOA/NOAA maps
			NE	NE	26	T16S	36E	Oneida	USGS and NOA/NOAA maps
			NW	SW	25	16S	36E	Onedia	USGS and NOA/NOAA maps

2. **Place(s) of Use:** 313ac within Indicate Method of Determination

	TWP	RGE	SEC	NE				NW				SW				SE				Totals
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
IDAHO	16S	36E	23												2			33	27	62
			25						5	32		2.7	34	39.3	11					124
			26	34	33	5	40	2								38	6	30	40	228
	PLACE OF USE			UTAH																
UTAH	15N	3W	32	L-1 29	L-2 14		10													53
			33					L-3 13	L-4 29.6	40	24	26	7		30		0.2	0.2		170
																				637

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



Scale: 1" = _____.

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

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

_____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Pump #3 (North)	Air Diesel	125	B10600R	Vertiline	9171715 (10")
Pump #2 (Center)	US Electric	125	9982 5030 30 347RJ44F	Pump Tech	FM-14M 4-0773 (10")
Pump #1 (South)	Air Diesel	300	S-300	Vertiline	91-71 (10")

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:** Pollysonic and Anubar

Calculation of the flow rate available from three wells listed on permits #s 15-7133, 15-7132 and 15-7128

Well #3 (North)	1770 gpm
Well #2 (Center)	1794 gpm
Well #1 (South)	2468.8

Total 6032.8 gpm

$$(6032.8 \text{ gpm})\left(\frac{1 \text{ cfs}}{448.8 \text{ gpm}}\right) = 13.44 \text{ cfs}$$

Maximum pumping Capacity 13.44 cfs

Rate of diversions ask for in permits

Permit #	cfs
15-7128	5.28
15-7132	6.26
15-7133	1.2

Total 12.74 cfs

15-07132

Form 219-Supp.
7/87

State of Idaho

DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: Lee Simmons Date 8/14/98

Owner: Neil Schoenenberger Permit No. _____

South Well (#1)

Description of well &/or measuring site
- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

South Diesel Pump

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches = 32.5"

T = Pipe Thickness in Inches = 0.134"

ID = 2 [(0.1592 X CIR) - T] = ... 10.08"

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test 10.02

State ID No. _____

Select C based on size from Table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	3.94 ←
12"	3.99
14"- 16"	4.01
18"- 24"	4.02
30" or larger	4.03

C selected 3.94

DIFFERENTIAL PRESSURE READING IN INCHES OF H2O (H)

High Reading = 53

Low Reading = 15

High - Low = H = ... 38

CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(ID)^2 \cdot (\sqrt{H}) \cdot (C)}{448.8}$$

$$Q = \frac{(10.08)^2 \quad (\sqrt{38}) \quad (3.94)}{448.8} = 5.4987 \text{ CFS}$$

Well #1

2467.8 gpm

SKETCH (If not shown on Field Report)

15-07132

CONVERSION TABLE: INCHES OF WATER TO GPM TO CFS

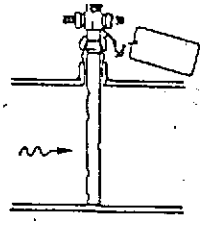
Dielerich Standard Corporation • Subsidiary of DOVER Corporation

indicates meter face reading

Model: 67C-80-PS

Scale: 8-80" ← goes with Model 75 only

Inches of Water	PIPE ID IN INCHES (sch 40)																	
	4.026		6.065		7.981		10.020		12.000		13.250		15.250		17.250		19.250	
	GPM	CFS	GPM	CFS	GPM	CFS	GPM	CFS	GPM	CFS	GPM	CFS	GPM	CFS	GPM	CFS	GPM	CFS
8	190	.42	401	.89	695	1.55	1095	2.44	1570	3.50	1915	4.27	2536	5.65	3245	7.23	4041	9.00
10	212	.47	448	1.00	776	1.73	1223	2.72	1754	3.91	2138	4.76	2832	6.31	3623	8.07	4512	10.05
12	232	.52	490	1.09	849	1.89	1339	2.98	1920	4.28	2341	5.22	3101	6.91	3967	8.84	4941	11.01
14	251	.56	530	1.18	918	2.05	1447	3.22	2075	4.62	2530	5.64	3352	7.47	4289	9.56	5341	11.90
16	268	.60	567	1.26	982	2.19	1548	3.45	2220	4.95	2706	6.03	3585	7.99	4587	10.22	5712	12.73
18	284	.63	601	1.34	1041	2.32	1640	3.65	2353	5.24	2868	6.39	3800	8.47	4862	10.83	6055	13.49
20	300	.67	634	1.41	1097	2.44	1729	3.85	2480	5.53	3024	6.74	4006	8.93	5126	11.42	6383	14.22
22	315	.70	665	1.48	1151	2.56	1815	4.04	2603	5.80	3173	7.07	4203	9.36	5378	11.98	6697	14.92
24	329	.73	694	1.55	1203	2.68	1896	4.22	2719	6.06	3315	7.39	4391	9.78	5619	12.52	6997	15.59
26	342	.76	723	1.61	1252	2.79	1973	4.40	2830	6.31	3450	7.69	4571	10.18	5848	13.03	7283	16.23
28	356	.79	750	1.67	1299	2.89	2047	4.56	2935	6.54	3579	7.97	4741	10.56	6066	13.52	7554	16.83
30	367	.82	777	1.73	1345	3.00	2120	4.72	3041	6.78	3707	8.26	4911	10.94	6284	14.00	7825	17.43
32	380	.85	802	1.79	1389	3.09	2190	4.88	3141	7.00	3829	8.53	5072	11.30	6490	14.46	8082	18.01
34	391	.87	826	1.84	1431	3.19	2256	5.03	3235	7.21	3944	8.79	5225	11.64	6685	14.89	8325	18.55
36	402	.90	850	1.89	1473	3.28	2321	5.17	3329	7.42	4059	9.04	5377	11.98	6880	15.33	8568	19.09
38	413	.92	873	1.95	1512	3.37	2383	5.31	3418	7.62	4167	9.28	5521	12.30	7063	15.74	8796	19.60
40	424	.94	896	2.00	1551	3.46	2445	5.45	3507	7.81	4276	9.53	5664	12.62	7247	16.15	9025	20.11
42	435	.97	918	2.05	1591	3.54	2507	5.59	3596	8.01	4384	9.77	5807	12.94	7430	16.55	9253	20.62
44	445	.99	940	2.09	1627	3.62	2565	5.71	3679	8.20	4485	9.99	5942	13.24	7602	16.94	9467	21.09
46	455	1.01	961	2.14	1664	3.71	2623	5.84	3762	8.38	4587	10.22	6076	13.54	7774	17.32	9682	21.57
48	465	1.04	982	2.19	1701	3.79	2681	5.97	3846	8.57	4688	10.44	6211	13.84	7946	17.70	9896	22.05
50	474	1.06	1002	2.23	1735	3.87	2735	6.09	3923	8.74	4783	10.66	6336	14.12	8107	18.06	10,096	22.49
52	484	1.08	1022	2.28	1770	3.94	2790	6.22	4001	8.91	4878	10.87	6462	14.40	8267	18.42	10,296	22.94
54	493	1.10	1042	2.32	1804	4.02	2844	6.34	4079	9.09	4973	11.08	6587	14.68	8428	18.78	10,496	23.39
56	502	1.12	1060	2.36	1836	4.09	2894	6.45	4151	9.25	5060	11.27	6704	14.94	8577	19.11	10,681	23.80
58	511	1.14	1080	2.41	1870	4.17	2948	6.57	4228	9.42	5155	11.49	6829	15.22	8738	19.47	10,881	24.24
60	520	1.16	1098	2.45	1902	4.24	2998	6.68	4301	9.58	5243	11.68	6945	15.47	8887	19.80	11,067	24.66
62	528	1.18	1115	2.48	1932	4.30	3045	6.78	4367	9.73	5324	11.86	7053	15.71	9024	20.11	11,238	25.04
64	536	1.19	1134	2.53	1964	4.38	3095	6.90	4439	9.89	5412	12.06	7170	15.97	9173	20.44	11,424	25.45
66	545	1.21	1151	2.56	1993	4.44	3142	7.00	4506	10.04	5493	12.24	7277	16.21	9311	20.74	11,595	25.83
68	553	1.23	1169	2.60	2025	4.51	3192	7.11	4578	10.20	5581	12.43	7394	16.47	9460	21.08	11,781	26.25
70	561	1.25	1186	2.64	2055	4.58	3238	7.21	4645	10.35	5663	12.62	7501	16.71	9598	21.38	11,952	26.63
72	569	1.27	1203	2.68	2084	4.64	3285	7.32	4711	10.50	5744	12.80	7609	16.95	9735	21.69	12,123	27.01
74	577	1.29	1219	2.72	2111	4.70	3327	7.41	4772	10.63	5818	12.96	7707	17.17	9861	21.97	12,281	27.36
76	585	1.30	1236	2.75	2141	4.77	3374	7.52	4839	10.78	5899	13.14	7815	17.41	9999	22.28	12,452	27.74
78	592	1.32	1251	2.79	2168	4.83	3416	7.61	4900	10.92	5974	13.31	7913	17.63	10,125	22.56	12,609	28.09
80	600	1.34	1267	2.82	2195	4.89	3459	7.71	4961	11.05	6048	13.47	8012	17.85	10,251	22.84	12,766	28.44



Model 75

$Q = (C (id)^2 \sqrt{\text{inches of water}}) \div 448.8$ gpm/cfs) K = CFS

C = Correction Factor Annubar

- 6" ----------3.75
- 7.981" ----------3.87
- 10"----------3.94
- 12"----------3.99
- 14"/16"----------4.01
- 18"/24"----------4.02
- 30" ----------4.03

K = Flow Correction
= 1 For Manometer
= # From Calibration chart Eagle Eye Meter.

MODE SELECT
INPUT

OUTER DIAMETER
9.99000 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1480 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1450 M/S-

SENSOR MOUNTING
? V

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
7.376 IN V

MODE SELECT
INPUT

OUTER DIAMETER
9.9902 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1480 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1450 M/S-

SENSOR MOUNTING
? V

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
7.376 IN V

MODE SELECT
T0 CHECK

0368.1 MMSEC
099.93 % T0

07-08 12:5600 *H
+003.00 % AI2

Pump #2 Center Computer Control

MODE SELECT
T0 CHECK

0368.1 MMSEC
099.93 % T0

07-08 12:5600 *H
+003.00 % AI2

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

07-08 13:1000 *R
+ 1.777E 3GPM

07-08 13:1100 *R
+ 1.788E 3GPM

07-08 13:1100 *R
+ 1.790E 3GPM

07-08 13:1100 *R
+ 1.794E 3GPM

07-08 13:1200 *R
+ 1.793E 3GPM

07-08 13:1300 *R
+ 1.789E 3GPM

07-08 13:1300 *R
+ 1.787E 3GPM

07-08 13:1400 *R
+ 1.783E 3GPM

Center Well (#2)

use this reading

Well #2

15-07132

```
OUTER DIAMETER
10.000    IN

PIPE MATERIAL
?         CS,SS

WALL THICKNESS
0.1070    IN

INNER LINING
?         NO LING.

KIND OF FLUID
?         ANOTHER

SOUND VELOCITY
1450      M/S

SENSOR MOUNTING
?         V

TYPE OF SENSOR
?         SMALL

DATA CHANGE
?         NO

SPACING
7.317     IN V

MM-DD HH:MM
08-25 15:12

ZERO MODE
          CLEAR

ZERO MODE
          AUT ZERO

MODE SELECT
          T0 CHECK

0372.9    MMSEC
100.30    % T0

08-25 15:1300 *R
+003.00 %  AI2

ZERO MODE
          CLEAR

ZERO MODE
          AUT ZERO

ZERO MODE
          ZERO OPR

DAMPING SET
60        SEC

PRT PERIOD
1         MIN

PRT UNIT GPH
          NO

PRT UNIT GPM
          YES
PRT UNIT MGD
          NO
PRT UNIT FPS
          NO
PRT UNIT INTEG
          NO
PRT UNIT AI1
```

North Pump after Overhaul

```
ZERO MODE
          AUT ZERO

ZERO MODE
          ZERO OPR

DAMPING SET
60        SEC

PRT PERIOD
1         MIN

PRT UNIT GPH
          NO

PRT UNIT GPM
          YES
PRT UNIT MGD
          NO
PRT UNIT FPS
          NO
PRT UNIT INTEG
          NO
PRT UNIT AI1
          NO
PRT UNIT AI2
          YES

START TIME
08-25 15:16

OPERATION TIME
1         HOR

15:16+   1.769E 3GPM   00R
        +003.00%  AI2   00R

15:17+   1.770E 3GPM   00R
        +003.00%  AI2   00R

15:18+   1.768E 3GPM   00R
        +003.00%  AI2   00R

15:19+   1.766E 3GPM   00R
        +003.00%  AI2   00R

15:20+   1.766E 3GPM   00R
        +003.00%  AI2   00R

15:21+   1.762E 3GPM   00R
        +003.00%  AI2   00R

15:22+   1.766E 3GPM   00R
        +003.00%  AI2   00R

15:23+   1.759E 3GPM   00R
        +003.00%  AI2   00R

15:24+   1.762E 3GPM   00R
        +003.00%  AI2   00R

15:25+   1.763E 3GPM   00R
        +003.00%  AI2   00R

08-25 15:2500 *R
+  1.764E 3GPM

PRT PERIOD
0         MIN

MODE SELECT
          DATA SET

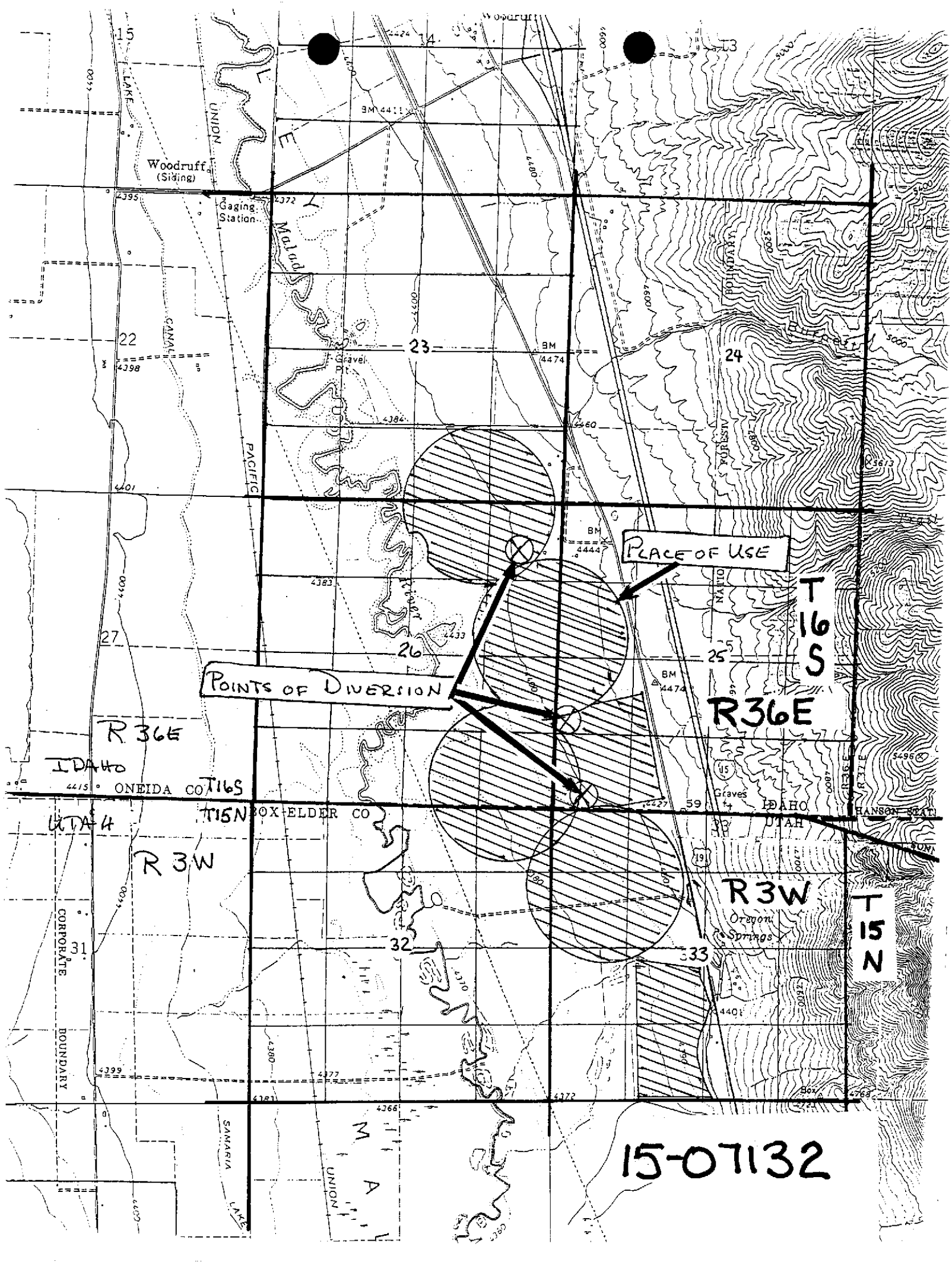
DATA SET MODE
?         PRINTER
```

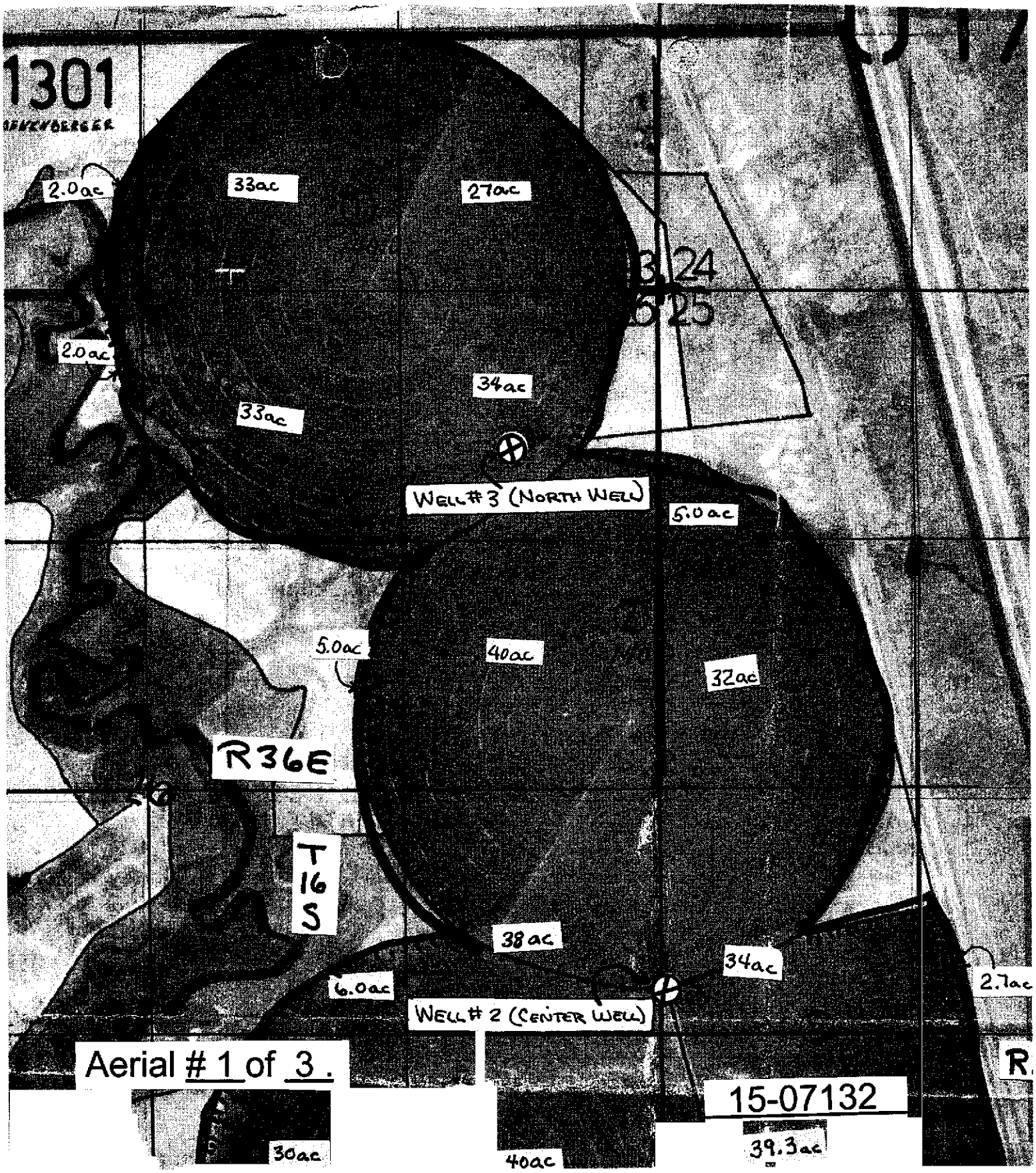
use this reading

North well (#3)

Well#3

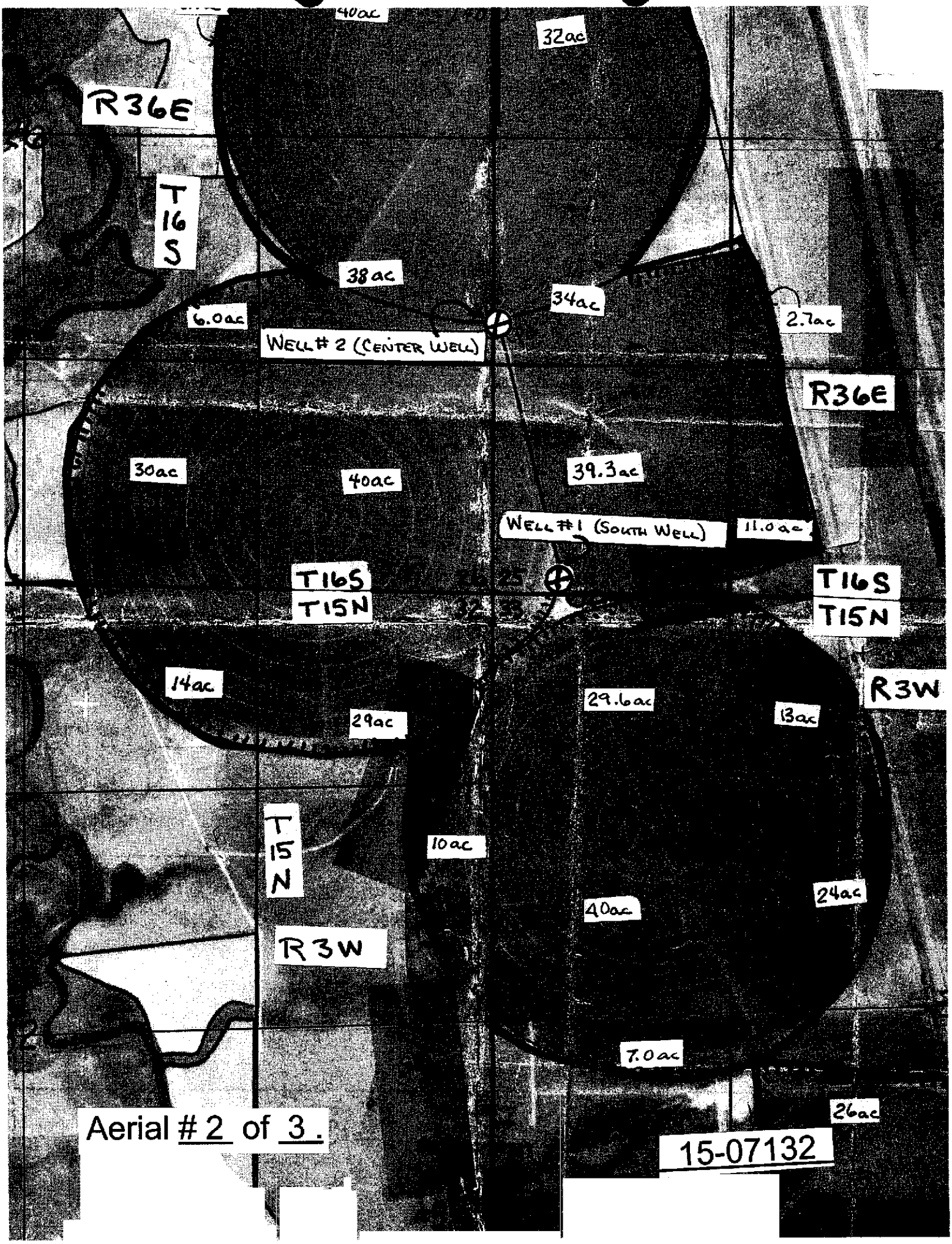
15-07132

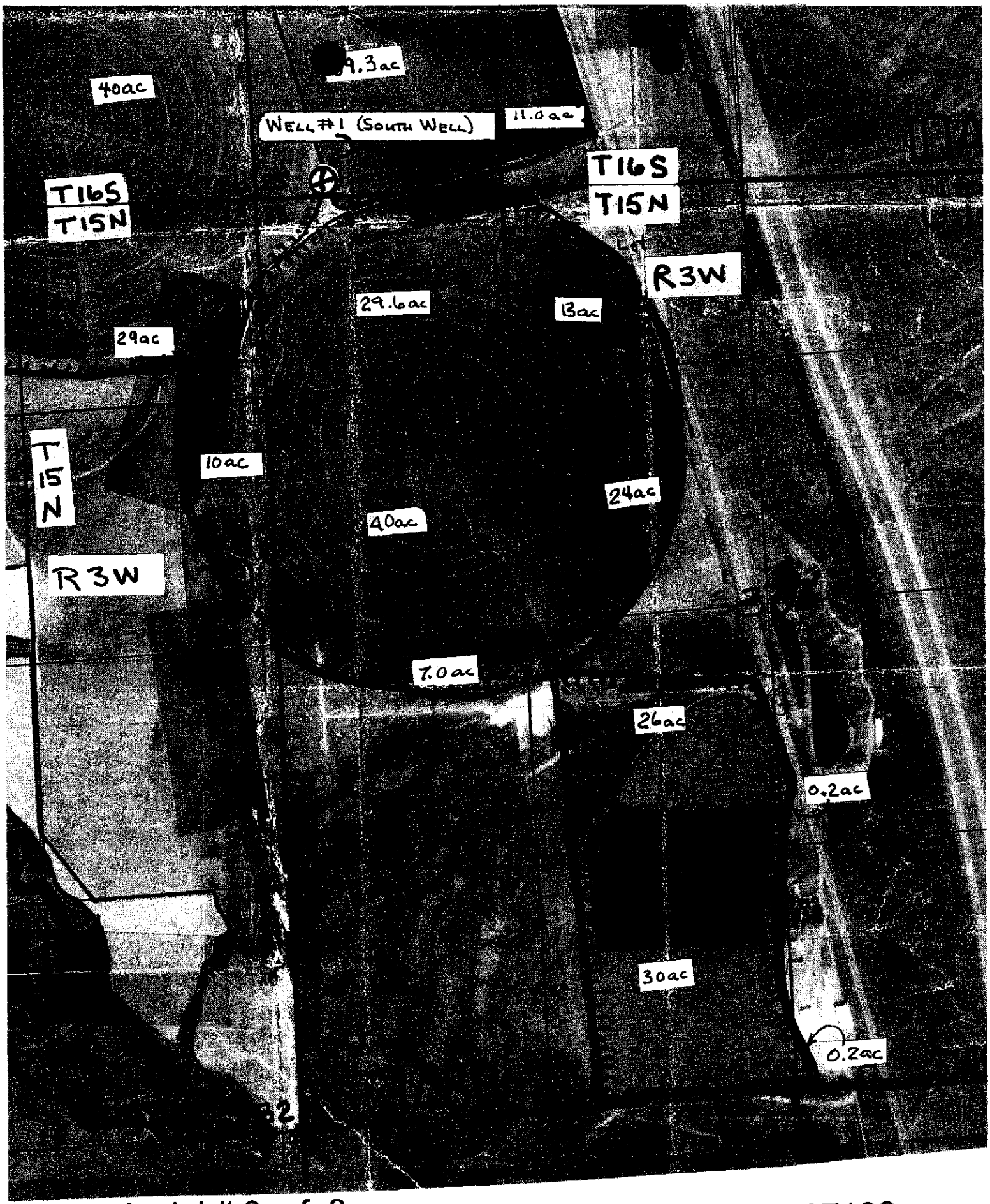

PLACE OF USE
POINTS OF DIVERSION
T16S
R36E
T15N
R3W
IDAHO
UTAH
ONEIDA CO
BOX ELDER CO
Woodruff (Siding)
Gaging Station
Gravel Pit
Oregon Springs
Graves
HANSON STATI
LAKE
UNION
PACIFIC
CANAL
CORPORATE BOUNDARY
SAMARIA LAKE
15-07132



Aerial # 1 of 3.

15-07132


40ac
32ac
R36E
T16S
38ac
34ac
6.0ac
WELL # 2 (CENTER WELL)
2.7ac
R36E
30ac
40ac
39.3ac
WELL #1 (SOUTH WELL)
11.0ac
T16S
T15N
T16S
T15N
14ac
29.6ac
R3W
29ac
13ac
T15N
10ac
24ac
40ac
R3W
7.0ac
26ac
Aerial # 2 of 3.
15-07132



Aerial # 3 of 3.

15-07132

NOT TO SCALE

AERIAL #1 of 3

301

KENBERGER

12.0ac

33ac

27ac

23 24
26 25

2.0ac

34ac

33ac

WELL #3 (NORTH WELL)

5.0ac

5.0ac

40ac

32ac

R36E

26

T16S

38ac

34ac

2.7ac

6.0ac

WELL #2 (CENTER WELL)

30ac

40ac

39.3ac

AERIAL #2 of 3

WELL #1 (SOUTH WELL)

11.0ac

IDAHO

T16S
T15N

26 25
32 33

UTAH

Lot 3

R3W

Lot 2

14ac

29ac

29.6ac

13ac

T15N

10ac

40ac

24ac

R3W

32

33

7.0ac

AERIAL #3 of 3

26ac

0.2ac

30ac

0.2ac

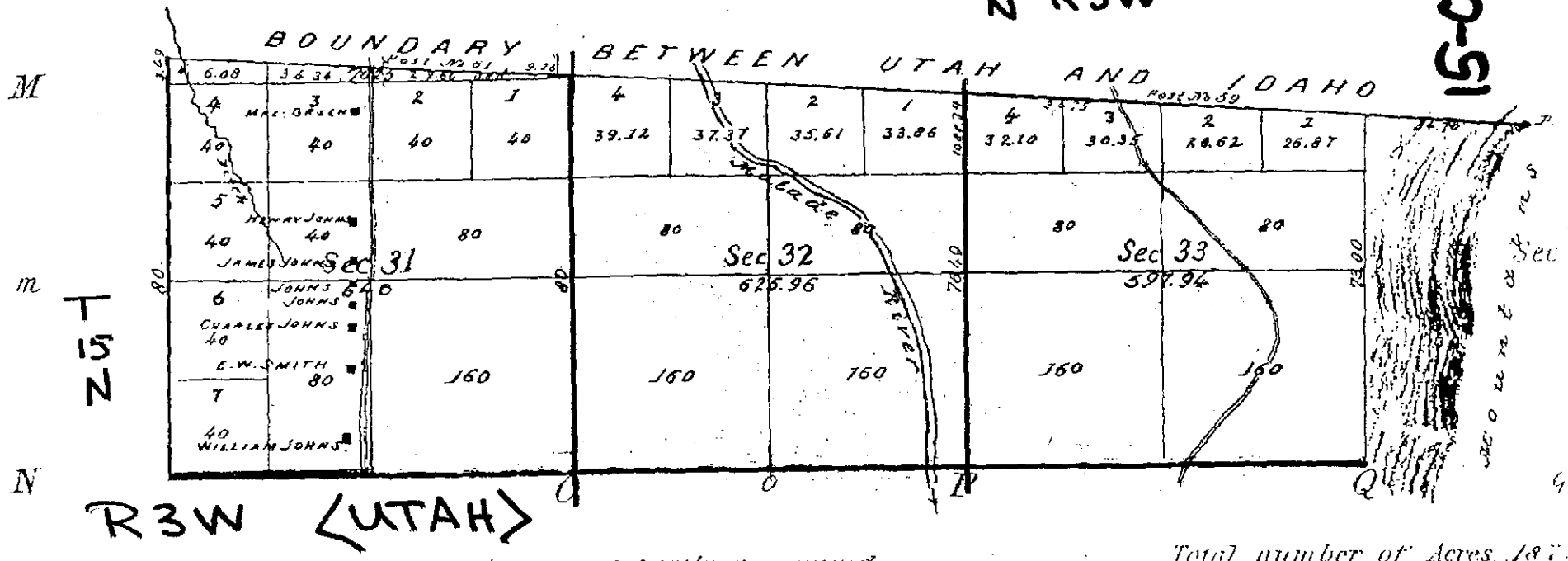
Permits 15-7128
15-7133
15-7132

23107-51

32

33

T 14 S



Items necessarily connected. Total number of Acres 187.

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed
South & West Township lines	W. J. Stewart	October 14th 1875	M 4 Ch 03 Lk 49	Second 9th 1875
Subdivisions & Closings	do	do	3 58 44	Second 10th 1875

15-0132

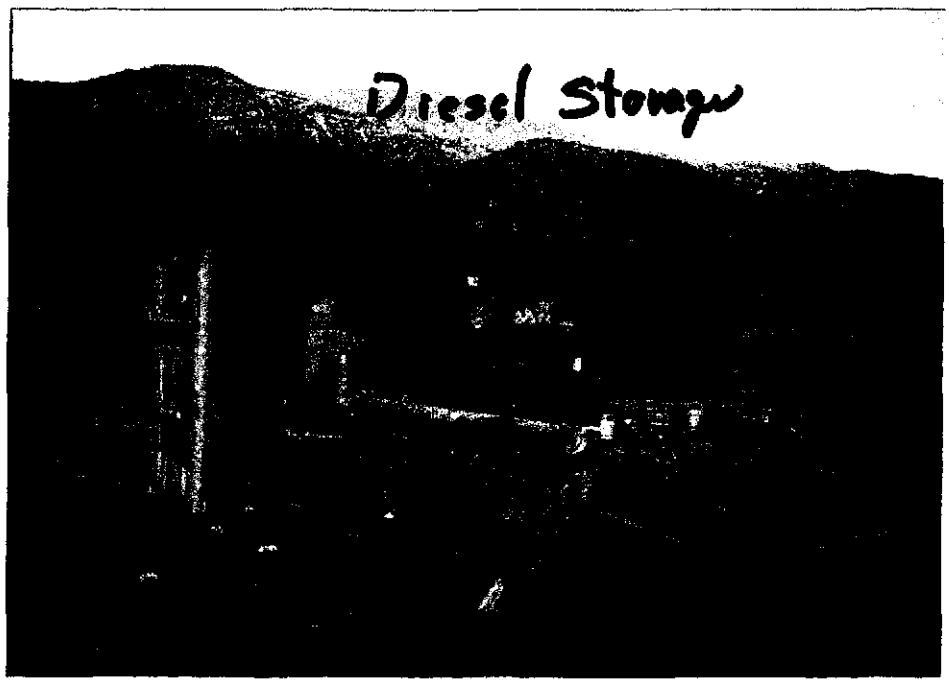
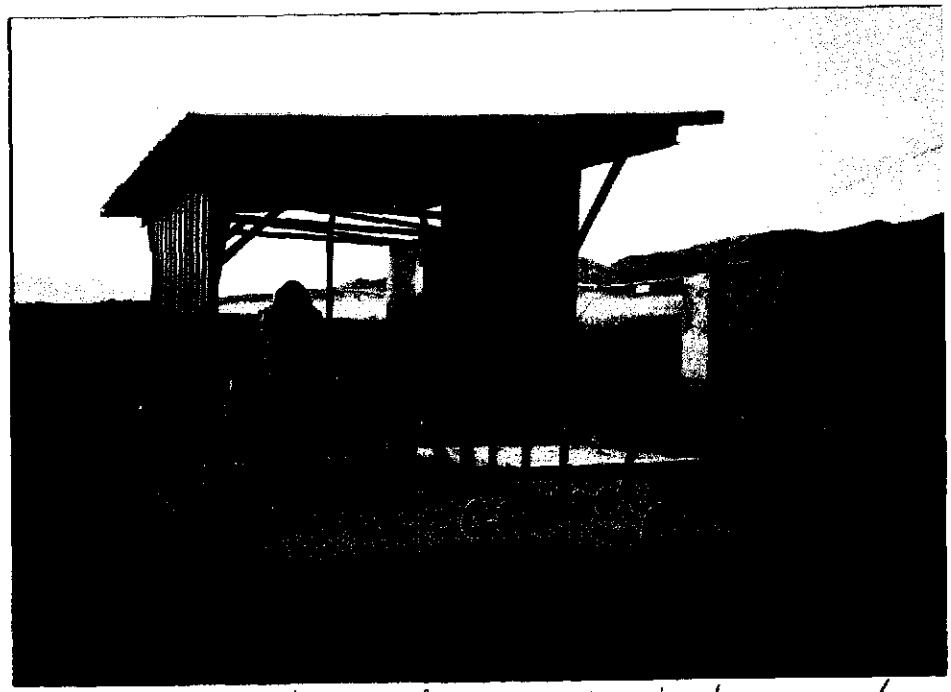


Photo of pumps #1 (South) looking South East

South Well #1

Permit # 15-7128, 15-7132, 15-7133

15-07132



Pump #2 (Center) Electric & Control pannel looking North

CENTER WELL #2



looking North at pump #2 (center) arrangement to main line

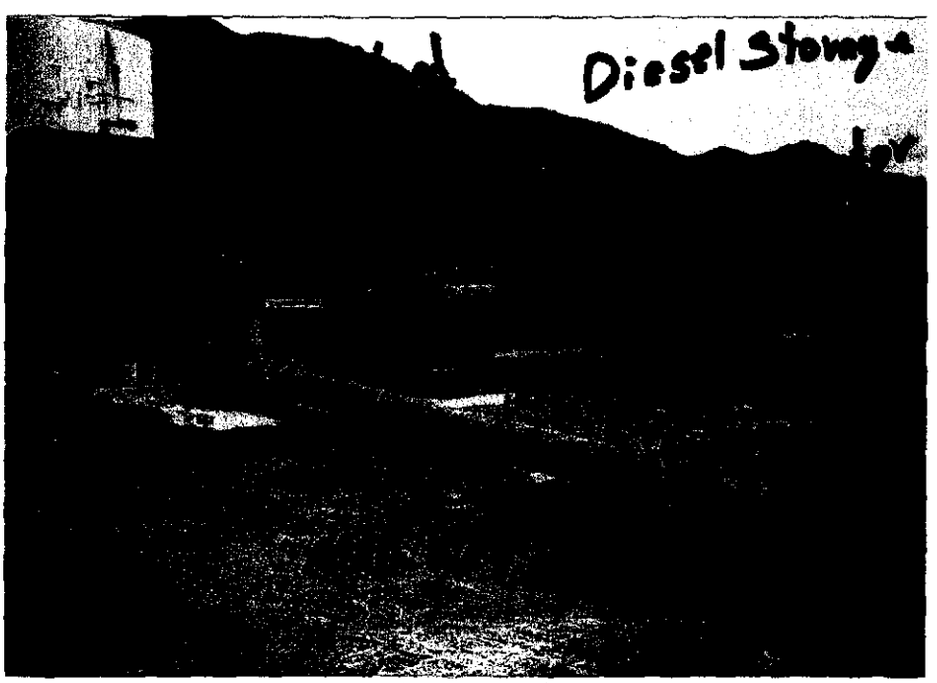
Permits # 15-7128, 15-7132, 15-7133

15-07132



Photo of pump #3 (North) 125 hp diesel look North East

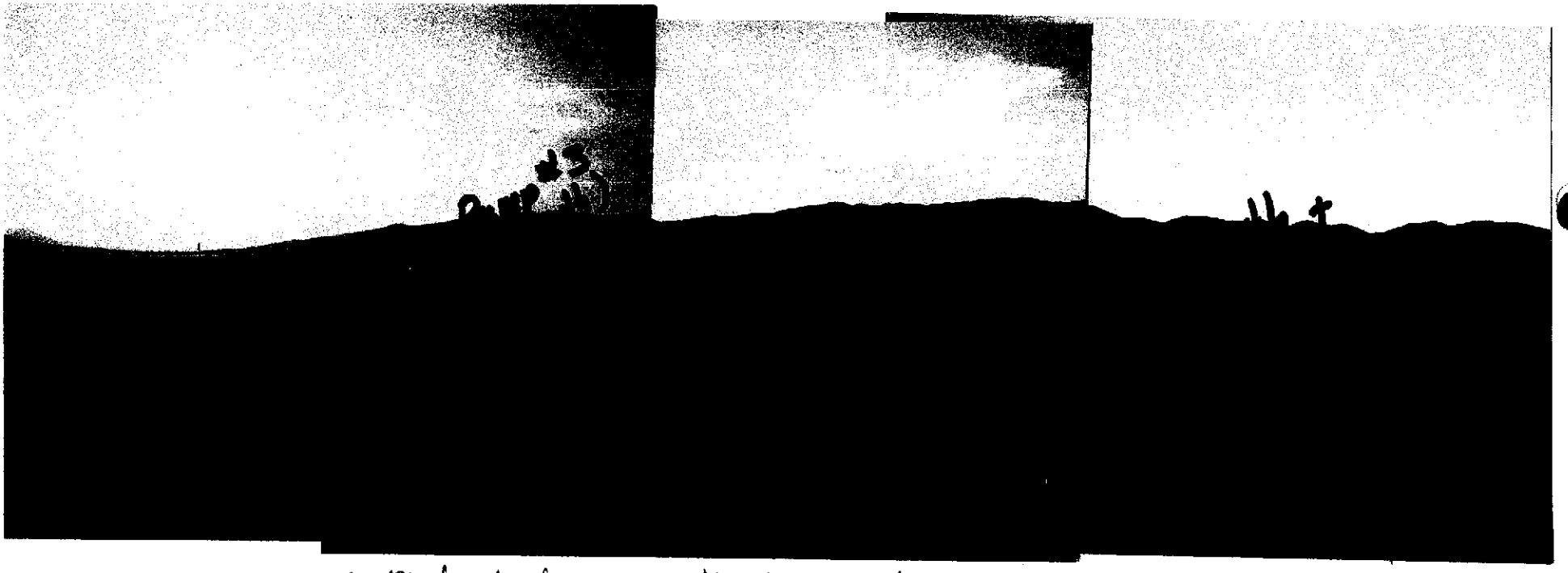
NORTH WELL #3



Pump #3 look South East

Permits #15-7128, 15-7132, 15-7133

15-07132



~~Photo~~ Photo Looking South at propents

Permit #s
~~15-4128~~
15-7132
~~15-4133~~

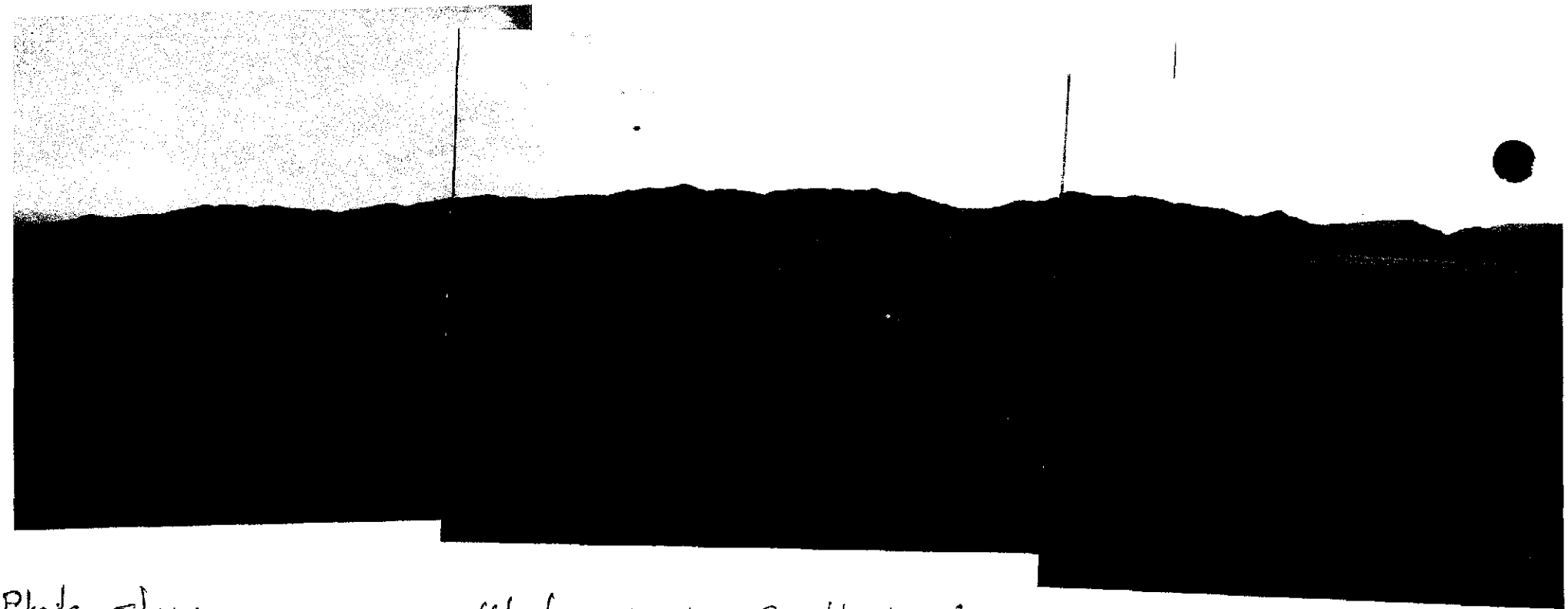


Photo showing acreage in Utah looking South West toward Pantage

Permits # 15-7128, 15-7132, 15-7133

E. NARRATIVE/REMARKS/COMMENTS

Water for these areas can be supplied by any one of three pump's #1, #2, #3. They are tied together on the main line supplying the water. Pumps #1 + #3 are diesel powered with pump #2 controling the pressure in the system and is electric driven.

The pumps discharge through a 10" pipe onto a 16" main line. Each pump can be isolated from the system by closing gate valves. The water is supplied to South to North wheel lines, and and to other Wheel lines and Circles on the system Normal Operating pressure is 70 psi.

Note: Points for the pumps and the corners of the field was GPS'd

Have conditions of permit approval been met? ✓ yes ___ no

F. FLOW CALCULATIONS ✓ Additional Computation Sheets Attached

Measured Method:

Total system Capacity 13.44 cfs / 637 > 0.02 cfs/ac

Limited to 0.02 cfs/ac (313 ac) = 6.26 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = 313ac (3.5) = 1095.5

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = 6.26 cfs (214) 1.9835 = 2657.2

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 1095.5

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation	4/15	10/15	6.26	1095.5
		Totals:	6.26	1095.5 afa

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

I. AUTHENTICATION Keith C. Wilson 5-16-2000
KEITH C. WILSON

Field Examiner's Name Lee Simmons Date 10-8-98

Reviewer _____ Date _____ SEAL

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 15-07132 Reviewed by [signature] Date 9-12-95

GENERAL CONSIDERATIONS

yes Name same as permit?

yes Address same as permit?

yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

TYPES OF USE

Irr.

SOURCE OF WATER

_____ Surface water source

✓ Ground water source

yes Drilling permit required?

no Copy in the file? Drilling Permit No. 15-91-E-0006-000

200.00 Amount paid for permit yes Correct?

no Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

250.00 Amount Submitted

yes Correct?

MEASURING DEVICE

yes Required?

yes Installed?

_____ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	_____
Date proof due	_____	- _____
No. of days late	_____	= _____
Priority Date	_____	+ _____
New Priority Date	_____	_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address _____ Proof Made 9-5-95

_____

September 12, 1995

NEIL SCHOENENBERGER
695 W 1100 N
SALT LAKE CITY UT 84054

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 15-07132

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.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

MICROFILMED

SEP 19 1995

July 31, 1995

NEIL SCHOENENBERGER
695 W 1100 N
SALT LAKE CITY UT 84054

PROOF DUE NOTICE

RE: PERMIT NO. 15-07132

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 October 1, 1995. (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

SEP 13 1995

CERTIFIED MAIL
NO. 142199

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 13, 1993

NEIL SCHOENENBERGER
695 W 1100 N
SALT LAKE CITY UT 84054

801-298-2999 - office
801-543-9029 mobile

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 15-07132

Dear Permit Holder(s):

Enclosed is a copy of your approved application for permit and a copy of the Memorandum Decision and Order. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water.

MICROFILMED

JUL 22 1993

Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

MICROFILMED
JUL 22 1993

APPLICATION FOR PERMIT STATE OFFICE REVIEW

Application #: 15-07132 Date: 6/16/93 Reviewer: *Cindy Zimmerman*

AREA OF CONCERN? - No/Yes _____
SYSTEM COMPLETED:
No - 26A-**P17**
Complete in 1 year - **P16**
Yes
Proof not submitted - **P16**
Proof submitted - N/A
GROUNDWATER:
+ 0.2 cfs <flo-ch> - 01G-**P03**, 01C-**P03** (existing), NMR
- 0.2 cfs - NMR <flow chart>
Drilling Permit:
Included w/permit - **P99** Permit No. _____
Existing well - N/A (if drilled before 7/1/87)
No WD permit? - 046-46B-**P23** (if drilled after 7/1/87)
SURFACE WATER: not in WD - 01C-**P03** (+.2 w/pump), NMR <flow chart>
LOCATION:
Water District - WD No. _____
Surface water - 005 or 005-01J-**P08**(+.2)
or 005-01H-**P01**(-.2 w/pump); NMR
Groundwater - **P05** (if well has not been drilled)
Irrigation Dist. - 023
Canal Co. Areas - 023
Drainage Districts - 024
Flood Control Dist. - 063
Boise Front (63) - 058 (Groundwater temperature)
Swan Falls Flag - _____ (1, Blank or Other)
Trust - 051-052-053-**P74**(Consumptive Uses)
Non Trust <1> - 048-049
RIVER BASINS (Surface): *Water District Control Condition (005) &....*
Boise (63) - 05A & 11E
Payette (65) - 047-**P04**, 059-**P71** (except WD 65)
Snake (01, 02 & 03) - 11A-**P04**(01), 061-**P07**(*02/03 No W.D.Cond.*)
USE:
Fish Propagation - 06A, 09E-**P10** (*WQ/Choose One*) & 010
042 (*req*), 002-**P06**(MD), 07A(Special), 044(Policy 5G)
Power - 08A,17K,025,027 (*req*); 01F-**P19**; 09E-**P10**; +25 cfs-**P18**; 17G or 17M; 18B-**P09**
Mining - 06A, 010, or 09E-**P10** & 054 (*req*)
Storage(✓ 3 comp.) - 18A-for multi MD in WD, 18B-**P09** (+10'Size)
Rec/Wildlf/Aes - 027-if +½ A. pond (Non-Consumptive)
Domestic (*surface restricted areas*) - 021 - Boise River upstream from L Peak
27A - Payette River & main tributaries
OWNERSHIP:
Non land owner - 004
PROTESTED:
Hearing agreement - 020
REMARKS: - _____

OTHER CONDITIONS: - 03A
BENEFICIAL USE DUE: - 7-1-1996
COMMENTS: - D P/u in Utah P/D in Idaho
2) Sw. desc.

NOTE: EDIT P/u to include Utah P/u.

WR0749NP
No. P15-07132

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 06/17/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	NEIL SCHOENENBERGER 695 W 1100 N SALT LAKE CITY UT 84054 (801) 298-2999	09/12/1991	IRRIGATION	04-15	10-15	6.76 CFS	
				TOTAL DIVERSION:		6.76 CFS	

Water Source: GROUNDWATER Tributary to: Stage: PERMIT

Point(s) of Diversion: T16S R36E S25 SW SW
S26 NE NE

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	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
16S	36E	25												12					12.0
16S	36E	26													10	03	23	40	76.0
																TOTAL ACRES			88.0

Pou County: ONEIDA

Other Water Rights with Same Point(s) of Diversion and Source:
15-07128 15-07132 15-07133 M15-07132

Other Water Rights Listing Overlapping Place(s) of use:
15-07128 15-07132 15-07133 M15-07132

Conditions of Approval:

26A - Project construction shall commence within one year from the
- date of permit issuance and shall proceed diligently to
- completion unless it can be shown to the satisfaction of the
- Director of the Department of Water Resources that delays were
- due to circumstances over which permit holder had no control.

01G - Prior to the diversion of water under this right a flow
- measurement port or other device as specified by the Department
- shall be installed to provide for the installation of measuring
- equipment and the determination of the rate of diversion by the
- Department.

046 - Right holder shall comply with the drilling permit
- requirements of Section 42-235, Idaho Code.

46B - Construction of the well must comply with Idaho well
- construction standards.

03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.

Remarks: The permit holder shall comply with the laws of the state of Idaho governing the appropriation and use of water and any other future changes to the water right.
The permit holder shall designate and maintain an agent in Idaho

Remarks: for receipt of service of due process and other legal notices.

Dates:
App. Received: 09/12/1991 Priority Date: 09/12/1991
Proof Due Date: 10/01/1995 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 06/16/1993 User-ID: ZIMMERMA Subject: P/D AND POU LOCATIONS
The points of diversion are located in Idaho, the places of use are located in Idaho and Utah.

Date: 06/16/1993 User-ID: ZIMMERMA Subject: DIVERSION DESCRIPTION
Proposed well to be 20" in diameter by 350' deep, with pump and sprinkler system.

Audit: 06/17/93 ZIMMERMA

DEBRA ALSAKER-BURKE
REBECCA W. ARNOLD
J. RANDOLPH AYRE*
JOSEPH H. BAIRD
NANCY A. BASKIN
CHRISTOPHER J. BEESON
JOANN C. BUTLER
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
ALAN R. GARDNER
RAYMOND D. GIVENS
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
DAVID R. LOMBARDI
KENNETH R. McCLURE
CHRISTOPHER H. MEYER
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
STEPHANIE C. WESTERMEIER
*ADMITTED ONLY IN UTAH & WASHINGTON, D.C.

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY
SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

JAMES A. McCLURE
OF COUNSEL

TELEPHONE
(208) 342-6571

FACSIMILE
(208) 343-9492
(208) 342-8920

September 23, 1992

RECEIVED
SEP 2 3 1992
Department of Water Resources

VIA HAND DELIVERY
Mr. L. Glen Saxton
Chief, Water Allocation Bureau
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

RE: In the Matter of Application for Permit No. 15-07132

Dear Mr. Saxton:

I am enclosing the original and one copy of Technical Corrections and Supplemental Information in Support of Application. Please file the original and return the copy with your proof of receipt thereon.

Sincerely,

Christopher H. Meyer

CHM/jbg
Enclosures
cc: Mr. Neil Schoenenberger
Mr. Dale Bankhead

MICROFILMED
JUL 2 2 1993

JEFFREY C. FEREDAY
CHRISTOPHER H. MEYER
GIVENS, PURSLEY, WEBB & HUNTLEY
277 N. Sixth Street
P.O. Box 2720
Boise, Idaho 83701
(208) 342-6571
Attorneys for Applicant
Neil Schoenenberger

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR PERMIT NO. 15-07132 IN THE NAME OF NEIL SCHOENENBERGER TO USE GROUNDWATER	)))))	TECHNICAL CORRECTIONS AND SUPPLEMENTAL INFORMATION IN SUPPORT OF APPLICATION

Applicant Neil Schoenenberger, by and through his undersigned attorneys, provides the following technical corrections and supplemental information in support of his Application No. 15-07132.

Background

1. On September 12, 1991, Applicant properly filed his Application No. 15-07132 seeking a permit to appropriate groundwater.

2. Notice of the application was published in the Idaho Enterprise on October 3, 1991 and October 10, 1991.

3. No protests to the application were filed.

4. On November 27, 1991, Mr. Harold W. Jones of the Idaho Department of Water Resources ("Department") sent Applicant a letter stating that "for any application or permit which exceeds 200 acres or 5.00 cfs the information on the attached sheets are required before any further processing can

MICROFILMED
JUL 22 1993

take place." The attached sheets sought information with respect to the Department's Water Appropriation Rule 4,5,3.

5. On December 13, 1991, Applicant responded to the Department's letter with a letter containing the information sought.

6. The Department took no final action on the application prior to the issuance of the Bear River and Snake River Moratoriums on May 15, 1992. (Applicant notes that the Department's Letter of Temporary Permit Approval dated June 29, 1992 references the Snake River Moratorium, but Applicant believes that he falls within the geographic scope of the Bear River Moratorium.)

7. On June 25, 1992, Applicant met with officials of the Department and submitted a Moratorium Exemption Questionnaire documenting his eligibility for the "supplemental well exception" to the moratorium.

8. At the same time, at the Department's request, Applicant made available to the Department certain well records in its possession showing the status of groundwater levels in the area.

9. On June 29, 1992, a temporary permit was issued to Applicant for the 1992 irrigation season.

Technical corrections

10. Applicant wishes to correct a technical error in his application of September 12, 1991. In reviewing that application, it became apparent that the description of place of use contained some inaccuracies causing it not to correspond precisely to the map supplied with the application.

The description appeared in the September 12, 1991 application as follows:

9. DESCRIPTION OF PLACE OF USE:

ST	TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOT
				NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
ID	16S	36E	26													10	3	23	40	76
ID	16S	36E	25												12					12
UT	15N	3W	32	26	26		2	34.5	34.5	34.5	34.5									192
UT	15N	3W	33					3				40			10		5			58
																			Total number of acres to be irrigated	338

MICROFILMED

JUL 22 1993

The corrected description is as follows:

9. DESCRIPTION OF PLACE OF USE:																			
ST	TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOT
				NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
ID	16S	36E	26													10	3	23	40	76
ID	16S	36E	25												12					12
UT	15N	3W	32	25	10		5													40
UT	15N	3W	33					40	30	30	30	40			10		5			185
																			Total number of acres to be irrigated	313

11. These technical corrections do not reflect any change in the water right sought. The map supplied with the application has always described accurately the area to be irrigated. The technical errors have not misled the Department or other users with respect to the size of the right sought. Indeed, the corrected total number of irrigated acres is slightly fewer.

Supplemental information

12. As described above, Applicant supplied additional information in support of his application on December 13, 1991. It is Applicant's position that the information supplied previously is fully sufficient to satisfy the criteria set out in Idaho's water export statute, Idaho Code § 42-401. However, recognizing the Department's desire to maximize the information available to assist it in evaluating the application, Applicant offers the additional information set out in the paragraphs below. Moreover, Applicant would be pleased to provide any other appropriate information requested by the Department. In making this information available, however, Applicant wishes to underscore his position that sufficient information has been available to the Department from at least December 12, 1991.

13. To assist the Department in its evaluation of this application, Applicant organizes its response along the lines of the criteria set out in Idaho Code § 42.401:

(a) The supply of water available to the state of Idaho.

The proposed diversion and place of use are located in a remote area of the state; the place of use includes acreage just across the state line in Utah. Indications from the well records available to the Applicant (and provided to the Department as described in paragraph 8) are that groundwater levels are stable or

FILMED
JUL 22 1993

rising. Applicant has agreed to use Well Number 2 on his property in Idaho to monitor groundwater levels.

(b) The current and reasonably anticipated water demands of the state of Idaho.

Given the remoteness of the location and the prevalence of dryland farming in the region, there appear to be no competing demands for the water. No water projects are planned in the vicinity. No new demands are anticipated.

(c) Whether there are current or reasonably anticipated water shortages within the state of Idaho.

Idaho is now experiencing a drought. However, this drought does not appear to have adversely affected groundwater levels in the area. Thus, there does not appear to be any water shortage within the area.

(d) Whether the water that is the subject of the application could feasibly be used to alleviate current or reasonably anticipated water shortages within the state of Idaho.

The remoteness of the location and the non-usability of nearby surface supplies indicate that the water may not feasibly be used to alleviate water shortages within the state.

(e) The supply and sources of water available to the applicant in the state where the applicant intends to use the water.

Applicant is using fully water sources within Utah. In fact, he is using considerable Utah water (surface supply from Oregon Springs) to irrigate crops in Idaho.

(f) The demands placed on the applicant's supply in the state where the applicant intends to use the water.

As mentioned above, Applicant is using his supply in Utah (surface supply from Oregon Springs) to irrigate crops in Idaho. Given the lay of the land, it is simply more economical to supply the Idaho parcel with the Oregon Springs water and to supply the Utah with water to be made available by this Application.

There does not appear to be competing demand for the water in Utah. Most of the land in the area is dryland farmed.

MICROFILMED

JUL 2 2 1993

Respectfully submitted this 22d day of September, 1992.

GIVENS, PURSLEY, WEBB & HUNTLEY

By Jeffrey C. Fereday

Jeffrey C. Fereday
Christopher H. Meyer
Attorneys for Applicant

AMENDED

JUL 22 1993

DEBRA ALSAKER-BURKE
REBECCA W. ARNOLD
J. RANDOLPH AYRE*
JOSEPH H. BAIRD
NANCY A. BASKIN
CHRISTOPHER J. BEESON
JOANN C. BUTLER
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
ALAN R. GARDNER
RAYMOND D. GIVENS
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
DAVID R. LOMBARDI
KENNETH R. McCLURE
CHRISTOPHER H. MEYER
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
STEPHANIE C. WESTERMEIER
*ADMITTED ONLY IN UTAH & WASHINGTON, D.C.

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY
SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

JAMES A. McCLURE
OF COUNSEL

TELEPHONE
(208) 342-6571

FACSIMILE
(208) 343-9492
(208) 342-8920

CHRISTOPHER H. MEYER
DIRECT DIAL
(208) 387-1201

July 7, 1992

RECEIVED
JUL 8 1992
Department of Water Resources

Mr. Norman C. Young
Administrator
Resources Administration Division
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706-2237

Phillip J. Rassier, Esq.
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706-2237

Re: Neil Schoenenberger (Application number 15-07132)

Dear Norm and Phil:

This follows up on our meeting of June 25, 1992 at which you met with our client, Neil Schoenenberger, his consultant, Dale Bankhead, Jeff Fereday and me. We very much appreciate the attention you gave to Mr. Schoenenberger's situation.

As a result of our discussions, we applied for a temporary permit under the "supplemental supply" exception to the moratorium. As you know, the Department granted a temporary permit on June 29, 1992.

The Department's action in granting the temporary permit resolves Mr. Schoenenberger's dilemma for the duration of the permit and any subsequent extensions, and obviates any need to pursue legal action at this time in order to irrigate his lands. However, by accepting the temporary permit rather than seeking more permanent relief, we do not wish to foreclose any legal options for our client. For instance, should the moratorium continue, and should subsequent extensions of the temporary permit not be granted, Mr. Schoenenberger might challenge the moratorium itself. We want the record to be clear that Mr.

MICROFILMED
JUL 22 1993

Schoenenberger did not "sit on his rights" by failing to press these arguments at the outset. The purpose of this letter is to make clear for the record that: (1) Mr. Schoenenberger has raised these issues with you, (2) the Department's action in issuing a temporary permit makes it unnecessary for Mr. Schoenenberger to press them at this time, and (3) he wishes to preserve them in order that they may be raised at a later date should such action become necessary.

I will not attempt to argue these points here, but merely summarize Mr. Schoenenberger's position:

1. Mr. Schoenenberger's application number 15-07132 is fully consistent with the requirements of the state's water export statute, Idaho Code § 42-401. The information supplied in the original application and in the follow-up response of December 13, 1991 provided sufficient basis for applying and satisfying each of the criteria set out in Idaho Code § 42-401(3). (Of course, if more information would be helpful to the Department, we would be pleased to provide it at any time.)

2. If, under the current facts, Mr. Schoenenberger were unable to satisfy the requirements of the water export statute, then the statute as applied is an unconstitutional violation of the "dormant commerce clause" under the federal constitution. U.S. Const. art. I, § 8, cl. 3 (commerce clause), see *Sporhase v. Nebraska ex rel. Douglas*, 458 U.S. 941 (1982).

3. The state failed to act expeditiously on Mr. Schoenenberger's application because of the state's mistaken belief that the application might violate Idaho's water export statute. This failure to act with reasonable promptness was the direct cause of the application being made subject to the moratorium. The state's delay in acting on the application had the effect of unconstitutionally discriminating against out-of-state commerce, because similar in-state applications were not subjected to similar delays.

Because I offer these points simply for the record, there is no need for any response from the Department at this time. Indeed, it is my client's hope that these issues may never be joined.

Sincerely,

Christopher H. Meyer

RECEIVED
2 2 1993

CHM:sma
pc: Neil Schoenenberger
S:\CLIENTS\3152\1\YOUNG.01

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 29, 1992

NEIL SCHOENENBERGER
695 W 1100 N
SALT LAKE CITY UT 84054

RE: PERMIT NO. 15-07132

LETTER OF TEMPORARY PERMIT APPROVAL

Dear Permit Holder:

Enclosed is a copy of your approved permit. your proposed use of water qualifies for a narrow exception to the Snake River Basin Moratorium established by the Director on May 15, 1992. The exception allows the use of groundwater during the drought to protect agricultural uses which normally have an adequate supply of water. Please carefully review the conditions of approval.

The Department has approved your permit for the 1992 irrigation season. Diversion of groundwater is not authorized after the 1992 season, and the permit expires. The Director may reinstate the permit in a subsequent year if drought conditions persist. You will be responsible for requesting reinstatement during future irrigation seasons.

When your permit expires, you must make the pump and motor inoperable, and cannot operate the pump without approval from the Department of Water Resources.

Your permit is for supplemental use only to augment your surface water supply. If the surface water you own is sold, transferred, leased or used on any other land without the approval of the Department of Water Resources, you automatically lose your right to divert groundwater. You must obtain the approval of the Department before using your water anywhere other than where is has traditionally been used.

In addition, you must fully utilize your available surface water to the extent possible. The surface water need not be fully consumed or diverted prior to use of groundwater. You cannot, however, simply divert token quantities of surface water and rely primarily on your groundwater diversion. Surface water must be your primary source of water.

JUL 22 1993

If you want to locate your well closer than 500 feet from an existing well, you must obtain the approval of the Department of Water Resources. We realize that under certain circumstances, it may be impossible to locate the well 500 feet away from another well. You must, however, be cognizant of possible interference resulting from pumping of your well.

If diversion from your well causes interference with other wells with an earlier priority, you may be required to cease pumping or compensate the affected party. Idaho law specifically protects groundwater levels for domestic wells which were in use prior to 1978.

If general water levels in the geographical area of your well decline below reasonable levels, the Department may require you to cease diverting from your well.

You must efficiently apply the water to the land and conserve water to the extent possible. Excessive irrigation, delivery systems with substantial losses, and application methods which cause substantial percolation or evaporation are not acceptable.

Sincerely,

JIM JOHNSON
Water Right Supervisor

JJ:cz

Enclosure

cc: Jeff Fereday

JUL 22 1993

MEMORANDUM

To: Jim Johnson & Pam & File
From: Gary Spackman Gary
Date: June 26, 1992

Re: Temporary Approval of Application no. 15-07132

In addition to the regular conditions for one year temporary approval, the following condition should be printed on the temporary approval document:

> The director retains jurisdiction over this application upon expiration of the temporary approval and upon consideration of the application as a permanent water right, to require republication and payment of an associated republication fee, and to review the application as a new application, including a review for use of water outside the state pursuant to Idaho Code S 42-401.

MICROFILMED

JUL 22 1993

Application #15-07132
Neil Schoenenberger

MORATORIUM EXEMPTION QUESTIONNAIRE

IF YOUR APPLICATION PROPOSES AN IRRIGATION USE, PLEASE COMPLETE AND RETURN THE FOLLOWING:

- Has ALL the land you propose to irrigate been irrigated with surface water in the past?
  yes.* (See Attachment 1 - map)

* not exact same acreage (See aerial photo). However, we are removing from irrigation a similar amount of previously-irrigated (surface fed) ground (gravel)

- Do you summer fallow any of your irrigated land? If so, how many acres?
  No.

- List the water right(s) you have used to irrigate the land listed on the application. If you have received water from a canal company or water district, please identify the name of canal or water district.
  Oregon Spgs rights w/ orig'l farm. Not sure re Utah water right number, but these rights have been used in both Utah & Idaho on these lands. Currently, the surface supply is about 40% less than in previous years.

- During the last ten years, how many years has your surface irrigation water been available for the entire irrigation season?
  Unsure, but believe it was adequate water supply in normal years.

- What crops have you grown in the past ten years?
  Alfalfa and grain (wheat & barley)
  This year, all in alfalfa.

I understand if my proposed diversion of groundwater is approved as a supplemental use, that I can only use my well during periods of drought, when a full supply of water is not available. I also agree that my surface water will be fully used to the extent available, will not be sold or used on other lands, and that a change in use of my surface water may result in revocation of any groundwater right granted pursuant to my application for supplemental water.

RECEIVED
JUL 22 1993

Dated this 25th day of June, 1992.

(Please sign) Neil Schoenenberger

Bullens, Inc.

1427 NORTH MAIN - PHONE (801) 752-7301
LOGAN, UTAH 84321

WELL TEST REPORT

NAME: BULLENS IRRIGATION DATE: 10-1-91

LOCATION: NORTH OF PORTAGE

WELL DEPTH: 285 FT. CASING: 20"

SIZE: BOWLS: 3 STG 14R

TEST PUMP SETTING: 270 FT. ORFICE SIZE: 10 STD X 6"

STATIC WATER LEVEL: 26 FT. STARTING TIME: 8:30 AM

TIME:	PUMPING LEVEL	ORFICE READING	GPM	MINERS INCHES	REMARKS
10-1-91 - STARTING TIME 8:30 AM					
9:30	67 FT.	14"	1080	120"	SAND
10:10	90 FT.	18.5"	1240	138"	FINE SAND
10:45	128 FT.	23.5"	1390	154"	AIR FINE SAND
11:05	128 FT.	24"	1410		
11:25	175 FT.	34.5"	1700	189"	AIR-SAND
11:50	165 FT.	36"	1730		
12:20	165 FT.	36"	1730		
12:30	183 FT.	39.5"	1810		
1:15	179 FT.	39.5"	1810		AIR
2:00	179 FT.	39.5"	1810		
TRIED TO PUMP 2000 GPM - TOO MUCH AIR, SLOWED DOWN ENGINE					
3:30	179 FT.	40"	1820		AIR
3:50	155 FT.	32.5"	1640		SLIGHT AIR
4:05	133 FT.	31.5"	1620		SLIGHT AIR
4:15	114 FT.	26"	1470		SLIGHT AIR
4:25	95 FT.	20"	1280		VERY SLIGHT AIR
4:30	SURGED WELL - SAND - RECOVER TO 42 FT.				
4:45	157 FT.	38.5"	1790	199"	AIR - SAND
5:00	160 FT.	38"	1780	198"	AIR
5:10	132 FT.	30.5"	1600	178"	
5:20	130 FT.	31.5"	1620	180"	
5:25	113 FT.	25"	1440	160"	
5:35	112 FT.	26"	1470	163"	
6:00	SURGED WELL				
6:15	128 FT.	31.5"	1620	180"	
6:25	SURGED WELL				
7:00	123 FT.	28.5"	1540	171"	
	SURGED WELL AT 1540 FT.				
7:24	174 FT.	44.75"	1920		
7:30	174 FT.	44"	1910	212"	
7:55	175 FT.	44"	1910	212"	
8:20	133 FT.	32"	1640	182"	
8:30	SHUT DOWN ENGINE				

RECEIVED
JUL 22 1993

Bullens, Inc.

1427 NORTH MAIN - PHONE (801) 752-7301
LOGAN, UTAH 84321

WELL TEST REPORT

NAME: BULLENS IRRIGATION DATE: 9-30-91

LOCATION: NORTH OF PORTAGE

WELL DEPTH: 285 FT. CASING: 20"

SIZE: BOWLS: 3 STG 14R

TEST PUMP SETTING: 270 FT. ORFICE SIZE: 10 STD X 8'

STATIC WATER LEVEL: 26 FT. STARTING TIME: 4:00 PM

TIME:	PUMPING LEVEL	ORFICE READING	GPM	MINERS INCHES	REMARKS
4:10	85 FT.	9"	860	95"	CLAY SAND
4:30	73 FT.	10"	910	101"	CLAY SAND
5:00	69 FT.	10.5"	920	102"	CLAY AND SAND
5:20	69 FT.	10.5"	920	102"	CLAY AND SAND
5:25	74 FT.	13"	1040	116"	
6:00	75 FT.	12"	1000	111"	
6:25	92 FT.	16"	1160	129"	
		15.75"	1140	126"	SAND & CLAY, SLIGHT AIR
7:00	98 FT.	15.5"	1130	125"	SAND & CLAY, SLIGHT AIR
7:25	95 FT.	16"	1150	128"	
7:15		15.5"	1130	125"	SAND & CLAY, SLIGHT AIR
8:00	80 FT.	11"	960	106"	SLIGHT SAND & CLAY

RECEIVED
JUL 22 1993

Bullen's, Inc.

1427 NORTH MAIN - PHONE (801) 752-7301
LOGAN, UTAH 84321

WELL TEST REPORT

NAME: BULLEN'S DATE: 10-30-91

LOCATION: MALAD

WELL DEPTH: 365 CASING: 16"

SIZE: 3 STG 14"

TEST PUMP SETTING: 350 FT. ORFICE SIZE: 8" X 10"

STATIC WATER LEVEL: 22 FT. STARTING TIME: 8:30 A.M.

TIME:	PUMPING LEVEL	ORFICE READING	GPM	MINERS INCHES	REMARKS
8:45	50 FT.	12"	1000 GPM	111"	BIG GRAVEL
9:00	65 FT.	12"	1000 GPM	111"	
9:15	76 FT.	14.5"	1100 GPM	122"	
9:30	84 FT.	20"	1280 GPM	142"	
9:45	93 FT.	24"	1400 GPM	155"	FAIRLY CLEAN
10:10	93 FT.	24"	1400 GPM	155"	FAIRLY CLEAN
10:20	97 FT.	27"	1500 GPM	166"	SOME AIR
10:40	96 FT.	26.5"	1460 GPM	162"	AIR
11:00	101 FT.	28"	1520 GPM	168"	SURGED
11:30	105 FT.	26.5"	1460 GPM	162"	
11:50	148 FT.	41"	1840 GPM	204"	AIR
12:00	180 FT.	49.5"	2025 GPM	224"	LOTS OF AIR
12:15	180 FT.	49"	2020 GPM	224"	
12:25	198 FT.	59"	2210 GPM	245"	GRAVEL, AIR & CLAY
12:45	202 FT.	58"	2200 GPM		TOO MUCH AIR
1:00	310 FT.	85"	2660 GPM		AIRLY CLEAN BEFORE IT
1:30	107 FT.	33"	1660 GPM	184"	BROKE SUCTION - SURGED
2:00	107 FT.	33"	1660 GPM	184"	SOME AIR
2:05	SURGED WELL RECOVERY				
2:30	108 FT.	34"	1680 GPM	186"	CLEAN WITH SOME AIR
2:45	104 FT.	31"	1600 GPM	177"	CLEAR WITH SLIGHT AIR
3:00	102 FT.	27"	1500 GPM	166"	NO AIR
3:15	99 FT.	23.5"	1400 GPM	155"	CLEAR
3:30	94 FT.	23.5"	1400 GPM	155"	CLEAR
3:35	85 FT.	17.5"	1200 GPM	133"	CLEAR
3:40	81 FT.	17.5"	1200 GPM	133"	CLEAR
4:00	104 FT.	31"	1600 GPM	177"	VERY LITTLE GRAVEL, SOME AIR (AFTER SURGING) SOME CLAY

JUL 22 1993

Bullen's, Inc.

3

1427 NORTH MAIN - PHONE (801) 752-7301
LOGAN, UTAH 84321

WELL TEST REPORT

NAME: BULLEN'S (NS RANCH) DATE: 12-17-91

LOCATION: SOUTH OF MALAD

WELL DEPTH: 492 FT. CASING: 16"

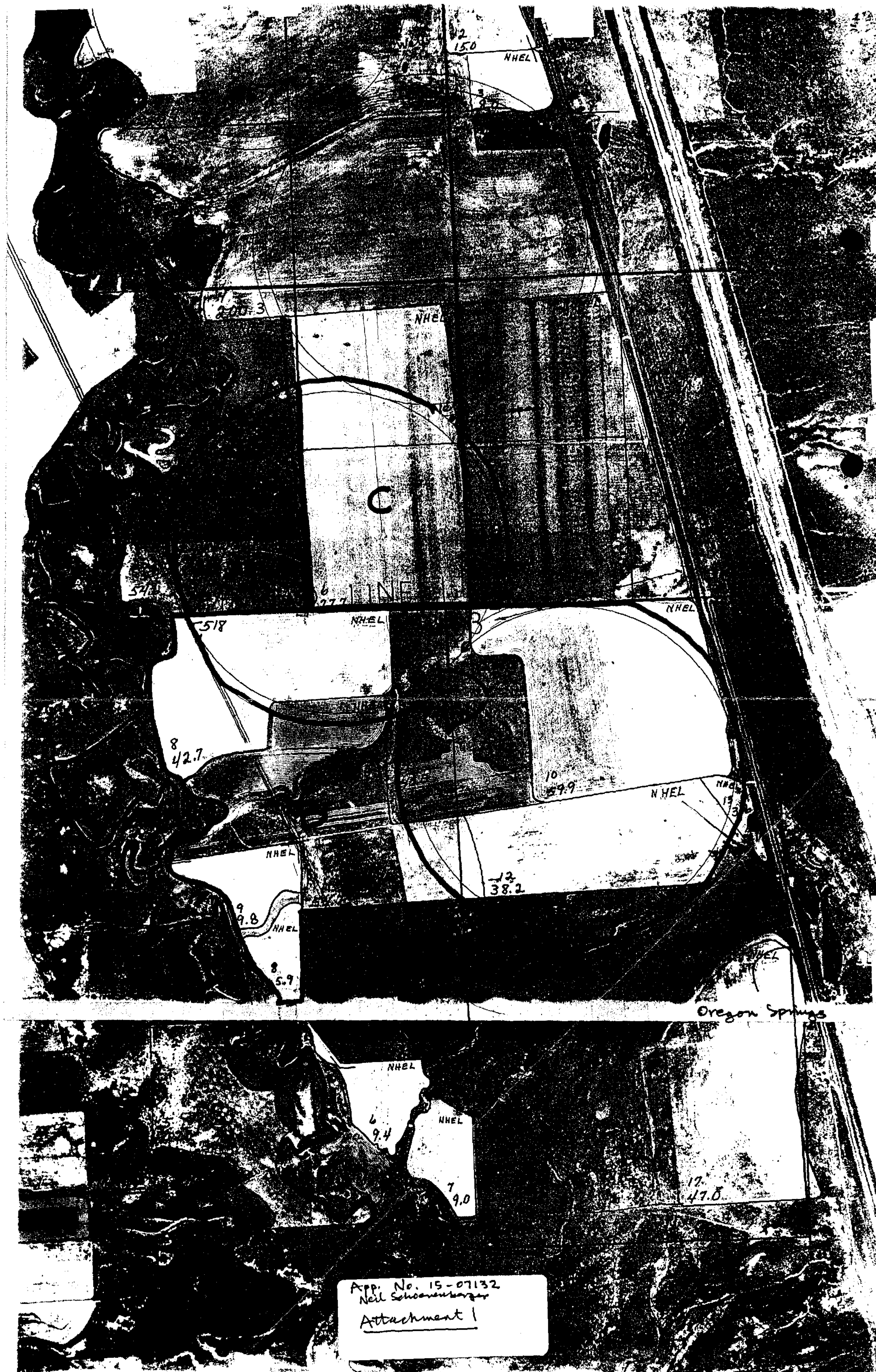
SIZE: 3 STG 14"

TEST PUMP SETTING: 470 FT. ORFICE SIZE: 10" X 8"

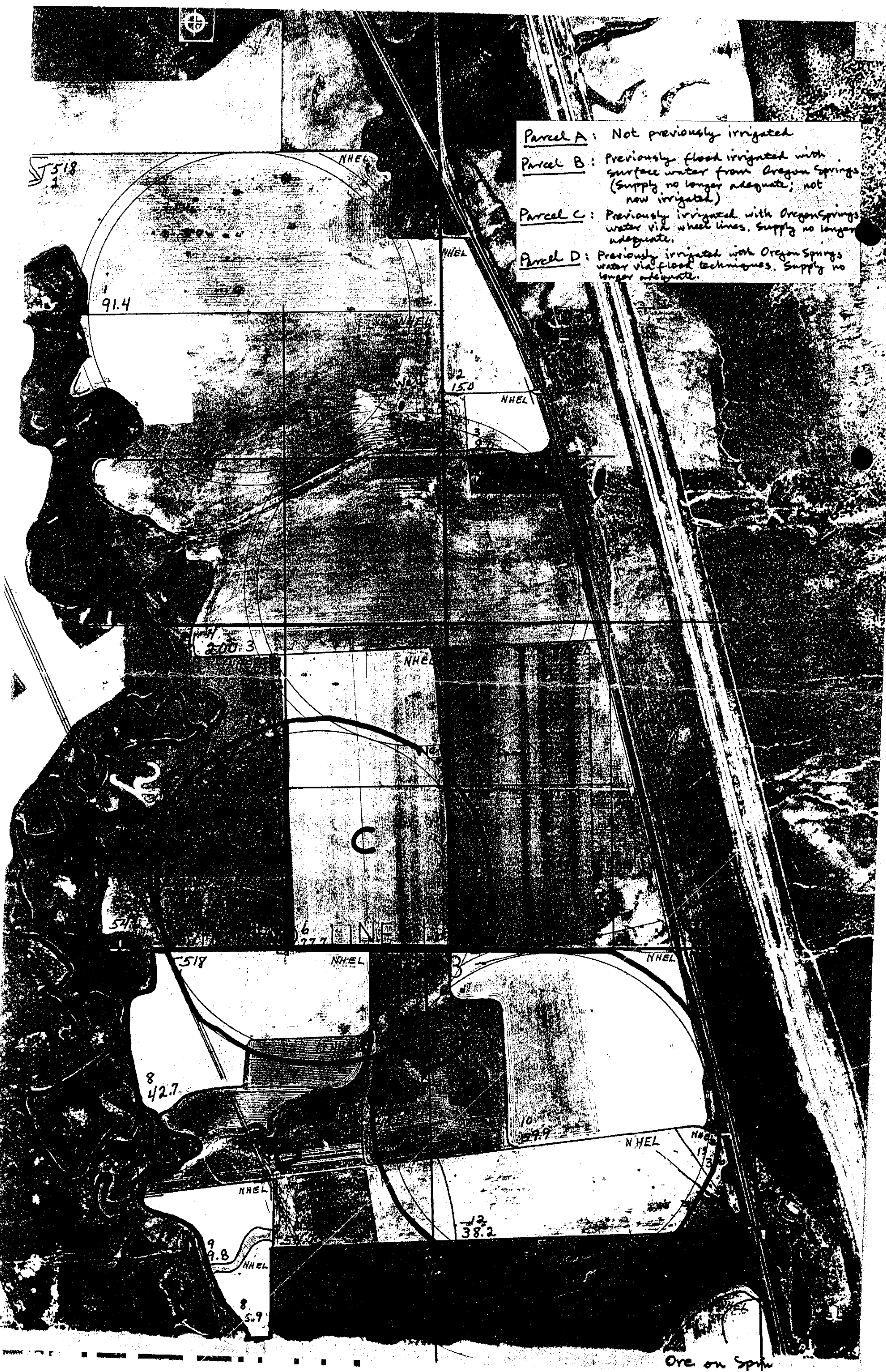
STATIC WATER LEVEL: 18 FT. STARTING TIME: 10:15 A.M.

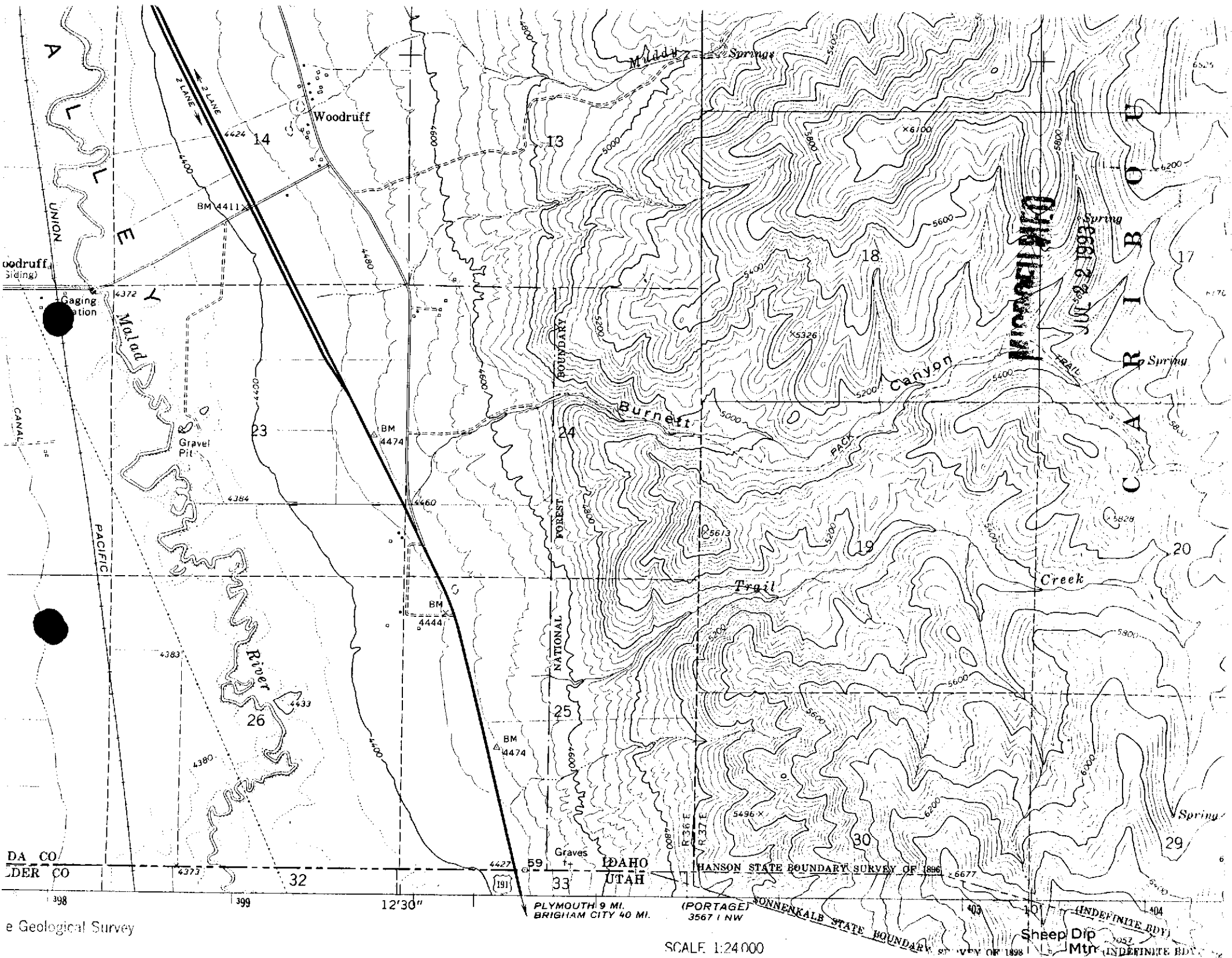
TIME:	PUMPING LEVEL	ORFICE READING	GPM	MINERS INCHES	REMARKS
10:30	36 FT.	5"	640 GPM	71"	SOME CLAY
10:45	45 FT.	9"	860 GPM	95"	SOME CLAY & SMALL GRAVEL
11:00	53 FT.	16"	1160 GPM	128"	SOME CLAY & SMALL GRAVEL
11:15	52 FT.	14"	1080 GPM	120"	FAIRLY CLEAR
11:30	67 FT.	24"	1400 GPM	155"	FAIRLY CLEAR
11:45	67 FT.	24"	1400 GPM	155"	FAIRLY CLEAR & BIGGER GRAVEL
12:00	71 FT.	30"	1580 GPM	175"	FAIRLY CLEAR & GRAVEL
12:15	71 FT.	30"	1580 GPM	175"	FAIRLY CLEAR & SMALL GRAVEL
12:20	80 FT.	39"	1800 GPM	200"	CLAY & GRAVEL
12:40	80 FT.	39"	1800 GPM	200"	SMALL GRAVEL
1:00	100 FT.	60"	2220 GPM	246"	LOTS OF AIR CLAY & GRAVEL
1:45	83 FT.	39"	1800 GPM	200"	
2:00	94 FT.	49"	2020 GPM	224"	SOME AIR
2:15	95 FT.	49"	2020 GPM	224"	AIR
2:30	83 FT.	39"	1800 GPM	200"	VERTY LITTLE GRAVEL-NO AIR
3:00	82 FT.	39"	1800 GPM	200"	CLEAR
3:15	76 FT.	35.5"	1720 GPM	191"	CLEAR
3:30	68 FT.	31"	1610 GPM	178"	CLEAR
3:45	68 FT.	27.5"	1510 GPM	167"	CLEAR
4:00	62 FT.	23.5"	1400 GPM	155"	CLEAR

RECEIVED
JUL 2 2 1993



App. No. 15-07132
Neil Schoenenberger
Attachment 1


Parcel A: Not previously irrigated
Parcel B: Previously flood irrigated with surface water from Oregon Springs (Supply no longer adequate; not now irrigated)
Parcel C: Previously irrigated with Oregon Springs water via wheel lines. Supply no longer adequate.
Parcel D: Previously irrigated with Oregon Springs water via flood techniques. Supply no longer adequate.
NHEL
91.4
15.0
200.3
42.7
38.2
Oregon Spring


ALLEY
UNION
PACIFIC
CANAL
2 LANE
Woodruff
Gaging Station
Gravel Pit
Malad River
BM 4411
BM 4474
BM 4444
BM 4474
Muddy Springs
Burnett Canyon
Trail
Creek
Spring
Spring
Spring
Spring
BOUNDARY
NATIONAL FOREST
CARIBOU
Graves
IDAHO
UTAH
HANSON STATE BOUNDARY SURVEY OF 1896
SUNNENKALB STATE BOUNDARY SURVEY OF 1898
(INDEFINITE EDY)
(INDEFINITE EDY)
Sheep Dip Mtn
PLYMOUTH 9 MI.
BRIGHAM CITY 40 MI.
(PORTAGE) 3567 I NW
12'30"
SCALE 1:24000
e Geological Survey

UTAH STATE UNIVERSITY · LOGAN, UTAH 84322

SOIL, PLANT and WATER
ANALYSIS LABORATORY
UMC 48

RECEIVED
JUL 22 1993

Date: 8 November 1991

Results For:

Bullens/Dale Bankhead
1427 North Main St.
Logan, UT 84321

Water Sample Received: 11/4/91

USU #	ID	umhos/cm EC	meq/L Na	meq/L Ca+Mg	meq/L SO4	meq/L Cl	meq/L HCO3	meq/L ResCO3	mg/L B	SAR	Class	SARadj.
5640	1	570	0.9	4.6	0.3	1.37	4.96	0.36	0.03	0.6	C2-S1	1.3

Refer to Enclosed Water Quality Guide.

If you have any questions concerning your results, please contact your County Agent, this Laboratory (801)750-2217, or Dr. David James (801)750-2172.

WATER QUALITY ANALYSIS
(For Irrigation)

Total Salt (Salinity)

Plants remove much water from the soil but only a small amount of soluble salt. Evaporation also removes water, but no salt. Salts contained in irrigation water can therefore be removed effectively only by applying enough excess water to leach them downward, out of the root zone and into the underground drainage system. Indicated "leaching requirements" give the amount of water (%), in *excess* of crop requirements, which must be applied and drained down through the root zone in order to control salt accumulation. Crops vary widely in their salt tolerance, as indicated in the table on the reverse side of this sheet.

Sodium Hazard

Soils high in adsorbed sodium (sodic soils) are hard to wet when irrigated, tend to run together when wet, have low permeability and are difficult to drain. When dry, they form hard clods and large cracks. A good soil can be converted to a sodic soil by irrigation with water that is high in sodium relative to calcium and magnesium (a high sodium adsorption ratio or SAR). Also, bicarbonate in the water can convert the calcium and magnesium to insoluble forms in the soil and thus increase the sodium hazard. If the amount of bicarbonate is greater than the Ca + Mg, the difference is called "Residual Sodium Carbonate."

USDA Handbook 60 Evaluation

Electrical Conductivity (Salinity)

Class C1 (Conductivity 0-250). This LOW SALINITY water can be used to irrigate all crops on all soils with little likelihood that soil salinity will develop. Some leaching is required, but this usually occurs under normal irrigation practices. Application of this water to new land high in sodium salts may cause a sodic condition to develop.

Class C2 (Conductivity 250-750). This MEDIUM SALINITY water can be used on most soils. Plants with moderate salt tolerance can be grown in most cases without special practices for salinity control. Leaching requirement 5-15%.

Class C3 (Conductivity 750-2250). HIGH SALINITY water should not be used on soils with restricted drainage. It can be used with crops having medium to high salt tolerance on light soils having good drainage and with irrigation practices which provide appreciable leaching. Leaching requirement 15-25%.

Class C4 (Conductivity 2250-5000). VERY HIGH SALINITY water is not suitable for irrigation under ordinary conditions. It may be used successfully with crops of high salt tolerance, on light and well-drained soils, and with very carefully conducted soil and water management practices. Leaching requirement 25-65%. Winter or early spring leaching should be practiced on most soils to insure removal of salts remaining from the previous season.

Class C5 (Conductivity over 5000). This water is generally unsuitable except in an emergency to prevent loss of a crop on soils with good drainage. Any such use should be followed by leaching with better water.

Sodium (Alkalinity)

Class S1. LOW SODIUM water can be used on all soils with little sodium hazard.

Class S2. MEDIUM SODIUM water will present an appreciable sodium hazard in fine-textured soils, especially under low-leaching conditions, unless gypsum is present in the soil. This water may be used on coarse-textured or organic soils having good permeability.

Class S3. HIGH SODIUM water may produce harmful levels of sodium in most soils and will require special soil management—good drainage, high leaching, and addition of organic matter. Soils high in gypsum may not develop harmful effects from such water, and the effects may be less in soils high in lime. Chemical amendments may be of benefit if the water is not too high in salinity (C3 or better).

Class S4. VERY HIGH SODIUM water is generally unsatisfactory for irrigation purposes except at salinity levels C1 and perhaps C2, where addition of amendments or dissolving of calcium from the soil may reduce the proportion of sodium in the soil solution.

Residual Sodium Carbonate

0 to 1.25 meq/1: probably safe
1.25 to 2.5 meq/1: marginal
More than 2.5 meq/1: not suitable for irrigation

SUPPLEMENTAL EVALUATION

Sodium Hazard

The term "Adjusted Sodium Adsorption Ratio" (SAR_{adj}) is calculated to take into account the total salinity and the concentration of sodium relative to calcium + magnesium, and the bicarbonate.

Root absorption of sodium can also cause specific toxicity problems, primarily for trees, vines, and woody ornamentals. Annual crops are usually not affected by sodium except for its contribution to total salt content. Water with SAR_{adj} below 3: [illegible] problem; from 3 to 9: problems increase; above 9: problems are severe.

Leaf absorption of sodium (from sprinklers) can cause toxicity symptoms under some conditions if the sodium exceeds 3 meq/1.

Chloride Hazard

Chlorides are found in all natural waters, and normally cause no problems. In high concentrations, however, chlorides can inhibit plant growth and they are specifically toxic to some plants.

Chlorides (meq/1)	
0-2	Generally safe for all plants.
2-4	Sensitive plants may show slight to moderate injury.
[illegible]-10	Moderately tolerant plants usually show slight to substantial injury.
10+	Severe problems.

3 or more (sprinklers) may cause problems under adverse conditions.

JUL 2 2 1993

Sprinkler Irrigation

When the rate of evaporation is high (low humidity, high temperature, high wind), leaf burn may occur at levels of salinity, sodium and chloride that would be safe under less severe conditions. Usually there is no problem if salinity is less than 1200 µmhos/cm and sodium and chloride are less than 3 meq/1. At higher levels, it may be advisable to increase rate of rotation or to sprinkle only at night during periods of hot, dry weather.

SOIL PROBLEM	DEGREE OF PROBLEM		
	None	Increasing	Severe
Salinity (µmhos/cm)	0-750	750-3000	3000+
Sodium (SAR_{adj})	0-6	6-9	9+
Residual carbonate (meq/1)	0-1.2	1.2-2.5	2.5+

TOXICITY TO CROPS	DEGREE OF PROBLEM		
	None	Increasing	Severe
Furrow or flood:			
Sodium (SAR_{adj})	0-3	3-9	9+
Chloride (meq/1)	0-4	4-10	10+
Boron (ppm)	0-.5	.5-2	2+
Sprinklers:			
Sodium (meq/1)	0-3	3+	—
Chloride (meq/1)	0-3	3+	—

CROP TOLERANCE TO SALINITY* and LEACHING REQUIREMENT

Crop	EC water µmhos/cm	ECe Soil mmho/cm	Leach. Req. %	Crop	EC water µmhos/cm	ECe Soil mmho/cm	Leach. Req. %
FIELD CROPS							
Barley	5300	8.0	12	Soybean	2500	3.7	10
Sugar beet	4500	6.7	11	Corn	2200	3.3	12
Wheat	3100	4.7	8	Beans	700	1.0	6
VEGETABLE CROPS							
Beets	3500	5.3	11	Onion	900	1.3	8
Tomato	1800	2.7	8	Carrot	700	1.0	6
Potato	1100	1.7	6	Beans	700	1.0	7
Sweet Corn	1100	1.7	6				
FRUIT CROPS							
Apple/pear	1100	1.7	7	Raspberry	800	1.8	8
Apricot/peach	1100	1.7	7	Strawberry	700	1.0	7
FORAGE CROPS							
Tall wheatgrass	4900	7.3	11	Alfalfa	1300	2.0	5
Barley (hay)	3500	5.3	10	Orchard grass	1300	1.7	4
Tall fescue	—	3.9	—	Alsike, Ladino, Red, Strawberry	900	1.5	4-6
Reed canary grass	—	—	—				
Brome grass	—	—	—	Sweet clover	—	—	—

*Values shown are maximum for no appreciable loss in yield. For approximately 10% yield reduction, multiply each value by 1.5.

BORON HAZARD

A small amount of boron is necessary for plant growth. Most Utah soils have adequate boron for crops, and most surface waters carry it. Some wells and saline waters contain toxic levels, and should be avoided.

Boron (ppm)	Toxicity
0.0-0.5	Safe for all crops
0.5-1.0	Sensitive crops show slight to moderate injury
1.0-2.0	Semitolerant crops show slight to moderate injury
2.0-4.0	Tolerant crops show slight to moderate injury
4.0+	Unsatisfactory for all crops

2 1993

Relative Tolerance of Plants to Boron

(In each group the plants first named are considered as being more sensitive and the last named more tolerant)

Sensitive	Semi-Tolerant	Tolerant
0.5 ppm	1 ppm	2 ppm
Apricot	Tomato	Carrot
Peach	Oat	Lettuce
Cherry	Corn	Cabbage
Grape	Wheat	Onion
Apple	Barley	Alfalfa
Pear	Field Pea	Sugar Beet
Plum	Potato	
1 ppm	2 ppm	10 ppm

Adapted from USDA Tech. Bul. No. 448.

Parcel A: Not previously irrigated

Parcel B: Previously flood irrigated with surface water from Oregon Springs (Supply no longer adequate; not now irrigated)

Parcel C: Previously irrigated with Oregon Springs water via wheel lines. Supply no longer adequate.

Parcel D: Previously irrigated with Oregon Springs water via flood techniques. Supply no longer adequate.

App. No. 15-07132
Neil Schoenburger
Attachment 1

MEMORANDUM

To: File 15-7132

From: L. Glen Saxton

RE: **INQUIRY ABOUT SUPPLEMENTAL USE QUESTIONNAIRE**

Date: June 2, 1992

Jo of Eastern Region called me today and advised that Neil Schoenenberger called their office in connection with recent department correspondence to him.

I checked our water right data base and determined that there are two (2) permits and one (1) application in the name of Schoenenberger which show the following information:

- Permit 15-7128 provides for the diversion of 5.28 cfs of ground water for the irrigation of 264 acres. The drilling permit is 15-91-E-006.

- Permit 15-7133 provides for the diversion of 1.2 cfs of ground water for the irrigation of 60 acres.

- Application 15-7132 which proposes the diversion of 6.76 cfs of ground water for the irrigation of 338 acres is still pending.

Schoenenberger apparently has been confused about distinquishing between a drilling permit and water right permit. He stated that he had used surface water for the irrigation of about 60 acres of the 338 acres in the past but that the surface water was not available to him due to drough conditions.

I suggested he fill out the questionnaire which the department sent him and return it together with any other information he would like the department to consider in connection with application 15-07132.

RECEIVED
JUL 22 1993

4H

May 27, 1992

NEIL SCHOENENBERGER
695 W 1100 N
SALT LAKE CITY UT 84054

RE: Water Right No. 15-07132 Certified Mail No. 139117

Dear Water Right Holder(s):

In response to record low streamflows and declining groundwater levels resulting from drought conditions, the Director of the Department of Water Resources has declared a moratorium on approval on certain pending and future applications to appropriate water in the Snake River Basin. The moratorium applies to both surface water and groundwater appropriations.

Department records show that you filed an application to appropriate water for irrigation which has not been approved by the Department. Unless you can demonstrate that your proposal qualifies for a narrow exemption to the moratorium, the department will hold your application, and will not process it until the moratorium is lifted.

An application for groundwater to supplement a normally sufficient surface water irrigation supply is exempt from the moratorium. If you can demonstrate that you normally receive an adequate supply of irrigation water from a surface water source, and that you will continue to fully use the surface water, when available, the Department will continue processing your application. If there are other impediments to approval such as a protest or necessary consent from other agencies, the other obstacle to approval must also be removed independent of the moratorium.

The enclosed form requests information which will determine whether your proposed use will qualify for the supplemental irrigation exemption. IF YOU FEEL YOUR PROPOSED USE QUALIFIES AS AN EXEMPT USE, YOU MUST COMPLETE THE FORM AND RETURN IT TO THIS OFFICE. If the form is not completed and returned, your application will be held without action. If you return the form but the use does not qualify, the Department will notify you that the application will be held without further processing.

JUL 2 2 1993

Certain domestic and non-consumptive uses are also exempt from the moratorium. If your application proposes one of these uses in addition to irrigation, the department will resolve the exemption issue by reviewing the file.

The Department has scheduled a public meeting on June 2, 1992 where the details of the moratorium can be discussed. The meeting location is:

Preston, Idaho June 2, 1992 7:00p.m.
Franklin County Fairgrounds
Robinson Building
2nd North 2nd West

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS:cz

JUL 22 1993

MEMORANDUM

TO: Glen Saxton

FROM: Phillip J. Rassier PJR

RE: Application No. 15-7132

DATE: April 30, 1992

Attached is a memo from Keith questioning whether the draft decision contains adequate findings to satisfy the provisions of I.C. § 42-401.

I.C. § 42-401(3) provides that in approving an application for use of water outside the state, the director must find that the applicant's use of water outside the state is consistent with the provisions of section 42-203A(5), Idaho Code, in addition to considering the criteria in section 42-401(3)(a)-(f).

The draft memorandum decision should be expanded to address the criteria of 42-203A(5) and 42-401(3). I note that the applicant's December 13, 1991 letter does contain some information regarding the water supply in the local area and also states that there are no other water users in the immediate area that would be affected by the diversion.

Please let me know if additional direction is required.

MICROFILMED
JUL 22 1993

MEMORANDUM TO: Phil, Norm, Glen

FROM : R. Keith Higginson

DATE : February 6, 1992

SUBJECT : Application No. 15-7132

I am concerned about this "first of its kind" application proposing use of water outside the state under the provisions of 42-401, Idaho Code.

My principal concern is whether we have enough information to make the decision on those matters which we are required to "consider" that are set out in the section. In this case the applicant has not addressed those issues and there isn't anything in the file to support a finding on them.

Who has the burden of making a case for each of the five matters we are to consider? If we are going to issue this permit (and I don't see any reason why we should not) then I think we need to do more than we have done, but I don't know what. If this were a contested matter, or there was more at stake, then we could lay a requirement on the applicant.

What do you suggest?

RECEIVED
JUL 22 1993

APPLICATION FOR PERMIT REVIEW

Application #: 15-7132 Reviewer: Pam Skaggs PS
Date: 01-23-92

✓Existing:
- ✓No - 26A-P17
  - Complete in 1 year - P16
- Yes
  - Proof not submitted - P16
  - Proof submitted - N/A

✓Groundwater:
- ✓GT. 0.2 cfs - 01G-P03, 01C-P03(existing well)
- LT. 0.2 cfs - N/A

✓Drilling Permit:
- Approved w/permit - P99
- ✓Not included - 046-P23(All GW, even existing wells)

✓Location:
- ✓Water Districts - WD No. ———
  - Surface water - 005, 005-01H-P01(LT.2 w/pump)
    005-01J-P08(GT.2)
  - Groundwater - P05
- Irrigation Districts - 023
- Canal Co. Areas - 023
- Drainage Districts - 024
- Boise Front (63) - 058 (Groundwater)
- ✓Swan Falls Flag - ——— (1, Blank or Other)
- Trust - 051-052-053-P74(Consumptive Uses)
- Non Trust - 048-049

River Basins:
- (Surface Water) - Water District Control Condition &....
- Boise (63) - 05A & 11E
- Payette (65) - 047-P04, 059-P71
- Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:
- Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One), 042(req.), 002-P06(MD), 07A(Spec.), 044(Policy 5G)
- Power - ——— Use Power Review
- Mining - 06A, 010, or 09E-P10 & 054(req.)
- Storage - 18A-for multiple measuring devices(In WD), 18B-P09(Size)
  - Rec/Wildlf/Aes - 027(Non-Consumptive)
- Domestic - 021(restricted areas)

Ownership:
- Non land owner - 004

Protested:
- Agreement - 020

✓Beneficial Use Due Date: - 02-01-1995
Other Conditions Recommended Rule 4.5.3 review
Out-of-State Appropriation < Section 42-401 IC findings per G. Saxton's memo of 10-01-91 (See file)

INTER-DEPARTMENT MEMO

TO: File 15-7132 SUBJECT: _____

FROM: HWJ DATE: 1-26-91

I called the Utah Engineers office in Logan, Utah to see if their water rights division had any problems with bringing water from an Idaho point of diversion to a Utah place of use in Box Elder Co. The answer was that they had no problems with this.

[redacted]

JUL 22 1993

(X) For your information

( ) Response required

H. W Jones
signature

NEIL'S AUTO TRANSPORT

"The Professionals"

RECEIVED
DEC 2 0 1991
Department of Water Resources
Eastern District Office

Department of Water Resources
150 Shoup Avenue Suite 15
Idaho Falls, ID 83402

December 13, 1991

This is the additional information needed on our application for water rights.

2. The only other wells anywhere in the vicinity are two existing wells which we have to use for irrigation.

3. The irrigation system we are going to use is the pivot type which will feed two lines. This will affect no other users as we are in a very remote location.

1. Our peak use is estimated at about 6.76 cfs which is in line with the other wells we have provide.

2. The aquifer is about 100' from the surface and we will drill to a maximum of 350' and a 20" diameter.

The project financing will be provided from the general operating funds of the parent company of the N-S Ranches in Salt Lake City. And will be paid for immediately as the project is complete.

If anything else is needed please contact us as soon as possible.

Thank You

Robert Price

AMENDED
JUL 2 2 1993

695 West 1100 North
North Salt Lake
Utah 84054-0279

(801) 298-2999
1-800-444-2088

COPY

Form 202
6/86

Ident. No. 15 7132

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Neil Schoeneberger Phone (801) 298-2999

   Post office address 695 W 1100 N Salt lake City, Utah 84054

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is _____ ¼ of SW ¼ of SW ¼, Govt. Lot _____

   Sec. 25 Township 16S Range 36E B.M. Oneida County; additional

   points of diversion if any: NE NE 26 T16S R36E Oneida County

4. Water will be used for the following purposes:

   Amount 6.76 (cfs or ~~acre-feet per annum~~) for Irrigation purposes from 1 April to 1 November (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated is (a) 6.76 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Well, Pump and Sprinkler System

   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 20 inches; proposed depth of well is 350' feet.

   d. Is ground water with a temperature of greater than 90°F being sought? NO

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 3 years (*minimum 1 year*).

JUL 2 2 1993

8. Description of proposed uses (*If irrigation only, go to item 9*):

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (*example: D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16S	36E	26													10	3	23	40	76
		25												12					12
15N	3W																		
Utah		32	26	26		2	34.5	34.5	34.5	34.5									192
Box Elder County		33					3				40			10		5			58

Total number of acres to be irrigated 338

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Applicant

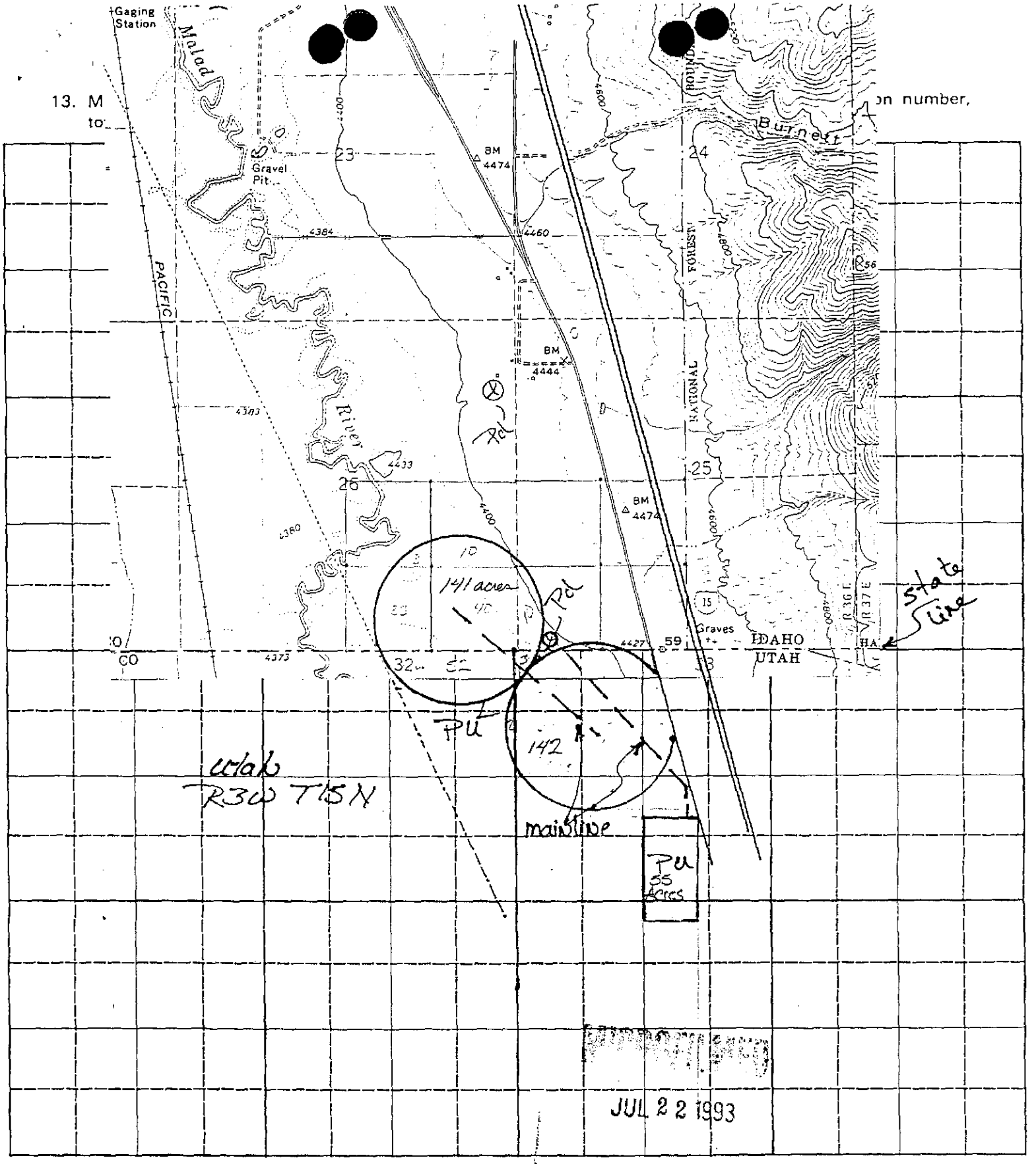
b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: See Permit 15-07128

JUL 22 1993

13. M ...on number, to:



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

(Applicant)

Received by DMD Date 12 Sept 91 Time 11:15 Preliminary check by _____

Fee $ 165.00 Receipted by DMD # E016548 Date 12 Sept 1991

Publication prepared by LB Date 10-3 & 10-9-91 Published in Idaho Enterprise

Publication approved LB Date 11-21-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

   e. Other:

RECEIVED

JUL 22 1993

State of Idaho
DEPARTMENT OF WATER RESOURCES
150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

NON. 27, 1991

NEIL SCHOENEBERGER
695 W. 1100 N.
SALT LAKE CITY, UTAH 84054

MR. SCHOENEBERGER:

WE ARE CURRENTLY PROCESSING YOUR APPLICATION 15-07132 FOR A WATER RIGHT. FOR ANY APPLICATION OR PERMIT WHICH EXCEEDS 200 ACRES OR 5.00 CFS THE INFORMATION ON THE ATTACHED SHEETS ARE REQUIRED BEFORE ANY FURTHER PROCESSING CAN TAKE PLACE. PLEASE TRY TO ANSWER THE HIGHLITED QUESTIONS TO THE BEST OF YOUR ABILITY. IF YOU NEED ADDITIONAL CLARIFICATION PLEASE GIVE ME A CALL AT 525-7161. IF YOU ARE NO LONGER INTERESTED IN DEVELOPING THIS PERMIT PLEASE ADVISE ME.

I WILL NEED YOU TO RESPOND WITHIN 30 DAYS WITH THE INFORMATION REQUIRED.

ALSO BE AWARE THAT THE DIRECTOR OF THIS DEPARTMENT IS REQUIRED TO EVALUATE THIS APPLICATION SO IT COMPLIES WITH SECTION 42-401, IDAHO CODE. I HAVE INCLUDED A COPY FOR YOUR INFORMATION.

SINCERELY,

HAROLD W. JONES
WATER RESOURCE SUPERVISOR

MICROFILMED
JUL 2 2 1993

MEMORANDUM

RECEIVED
OCT - 4 1991
Department of Water Resources
Eastern District Office

To: Skip Jones

From: L. Glen Saxton

RE: **APPLICATION 15-07132 - NEIL SCHOENENBERGER**

Date: October 1, 1991

The appropropriation proposed by the above referenced application is partly for use outside the state of Idaho. Section 42-401, Idaho Code, requires that the Director make certain findings with respect to out-of-state appropriations.

Before such an application can be approved, the Director is required to make certain findings which are described in the code. Please be sure to "flag" the file when you forward it from your office, in order that this office will properly comply with requirements of Section 42-401, Idaho Code.

MICROFILMED
JUL 22 1993

Dist. for staffing: 13-Sep-1991
Submitted for advertising: 9-16-91

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HWJ **DATE** 9-16-91 **APPLICATION NO.** 15-7132
APPLICANT NAME: NEIL SCHOENEBERGER

REQUIRED INFORMATION

✓ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
✓ Address
✓ Source (See USGS Quad for names of water sources)
✓ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
✓ 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 Part of P.O.U. in Utah
✓ Map
✓ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
✓ Fee
✓ Yes ____ No* In form to receipt

ADDITIONAL INFORMATION

____ Overlapping place of use (Describe source & relationship to present application on the back.)
____ Overlapping point of diversion
____ Yes ____ No Field check required
Field check by ____
____ Yes ____ No Field report attached
____ Yes ____ No Critical groundwater area
____ Yes ____ No Groundwater management area
____ Yes ____ No Send dam safety information
____ Yes ____ No Send power requirement letter
____ Yes ____ No Send fish farm requirement letter
____ Yes ____ No Power residency affidavit
____ Yes ____ No Power efficiency form
____ Yes ____ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
X Yes ____ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
____ See reverse side for additional information

RECEIVED
DEC 24 1991
Department of Water Resources

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT ____
Need Rule 4,5,3 Data - Received 12-20-91
Date Requested ____

PROCESSING ___Yes ✓No In form for advertising
___Yes ___No Statewide advertising
✓Yes ___No Fee amount, receipt date & No. recorded on application

SEND COPIES TO NONE
_____Idaho Dept. of Health & Welfare
_____Idaho Dept. of Fish & Game
_____Idaho Dept. of Lands
_____Adjudication Bureau Unit
_____U.S. BLM
_____U.S. Forest Service
_____Water District
_____Other_____

FINAL REGIONAL PROCESSING REVIEW

✓Yes ___No Affidavit of publication received
✓Yes ___No Application published correctly. If not, record action taken.

✓Yes ___No Publication dates & paper, recorded on application
___Yes ✓No Protests received
Final date for protest 10-21-91
___Yes ___No Protests, dates, resolution of protest, recorded on application
___Yes X No Recommendations, attached
___Yes X No Measuring device required
X Yes ___No Access port required
___Yes X No Will water be delivered by watermaster? If yes, what Dist.____
X Yes ___No Special conditions of approval or cover letter below.

___See below for additional information

Date of priority recommended 9-12-1991
By HWJ Date 12-20-91

STATE OFFICE REVIEW

___See below for additional information

By _____ Date _____

ADDITIONAL INFORMATION

Condition: 016

LOCAL PUBLIC INTEREST

Comments received from

_____City	_____Idaho Fish & Game	_____Irrigation District
_____County	_____Idaho Health & Welfare	_____Canal Company
_____Reservations	_____Division of Environment	_____Other_____

Project impacts/implications report

COMMENTS

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

State of Id[redacted]
DEPARTMENT OF WATER RESOURCES
150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

12-Sep-1991

NEIL SCHOENENBERGER
695 W 1100 N
SALT LAKE CITY UT 84054

RE: Application No. 15-07132 & 15-07133

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Idaho Enterprise on October 3 & 10, 1991. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold Jones

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

[redacted]

JUL 22 1993

NOTICE OF APPLICATION FOR FOR WATER RIGHT

The Following application has been filed to appropriate the public waters of the State of Idaho:

15-07132

SCHOENENBERGER, NEIL
695 W 1100 N
SALT LAKE CITY UT 84054

Source: GROUNDWATER

Diversion Pt: SWSW Sec 25 T16S R36E
NENE Sec 26 T16S R36E Oneida County
Use: IRRIGATION (6.760 CFS) From 4/1 to 11/1
Total Diversion: (6.760 CFS)

Date Filed: 9/12/1991

In:	T16S	R36E	S25	SESW			
			S26	NESE	NWSE	SWSE	SESE
Oneida County, Idaho					88.0 Acres		
	T15N	R3W	S32	NENE	NWNE	SENE	NENW
				NWNW	SWNW	SENW	
			S33	NENW	NESW	SESW	NWSE
Box Elder County, Utah					250.0 Acres		

338.0 ACRES TOTAL

JUL 22 1993

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application has been filed to appropriate the public waters of the State of Idaho:

15-07132

SCHOENENBERGER, NEIL
695 W 1100 N
SALT LAKE CITY UT 84054

Source: GROUNDWATER

Diversion Pt: SWSW Sec 25 T16S R36E
NENE Sec 26 T16S R36E Oneida County
Use: IRRIGATION (6.760 CFS) From 4/1 to 11/1
Total Diversion: (6.760 CFS)

Date Filed: 9/12/1991

In:	T16S	R36E	S25	SESW		
			S26	NESE	NWSE	SWSE SESE
Oneida County, Idaho					88.0 Acres	
	T15N	R3W	S32	NENE	NWNE	SENE NENW
				NWNW	SWNW	SENW
			S33	NENW	NESW	SESW NWSE
Box Elder County, Utah					250.0 Acres	

338.0 ACRES TOTAL

JUL 2 8 1993