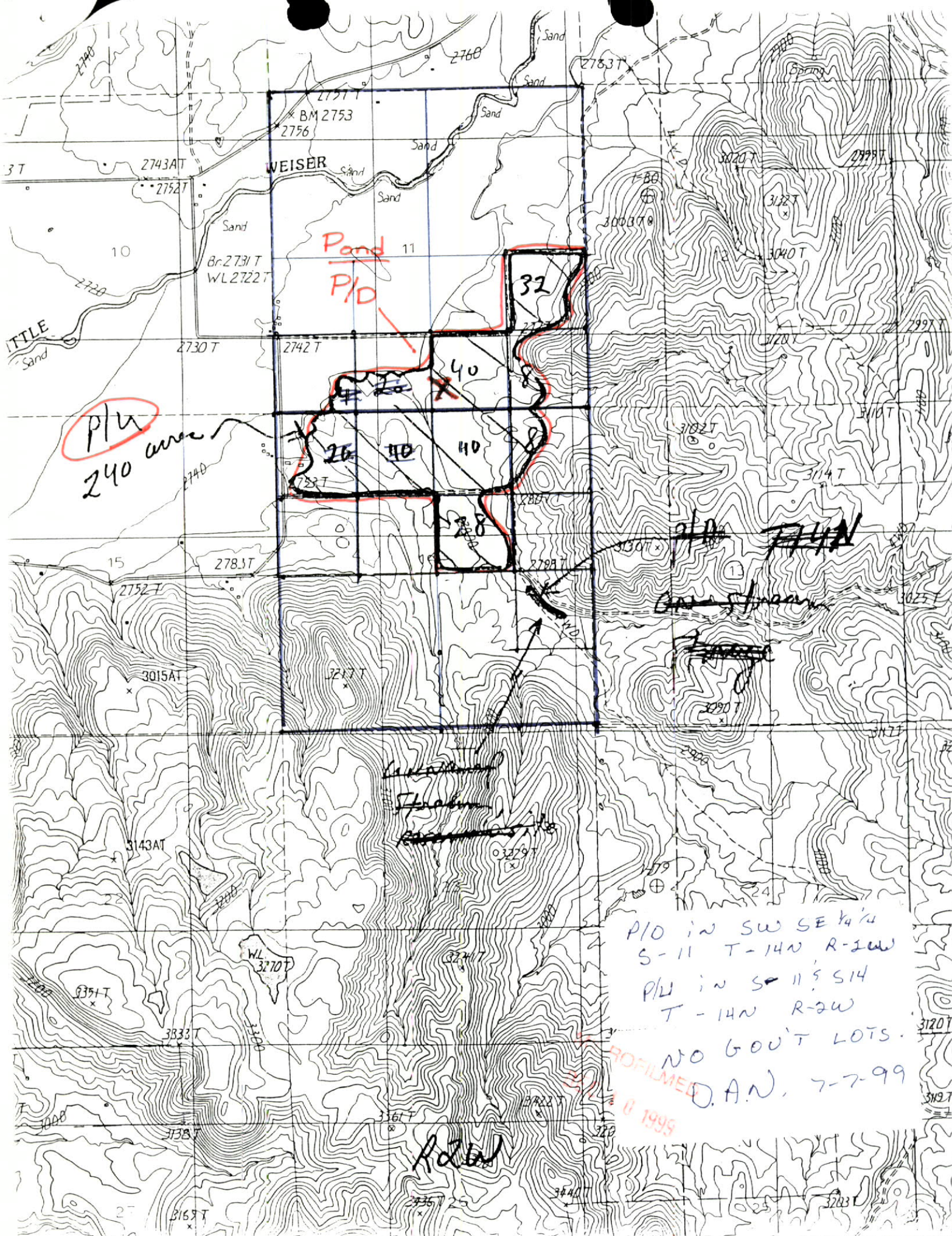




Pond
P/O

P/O
240 area

~~P/O~~ ~~74N~~
Gas stream
~~Range~~

P/O in SW SE 1/4
S-11 T-14N R-2W
P/O in S-11 S14
T-14N R-2W
NO GOV'T LOTS.
D.A.N. 7-7-99
ROFILMED
1995

R26W

Affidavit of Publication:

STATE OF IDAHO
County of Washington

ss.

Stuart Dopf, being duly sworn deposes and says he is the publisher of the Upper Country News-Reporter, a weekly newspaper published at Cambridge, in the County of Washington, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the annexed, a printed copy of which is attached hereto and made a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number thereof during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began August 5, 1999, and ended August 12, 1999.

Stuart Dopf

Subscribed and sworn to before me
this 16th day of
August, 1999.

Janet S. Meyer
Notary Public in and for the State
of Idaho, residing at Cambridge,
Idaho 83610.



MICROFILMED

DEC 10 1999

Thursday, August 12, 1999

PUBLIC NOTICES

NOTICE OF APPLICATION FOR WATER RIGHT

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

67-08036 *✓*

SCHWENKFEIDER, JOHN R.
5500 W OLD SCHOOL LN
MERIDIAN, ID 83642

Source: UNNAMED STREAM Tributary: LITTLE WEISER RIVER

Diversion Pt: SWSE Sec 11 T 14N R 02W in
WASHINGTON County.

Use: IRRIGATION (1.000 CFS)
IRRIGATION STORAGE (60.00 AF)
IRRIGATION FROM STORAGE (60.00 AF)
Total Diversion: (1.000 CFS)

Date Filed: 5/5/1999

In: WASHINGTON County
T14N R02W S11 NESE SWSE SESE
S14 NENE NWNE SWNE

156.0 ACRES TOTAL

Applicant agrees to mitigate 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, Idaho 83705 together with a protest fee of \$25.00 for each application on or before AUGUST 23, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

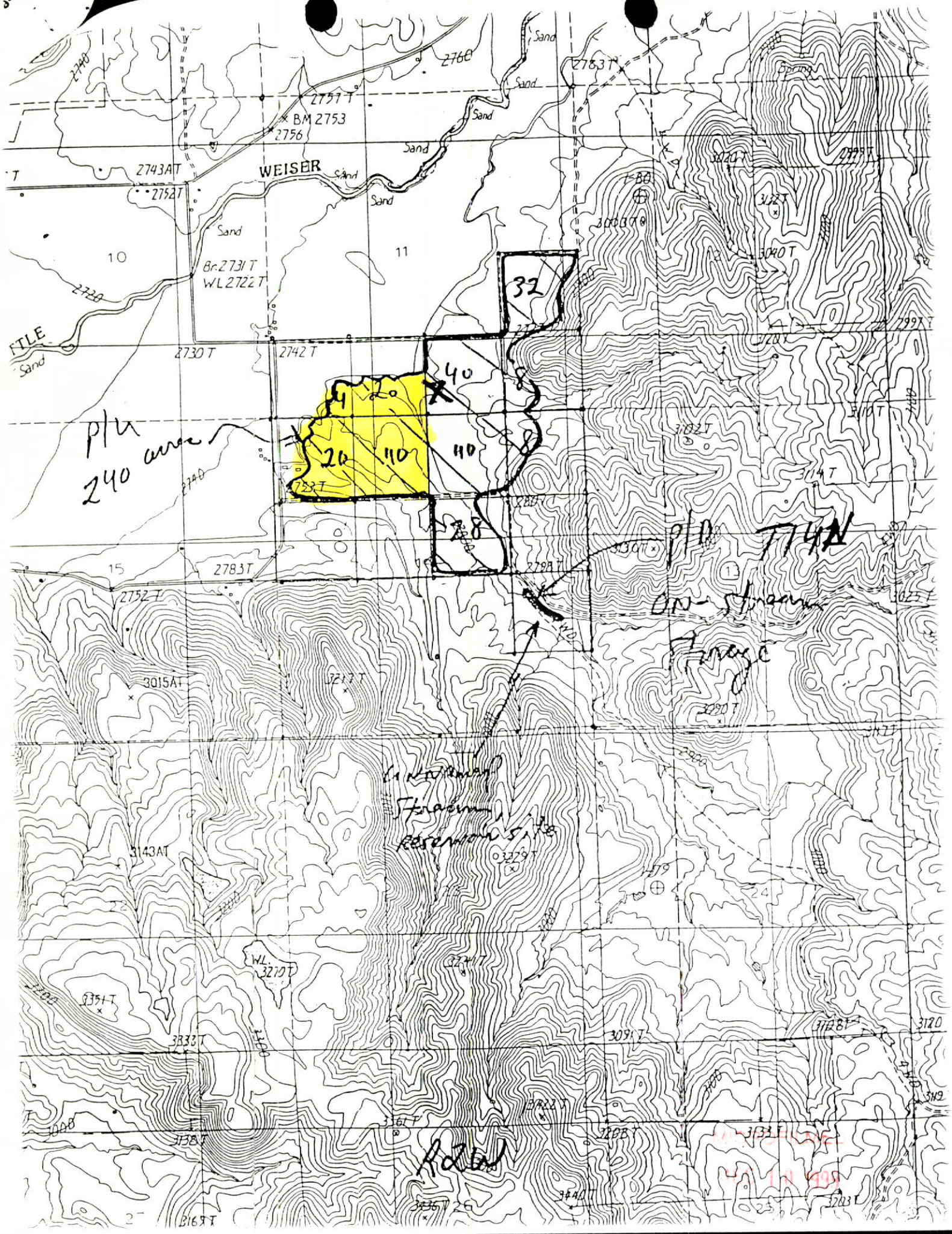
Published August 5 & 12, 1999

RECEIVED

AUG 17 1999

WATER RESOURCES
WESTERN REGION

Place



RECEIVED

OCT 18 2001

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

OCT 22 2001

Department of Water Resources

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.

1. Permit No. 67-8036 Telephone No. 208/887-3540
2. Name of Permit Holder(s): John R. Schwenkfelder
3. Mailing Address: 5500 W. Old School Ln.
City Meridian State IDA Zip 83642
4. Source of Water: Run off If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR 15 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 _____ or No X
Has the measuring device been installed? Yes _____ or No X
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Royce Schwenkfelder 257-3591 257-3591
John Schwenkfelder 887-3540 Telephone Number: 887-3540
Address: 5500 W. Old School Ln Meridian, IDAHO 83642
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature] Date: Oct 16, 01
(include your title, if on behalf of company or organization)

MICROFILMED

NOV 26 2001

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 67-08036

Priority: May 5, 1999

Maximum Diversion Rate:

1.00 CFS

This is to certify, that JOHN R SCHWENKFELDER
5500 W OLD SCHOOL LN
MERIDIAN ID 83642

has applied for a permit to appropriate water from:

UNNAMED STREAM tributary of LITTLE WEISER RIVER

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>
IRRIGATION	03/15 to 10/31	1.00 CFS	
IRRIGATION STORAGE	01/01 to 12/31		60.0 AF
IRRIGATION FROM STORAGE	03/15 to 10/31		60.0 AF
Totals		1.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 11, Township 14N, Range 02W
WASHINGTON 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>
14N	02W	11	NESE 32.0	SWSE 40.0	SESE 8.0	80.0
		14	NENE 8.0	NWNE 40.0	SWNE 28.0	76.0

Total number of acres irrigated: 156.0

PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before November 1, 2001.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
5. 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.

MICROFILMED

JUN 14 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 67-08036

CONDITIONS OF APPROVAL AND REMARKS

6. Use of water under this water right will be regulated by the watermaster of State Water District No. 67A.
7. No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.
8. Diversion of water after June 15 of each year in violation of the conditions of this water right is cause for the director to cancel or revoke this water right.
9. 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.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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

22nd day of October, 1999.

Karl J. Dreher
for Karl J. Dreher, Director

MICROFILMED

DEC 14 1999

RECEIVED

OCT 15 1999

FORM 202
2/96

DEPARTMENT OF WATER RESOURCES

Ident. No. 67-08036STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant John R. Schwenkfeldt Phone 208/887-3540
Mailing address 5500 W. Old School Ln Meridian 83642
2. Source of water supply unnamed stream which is a tributary of Little Weber River
3. Location of point of diversion is Township 14N Range 02W Sec. 11, in the SW SE 1/4, SE 1/4, Govt. Lot WASHINGTON County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | | |
|---|---|
| Amount <u>1.00</u> for <u>Irrigation</u> purposes from <u>3/15</u> to <u>10-31</u> (both dates inclusive)* | <u>new season of use map standard 10/31</u> |
| Amount <u>60 AC-Ft</u> for <u>Irrigation Storage</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive) | |
| Amount <u>60 AC-Ft</u> for <u>Irrigation Storage</u> purposes from <u>3/15</u> to <u>4/15</u> (both dates inclusive)* | <u>From 3/15 to 4/15</u> |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) | |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) | |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) | |
5. Total quantity to be appropriated is (a) 1.00 and/or (b) 60 AC-Ft
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 Pump system to sprinkler system
- b. Height of storage dam 18 est. feet; active reservoir capacity 60 acre-feet; total reservoir capacity 60 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? _____
- e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 2 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. _____
- e. Other; describe fully. _____

* See Letter Dated 7-2-99. DAN 7-7-99

MICROFILMED
DEC 11 1999

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	
14N	2W	11											4	20	32		40	8	80
14N	2W	14	8	40	28		40	20											108
																			70
																			136

Total number of acres to be irrigated 156 240 *

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

Little Weiser Rights, Groundwater. 67-07489, 67-07561, 67-08014

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: APPLICANT agrees TO MITIGATE CONSUMPTIVE *

USE IN THE FUTURE AS NEEDED. DAN 7-7-99

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.

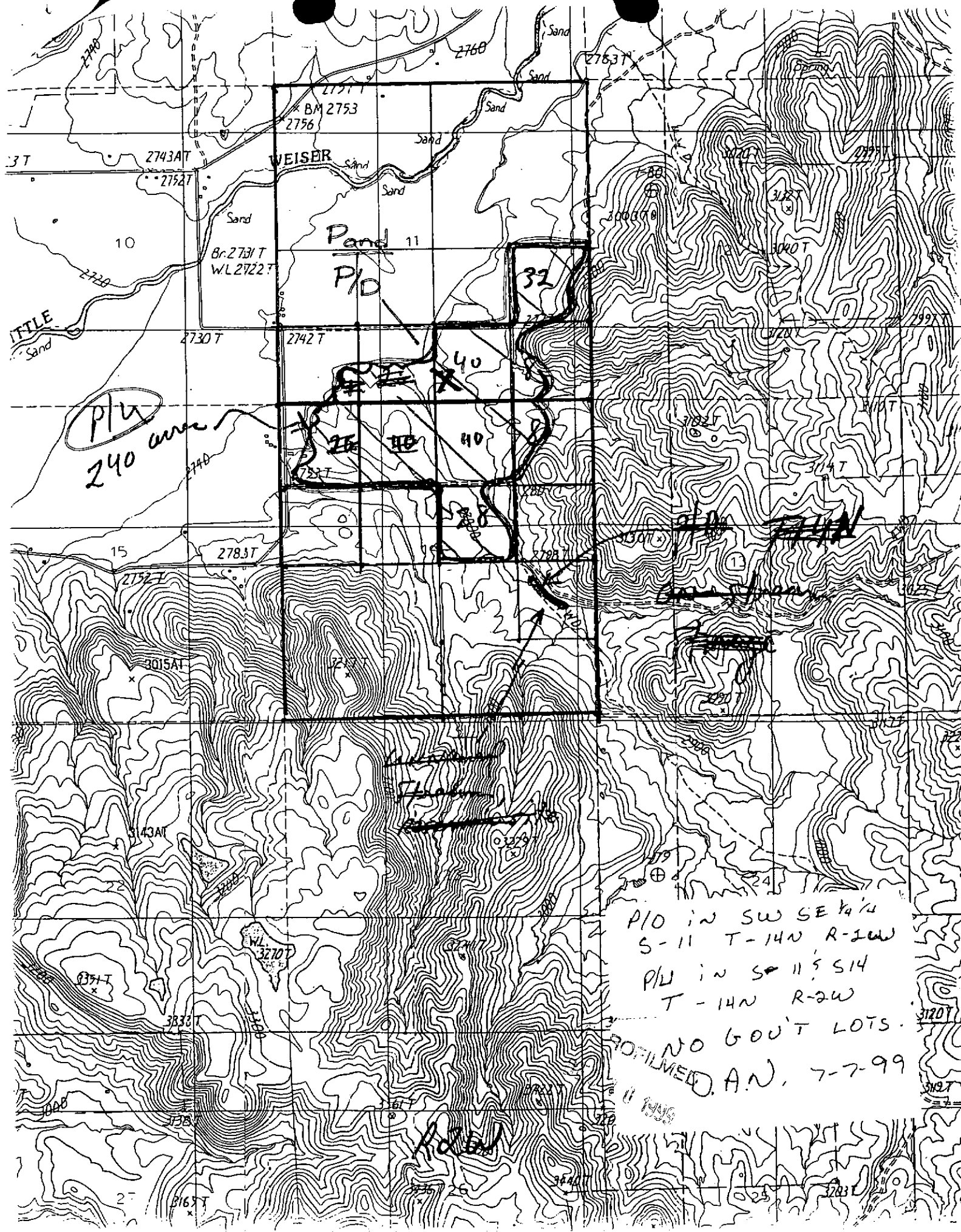
MICROFILMED

DEC 10 1999

[Signature]
Signature of Applicant (and title if applicable)

Received by JFW Date 5/5/99 Time 11:00 AM Preliminary check by DAN
Fee \$ 100.00 Receipted by JFW # W025167 Date 5/5/99
Publication prepared by AT Date 7-7-14-99 Published in Upper City News Reporter
Publication approved AT Date 5-31-99

* See LETTER DATED 7-2-99. DAN 7-7-99



. Ident. No. 67-08036

Comments: Date: 7/ 7/1999 User-ID: DNELSON

Subject: ADDITIONAL INFORMATION

This water right will be supplemental to water rights 67-07489 & 67-07561 from the Weiser River and 67-08014 from groundwater. This application is to replace permit # 67-07877 that lapsed as a result of no reservoir development. The reservoir has been move down stream to a more desireable location.

MICROFILM
DEC 10 1999

RECEIVED

OCT 18 2001

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

OCT 22 2001

Department of Water Resources

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.

1. Permit No. 67-8036 Telephone No. 208/887-35402. Name of Permit Holder(s): John R. Schwenkfelder3. Mailing Address: 5500 W. Old School Ln.City Meridian State IDA Zip 836424. Source of Water: Run off If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____

Well Driller: _____ Drilling Permit Number: _____

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

Domestic (No. of households): 2 Stockwater (No. and type of stock): _____Irrigation (No. of acres): 156 another: _____6. Total rate of diversion and/or volume for which proof is submitted: 1 cfs OR 60 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 X or No X

Has the measuring device been installed?

Yes X or No X8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: John Schwenkfelder 887-3540 Telephone Number: 887-3540Address: 5500 W. Old School Ln Meridian, IDAHO

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

Signature of permit holder: [Signature]
(include your title, if on behalf of company or organization)Date: Oct 16, 01

DEC - 4 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 25, 2001

JOHN R SCHWENKFELDER
5500 W OLD SCHOOL LANE
MERIDIAN ID 83642

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 67-8036

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

However, while reviewing the Proof of Beneficial Use form you submitted, I have the following questions regarding this water right. I am enclosing copies of your permit and the proof form to assist you in answering these questions.

1. I need to know the uses you have applied this water to. If it is for irrigation, as you are permitted, I will also need to know the acreage. (See proof question no. 5)
2. You stated on the proof form that the total rate of diversion is 15 acre-feet (af). If that is correct and the field examiner confirms that amount, then the license will be issued with that amount. However, the permit allowed you to divert 1.00 cfs or 100 af. (See the permit and proof question no. 6.)
3. According to the permit under the Conditions of Approval (no 5), it states that prior to diversion of water you must install and maintain a measurement device and lockable controlling works. (See proof question no. 7) You may want to have that device installed in the diversion works prior to the field examiner's review.

If you have any changes you want to make to the proof form, please make those changes and return the form to me. If you do want to change No. 6 (Total rate of diversion) to the 100 af, you must submit an additional \$50.00 to cover the additional

MICROFILMED

OCT 25 2001

October 25, 2001
Page 2

license examination fee. However, if I have no response from you the proof will remain as you filed it and a field examiner will contact you to arrange a time to meet to examine your diversion.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the permit or the field examination, please contact the Western Regional Office of the department in Boise at (208) 334-2190. If you have any questions regarding my evaluation of the proof, please contact me at (208) 327-7953.

Sincerely,



Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
NOV 26 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 67-8036

Reviewed By: dgibson

Date: October 25, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		W028434	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?	X	
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?			Measure device waiver requested?		

Priority Calculation

Date proof received	10/18/2001
Date proof due	- 11/01/2001
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 05/05/1999
New priority date	= 05/05/1999

Deficiencies of Actions Items

Acknowledge proof. Reference the total diversion permitted to be sure they have completed the form correctly. Also explain measurement requirements.

August 31, 2001

JOHN R SCHWENKFELDER
5500 W OLD SCHOOL LN
MERIDIAN, ID 83642

PROOF DUE NOTICE

RE: PERMIT NO. 67-8036

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 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed 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.

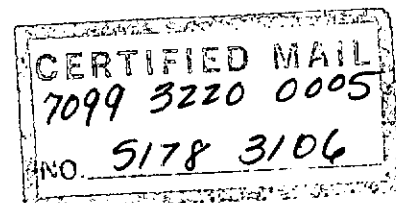
Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

AUG 26 2001





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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 26, 1999

JOHN R SCHWENKFELDER
5500 W OLD SCHOOL LN
MERIDIAN ID 83642

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 67-08036

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.

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 IDWR 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.

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.

MICROFILMED

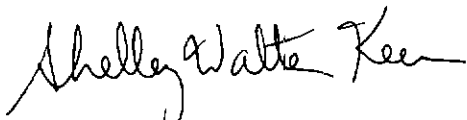
OCT 10 1999

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

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,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

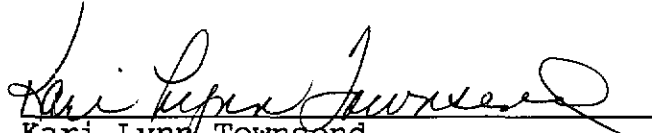
RECEIVED
DEC 10 1999

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of October, 1999, 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. 67-08036

JOHN R SCHWENKFELDER
5500 W OLD SCHOOL LN
MERIDIAN ID 83642


Kari Lynn Townsend
Secretary

MICROFILMED

DEC 10 1999

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.

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**

Reviewed by Sharla Curtis on 10/20/99

No. 67-08036 Name: Schwenkfelder Corp. Officers N/A Ad ok ✓ Govt Lots N/A

AREA OF CONCERN: No/Yes Moratorium GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-079
Supp irr (+ other uses) - 100-101
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P88(20s-70s, 81-86)
Swan Falls Flag -
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09) - NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response No objection
In/Above MSF - WB9

PLANNING SECTION REVIEW/RESPONSE

In-stream development - P52
WD - R04 (WD# 67A)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

SNAKE R (01) - W22(P04), N/A
(02.03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5

BENEFICIAL USE DUE: 11/01/2001

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
~~Ownership~~ - 004
Non-consumptive - 027
~~Water Quality~~ - 081-R07

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60

OTHER CONDITIONS/REMARKS

COMMENTS New app filed in lieu of attempting reinstatement of
67-07877

**IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

RECEIVED

OCT 15 1999

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: DAN DATE: 5-25-99 APPLICATION: 67-08036

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:

NO P/D
NO P/U

ADDITIONAL INFORMATION

yes ADVERTISE REMARK(S)
(Reviewer identify which remarks)

N/A 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:
- ☒ Surface water source, IDFG letter needed.
- ☒ Bull trout impact area, IDFG letter needed
- ☒ 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 &/or 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

need Request to Process Form, \$ acre verification
and season of use verification

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO. 6 08036

YES NO

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

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

YES NO

 X I.D. Health & Welfare
 X I.D. District Health
X I.D. Fish & Game
 X I.D. Lands

YES NO

 X U.S. BLM
 X U.S. Forest Service
X Water Dist. # 67A
 X Other

FINAL REGIONAL PROCESSING REVIEW:

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 8-23-99

 ✓ Protests received.

 ✓ Recommendations attached:

✓ Measuring device required:

 Water delivered by water master? District # 67A

✓ Special conditions of approval or cover letter: RO4 (67A, Little Weiser River)
ON, 080, 18B, 18A, No water shall be diverted under this permit
after June 15 of each year unless approved by the water master.

See below for additional information

Recommended Date or Priority 5/5/99

Recommended by: Gary S Date: 10/13/99

ADDITIONAL INFORMATION:

This Application will be Supplemental TO
WATER RIGHTS 67-07489 and 67-07561 FROM THE
WEISER RIVER and 67-08014 FROM GROUNDWATER.
OVERLAPPING
ALL OTHER WATER RIGHTS do NOT seem significant.

01-99

State of Idaho
Department of Water Resources

RECEIVED

SEP 09 1999

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application No: 67-08036

Applicant's Name: John R. Schwenkfelder

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 1st day of September, 1999.

Water District No: 67A

William R. Schwenkfelder
Watermaster's Signature

Use reverse side of page if you need more space.

MICROFILMED

DEC 10 1999

Affidavit of Publication:

STATE OF IDAHO
County of Washington

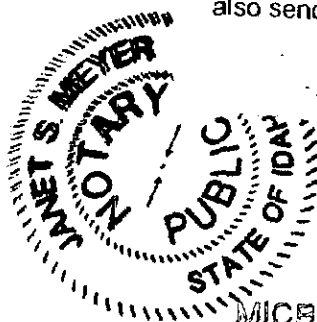
ss.

Stuart Dopf, being duly sworn deposes and says he is the publisher of the Upper Country News-Reporter, a weekly newspaper published at Cambridge, in the County of Washington, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the annexed, a printed copy of which is attached hereto and made a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number thereof during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began August 5, 1999 and ended August 12, 1999.

Stuart Dopf

Subscribed and sworn to before me
this 16th day of
August, 1999.

Janet S. Meyer
Notary Public in and for the State
of Idaho, residing at Cambridge,
Idaho 83610.



MICROFILMED

DEC 14 1999

Thursday, August 12, 1999

PUBLIC NOTICES

NOTICE OF APPLICATION FOR WATER RIGHT

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

67-08036

SCHWENKFEIDER, JOHN R.
5500 W OLD SCHOOL LN
MERIDIAN, ID 83642

Source: UNNAMED STREAM Tributary: LITTLE WEISER RIVER

Diversion Pt: SWSE Sec 11 T 14N R 02W in
WASHINGTON County.

Use: IRRIGATION (1.000 CFS)
IRRIGATION STORAGE (60.00 AF)
IRRIGATION FROM STORAGE (60.00 AF)
Total Diversion: (1.000 CFS)

Date Filed: 5/5/1999

In: WASHINGTON County
T14N R02W S11 NESE SWSE SESE
S14 NENE NWNE SWNE
156.0 ACRES TOTAL

Applicant agrees to mitigate 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, Idaho 83705 together with a protest fee of \$25.00 for each application on or before AUGUST 23, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published August 5 & 12, 1999

RECEIVED

AUG 17 1999

WATER RESOURCES
WESTERN REGION



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

August 2, 1999

SCOTT GRUNDER
STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Permit Nos. 77-07376 in the Name of Charles Guess, 65-13893 in the Name of Marjorie Gregg, 65-13885 in the Name of Donald C. McCarter, 67-08036 in the Name of John R. Schwenkfelder, and 65-13892 in the Name of Jonathan Koch.

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 these applications, your written protest along with the \$25.00 protest fee must be received in this office by August 23, 1999.

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

Sincerely,

Gary Spackman

GS:st

Encl.

Gary -
I have reviewed
These and none of them should
adversely affect fish or wildlife
habitats.
ETA 8-6-99

MICROFILMED

SEP 10 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 2, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BILL HORN
23264 VALLEY RD
MIDVALE ID 83645

Re: Application for Permit No. 67-08036 in the Name of John R. Schwenkfelder

Dear Mr. Horn:

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 that reads "Gary Spackman".

Gary Spackman

GS:st

Encl.

MICROFILMED

DEC 10 1999



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

August 2, 1999

SCOTT GRUNDER
STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Permit Nos. 77-07376 in the Name of Charles Guess, 65-13893 in the Name of Marjorie Gregg, 65-13885 in the Name of Donald C. McCarter, 67-08036 in the Name of John R. Schwenkfelder, and 65-13892 in the Name of Jonathan Koch.

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 these applications, your written protest along with the \$25.00 protest fee must be received in this office by August 23, 1999.

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

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

Encl.

MICROFILM

DEC 10 1999

REQUEST TO PROCESS

RECEIVED

JUL 07 1999

WATER RESOURCES
WESTERN REGION

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant

John R Schwenkfelder

Mailing Address

5500 W. Old School Ln.

MERIDIAN, IDAHO 83842

Application No.
(if known)

67-07877 ← OLD PERMIT # NO LONGER APPLICABLE.
CORRECT NUMBER IS 67-08036. DAN 7-7-99

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

J.R. Schwenkfelder

Date

July 2, 1999

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

MICROFILMED

DEC 10 1999

From: DWR80::DNELSDN 7-JUL-1999 15:38:54.27
To: JWESTRA,GGIBSON
CC: DNELSON
Subj: application for permit

Gene and John

John E. Schwenkfelder filed for a permit to appropriate water from an unnamed stream tributary to the Little Weiser River. The application for permit number for this application is 67-08036. This application for permit is now on Sue Taylor's desk awaiting advertising.

John, this is the application that you took from Mr. Schwenkfelder. The only real change from the application that you took is that he has reduced the number of irrigated acres from 240 to 156 to avoid the over Large Irrigation Rule that we spoke about earlier.

If you have any questions please feel free to speak with me.

Thank You

Dan Nelson

MICROFILM

DEC 10 1999

"Serving Southern Idaho, Utah, Eastern Oregon and Washington for over 30 Years"



July 2, 1999

Daniel A. Nelson
Water Right Agent
Department of Water Resources
Boise, Idaho

RECEIVED

JUL 07 1999

WATER RESOURCES
WESTERN REGION

Dear Mr. Nelson,

After reviewing our water right application, which was previous permit no. 67-07877, we would like to withdraw a total of 84 acres.

These acres are more accurately described in yellow on the attached papers but according to my calculations are:

20 acres SESW of 14N TWN, 02W RGE, 11 SEC

4 acres SWSW same

20 acres NWNW same 14 SEC

40 acres NENW same

This deletion should more accurately submit our permit application for 156 acres.

I also understand and agree to the irrigation season as described in your letter dated 5/25/99.

If there is additional information needed please call me at 322-4177 ex 111, or at my home 887-3540.

Sincerely,

A handwritten signature in cursive script, appearing to read "J.R. Schwenkfelder".

John R. Schwenkfelder

MICROFILMED

JUL 14 1999

[illegible]

Lapsed

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 67-07877

Department of Water Resources
Western Regional Office

FEB 11 1992

Proposed Priority: September 25, 1991 Maximum Diversion Rate: 1.00 CFS
This is to certify, that JOHN R SCHWENKFELDER
3425 ARMOR
BOISE ID 83704

RECEIVED

has applied for a permit to appropriate water from:

FEB 11 1992

UNNAMED STREAM

tributary of LITTLE WEISER RIVER
Department of Water Resources
Southern Region Office

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

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	1.00 CFS	
IRRIGATION STORAGE	01/01 to 12/31		60.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		60.0 AF
Totals		1.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 14, Township 14N, Range 02W
WASHINGTON 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>
14N	02W	11	SWSW 4	SESW 20	NESE 32	104
			SWSE 40	SESE 8		
		14	NENE 8	NWNE 40	SWNE 28	136
			NENW 40	NWNW 20		

Total number of acres irrigated: 240

PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1995.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this right is subject to control by the watermaster of State Water District No. 67A.
5. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.

MICROFILMED

DEC 10 1992

TELEPHONE COMMUNICATION DOCUMENTATION

SUBJECT JOHN R SCHWENKFELDER APPLICATION FOR PERMIT

IDWR EMPLOYEE/AGENT: DAN NELSON *DAN*

DATE: 07/02/1999

PERSON CONTACTED: JOHN R SCHWENKFELDER (GOES BY BOB OR ROBERT)

PHONE: (208) 887-3540

MAILING ADDRESS: 5500 W OLD SCHOOL LANE, MERIDIAN, ID 83642

RE: ADDITIONAL INFORMATION REQUESTED

On this date Mr. Schwenkfelder called about the additional information requested. He stated that he had most of the information and then asked why he was required to submit the letters of approval from the county and irrigation district. I informed Mr. Schwenkfelder that he was required to do this because he was irrigating more than 200 acres.

Mr. Schwenkfelder then told me that he had included all of the land on the farm and that he did not honestly believe that he could capture enough water to satisfy all of the acres listed on the application. He then asked if he could reduce the number of acres below 200 acres if the county and irrigation letters would be needed. I told him that if he wrote a letter stating which acres he planned to remove from the application for permit and if the total was below 200 acres he would not need to submit the letter from the county or irrigation district. I also told him that he would still need to submit a request to process form.

Mr. Schwenkfelder then told me that he would submit this information by next week.

MICROFILMED

DEC 10 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

5/25/1999

DIRK KEMPTHORNE
GOVERNOR

JOHN R SCHWENKFELDER
5500 W OLD SCHOOL LN
MERIDIAN, ID 83642

KARL J. DREHER
DIRECTOR

**RE: APPLICATION FOR PERMIT TO DIVERT UNNAMED STREAM TRIBUTARY TO
LITTLE WEISER RIVER FOR IRRIGATION AND STORAGE**

Dear Mr. Schwenkfelder,

We received your application for permit to divert an unnamed stream tributary to the Little Weiser River for irrigation and irrigation storage. In order to send this application for permit in for advertising, our office will need a completed request to process form. Enclosed you will find a Request to Process form and an accompanying letter that explains the form. Please choose one of the choices on the form and return it to our office as soon as possible. I will hold your application until this form is received. Please send this form by 6/25/1999 in order to advertise your application in a timely manner.

I would also like to inform you that irrigation season for your area is now 4/1 to 10/31 and that this has been put on your application for permit per Idaho Department of Water Resources (IDWR) standards. I am also assuming that this application is to supplement your other water rights on the same property.

Idaho Code § 42-203A(5)(a-e) for "large diversion projects" and items discussed in Water Appropriation Rules 37.03.08.05(c) through (g) require that certain information be submitted to IDWR prior to processing of an application for permit for a diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres. Your previous application for permit, 67-07877, can be used to supply some of information required under these sections of Idaho Law. However, we will need the following information prior to processing your application for permit:

- 1.) We will need a letter of approval from the Little Weiser Irrigation District that will address the effects of the construction and operation of the proposed project.
- 2.) We will also need a letter of approval from the Washington County governing body (County Commissioners) that will address the effects of the construction and operation of the proposed project.

In your case the large diversion requirement results from the 240 acres listed on your application for permit. Please reply as soon as possible to allow us to process your application in a timely manner. If you have any questions or concerns please contact me at the above address or telephone number.

Respectfully,

Daniel A. Nelson
Water Right Agent

MICROFILMED
DEC 10 1999

COPY



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 24, 1999

RECEIVED

MAR 25 1999

WATER RESOURCES
WESTERN REGION

Ref
only

John R. Schwenkfelder
C/o Royce Schwenkfelder
Commercial Tire
1950 S. Cole Road
Boise, ID 83709

RE: Schwenkfelder (Proposed) Dam

D67-7877

Dear Mr. Schwenkfelder:

Your recent letter to John Westra regarding Schwenkfelder (proposed) Dam has been forwarded to me for action. With regard to your Application for Construction of a Small Dam, the Department will delay voiding the application, provided one of the following actions is taken immediately:

- You file an extension of time for water right permit no. 67-7877 and it is reinstated.

-or-

- You file an application for a new water right for storage at the proposed site.

If one of the above actions is not taken on or before May 1, 1999, we will proceed with voiding the Application for Construction of a Small Dam.

In your letter, you mentioned moving the site of the proposed dam downstream about one-half mile. As long as the hydraulic height of the dam remains less than 20 feet and the storage capacity of the reservoir is 60 ac-ft or less, we have no objection to moving the damsite. The conditions of approval listed on the application and in the August 25, 1992 approval letter are still applicable. The spillway dimensions may need to be changed, since they depend on the drainage area above the site, once the location is determined. Any design changes that are necessary can be finalized when construction commences. Enclosed is a copy of the approved application and August 25, 1992 approval letter for your reference.

ENCLOSURE

DEC 10 1999

John R. Schwenkfelder

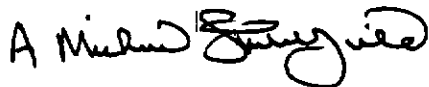
RE: D67-7877

Page 2

If the location of the proposed dam changes, you will need to amend the point of diversion on your water right permit no. 67-7877, if it is reinstated, and also change the description of the location on the dam safety application.

Please keep us advised of the status of the project. Should you have any questions, please contact me, phone 327-7952, or contact John Westra, phone 334-2190, in our Western Regional Office.

Sincerely,



A. Michael Stubblefield, P.E.
Safety of Dams Section

Enclosures

✓Cc: IDWR - Western Region

MICROFILMED

SEP 10 1989



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

JULY 28, 1999

Legal Notices Department
Upper County News Reporter
P.O. Box 98
Cambridge, ID 83601

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 AUGUST 23, 1999.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILM

DEC 10 1980

67-08036

SCHWENKFELDER, JOHN R
5500 W OLD SCHOOL LN
MERIDIAN, ID 83642

Source: UNNAMED STREAM

Tributary: LITTLE WEISER RIVER

Diversion Pt: SWSE Sec 11 T 14N R 02W in WASHINGTON County.

Use: IRRIGATION	(	1.000 CFS)	
IRRIGATION STORAGE	(		60.00 AF)
IRRIGATION FROM STORAGE	(		60.00 AF)
Total Diversion:	(	1.000 CFS)	

Date Filed: 5/ 5/1999

In: WASHINGTON County

T14N R02W S11	NESE	SWSE	SESE
S14	NENE	NWNE	SWNE

156.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed.

MICROFILM
APR 10 1999

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 for each application on or before AUGUST 23, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 7/ 7/1999 & 7/14/1999

NOTED

7/14/99