

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22979

Priority: July 08, 2005

Maximum Diversion Rate: 150.00 CFS
Maximum Diversion Volume: 740.0 AF

This is to certify, that J G SCHWARZ
6000 BIG WILLOW RD
PAYETTE ID 83661

has applied for a permit to appropriate water from:

Source: DRY CREEK**Tributary:** BIG WILLOW CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	10/01 to 03/31	150.00 CFS	
IRRIGATION STORAGE	01/01 to 12/31		740.0 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		740.0 AF

LOCATION OF POINT OF DIVERSION:

DRY CREEK NE¼ SE¼ Sec. 27, Twp 09N, Rge 02W, B.M PAYETTE County

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N 02W 27									X	X		X		X	X		

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N 02W 2			17.0				4.0	10.0	14.0	28.0				3.0			76.0
08N 02W 3				12.0		4.0			15.0		32.0	36.0	33.0	37.0	24.0	8.0	201.0
08N 02W 4			2.0	24.0		L 4			22.0	23.0	38.0	38.0	7.0	23.0	21.0	15.0	213.0
08N 02W 5											18.0	21.0			27.0	36.0	102.0
08N 02W 7	19.0		5.0														24.0
08N 02W 8	4.0	10.0			11.0	31.0											56.0
08N 02W 9	3.0				4.0	1.0											8.0
08N 02W 10		24.0	2.0		25.0	30.0	19.0	24.0									124.0
09N 02W 34							12.0			14.0	10.0						36.0

Total Acres: 840

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-22979

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2011**.
2. Subject to all prior water rights.
3. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. 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 the permit holder had no control.
8. This right does not authorize the irrigation of land not previously irrigated.
9. Rights 65-7603 and 65-7136 are also diverted through the point of diversion described above.
10. Rights 65-22979, 65-7603 and 65-7136 when combined shall not exceed the irrigation of 840 acres.
11. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 7th day of February, 2006.


for **KARL J DREHER, Director**

RECEIVED

FEB 15 2005

WATER RESOURCES
WESTERN REGION

RECEIVED

DEC 15 2005

DEPARTMENT OF
WATER RESOURCES

Ident. No.

65-22979

AMENDED APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- Name of Applicant J. G. Schwarz Phone 208-278-3898
Mailing address 6000 Big Willow Rd., Payette, ID 83661-5121
- Source of water supply Dry Creek which is a tributary of Big Willow Cr.
- Location of point of diversion is Township 9N Range 2W Sec. 27 in the NE $\frac{1}{4}$,
SE $\frac{1}{4}$, Govt. Lot —, B.M., Payette County;
additional points of diversion if any: —

- Water will be used for the following purposes:

Amount 1140 AF for Irrigation Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 350 cfs for diversion to storage purposes from 10/1 to 3/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1140 AF for Irr. from storage purposes from 3/1 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)

- Total quantity to be appropriated is (a) 350 cfs and/or (b) 1140
cubic feet per second acre feet per annum

- Proposed diverting works:

- Describe type and size of devices used to divert water from the source 30 ft. high diversion dam, 80 ft high dam for storage
 - Height of storage dam 80 feet; active reservoir capacity 1782 acre-feet; total reservoir capacity 1800 acre-feet
 - Proposed well diameter is — inches; proposed depth of well is — feet
 - Is ground water with a temperature of greater than 85°F being sought? No
 - If well is already drilled, when? —; Drilling firm —;
Well was drilled for (well owner) —; Drilling Permit No. —
- Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
 - Description of proposed uses (if irrigation only, go to item 9):
 - Hydropower; show total feet of head and proposed capacity in kW. —
 - Stockwatering; list number and kind of livestock. —
 - Municipal; show name of municipality. —
 - Domestic; show number of households. —
 - Other; describe fully. See Addendum

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JUL 08 2005

WATER RESOURCES
WESTERN REGION

3. 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. *g. Lot 4*

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	2W	2			17			4	10		14	28				3			76
		3				12		4			15	~~28~~	32	36	33	37	24	8	201
		4			2	24					22	23	38	38	7	23	21	15	213
		5			7/2/05	~~105~~							18	21			27	36	102
		7	19	19	5														~~45~~ 24 <i>7/2/05</i>
		8	4	10			11	31											56
		9	3				4	1											8

Also See Exhibit "A" attached.
Total number of acres to be irrigated ~~849~~ including attached Exhibit "A" *840 7/2/05*

10. Describe any other water rights used for the same purposes as described above. 65-7603

11. a. Who owns the property at the point of diversion? J.G. Schwarz
b. Who owns the land to be irrigated or place of use? J.G. Schwarz
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: This application is for storage to be obtained by enlarging Bettis Dam & reservoir and existing storage not currently licensed

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

J.G. Schwarz owner
Signature of Applicant (and title, if applicable)

Received by AB *7/2/05* Date 2-15-05 Time 10:20 AM Preliminary check by *JR*
Fee \$ 690 - 3,110 Receipted by DB # W033598 Date 2-15-05
Publication prepared by *AB* Date 11-3-10-05 Published in Statewide *Stateman* ✓
Publication approved _____ Date _____ *Post Register* ✓
Amateur Press ✓
Times News ✓
End. Ent. ✓

\$2,420. rec'd 7/8/05 DB (11:15 A.M.) W033154
690 " 2/15/05
\$ 3,310 paid OK ✓ -82

EXHIBIT A

ADDITIONAL IRRIGATED LANDS:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	2W	10		24	2		25	30	19	24									124
9N	2W	34							12			14	10						36

65-22979

FEB 15 2005

WATER RESOURCES
WESTERN REGION

ADDENDUM

This application is for two purposes:

1. To remedy errors in the application resulting in Water Right Number 65-7603.

The application asked for a diversion to storage rate of 10 cfs and a storage capacity of 660 acre feet while the approved plans for the dam showed a diversion capacity of over 300cfs and a storage capacity of about 1060 acre feet. An application for the additional capacities was apparently never filed. The dam was built in substantial compliance with the plans; the actual diversion rate when inspected by the Department of Water Resources' examiner exceeded 70 cfs and the diversion capacity is much larger. No change is needed for rate of flow to irrigation covered by this and other related rights enumerated in the documents prepared for the ongoing efforts for a comprehensive Snake River Basin decree that are on file with the Department of Water Resources. The additional storage is for additional water for the same lands covered in the earlier license. The capacity for diversion to the reservoir and the extra capacity in the reservoir need to be recognized.

2. To acquire a water right for storage behind Bettis Dam in Payette County after a proposed enlargement to the dam.

A proposed increase in the crest elevation of the dam by 10 feet will result in a capacity increase of about 740 acre feet in addition to the current 1060 acre feet for a total storage volume of about 1800 acre feet. This application is for 1140 acre feet, the difference between the currently licensed 660 acre feet and the proposed capacity of 1800 acre feet. The 1140 acre feet includes the 400 acre feet that already exists in the reservoir, but is not recognized by license.

65-22979

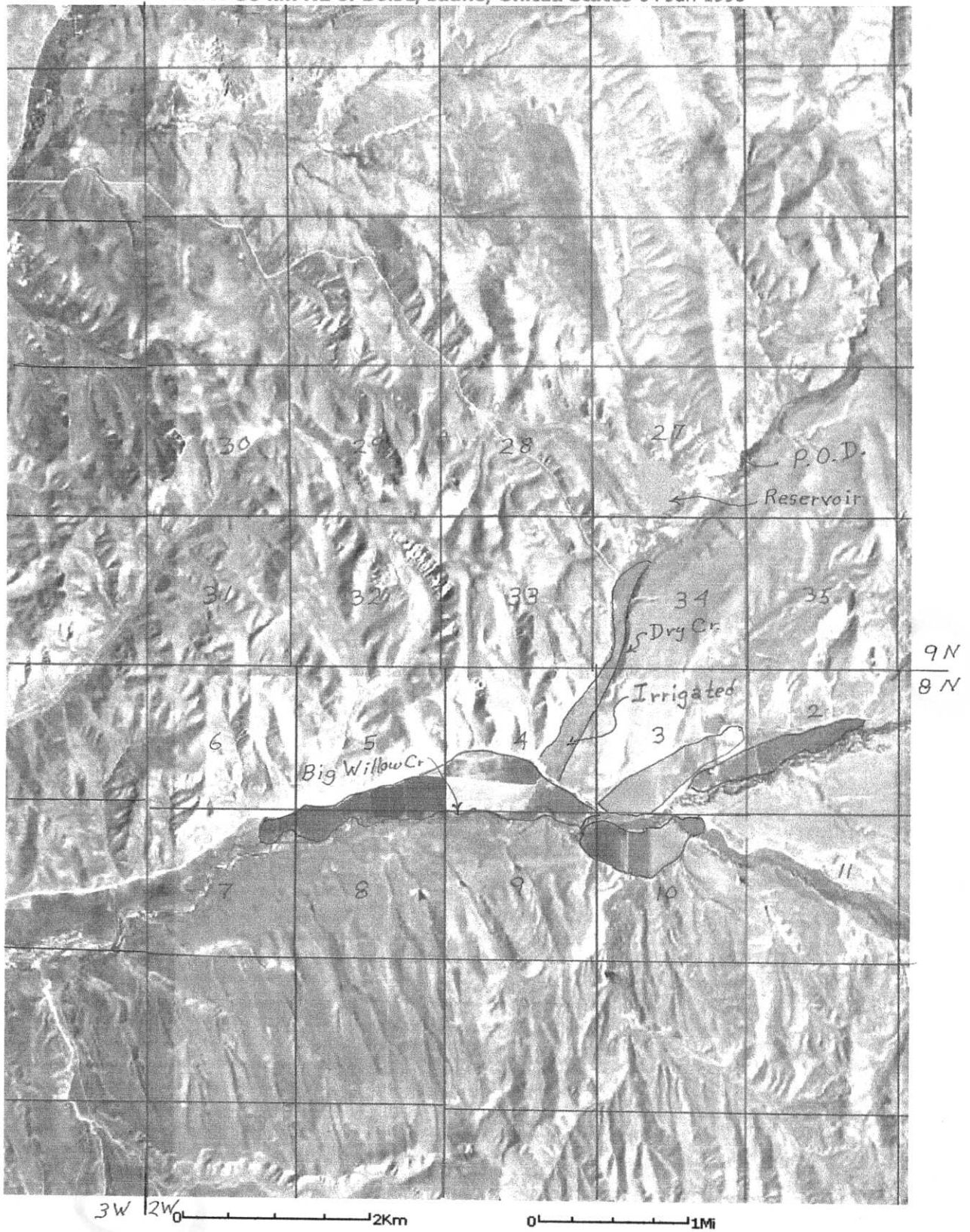
[Send To Printer](#)[Back To TerraServer](#)[Change to 11x17 Print Size](#)[Show Grid Lines](#)[Change to Landscape](#)**USGS 58 km NE of Boise, Idaho, United States 04 Jun 1998**

Image courtesy of the U.S. Geological Survey

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Change to Landscape

A horizontal scale bar with a vertical tick mark at the left end labeled '0' and another at the right end labeled '1Mi'. There are three intermediate tick marks, dividing the bar into four equal segments.

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USGS 58 km NE of Boise, Idaho, United States 01 Jul 1980

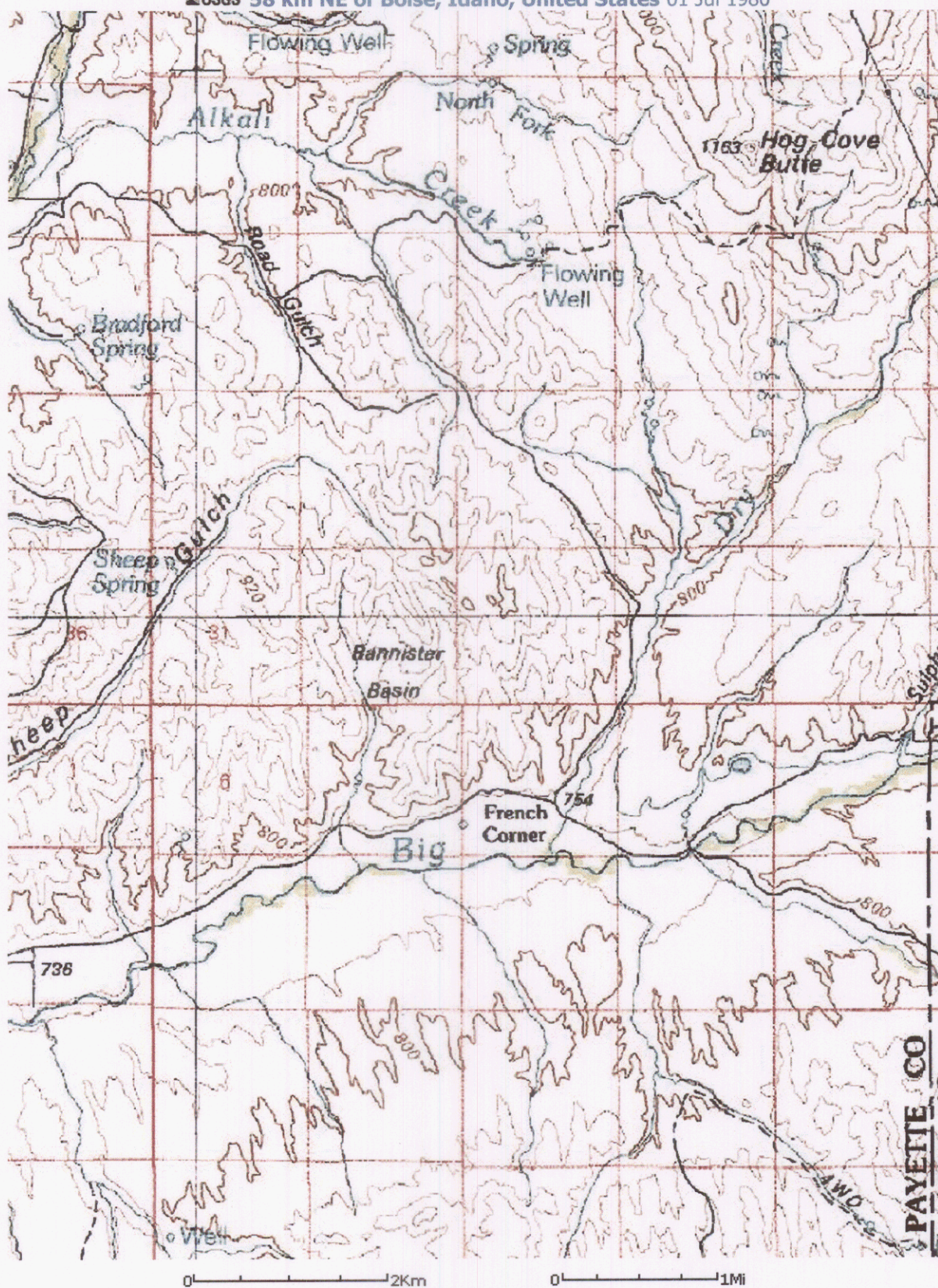


Image courtesy of the U.S. Geological Survey

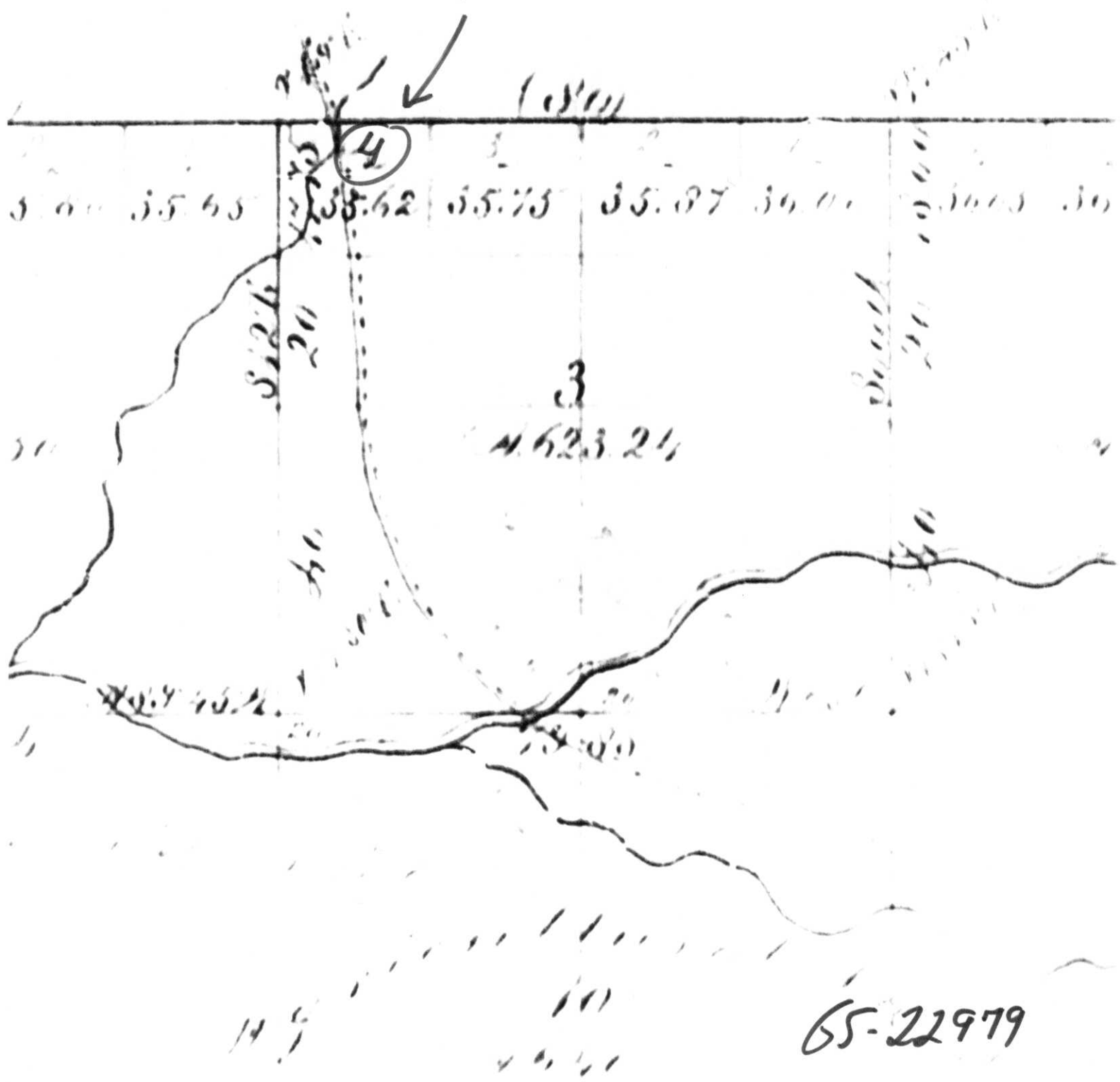
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1195 1110 N 2 West 1

L⁴
NWNW

8N 2W 5.3



**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 8, 2006

J G SCHWARZ
6000 BIG WILLOW RD
PAYETTE ID 83661

RE: Permit No. 65-22979

Permit Approval Notice

Dear Permit Holder:

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

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

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.

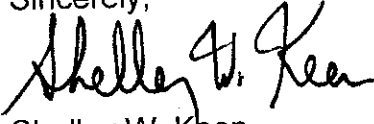
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

cc: A & B ENGINEERING

CERTIFICATE OF SERVICE

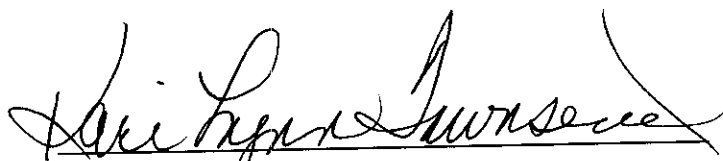
I hereby certify that on February 8, 2006 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

65-22979

**J G SCHWARZ
6000 BIG WILLOW RD
PAYETTE ID 83661**

**A & B ENGINEERING
C/O DON WATTS
2212 N 20TH ST
BOISE ID 83702**

A handwritten signature in black ink, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

Date: February 03, 2006
To: Water Right File 65-22979
From: eretelle
Re: permit review

WD 65

No moratorium or Min Stream flow

No protest

Overlap with 65-7136 and 65-7603

Recommend approval as suggested by IDWR Western.

MEMORANDUM

TO: File

FROM: Steve Lester 

DATE: December 13, 2005

RE: Conditions of Approval for Application for Permit No. 65-22979

The application proposes to enlarge Bettis Reservoir currently covered by storage rights 65-7136 and 65-7603. See database comments and legal notice remarks for an overview. That information highlights a few non-standard items for this application (overlooked 65-7136, request to process etc.).

Legal notices included Payette County plus statewide ads. Protests were not filed.

Large diversion requirements were satisfied. Only the watermaster responded to comment letters. He recommended approval. A 6/15 cutoff condition is not needed for the diversion to storage period of use.

Consultant contact information was updated today to show A&B Engineering C/O Don Watts based on the 12/6/05 fax from him. Previous application information did not include the company name. It proved difficult to pinpoint exact consultant contact information because he used office visits and telephone calls without cover letters.

Recommended Conditions of Approval

1. Standard conditions, including those for Water District #65.
2. Allow five years.
3. Possible future mitigation.
4. Does not authorize irrigation of new acres.
5. Limited to 840 acres when combined with right nos. 65-7136 and 65-7603.
6. Storage under this right is limited to 740 af in Bettis Reservoir.
7. Subject to dam safety certification.
8. Right nos. 65-7136 and 65-7603 are diverted through the same point of diversion for additional storage in Bettis Reservoir.

FAX Transmission**To:** Steve Lester**Company:** IDWR**Address:****From:** DON WATTS**A&B ENGINEERING**

2212 N. 20 th. St.

BOISE, ID 83702

FAX (208)343-4928

Date: December 6, 2005**Time:** 12:10 PM**Questions?** Call (208)342-7751**NUMBER OF PAGES**

(including this one) - 3

Message: The accompanying sheets are copies of the letters we discussed. Since you didn't receive copies I thought there was a chance they all might have gone astray so I modified them, as you will see, and gave the appropriate entities a chance to let me know if they do want to comment by sending out copies. If they call back within the allotted time I will let you know. Thanks for your help in this matter.

*Applicant letters to IDWR &
County Commissioners seeking
comments*

A&B ENGINEERING

2212 N. 20 th. St.
BOISE, ID 83702
PHONE (208) 342-7751

10/21/2005

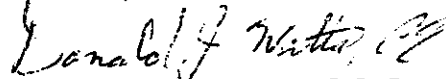
Idaho Department of Environmental Quality

1410 N. Hilton

Boise, ID 83706

An application has been made with the Idaho Department of Water Resources to enlarge a dam known as Bettis Dam located in Section 27 of Township 9 North and Range 2 West of the Boise Meridian. If you have comments please address them to me at the address above within 30 days. Thank you.

Sincerely,



Donald J. Watts, P.E., P.L.S.

12/6/2005

Time has expired for the above comment, however if you do wish to comment please contact me by phone at 208-861-8182 no later than 12/14/05.

A&B ENGINEERING

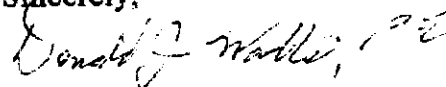
2212 N. 20 th. St.
BOISE, ID 83702
PHONE (208) 342-7751

10/21/2005

Payette County
Board of County Commissioners
County Courthouse
Payette, ID

An application has been made with the Idaho Department of Water Resources to enlarge a dam known as Bettis Dam located in Section 27 of Township 9 North and Range 2 West of the Boise Meridian. If you have comments please address them to me at the address above within 30 days. Thank you.

Sincerely,



Donald J. Watts, P.E., P.L.S.

12/6/2005

Time has expired for the above comment, however if you do wish to comment please contact me by phone at 208-861-8182 no later than 12/14/05.

PUBLIC NOTICE

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

65-22979

J G SCHWARZ
6000 BIG WILLOW RD
PAYETTE ID 83661

Point(s) of Diversion
NESE S27 T09N R02W PAYETTE
County Source DRY CREEK
Tributary To BIG WILLOW CREEK
Use: IRRIGATION STORAGE

01/01 To 12/31 1140 AFA
Use: IRRIGATION FROM
STORAGE

03/01 To 11/15 1140 AFA
Use: DIVERSION TO STORAGE

10/01 To 03/31 150 CFS
Total Diversion: 150 CFS

Date Filed: 02/15/2005

Place Of Use: IRRIGATION STORAGE

T08N R02W S27
Place Of Use: IRRIGATION FROM
STORAGE

T08N R02W S10 NWNE SWNE
NENW NWNW SWNW SENW

T08N R02W S2 SWNE SWNW
SESW NESW NWSW NWSE

T08N R02W S3 SENE NWNW Lot
4 NESW SWSW SESW NESE
NWSE SWSE SESE

T08N R02W S4 SWNE SENE
NESW NWSW SWSW SESW
NESE NWSE SWSE SESE

T08N R02W S5 SWSW SESW
SWSE SESE

T08N R02W S7 NENE SWNE
T08N R02W S8 NENE NWNW

NENW NWNW
T08N R02W S9 NENE NENW
NWNW

T09N R02W S34 SWNW NWSW
SWSW

Number of Acres 840

Remark: Proposal seeks to enlarge Bettis Dam and Reservoir beyond existing water rights. Water will be used for land under existing water rights (not new acres). Applicant is aware of likely condition of approval requiring possible mitigation for consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 11/21/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published: November 3, 10, 2005

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NOV 21 2005

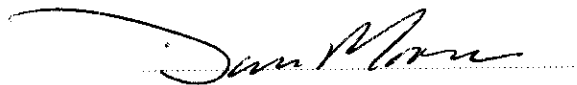
WATER RESOURCES
WESTERN REGION

Proof of Publication The Post Register

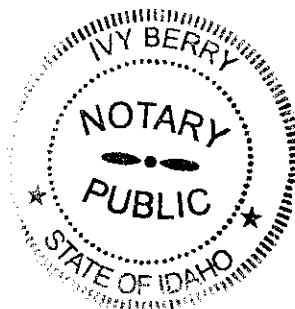
State of Idaho
County of Bonneville

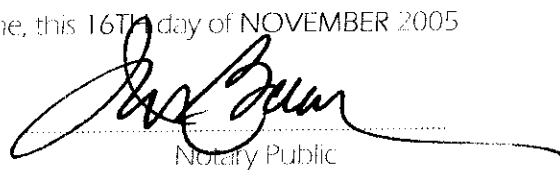
I, Dan Moore, ~~or James Smith~~, first being duly sworn, depose and say: That I am the Production Manager, ~~or Production Supervisor~~ of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 3RD day of NOVEMBER 2005, last publication having been made on the 10TH day of NOVEMBER 2005 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.



Subscribed and sworn to before me, this 16TH day of NOVEMBER 2005




Notary Public

My commission expires January 10, 2009

11/05

State of Idaho
Department of Water Resources

RECEIVED

NOV 18 2005

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application No: 65-22979

Applicant's Name: J. G. Schwarz

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows: _____

- c) ☐ I oppose approval of this application for the following reasons:

- d) Additional Comment: _____

Dated this 16th day of November, 2005

Water District No. 65

Ron Shurtleff
Ron Shurtleff, Watermaster

Use reverse side of page if you need more space.

RECEIVED

NOV 15 2005

WATER RESOURCES
WESTERN REGION

NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
65-22879

J G SCHWARZ
6000 BIG WILLOW RD
PAYETTE ID 83661
Point(s) of Diversion NESE S27 T09N
R02W PAYETTE County Source DRY CREEK
Tributary To BIG WILLOW CREEK
Use: IRRIGATION STORAGE 01/01 To 12/31 1140 AFA
Use: IRRIGATION FROM STORAGE 03/01 To 11/15 1140 AFA
Use: DIVERSION TO STORAGE 10/01 To 03/31 150 CFS
Total Diversion: 150 CFS
Date Filed: 02/15/2005

Place Of Use: IRRIGATION STORAGE
T09N R02W S27

Place Of Use: IRRIGATION FROM STORAGE
T08N R02W S10 NWNE SWNE NENW NWNW SWNW SENW
T08N R02W S2 SWNE SWNW SENW NESW NWSW NWSE
T08N R02W S3 SENE NWNW Lot 4 NESW SWSW SESW NESE NWSE SWSE SESE
T08N R02W S4 SWNE SENE NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T08N R02W S5 SWSW SESW SWSE SESE
T08N R02W S7 NENE SWNE
T08N R02W S8 NENE NWNE NENW NWNW
T08N R02W S9 NENE NENW NWNW
T09N R02W S34 SWNW NWSW SWSW

Number of Acres 840

Remark: Proposal seeks to enlarge Bettis Dam and Reservoir beyond existing water rights. Water will be used for land under existing water rights (not new acres). Applicant is aware of likely condition of approval requiring possible mitigation for consumptive use in the future as needed. Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 11/21/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Independent Enterprise on November 2 and 9, 2005, the Idaho Statesman, the Lewiston Morning Tribune, the times News, and the Post Register on November 3 and 10, 2005.

a Notary Public, personally appeared Kuby Gundersheide
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Linda Capps McGuire
Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commission expires: 5-19-07

LINDA CAPPS-McGUIRE
NOTARY PUBLIC
STATE OF IDAHO

by that I am Legal Clerk of the
I swear that a copy of the notice
and entire issue of said newspaper,
_____, commencing with the
ed 10th day of November, 2005

5, 1942, of the Idaho Evening Times,
ore daily except Monday, both of which
county continuously and uninterruptedly
such consolidation, has been published
r began daily publication under said

week has been designated as the day
the state of Idaho to be issued thereof

RECEIVED

NOV 15 2005

WATER RESOURCES
WESTERN REGION

Affidavit of Publication
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twins Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 3rd day of November, 2005 and ending with the issue dated 10th day of November, 2005

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 10th day of November, 2005, before me,

a Notary Public, personally appeared Ruby Aufderheide, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Linda Capps McGuire
Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commission expires: 5-19-09

LINDA CAPPS-McGUIRE
NOTARY PUBLIC
STATE OF IDAHO

The Idaho Statesman

RECEIVED

NOV 15 2005

WATER RESOURCES
WESTERN REGION

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount:
047628	1380373	APPLICATION FOR PERMIT	\$187.00
Attention:	P.O.#	Run Dates	
SUE KREGER		NOVEMBER 3, 10, 2005	
IDAHO DEPT. WATER RESOURCES WEST 2735 AIRPORT WY. BOISE, ID 83705			Number of Lines 2 X 52
			Affidavit 1
			Legal # 23890

LEGAL NOTICE

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

65-22979
J G SCHWARZ
6000 BIG WILLOW RD
PAYETTE ID 83661

Point(s) of Diversion NESE S27 T09N R02W PAYETTE County Source DRY CREEK
Tributary To BIG WILLOW CREEK

Use: IRRIGATION STORAGE 01/01 To 12/31 1140 AFA
Use: IRRIGATION FROM 03/01 To 11/15 1140 AFA

STORAGE
Use: DIVERSION TO STORAGE 10/01 To 03/31 150 CFS

Total Diversion: 150 CFS

Date Filed: 02/15/2005

Place Of Use: IRRIGATION STORAGE

Place Of Use: T09N R02W S27

IRRIGATION FROM STORAGE
T08N R02W S10 NWNE SWNE NENW NWNW SWNW SENW
T08N R02W S2 SWNE SWNW SENW NESW NWSW NWSE
T08N R02W S3 SENE NWNW Lot 4 NESW SWSW SESW NESE
NWSE SWSE SESE

T08N R02W S4 SWNE SENE NESW NWSW SWSW SESW

NESE NWSE SWSE SESE

T08N R02W S5 SWSW SESW SWSE SESE

T08N R02W S7 NENE SWNE

T08N R02W S8 NENE NWNE NENW NWNW

T08N R02W S9 NENE NENW NWNW

T09N R02W S34 SWNW NWSW SWSW

Number of Acres 840

Remark: Proposal seeks to enlarge Bettis Dam and Reservoir beyond existing water rights. Water will be used for land under existing water rights (not new acres). Applicant is aware of likely condition of approval requiring possible mitigation for consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 11/21/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Pub. Nov. 3.10. 2005

23890

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

beginning issue of: NOVEMBER 3, 2005

ending issue of: NOVEMBER 10, 2005

Janice Hildreth

STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 10 day of NOVEMBER in the year of 2005

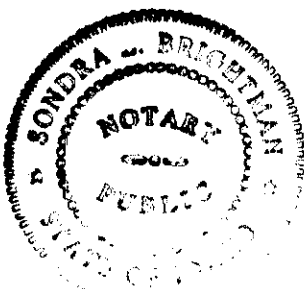
before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Pondra Z Brightman

Notary Public for Idaho

Residing at: Boise, Idaho

My Commission expires: 6/20/06



RECEIVED

NOV 14 2005

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

WATER RESOURCES
WESTERN REGION

Date 11/10/2005

INVOICE NO. 407846

Account No. 964760

Description 407846 The following ap

Times 2

Lines 43

Tab. Lines

\$ 128.57

LEGAL ADVERTISING INVOICE

SOLD TO:

DEPT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE ID 83705

PO# 65-22979

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

The following application(s) have been filed to appropriate the public waters of the State of Idaho: 65-22979

J G SCHWARZ
6000 BIG WILLOW RD
PAYETTE ID 83661

Point(s) of Diversion NESE S27 T09N R02W PAYETTE County
Source DRY CREEK Tributary To BIG WILLOW CREEK
Use: IRRIGATION STORAGE 01/01 To 12/31 1140 AFA
Use: IRRIGATION FROM STORAGE 03/01 To 11/15 1140 AFA
Use: DIVERSION TO STORAGE 10/01 To 03/31 150 CFS

Total Diversion:
Date Filed: 02/15/2005

Place Of Use: IRRIGATION STORAGE T09N R02W S27
Place Of Use: IRRIGATION FROM STORAGE

T08N R02W S10 NWNE SWNE NENW NWNW SWNW SENW
T08N R02W S2 SWNE SWNW SENW NESW NWSW NWSE
T08N R02W S3 SENE NWNW Lot 4 NESW SWSW SESW NESE
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T08N R02W S5 SWSW SESW SWSE SESE
T08N R02W S7 NENE SWNE
T08N R02W S8 NENE NWNE NENW NWNW
T08N R02W S9 NENE NENW NWNW
T09N R02W S34 SWNW NWSW SWSW

Number of Acres 840

Remark: Proposal seeks to enlarge Bettis Dam and Reservoir beyond existing water rights. Water will be used for land under existing water rights (not new acres). Applicant is aware of likely condition of approval requiring possible mitigation for consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 11/21/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Published in the Independent Enterprise on November 2 and 9, 2005, the Idaho Statesman, the Lewiston Morning Tribune, the times News, and the Post Register on November 3 and 10, 2005.

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, paper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 407846 The follo attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 11/03, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 11/03/2005, and the last publication thereof being on the 11/10/2005, and said 407846 The follo was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

State of Idaho

S.S.

County of Nez Perce

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

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires _____

Affidavit of Publication

Copy of Notice
(First Copy)

STATE OF IDAHO,

COUNTY OF PAYETTE

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

65-22979

Appl.

J.G. SCHWARZ
6000 Big Willow Rd.
Payette, Idaho 83661

Dept.

Point(s) of Diversion NESE S27 TO9N RO2WPAYETTE County Source

DRY CREEK
Tributary To BIG WILLOW CREEK

Use: IRRIGATION STORAGE

01/01 To 12/31

1140 AFA

Use: IRRIGATION FROM

03/01 To 11/15

1140 AFA

STORAGE

Use: DIVERSION TO STORAGE

10/01 To 03/31

150 CFS

Total Diversion

150 CFS

duly sworn, deposes

Date Filed: 02/15/2005

That he is the

Place of Use: IRRIGATION STORAGE

TO9N RO2W S27

THE INDEPENDENT

Place of Use: IRRIGATION FROM STORAGE

at Payette, in the

TO8N RO2W S10 NWNE SWNE NENW NWNW SWNW SENW

paper has been

TO8N RO2W S2 SWNE SWNW SENW NESW NWSW NWSE

aforesaid, and in

TO8N RO2W S3 SENE NWNW Lot 4 NESW SWSW SESW NESE NWSE SWSESESE

a copy of which

TO8N RO2W S4 SWNE SENE NESW NWSW SWSW SESW NESE NWSE SWSESESE

newspaper once a

TO8N RO2W S5 SWSW SESW SWSE SESE

the regular and e

TO8N RO2W S7 NENE SWNE

time of publicati

TO8N RO2W S8 NENE NWNE NENW NWNW

and not a suppl

TO8N RO2W S9 NENE NENW NWNW

regularly publi

TO9N RO2W S34 SWNW NWSW SWSW

weeks prior to the

Number of Acres 840

Such notice

Remark: Proposal seeks to enlarge Bettis Dam and Reservoir beyond existing water rights. Water will be used for land under existing water rights (not new acres). Applicant is aware of likely condition of approval requiring possible mitigation for consumptive use in the future as needed.

STATE OF IDAHO

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

COUNTY OF

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 11/21/2005. the protestant must also send a copy of the protest to the applicant.

On this 10th

a Notary Public, I

KARL J. DREHER, Director

known or ident

No. 2185

Nov. 2, 9

subscribed to th

sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public

Residing at

My commission expires: 7-1-10

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines

39

Number of Insertions

Two (2)

39 Lines @ 2.38

92.82

39 Lines @ 2.04

79.56

TOTAL COST

WILL BE

172.38

RECEIVED

NOV 14 2005

WATER RESOURCES
WESTERN REGION

No 2185

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

ss.

Application for Water Rights
TITLE OF PUBLICATION

Dept. of Water Resources
SPONSOR OF PLAINTIFF
PLAINTIFF OR LEGAL AGENT

I, [Signature], being
duly sworn, deposes and says:
That he is the clerk of

THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at Payette, in the County of Payette and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Payette; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two (2) consecutive weeks in the regular and entire issue of said paper during the period and 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 Nov. 2, 2005, and ending with the issue of Nov. 9, 2005.

STATE OF IDAHO
COUNTY OF 10th

On this 10th day of Nov, in the year 2005, before me, a Notary Public, personally appeared Larry Hurrell, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

[Signature]
Notary Public, County of Payette
Residing at Payette
My commission expires: 7-1-10

STATEMENT

Independent-Enterprise
PAYETTE, IDAHO

Number of Lines 39
Number of Insertions two (2)
39 Lines @ 2.38 . . . \$ 92.82
39 Lines @ 2.04 . . . \$ 79.56
TOTAL COST
WILL BE \$ 172.38

RECEIVED
NOV 14 2005
WATER RESOURCES
WESTERN REGION

No 2185

FOR MAYOR
FOUR YEAR TERM
DOUGLAS E. HENDERSON
ANDREW J. KIRKENDALL
VALLERY J. KLITCH
VONNIE D. PAUL
(MAY VOTE FOR)

Kreger (Taylor), Sue

To: Waterdist65@srvinet.com
Subject: comment letters

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

October 27, 2005

RON SHURTLEFF
102 N MAIN
PAYETTE ID 83661

Re: Application(s) for Water Right

Dear Watermaster:

Attached are copies of one or more applications. Also attached is a form for your recommendation concerning these application(s).

Please review the application(s) that are in your area. We must have your comments within two weeks. If you have any questions or need information, feel free to contact this office at 334-2190.

Sincerely,



Copy of
commendation of Wa



65-22979.pdf



65-22985.pdf

Kreger (Taylor), Sue

To: eleitinger@idfg.idaho.gov
Subject: comment letters

IDAHO DEPARTMENT OF WATER RESOURCES

**WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

October 27, 2005

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Eric:

Attached is a copy(s) of one or more applications that may be of interest to your agency. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by November 21, 2005.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,



63-32191.pdf



63-32192.pdf



63-32193.pdf



63-32194.pdf



65-22979.pdf



65-22985.pdf



67-14629.pdf



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 14, 2005

DON WATTS P E
2212 N 20TH ST
BOISE ID 83702

Re: Application for Permit No. 65-22979 for J. G. Schwarz, Bettis Reservoir Expansion

Dear Mr. Watts:

The above referenced application for permit is being processed. Legal notices should be published in the newspaper in the first two weeks of November 2005. To assist this office in completing the initial processing steps, please submit additional information required by I. C. § 42-203A(5)(a-e) for "large diversion projects." This requirement includes the following items discussed in Water Appropriation Rule 40, Rule Subsections 040.05c through 040.05g:

1. effect on existing water rights
2. sufficiency of water supply
3. good faith, delay or speculative purposes
4. financial resources
5. local public interest.

In this situation to expand Bettis Reservoir to serve the same acres irrigated under existing water rights, most of the above factors have already been addressed or are waived. **The only requirement for the applicant to satisfy is factor #5 as follows:**

1. **Seek comment letters from the Idaho Department of Environmental Quality and from the Payette County Commissioners.**
2. **Send copies of those letters to this office to document the requests. Responses are not required from those entities, but any replies should be provided to this office.**

You may seek additional time to provide the information by making a written request to interrupt processing for up to six months.

Application for Permit No. 65-22979

October 14, 2005

Page 2

Your written response including the requested information, or a request for more time to seek the information, must be received by November 30, 2005. The application will be voided without a timely reply. Please contact me at 334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester", with a stylized, cursive script.

Steve Lester
Water Rights Supervisor

CONVERSATION MEMORANDUM

DATE 10/14/05
FILE 65-22979

NAME OF PARTY DON Watts P.E.
EMPLOYEE R

RE: CONTACT INFORMATION

From several office visits & tel. calls 2/15/05
through 7/8/05, WATTS is consulting Engineer on this
project (as was on original dam).

Current contact info:

DON WATTS P.E.
2212 N. 20th St.
Boise 83702

tel primary → cell 861-8182
office 342-7751
home 344-4516
all at above address (home)

Idaho Department of Water Resources Receipt

Receipt ID W033154

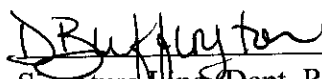
Payment Amount \$2,420.00 Date Received 7/8/2005 11:16:30 AM Region Western Status
Payment Type Check Check Number 3518

Payer SCHWARZ, J.G.

Comment APPLICATION FOR PERMIT (REMAINDER OF FEE)

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$2,420.00	PERMITS	0229	21	62103	1155



Signature Line (Dept. Representative)

Idaho Department of Water Resources Receipt

Receipt ID W032598

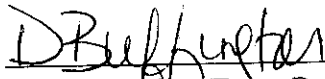
Payment Amount \$690.00 Date Received 2/15/2005 10:22:20 AM Region Western Status ☐
Payment Type Check Check Number 3273

Payer SCHWARZ, J.G.

Comment APPLICATION FOR PERMIT: J G SCHWARZ

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$690.00	PERMITS	0229	21	62103	1155



Signature Line (Dept. Representative)

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

October 26, 2005

Legal Notice Department

TIMES NEWS
PO BOX 548
TWIN FALLS ID 83301

RE: Application for Permit No. 65-22979

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/21/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

October 26, 2005

Legal Notice Department
INDEPENDENT ENTERPRISE
124 S MAIN
PAYETTE ID 83661

RE: Application for Permit No. 65-22979

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/21/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

October 26, 2005

Legal Notice Department
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

RE: Application for Permit No. 65-22979

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/21/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

October 26, 2005

Legal Notice Department
LEWISTON MORNING TRIBUNE
505 C ST PO BOX 957
LEWISTON ID 83501

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WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

October 26, 2005

Legal Notice Department
POST-REGISTER
PO BOX 1800
IDAHO FALLS ID 83402

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

65-22979

J G SCHWARZ
6000 BIG WILLOW RD
PAYETTE ID 83661

Point(s) of Diversion NESE S27 T09N R02W PAYETTE County Source DRY CREEK

Tributary To BIG WILLOW CREEK

Use: IRRIGATION STORAGE 01/01 To 12/31 1140 AFA

Use: IRRIGATION FROM STORAGE 03/01 To 11/15 1140 AFA

Use: DIVERSION TO STORAGE 10/01 To 03/31 150 CFS

Total Diversion: 150 CFS

Date Filed: 02/15/2005

Place Of Use: IRRIGATION STORAGE

T09N R02W S27

Place Of Use: IRRIGATION FROM STORAGE

T08N R02W S10 NWNE SWNE NENW NWNW SWNW SENW

T08N R02W S2 SWNE SWNW SENW NESW NWSW NWSE

T08N R02W S3 SENE NWNW Lot 4 NESW SWSW SESW NESE NWSE SWSE SESE

T08N R02W S4 SWNE SENE NESW NWSW SWSW SESW NESE NWSE SWSE SESE

T08N R02W S5 SWSW SESW SWSE SESE

T08N R02W S7 NENE SWNE

T08N R02W S8 NENE NWNE NENW NWNW

T08N R02W S9 NENE NENW NWNW

T09N R02W S34 SWNW NWSW SWSW

Number of Acres 840

Remark: Proposal seeks to enlarge Bettis Dam and Reservoir beyond existing water rights. Water will be used for land under existing water rights (not new acres). Applicant is aware of likely condition of approval requiring possible mitigation for consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 11/21/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published in the Independent Enterprise on November 2 and 9, 2005, the Idaho Statesman, the Lewiston Morning Tribune, the times News, and the Post Register on November 3 and 10, 2005.