

T7N R1W S2411

SWANDER

PLACE OF
USE

③

3

②

①

9

1

(No Gov
Lts)

7

25

Reservoir

7

37

Creek

4

22

⑪

⑫

Hollow

Long

⑩

15

14

13

Spring

23

65-2288

BLACK

MICROFILMED
OCT 27 1998

RESERVOIR
W7
(1985)

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
 ss.
COUNTY OF GEM,

Mary K. Black, being first
duly sworn, on her oath deposes and
says that she is the clerk of the Mes-
senger Index, a legal weekly news-
paper published at Emmett, in Gem
County, Idaho; that said newspaper
is in general circulation in said
county and has been published unin-
terruptedly and continuously for
more than 78 weeks prior to the
first publication of the annexed
document; and that the document
notice, process, or advertisement
hereunto annexed was published in
the regular edition of Messenger
Index for two

consecutive weekly issues thereof,
beginning with the issue of
June 17, 1998,
and ending with the issue of
June 24, 1998

Mary K. Black
Subscribed and sworn to me this

94th day of
June, 1998
Jonel Leish
Notary Public

Residing at Emmett, Idaho

RECEIVED

JUN 25 1998

WATER RESOURCES
WESTERN REGION

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13792

SWANDER, JOHN W
4333 BUTTE RD
EMMETT, ID 83617

Source: SPRINGS

Tributary: SPRING CREEK

Diversion Pt:	NWNESW	Sec 2	T	07N	R 01W	in	GEM County.
	SWNESW	Sec 2	T	07N	R 01W	in	GEM County.
	NENWSW	Sec 2	T	07N	R 01W	in	GEM County.
	SENWSW	Sec 2	T	07N	R 01W	in	GEM County.
	SESWSW	Sec 2	T	07N	R 01W	in	GEM County.
	NWNENW	Sec 11	T	07N	R 01W	in	GEM County.
	NENWNW	Sec 11	T	07N	R 01W	in	GEM County.

Use: IRRIGATION

Total Diversion:

(2.300 CFS)
(2.300 CFS)

Date Filed: 5/14/1998

In: GEM County

T07N R01W S02

SWNW NESW

NWSW

SWSW

S11

SESW

NENW NWNW

SWNW

SENW

115.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in 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, Idaho 83705 together with a
protest fee of \$25.00 on or before JULY 6, 1998. The protestant must also send a
copy of the protest to the applicant.

KARL J. DREHER, Director

Pub.:6 - 17, 24, 1998

Legal Notice No. 3269
Published in the Messenger Index

MY COMMISSION EXPIRES

My Commission Expires JUNE 21ST, 2003

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OCT 27 1998

RECEIVED

OCT 14 1999

Department of Water Resources DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY
Amt. of Fee \$: 150.
Receipt No. 0046879
Receipt By: JM
Date Received: 10/14/99

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. 65-13792 Telephone No. 365-4762

2. Name(s) of Permit Holder(s): John W Swander

3. Mailing Address: 4333 Butte Rd

4. Source of Water: Spring If GROUNDWATER (well), Date Drilled: mo. / yr.

a. Well Driller: Drilling Permit Number: - -

b. OPTIONAL:
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):

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

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

Irrigation (No. of acres): 115 Other:

6. Total rate of diversion and/or volume for which proof is submitted: 2.3 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 <u> </u>	or	No <u>✓</u>
	Has the measuring device been installed?	Yes <u> </u>	or	No <u>✓</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes <u> </u>	or	No <u>✓</u>
	Has the measurement port been installed?	Yes <u> </u>	or	No <u>✓</u>

8. Fee Enclosed: \$ 150⁰⁰ (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: John W Swander Telephone Number: 365-4762

Address: 4333 Butte Rd

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: John W Swander Date: 10-11-99
(include your title, if on behalf of company or organization)

MICROFILMED

JAN 31 2000

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13792

Proposed Priority: May 14, 1998 Maximum Diversion Rate: 2.30 CFS

This is to certify, that JOHN W SWANDER
4333 BUTTE RD
EMMETT ID 83617

has applied for a permit to appropriate water from:
SPRINGS tributary of SPRING 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>
-----------------------	----------------------	--------------------------

IRRIGATION	03/15 to 11/15	2.30 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION:

NESENW , Sec. 2, Township 07N, Range 01W
NWNESW , Sec. 2, Township 07N, Range 01W
SWNESW , Sec. 2, Township 07N, Range 01W
NENWSW , Sec. 2, Township 07N, Range 01W
SENWSW , Sec. 2, Township 07N, Range 01W
SESWSW , Sec. 2, Township 07N, Range 01W
NWNENW , Sec. 11, Township 07N, Range 01W
NENWNW , Sec. 11, Township 07N, Range 01W

GEM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	01W	2	SWNW 3.0	NESW 1.0	NWSW 9.0	
			SWSW 7.0	SESW 25.0		45.0
		11	NENW 37.0	NWNW 7.0	SWNW 4.0	
			SENW 22.0			70.0

Total number of acres irrigated: 115.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1999.
2. Subject to all prior water rights.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
4. 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.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

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OCT 27 1998

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

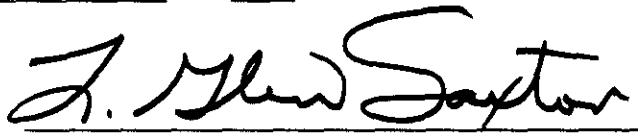
NO. 65-13792

CONDITIONS OF APPROVAL AND REMARKS

6. 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 needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary 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.
7. When water is not available to fill this right, the right holder shall cease diversion or shall rent water from the Payette River Rental Pool.

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

23 day of October, 1998.


for
Karl J. Dreher, Director

MICROFILMED

OCT 27 1998

Ident. No. 65-13792

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

OCT 09 1998

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant John W Swander Phone 365-4262
Post Office address 4333 Butte Rd Emmett 83617
2. Source of water supply Springs which is a tributary of Spring Creek
3. Location of point of diversion is NE 1/4 of SE 1/4 of NW 1/4, Govt. Lot _____
Sec. 2 Township 7N Range 1W B.M. GEM County; additional points of
diversion if any: S2 WNWESW, NENWSW, SWNESW, SENWSW, SESWSW, S11 NENWNW
4. Water will be used for the following purposes:
Amount 2.30 for IRRIGATION purposes from 3/15 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)
5. Total quantity to be appropriated is (a) 2.30 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Springs piped to reservoirs (KIAF)
piped to sprinklers
 - b. Height of storage dam N/A 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 N/A 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? N/A; Drilling firm _____;
Well was drilled for (well owner) _____
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 if KW. N/A
 - b. Stockwatering; list number and kind of livestock. N/A
 - c. Municipal; show name of municipality. N/A
 - d. Domestic; show number of households. N/A
 - e. Other; describe fully. _____

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OCT 27 1998

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	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	1W	2							3		1	9	7	25					45
		11					37	7	4	22									70

Total number of acres to be irrigated 115

10. Describe any other water rights used for the same purposes as described above. 65-13780, application for Spring Creek, 65-00407 for 5 acres near home.

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 enable the applicant to make

this filing:
 12. Remarks: Comments: Total of five springs. Springs are located on border between NENSW⁵² + NWN⁵²SW⁵², SENWSW⁵² + SWNESW⁵², SESWSW⁵² + NENWNW⁵¹, NENWNW⁵¹ + NWNENW⁵¹, plus one spring in NESENW⁵². These springs are necessarily the same springs decreed for stockwater.

13. MAP OF PROPOSED PROJECT ATTACHED ☒ Show clearly the proposed point of diversion, place of use, section number, township and range number.

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.

Remarks: Applicant agrees to notogate consumptive use in future as needed.

John E. Swander
 (Applicant) MICROFILMED

OCT 27 1998

Received by TTT Date 05/14/1998 Time 14:41 Preliminary check by g
 Fee \$ 140- Receipted by TTT # W023880 Date 5/14/1998
 Publication prepared by ST Date 6/11/98 Published in Messenger-Idaho
 Publication approved ST Date 7/13

12N R1W 5241

SWANDEE

PLACE OF
USE



(No Gov
Lts)

reservoir

Creek

Hollow

Long

Spring

1A

13

15

23

65-2288

BLACK

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OCT 27 1998

RESERVOIR
W7
(1985)



Ident. No. 65-13792

Comments: Date: 6/ 8/1998 User-ID: LGRAVES

Subject: MISC

Total of 5 springs located on or near qtr boundries in sections 2 and 11. Some of same springs decreed for stockwater. 65-00407 decreed for 5 acres irrigation in sec 11. This is for property surrounding applicants home and irrigated from seperate spring system per applicant however this application lists 37 acres irrigation in same tract (NENW, S11)...2+ acre overlap.

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OCT 27 1998

SD-0420-2
ADD COMMENT

Idaho Department of Water Resources
Modify Comment

Date: 07/30/98
Time: 13:15:52

Water Right Number: 65-13792

Comment Date: 7/30/1998 User ID: LGRAVES

Subject: COMMON SYSTEM

All five springs eventually drain into a reservoir located in _____
the SESESW, S2. The spring water is then pumped into a _____
sprinkler system for irrigation of the 115 acres. _____

(Enter=Add) (Gold4=Prev) (Gold5=Next) (Gold7=Return to Comment Selection)

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OCT 27 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

January 18, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN W SWANDER
4333 BUTTE RD
EMMETT ID 83617

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13792

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form ("proof") 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.

The proof you submitted indicates that you have not installed a measuring device and lockable controlling works on your point of diversion as required by condition #4 of your permit. The installation must be complete by the time the examination is conducted in order to keep the permit in good standing.

If you have questions concerning the field examination or the timing of it, please feel free to contact the Western Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - Regional Office

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JAN 31 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 65-13792 Reviewed by WJA Date 01-10-2000

GENERAL CONSIDERATIONS

yes Name same as permit?

yes Address same as permit?

yes Proof timely received?

If not, complete calculation below.

TYPES OF USE

low - 115

Correct Uses? yes

SOURCE OF WATER

✓ Surface water source

 Ground water source

 Drilling permit required?

 Copy in the file? Drilling Permit No.

 Amount paid for permit Correct?

 Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

150 Amount Submitted

yes Correct?

MEASURING DEVICE

yes Required?

no Installed?

 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u>
Date proof due	<u> </u>	<u> </u>
No. of days late	<u> </u>	<u> </u>
Priority Date	<u> </u>	<u> </u>
New Priority Date	<u> </u>	<u> </u>

DEFICIENCIES OR ACTION ITEMS

meas device cond - # 4. not met. - request waiver?

DATA ENTRY

New Address Proof Made 10-14-99

August 31, 1999

JOHN W SWANDER
4333 BUTTE RD
EMMETT ID 83617

PROOF DUE NOTICE

RE: PERMIT NO. 65-13792

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 November 1, 1999. (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.

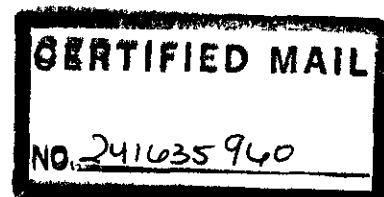
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

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NOV 2 1 2000





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

October 26, 1998

PHILIP E. BATT
GOVERNOR

JOHN W SWANDER
4333 BUTTE RD
EMMETT ID 83617

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13792

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

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OCT 27 1998

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of October, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 65-13792

JOHN W SWANDER
4333 BUTTE RD
EMMETT ID 83617


Kari Lynn Townsend
Secretary

MICROFILMED
OCT 27 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

OCT 27 1998

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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.

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lou*

No.: 65-13192 Name: Swander Date: 10/15/98 Ad OK? ✓ / Gvmt Lts: ✓

AREA OF CONCERN: - No/Yes _____ Mor / _____ GWMA / Trust / Non-trust
PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:
 > 1 year - 26A-P17
 ≤ 1 year/no proof **P16**
 GROUNDWATER: (✓ FLO-CH)
 WMD (✓ MAP) - North / East / West
 > 0 24 cfs/5 acres - 067 or No MD (in-stream stock or power)
 ≤ 0 24 cfs/5 acres - No MD
 WMD Supplemental use - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
 > 0 24 cfs/5 acres - 01M (report when notified)
 ≤ 0 24 cfs/5 acres - No MD

DRILLING PERMIT:
 All wells (✓ WDQ3) - 046-P23
 In Basin 34? - 085
 Irr within WD - P05 (new well location)
 SURFACE WATER: (✓ FLO-CH) (Surface water that *doesn't sink* is regulated)
 FISH & GAME CONTACTED - YES / No, RESPONSE None
 IN/ABOVE MIN STR FLOW (✓ MAP) - *WB9
 WD (✓ MAP & LISTING) - R04 (WD # 365)
 > 0 10 cfs - 01J-P08 (MD & LD)
 ≤ 0 10 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
 WMD (✓ MAP)
 > 0 24 cfs/5 acres - 067 or No MD (in-stream stock or power)
 ≤ 0 24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE
 > 0 24 cfs/5 acres - 01M or No MD (in-stream stock or power)
 ≤ 0 24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water)
 Snake R (01) - *W22 -P04, NA
 (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
 Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
 Salmon R (70's) - 029 (fish screens), NA
 Weiser R (67) - 086, 087

USE:
 Domestic surface - *WB5 (Big Wood R or Boise R ↑ Star Bridge), 27A (Payette River), NA
 >1 in rest area - 071-070
 Fire Protection - 077
 Fish Propagation - 029(70's only)-007-042(req)-081 (WQ)-P10
 Heating/Cooling - R07 (injection well)
 Irr ≤ 5 acres - R66/R67/R68/R69 (0 03 cfs/acre + 3 0/3 5/4 0/4 5 AF)
 > 5 acres - R62/R63/R64/R65 (0 02 cfs/acre + 3 0/3 5/4 0/4 5 AF)
 Mining - 054(req) -081-P10
 Municipal - 022, 075, 004 (+memo?), NA (not in restricted area)
 Power - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons use),
 17G (FERC) or 17M (FERG), 18B-P09, >25 cfs-P18
 Stockwater - R37 (BLM/USFS), NA
 Storage (✓3 compo) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:
 42-248 area **P84** (in 20/30/40/50/60/70/80 (87) basin)
 Boise Front LoGeo - 058 (<85° GW temp only)
 In-stream dev - P52 (stream channel alteration)
 Mitigation - 120

SWAN FALLS FLAG (See Code Chart)
 Trust -
 Non-Trust (1) - 051-052-053-P74 (Consumptive Uses), NA
 - 048-049 (Consumptive Uses), NA

OWNERSHIP: - 004 (PD/PU) _____

OTHER CONDITIONS: - _____

STANDARD REMARKS: - QW22

BENEFICIAL USE DUE: - 10/1/1999

COMMENTS: - _____

MEMORANDUM

DATE: October 15, 1998
TO: File No. 65-13792
FROM: Cindy Zimmerman ^{3.}
SUBJECT: Application Review

This application proposes diverting five (5) springs located in eight (8) quarter-quarters for irrigation use. During the review of this application, I noticed the advertisement was missing one point of diversion.

I called Gary Spackman to ask if he wanted to re-advertise the application to include the eighth point of diversion. Gary decided that the intent of 42-203A has been met in that "the approximate location of the point of diversion" requirements have been met. Gary advised that the missing eighth point of diversion location should be included on the approved permit.

MICROFILMED
OCT 27 1998

3/98 RECEIVED

OCT 09 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

*Comment letter
to Mark Limbani*

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: ly DATE: 6/8/98 APPLICATION: 65-13792

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ 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:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

Gov't. Lots:

☒ P/D☒ P/U**ADDITIONAL INFORMATION**

☒ ADVERTISE REMARK(S) (Data entered
(Reviewer identify which remarks
only)

done T FLAG CHANGED TO P FLAG

YES NO

- ☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ ☒ Overlapping point of diversion.
- ☐ ☒ Critical groundwater area:
- ☐ ☒ Groundwater management area:
- ☐ ☒ 1992 moratorium:
- ☐ ☒ Bull trout impact area
- ☐ ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☐ ☒ E-mail to Dam Safety staff: (for any storage)
- ☒ ☐ Mitigation plan: Check any that apply.
- ☐ ☐ immediate = acceptable plan required and submitted.
- ☒ ☐ future = open areas, acceptance of condition of approval is in file.
- ☐ ☒ Send power requirement letter:
- ☐ ☒ Send fish farm requirement letter:
- ☐ ☒ Power residency affidavit:
- ☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☐ ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

NOTE: N660 IDFG comment letter per 50.1 latest guideline - 8/26/98

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO. 65-13792

YES NO

☒ ☐ In form for advertising:
☒ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
12/26/98 ☒ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☒ ☐ Water Dist. # 65
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW:

*Montrose: Appears no bull trout concern
but other fishery issues?*

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:
☐ ☒ Final date for protest 7-6-98
☐ ☒ Protests received.
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Measuring port required:
☒ ☐ Water delivered by water master? District # 65
☒ ☐ Special conditions of approval or cover letter: 120, Under control of the watermaster

See below for additional information

Recommended Date or Priority 5/14/98
 Recommended by: Camp Date: 8/22/98

STATE OFFICE REVIEW _____

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

(see comments)
overlaps - P/H - 65-00407 - separate spring
source + system for 5 acres around home per
applicant. 65-13780 - different source
Other vts listed for different uses
P/D - same springs decreed for stock use



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

August 27, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STATE OF IDAHO
DEPT OF FISH & GAME
600 WALNUT ST
BOISE ID 83707

Re: Applications for Permit Nos. 65-13780 and 65-13792 in the Name of John W. Swander

Dear Sir:

Enclosed are copies of the above-referenced applications for permit which may be of interest to your agency. Please review the applications 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 this application(s), your written protest along with the \$25.00 protest fee must be received in this office by September 21, 1998.

If you have any questions regarding the applications, please contact this office.

Sincerely,


Gary Spackman

GS:st

Encl.

MICROFILMED

OCT 27 1998

RECEIVED

AUG 07 1998

WATER RESOURCES
WESTERN REGION

APPLICATION FOR PERMIT FOR WATER RIGHT

NO. 65-13792

RECOMMENDATION OF WATERMASTER

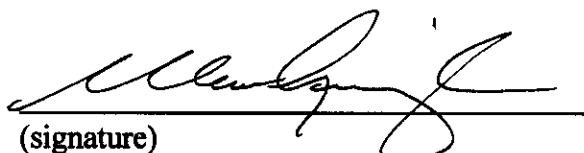
I, Mark Limbaugh, watermaster of the Payette River, of Water District No. 65, County of Gem, State of Idaho, whose address is 102 N. Main, Payette, Idaho 83661, have read the attached copy of the application for permit for a water right in the name of John W. Swander.

(A) I hereby endorse the above numbered application and recommend that the Director of the Department of Water Resources approve the application subject to the following conditions: This diversion will be under the control of the Watermaster for Water District No. 65.

OR

B. I do not endorse approval of the above numbered application for water right as requested for the following reasons: _____

Dated at Payette, Idaho, this 3rd day of August, 1998.


(signature)

MICROFILMED

OCT 27 1998

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
 ss.
COUNTY OF GEM,

RECEIVED

JUN 25 1998

**WATER RESOURCES
WESTERN REGION**

Mary K. Black, being first
duly sworn, on her oath deposes and
says that she is the clerk of the Mes-
senger Index, a legal weekly news-
paper published at Emmett, in Gem
County, Idaho; that said newspaper
is in general circulation in said
county and has been published unin-
terruptedly and continuously for
more than 78 weeks prior to the
first publication of the annexed
document; and that the document
notice, process, or advertisement
hereunto annexed was published in
the regular edition of Messenger
Index for two

consecutive weekly issues thereof,
beginning with the issue of
June 17, 1998,
and ending with the issue of
June 24, 1998

Mary K. Black

Subscribed and sworn to me this

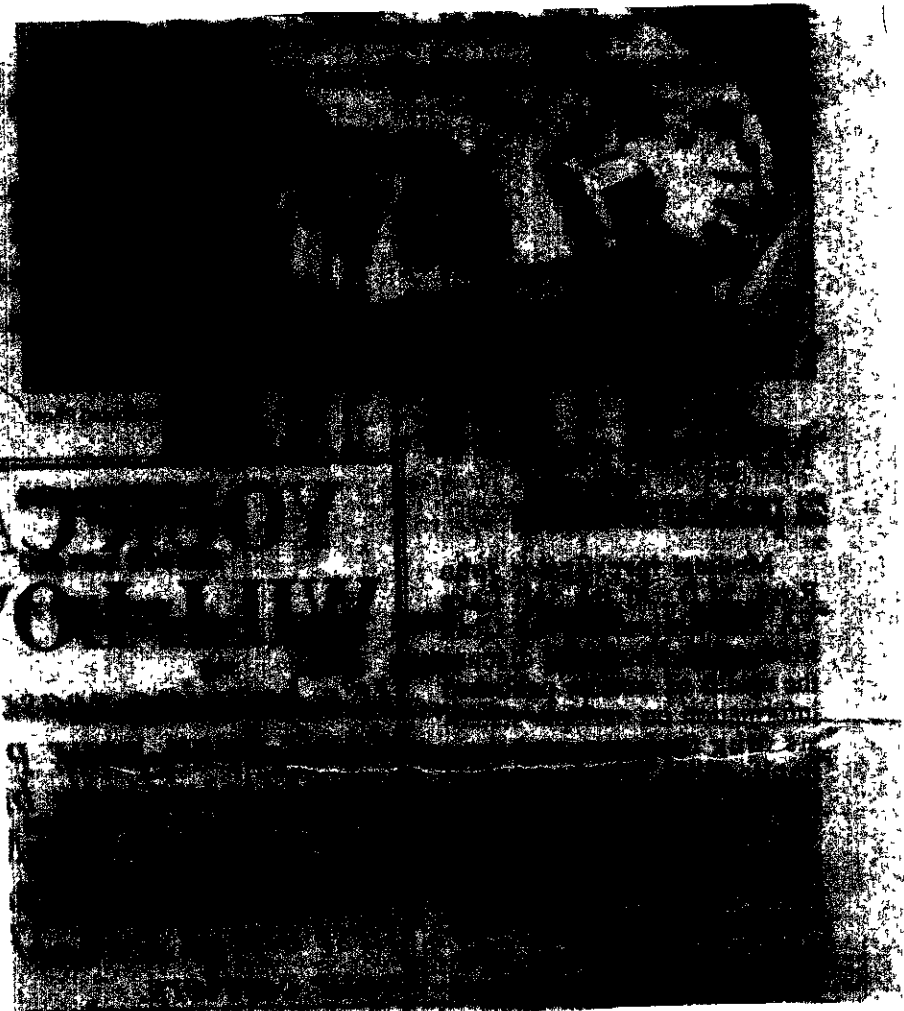
24th day of

June, 1998

Jonnel Leach

Notary Public

Residing at Emmett, Idaho



My Commission Expires
MY COMMISSION EXPIRES
JUNE 21ST, 2008

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OCT 27 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JUNE 11, 1998

Legal Notices Department
Messenger-Index
P.O. Box 577
Emmett, ID 83617

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JULY 6, 1998.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MICROFILMED
OCT 27 1998

NOTICE OF APPLICATION FOR WATER RIGHT

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

REC'D - CIVIL

1977 27 1948

65-13792

SWANDER, JOHN W
4333 BUTTE RD
EMMETT, ID 83617

Source: SPRINGS

Tributary: SPRING CREEK

Diversion Pt: NWNESW Sec 2 T 07N R 01W in GEM County.
 SWNESW Sec 2 T 07N R 01W in GEM County.
 NENWSW Sec 2 T 07N R 01W in GEM County.
 SENWSW Sec 2 T 07N R 01W in GEM County.
 SESWSW Sec 2 T 07N R 01W in GEM County.
 NWNENW Sec 11 T 07N R 01W in GEM County.
 NENWNW Sec 11 T 07N R 01W in GEM County.

Use: IRRIGATION (2.300 CFS)
 Total Diversion: (2.300 CFS)

Date Filed: 5/14/1998

In: GEM County
 T07N R01W S02 SWNW NESW NWSW SWSW
 SESW
 S11 NENW NWNW SWNW SENW

115.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in future as needed.

REC'D - MEL
OCT 7 1998

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, Idaho 83705 together with a protest fee of \$25.00 on or before JULY 6, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 6/17/1998 & 6/24/1998

6/17/98
JUL 27 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

April 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MARK LIMBAUGH
WATER DISTRICT 65
102 N MAIN
PAYETTE ID 83661

Re: Application for Permit No. 65-13792 in the Name of John Swander

Dear Sir:

Enclosed is a copy of the above-referenced application for permit within your district. Also, enclosed is a form for your recommendation concerning this application for permit.

Please review the application and submit any comments you may have within two weeks. If you have any questions or need information, feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, reading 'Gary Spackman'.

Gary Spackman

GS:st

Encl.

ENCLOSURE

OCT 27 1998