

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22965

Priority: April 4, 2005

Maximum Diversion Rate: 0.04 CFS

This is to certify, that RODNEY L SCHROEDER Or
RUTH A SCHROEDER
PO BOX 514
EMMETT ID 83617

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 (SE $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 32, Twp 07N, Rge 02E, B.M. BOISE County

PLACE OF USE: DOMESTIC

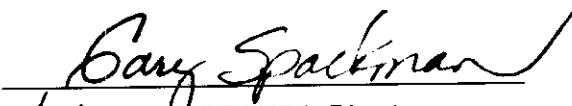
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	02E	32																	

L 4

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 1, 2006**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 24th day of October, 2005.


for KARL DREHER, Director

RECEIVED

OCT 2 2005

DEPARTMENT OF
WATER RESOURCESIdent. No. 65-22965FORM 202
200
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APR 04 2005

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Rodney L Schroeder or Ruth A. Schroeder Phone 793-2384
Mailing address P.O. Box 514, Emmett, Id 83617
2. Source of water supply ground water which is a tributary of _____
3. Location of point of diversion is Township 7N Range 2E Sec. 32 in the _____
SE $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot 4, B.M., Boise County;
- additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | | | | |
|------------------------------|---------------------|--|------------------------|
| Amount <u>.04</u> | for <u>domestic</u> | purposes from <u>1-1</u> to <u>12-31</u> | (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) | | | |
| Amount _____ | for _____ | purposes from _____ to _____ | (both dates inclusive) |
| (cfs or acre-feet per annum) | | | |
5. Total quantity to be appropriated is (a) .04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source well pump + sprinklers
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? No
- e. If well is already drilled, when? 9-5-2000 Drilling firm 409
Well was drilled for (well owner) APPLICANT; Drilling Permit No. D0015493
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 1
- e. Other; describe fully. _____

R.R.

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.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	2E	32								X									

Total number of acres to be irrigated _____

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: _____

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"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.

Rodney G. Schneider
Signature of Applicant (and title, if applicable)

Received by ly Date 4/4/05 Time 3:30 PM Preliminary check by SC
Fee \$ 100 Received by ly # W032-122 Date 4/4/05
Publication prepared by sk Date 9-21-05 Published in IDAHO WORLD
Publication approved sk Date 10-18-05

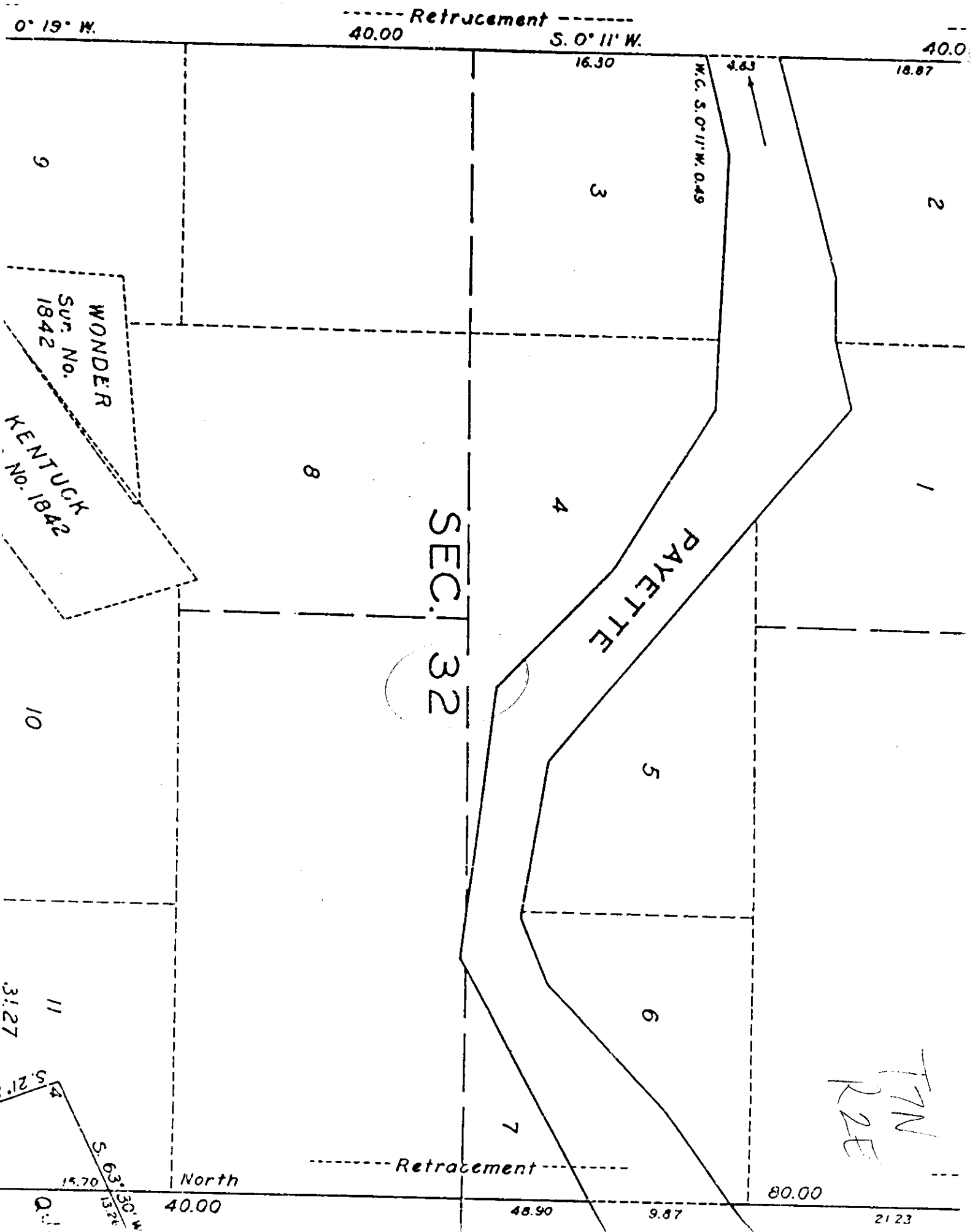
T7N R2E S32
SENW Gov Lt 4

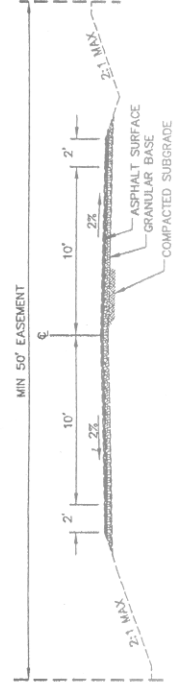
P/D + P/u

P/D
P/u x

Gov Lot 4

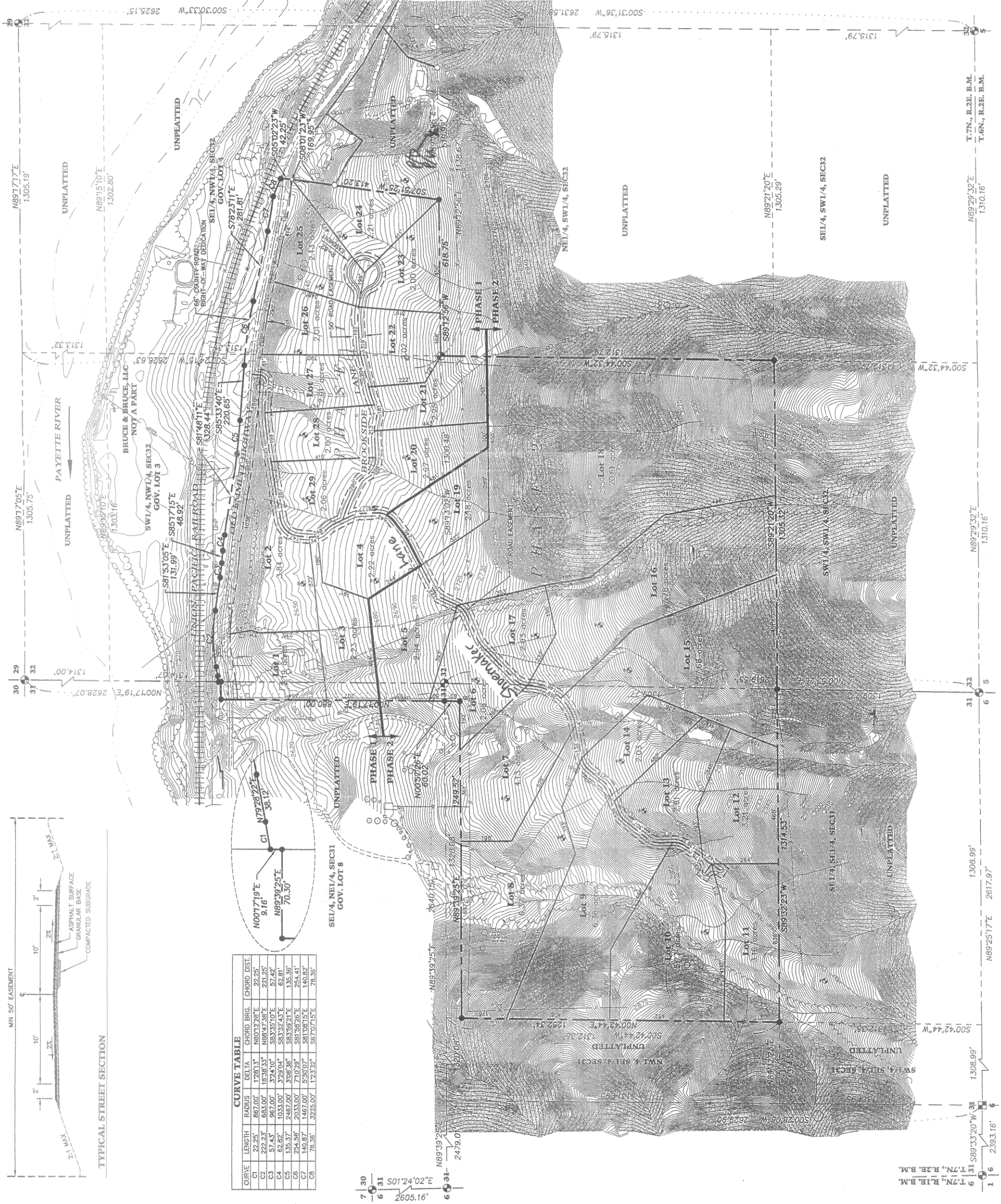
65-22965





TYPICAL STREET SECTION

CURVE	LENGTH	RADIUS	DELTA	CHORD BRG.	CHORD DIST.
C1	22.25'	867.00'	128.13°	N80°12'28"E	22.25'
C2	22.25'	867.00'	128.13°	S80°12'28"E	22.25'
C3	57.43'	967.00'	37°41'00"	S83°12'45"E	221.45'
C4	62.82'	1033.00'	37°41'00"	S83°12'45"E	62.81'
C5	135.37'	2467.00'	37°41'00"	S83°12'45"E	135.36'
C6	254.58'	2033.00'	71°07'58"	S81°58'26"E	254.41'
C7	140.87'	1467.00'	5°30'07"	S81°08'15"E	140.82'
C8	78.36'	3225.00'	1°23'32"	S87°07'15"E	78.36'



Rennison Fodrea, Inc.
Engineers • Surveyors • Planners

Cascade Office
105 N. Main Street, P.O. Box 188
1555
Office 208.382.4802
Fax 208.382.4802
Eagle Office
125 S. Eagle Rd., Suite B
1555
Office 208.938.2440
Fax 208.938.2441

PRELIMINARY PLAT
for
Ruck Terrace
SUBDIVISION
SITUATED IN A PORTION OF THE E 1/2 OF SEC. 32
AND THE W 1/2 OF SEC. 31, T. 7 N., R. 2 E., B.M.
BOISE COUNTY, IDAHO

NO.	REVISIONS	DATE
1		3/17/05
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		

DATE	3/17/05	P.M.
P.N.	1368	CAD
SHEET NO.	1 OF 1	SMD

OWNER
BRUCE AND BRUCE, LLC
7154 WEST STATE ST. PMB 187
BOISE, ID 83704
208-378-2320

DEVELOPER
LOOMIS HOMES, INC.
7154 WEST STATE ST. PMB 187
BOISE, ID 83704
208-659-8115

GENERAL NOTES

1. DOMESTIC WATER WILL BE BY INDIVIDUAL WELLS.
2. SEWAGE DISPOSAL WILL BE INDIVIDUAL SEWING SYSTEMS.
3. ALL UTILITIES WILL BE PROVIDED TO SOME ON ALL LOTS AS IS FEASIBLE.
4. STORM DRAINAGE SYSTEMS WILL BE DESIGNED IN ACCORDANCE WITH BOISE COUNTY ORDINANCE.
5. THE INTERNAL ROADWAYS ARE PROPOSED AS LOCAL PRIVATE.
6. THE INTERNAL ROADWAYS ARE PROPOSED AS LOCAL PRIVATE.
7. COMMON USE ROADS.
8. A ROAD EASEMENT WILL ENCOMPASS THE ROADWAY AND ALL CUT AND FILL AREAS.
9. TOTAL SUBDIVISION AREA IS 114.51 ACRES.
10. AVERAGE LOT SIZE IS 3.94 ACRES.
11. MINIMUM LOT SIZE IS 2.0 ACRES.

65-22965

**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

October 24, 2005

RODNEY L SCHROEDER
RUTH A SCHROEDER
PO BOX 514
EMMETT ID 83617

RE: Permit No. 65-22965

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.

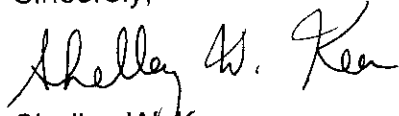
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

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

Also, please note that water right owners are required to report any change of water right ownership and/or 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 that reads "Shelley W. Keen". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

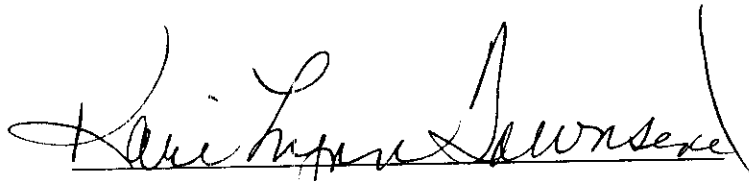
CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2005 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.

65-22965

**RODNEY L SCHROEDER
RUTH A SCHROEDER
PO BOX 514
EMMETT ID 83617**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is 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.

RECEIVED

OCT 06 2005

WATER RESOURCES
WESTERN REGION

The Idaho World

P.O. Box 99
Garden Valley, ID 83622
(208) 462-3487

State of Idaho)
)
County of Boise)

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Sept 21, 2005 and ending with the issue of Sept 28, 2005.

Deanna Stevenson

State of Idaho)
)
County of Boise)

On this 30 day of Sept in the year 2005, before me, a notary public, personally appeared Deanna Stevenson 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.

Tami Weber

Notary Public for Idaho
Residing at Garden Valley, Idaho
MY COMMISSION EXPIRES
February 10, 2011
BONDED THRU NOTARY PUBLIC UNDERWRITERS

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

65-22965

RODNEY L SCHROEDER
PO BOX 514
EMMETT ID 83617
RUTH A SCHROEDER
PO BOX 514
EMMETT ID 83617

Point(s) of Diversion	L4 (SENW)	S32	T07N	R02E
BOISE County	Source GROUND WATER			
Use: DOMESTIC	01/01 To 12/31	0.04 CFS		
	Total Diversion:	0.04 CFS		
Date Filed:	04/04/2005			
Place Of Use:	DOMESTIC			
T07N R02E S32	SENW Lot 4			

Remark: Domestic use is for 1 home.

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 10/11/2005. The protestant must also send a copy of the protest to the applicant. KARL J DREHER, Director

Published in the Idaho World on September 21 and 28, 2005.

TAMI WEBER
Notary Public
State of Idaho

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

September 15, 2005

Legal Notice Department

IDAHO WORLD

PO BOX 99

GARDEN VALLEY ID 83622

RE: Application for Permit No. 65-22965

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 10/11/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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65-22965

RODNEY L SCHROEDER
PO BOX 514
EMMETT ID 83617
RUTH A SCHROEDER
PO BOX 514
EMMETT ID 83617

Point(s) of Diversion L4 (SENW) S32 T07N R02E BOISE County Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 04/04/2005

Place Of Use: DOMESTIC

T07N R02E S32 SENW Lot 4

Remark: Domestic use is for 1 home.

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KARL J DREHER, Director

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