

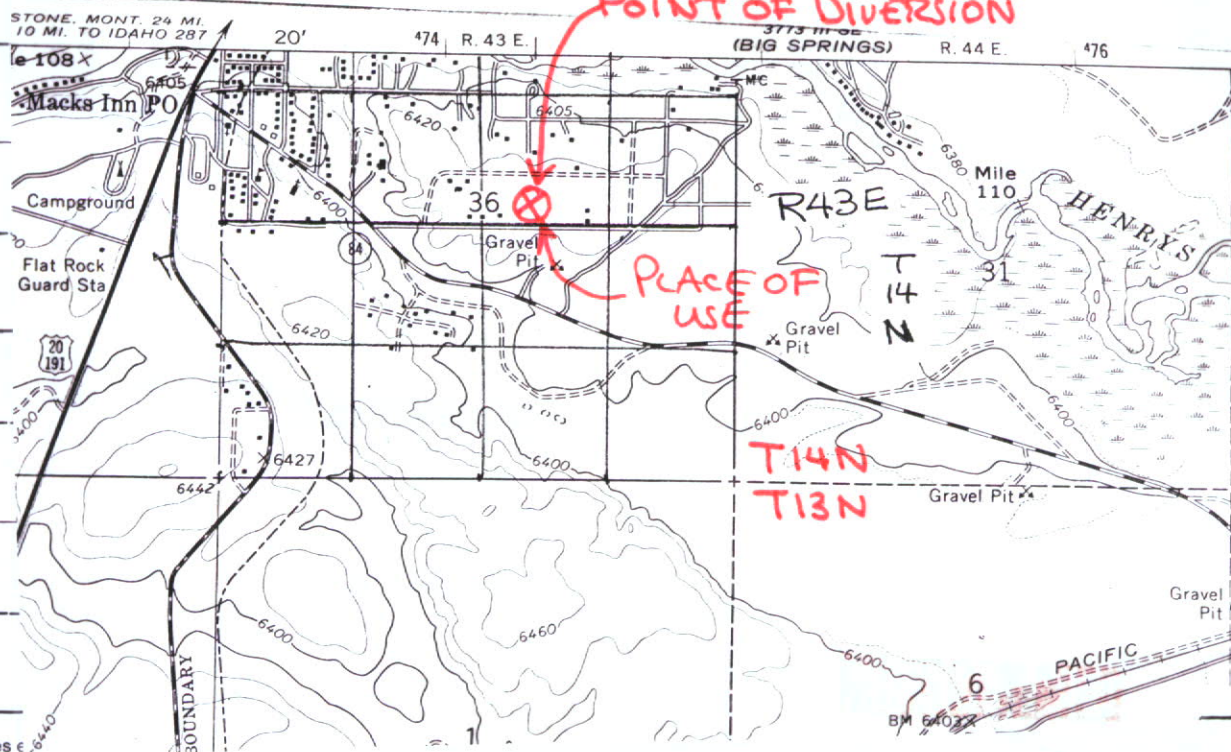
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

R43E

R. 43 E.

R44E

R. 44 E.



Scale: 2 inches = 1 mile

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

Melvin S. Spaulding
(Applicant)

THE FREMONT COUNTY HERALD-CHRONICLE

St. Anthony, Idaho
Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Fremont

I, Terry Weatherston
being first duly sworn, depose and say,
that I am the printer of THE FREMONT
COUNTY HERALD-CHRONICLE, a semi-weekly
newspaper printed and published in
Fremont County, Idaho; and I do solemnly
swear that the Correction No. 21-7394
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not
in any supplement issue thereof

for Two consecutive issues, the
first publication having been made on
April 6, 1989

and the last publication having been
made on April 13, 1989

Further, that said newspaper is one
of general circulation in said county;
that it is a legal newspaper, conforming
to legal specifications under Idaho
statutes; that it has at least two
hundred bona fide subscribers living
within the county of publication; and
that it has been continuously and
uninterruptedly published in said county
during a period of seventy-eight
consecutive weeks prior to the first
publication of said notice.

Terry Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

On this 14th day of April
in the year of 1989, before me, a Notary
Public, personally appeared Terry
Weatherston, known or identified to me to
be the person whose name subscribed to
the within instrument, and being by me
first duly sworn, declared that the
statements therein are true, and
acknowledged to me that he executed the
same.

Lyndell J. [Signature]
Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: June 8, 1993

RECEIVED

APR 17 1989

Department of Water Resources
Eastern District Office

NOTICE OF CORRECTION

Notice is hereby given that application
No. 21-7394 in the name of Melvin
Schwendiman was advertised incorrectly
on February 2 and 9, 1989. The use was

advertised as being for Domestic.
Whereas, the actual use is for Domestic
0.11 cfs.

Any protests against the granting of this
application as a result of this correction
must be filed with the Idaho Department
of Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho, 83402 on or
before APRIL 24, 1989.

R. KEITH HIGGINSON
Director

Publ. April 6 and 13, 1989HC.

MICROFILMED

JUN 12 1989

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Weatherston, known or identified to me to
be the person whose name subscribed to
the within instrument, and being by me
first duly sworn, declared that the
statements therein are true, and
acknowledged to me that he executed the
same.

Gayle L. Jorda

Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: June 8, 1993

RECEIVED

MAR 7 1989

Department of Water Resources

NOTICE OF APPLICATION
FOR WATER RIGHT

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

21-07394

SCHWENDIMAN, MELVIN
NEWDALE, ID 83436
Source: GROUNDWATER
Diversions Pt: SWNE Sec 36 T 14N R

43E

Use: DOMESTIC
Date Filed: 1/11/1989
In: T14N R43E S36 SWNE

31-07381

EGBERT, RICHARD A.
TETONIA, ID 83452
Source: GROUNDWATER
Diversions Pt: NESE Sec 36 T 08N R
37E; NWSE Sec 36 T 08N R 37E; SWSE
Sec 36 T 08N R 37E, SESE Sec 36 T 08N

R 37E

Use: IRRIGATION (3.200 CFS)
Date Filed: 2/22/1983
In: T08N R37E S36 NESE NWSE
SWSE SESE 160.0 ACRES TOTAL

31-07382

EGBERT, RICHARD A.
TETONIA, ID 83452
Source: GROUNDWATER
Diversions Pt: NESW Sec 36 T 08N R
37E; SWSW Sec 36 T 08N R 37E; SESW
Sec 36 T 08N R 37E

Use: IRRIGATION (3.200 CFS)
Date Filed: 2/22/1983

In: T08N R37E S36 NESW NWSW
SWSW SESW 160.0 ACRES TOTAL

31-07417

EGBERT, RICHARD A.
TETONIA, ID 83452
Source: GROUNDWATER
Diversions Pt: SENW Sec 36 T 08N R
37E

Use: IRRIGATION (3.100 CFS)
Date Filed: 1/18/1984

In: T08N R37E S36 NWNE SWNE
NENW SENW 155.0 ACRES TOTAL

31-07418

EGBERT, RICHARD A.
TETONIA, ID 83452
Source: GROUNDWATER
Diversions Pt: NESW Sec 31 T 08N R
38E; NWSW Sec 31 T 08N R 38E; SWSW
Sec 31 T 08N R 38E; SESW Sec 31 T 08N

R 38E

Use: IRRIGATION (3.200 CFS)
Date Filed: 1/18/1984

In: T08N R38E S31 NESW NWSW
SWSW SESW 160.0 ACRES TOTAL

The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code and/or the new public interest
criteria of Sec. 42-203C, Idaho Code. Pro-
tests must be filed with the Director, Dept.
of Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on or
before FEBRUARY 20, 1989.

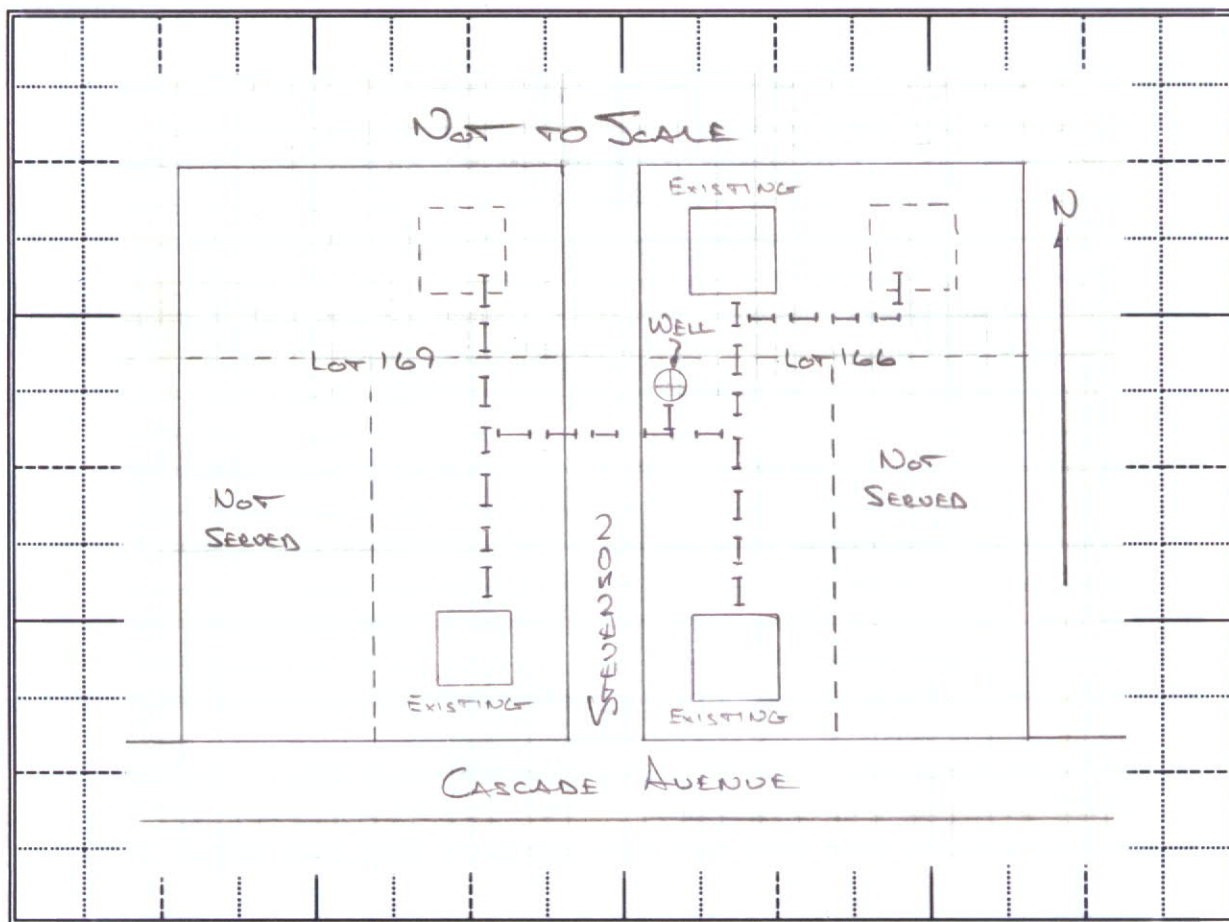
R. KEITH HIGGINSON
Director

Publ. Feb. 2 and 9, 1989HC.

RECEIVED

JUN 12 1989

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



Scale: 1" = _____

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

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

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
UNKNOWN					

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurements: _____

MICROFILMED

FEB 24 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 21-07394

Priority: January 11, 1989

Maximum Diversion Rate:

0.11 CFS

Maximum Diversion Volume:

6.0 AF

This is to certify, that MELVIN SCHWENDIMAN
PO BOX 74

NEWDALE ID 83436 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated January 11, 1989; and
has submitted Proof of Beneficial Use on November 13, 1989. An examination indicates
that the works have a diversion capacity of 0.110 cfs of water from a GROUNDWATER
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.11 CFS	6.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 36, Township 14N, Range 43E
FREMONT County

PLACE OF USE: DOMESTIC

TWN RGE SEC

14N 43E 36

SWNE

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

MICROFILMED
FEB 24 1997

State of Idaho
Department of Water Resources

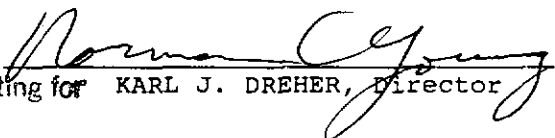
WATER RIGHT LICENSE

WATER RIGHT NO. 21-07394

CONDITIONS OF APPROVAL AND REMARKS

7. Domestic use is for 5 homes.
8. Point of diversion located in Lot 166, Flatrock Subdivision.
9. Place of use is 2 homes within Lot 169 and 3 homes within Lot 166, Flatrock Subdivision.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 10TH
day of FEBRUARY, 1997.


Acting for KARL J. DREHER, Director

MICROFILMED

FEB 24 1997

RECEIVED
NOV 13 1989

Department of Water Resources STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received 30.00
Date 11-13-89
Receipt # C012817
Receipt by D.K.
Reviewed by _____
Sent to region _____

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 21-7394

Name(s) of Permit Holder: Melvin Schwendiman

Post Office Address: Box 74, Newdale, Idaho 83436

Telephone No. (208) 458-4376

Source of Water: Ground Water

Extent of Use:

Domestic 5 (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted .11 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: OCT. 1, 1975

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☐ No

Fee enclosed \$ 50.00
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

Melvin Schwendiman (208) 458-4376
(Name) (Telephone Number)

Box 74, Newdale, Idaho 83436
(Address)

The above information 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.

MAR 09 1990

Nov. 1, 1989
Date

Melvin Schwendiman
Signature of Permit Holder (and title, if appropriate)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Melvin Schwendiman Phone 438-4376
 Post office address Newdale, Idaho 83436
2. Source of water supply Ground water which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____
 Sec. 36 Township 14 N Range 43 E B.M. Fremont County; additional
 points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount .11 for Domestic purposes from May 1/1 to Dec 31 (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) .11 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. _____

 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
 reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
 _____ to _____ inclusive.
 - c. Proposed well diameter is 4 inches; proposed depth of well is 100 feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years. (minimum 1 year).

MICROFILMED

JUN 12 1989

12. Remarks: Elmer & Barbara Schweindiman, Newdale Id.; Melvin & Faye Schweindiman, Newdale, Id.; Lucine & Wanda Howard Newdale, Id.; Donald & Delilah Staker, Newdale, Id.; Elmer & Ethel Loftus, 1349 S. Woodruff Ave. Idaho Falls, Id.

11. a. Who owns the property at the point of diversion? Elmer Gehwendman
b. Who owns the land to be irrigated or place of use? ~~See attached list~~
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. ~~SEE ATTACHED WRIT AGREEMENT~~

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

Total number of acres to be irrigated.

[illegible]

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.

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.

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

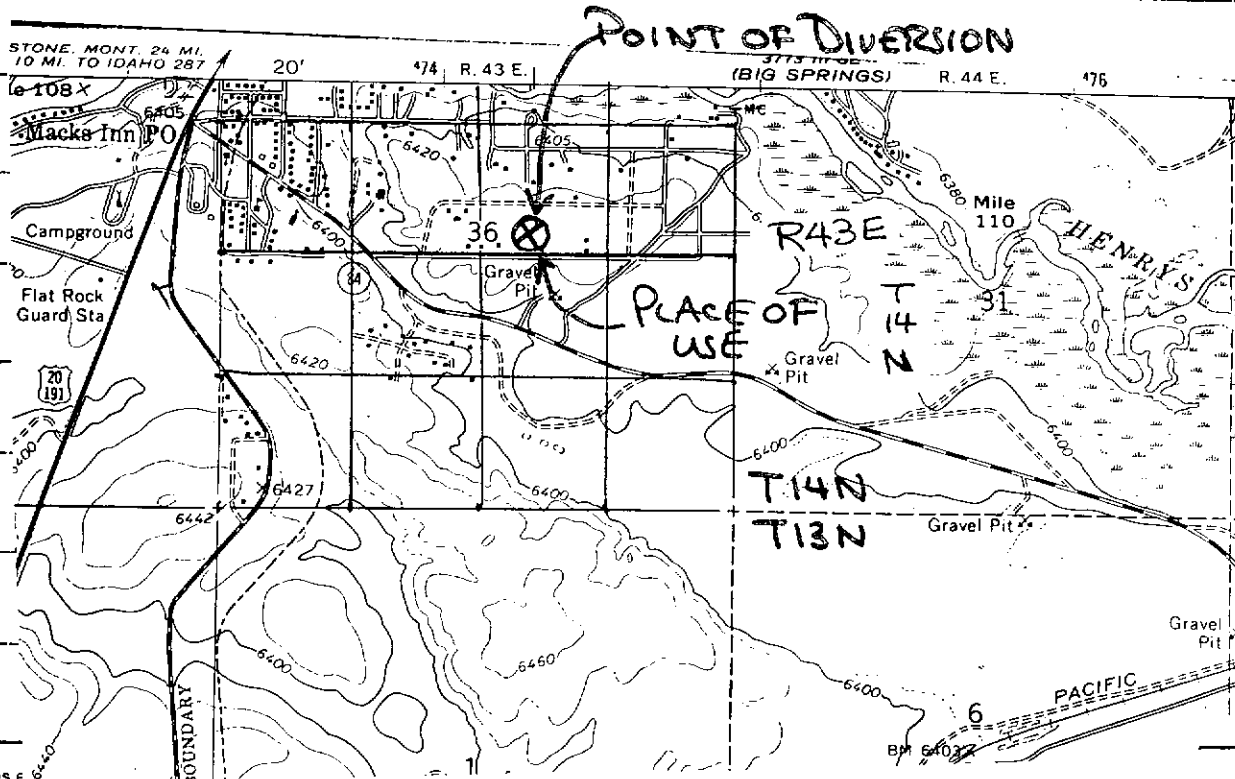
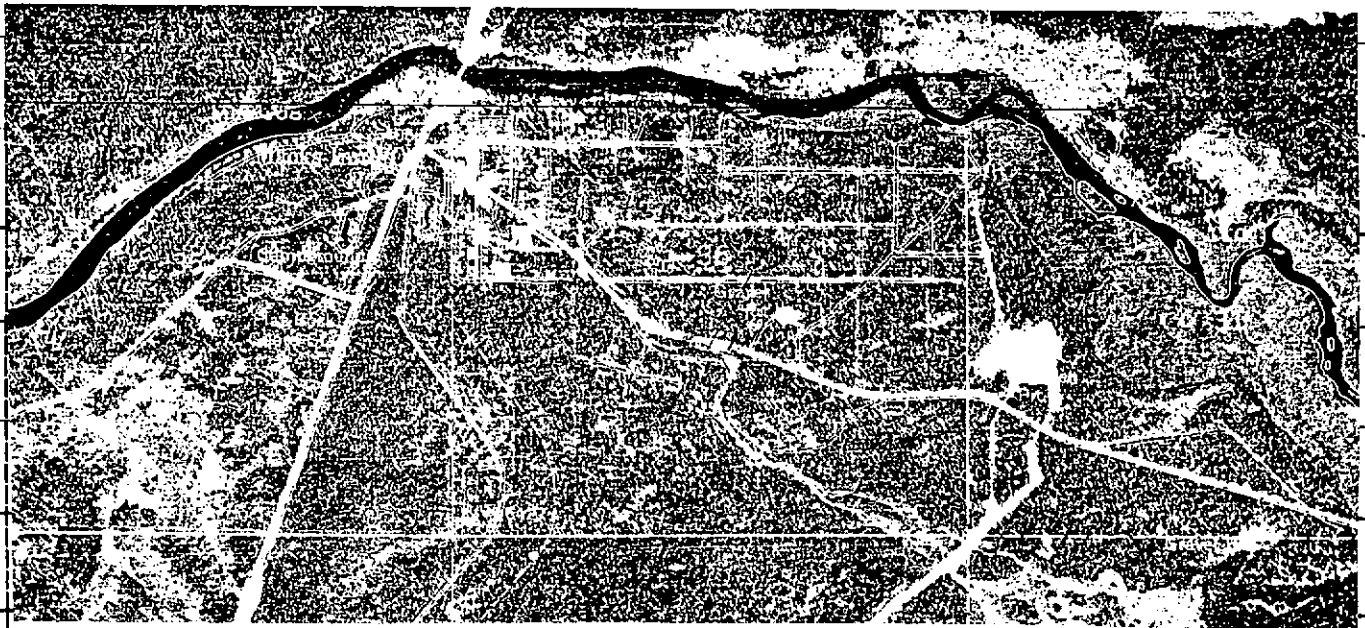
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

R43E

R. 43 E.

R44E

R. 44 E.



Scale: 2 inches = 1 mile

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

Mehin Shrivastava
(Applicant)

Proposed Priority 1/11/89

Received by TO Date 1/11/89 Time 10:18 AM Preliminary check by KCU
Fee \$ 30.00 Received by TO # E005473 Date 1/11/89
Publication prepared by OCB Date 1-25-89 Published in N.C. 4-2-89
Publication approved OCB Date 3-13-89 4-18-89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 21-7394, and said application is hereby APPROVED
1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 90.

- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future right to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights. The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 7th day of June, 1989.

J. Allen Sawyer

MICROFILMED

JUN 12 1989

CULINARY WATER WELL AGREEMENT

THIS AGREEMENT, Made and entered into this _____ day of January, 1977, by and between ELMER SCHWENDIMAN and BARBARA SCHWENDIMAN, his wife, hereinafter called "Grantors", and LUCINE HOWARD and WANDA HOWARD, his wife, of Newdale, Idaho; MELVIN SCHWENDIMAN and FAYE SCHWENDIMAN, his wife, of Newdale, Idaho; DONALD STAKER and DELILAH STAKER, his wife, of Newdale, Idaho; and FRANK SPARKS AND ETHEL SPARKS, his wife, of 1305 Nixon Avenue, Idaho Falls, Idaho, hereinafter called "Grantees",

WITNESSETH:

WHEREAS, The parties own the property (all located in Fremont County, Idaho) set opposite their names as follows:

1. Elmer Schwendiman and Barbara Schwendiman:

Beginning at the South West corner of Lot 166, Block 52, of the Island Park Subdivision, in Sec. 36, Township 14 North Range 43 E.B.M., and running thence North 176 feet, thence East 82½ feet, thence South 176 feet, thence West 82½ feet, to the place of beginning.

2. Lucine Howard and Wanda Howard:

Beginning at the Northwest corner of lot 166, Block 52, of the Island Park subdivision, in Section 36, Township 14 North, Range 43 E.B.M., and running thence East 165 ft., thence South 88 ft., thence West 165 ft., and thence North 88 ft., to the point of beginning.

3. Melvin Schwendiman and Faye Schwendiman:

The East 82½ feet of the South 176 feet of Lot 169, Block 51, of the Island Park Subdivision, in Sec. 36, Twp. 14 North, Range 43 E.B.M.

4. Donald Staker and Delilah Staker:

Beginning at the Northeast corner of Lot 169, Block 51, of the Island Park Subdivision, and running thence West 165 feet; thence South 88 feet; thence East 165 ft. and thence North 88 feet to the point of beginning.

5. Frank Sparks and Ethel Sparks:

Beginning at the Northwest corner of Lot 166, Block 52, Island Park Subdivision, thence East 165 feet; thence South 88 feet; thence West 165 feet; and thence North 88 feet to the point of beginning.

WHEREAS, there is now situated on the Northwest corner of Grantor's above described property a culinary water well and system which is owned one-fifth by Grantors and one-fifth by each

RECORDED

JUN 12 1989

THE FREMONT COUNTY HERALD-CHRONICLE

St. Anthony, Idaho

Ashton, Idaho

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Terry Weatherston

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COUNTY OF MADISON)

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statements therein are true, and
acknowledged to me that he executed the
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Gayle D. Smith
Notary Public for Idaho

Residing at Rexburg, Idaho

My commission expires: June 8, 1993

RECEIVED

APR 17 1989

Department of Water Resources
Eastern District Office

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R. KEITH HIGGINSON
Director

Publ. April 6 and 13, 1989HC.

RECORDED

JUN 12 1989

MAR 7 1989

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statements therein are true, and
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Joseph M. Ford
Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: June 8, 1993

Department of Water Resources
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FOR WATER RIGHT**

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Use: DOMESTIC
Date Filed: 1/11/1989
In: T14N R43E S36 SWNE

31-07381
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TETONIA, ID 83452
Source: GROUNDWATER
Diversions Pt: NESE Sec 36 T 08N R
37E; NWSE Sec 36 T 08N R 37E; SWSE
Sec 36 T 08N R 37E, SESE Sec 36 T 08N
R 37E
Use: IRRIGATION (3,200 CFS)
Date Filed: 2/22/1983
In: T08N R37E S36 NESE NWSE
SWSE SESE 160.0 ACRES TOTAL

31-07382
EGBERT, RICHARD A.
TETONIA, ID 83452
Source: GROUNDWATER
Diversions Pt: NESW Sec 36 T 08N R
37E; SWSW Sec 36 T 08N R 37E; SESW
Sec 36 T 08N R 37E
Use: IRRIGATION (3,200 CFS)
Date Filed: 2/22/1983
In: T08N R37E S36 NESW NWSW
SWSW SESW 160.0 ACRES TOTAL

31-07417
EGBERT, RICHARD A.
TETONIA, ID 83452
Source: GROUNDWATER
Diversions Pt: SENW Sec 36 T 08N R
37E
Use: IRRIGATION (3,100 CFS)
Date Filed: 1/18/1984
In: T08N R37E S36 NWNE SWNE
NENW SENW 155.0 ACRES TOTAL

31-07418
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Diversions Pt: NESW Sec 31 T 08N R
38E; NWSW Sec 31 T 08N R 38E; SWSW
Sec 31 T 08N R 38E; SESW Sec 31 T 08N
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Suite 15, Idaho Falls, Idaho 83402 on or
before FEBRUARY 20, 1989.

R. KEITH HIGGINSON
Director

Publ. Feb. 2 and 9, 1989HC.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

February 11, 1997

PHILIP E. BATT
GOVERNOR

MELVIN SCHWENDIMAN
PO BOX 74
NEWDALE ID 83436

KARL J. DREHER
DIRECTOR

RE: WATER RIGHT NO. 21-07394

Dear Water Right Holders:

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within 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 this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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.

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ORAL ARGUMENT

If the Department grants a petition to review the 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 the 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:

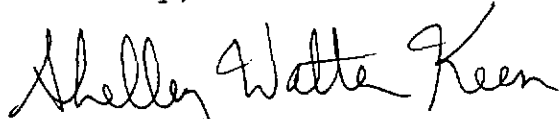
- i. A hearing was held,
- ii. The final agency action was taken,

- 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.

If you have questions, please contact me at (208) 327-7946.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SWK:pah

c: Eastern Region

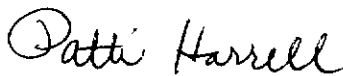
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the **11th** day of **February, 1997**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 21-07394

**MELVIN SCHWENDIMAN
PO BOX 74
NEWDALE ID 83436**



Patti Harrell
Secretary

LICENSE REVIEW CHECKLIST

PERMIT NO. 21-07394

DATE 1/28/97

REVIEWER: SHARLA

NAME Change OK

Address Change NO

SOURCE Change ✓

Is change clarification of originally intended source? NO

POINT OF DIV Change ✓

If not, prepare Notice of Intent to Void NO
Amendment required NO

PLACE OF USE Change ✓

Amendment required NO

Does map agree with written description? ✓ yes NO no

NO GOVT LOTS

OVERLAPS NO P/D NO P/U

RATE OF DIV

Permitted Rate .11 cfs

Fee limit .20 cfs \$500

Measured NO cfs

Theoretical .11 cfs

Recommended Total Div Rate .11 cfs

other well logs in area total depth ~80'

3 hp @ 40 psi + 80 TDH

ANNUAL VOLUME/
NATURE OF USES NO

✓ Use Dom.

Volume Calculation

5 X 1.2 = 6.0 af

NO af

NO af

NO af

SUBTOTAL 6.0 af

Flow rate .11 cfs X 365 days X 1.98 = 79.5 af

Total volume recommended 6.0 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

15 homes.

CONDITIONS NO Watermaster Control WD# NO

NO GW Measurement/Measuring Device

NO Overlap

NO Use-specific conditions 048,049

Advancement of Priority Date Required NO yes NO no

SRBA Claim Filed N/A
Adjustment Memo NO

1st Amend Letter N/A
2nd Amend Letter N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB 21 1995

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 21-07394

1. Owner: MELVIN SCHWENDIMAN Phone No. (208) 458-4376

Current Address: PO Box 74, NEWDALE, ID 83436

2. Accompanied by: - EXAM DATE: 9-15-92

Address: - Phone No. -

Relationship to Permit Holder: -

3. Source: GROUNDWATER tributary to -

B. OVERLAP REVIEW

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

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	SW	NE	36	14N	43E	FREMONT	USGS, ON SITE

2. Place(s) of Use:

Indicate Method of Determination SAME

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	43E	36			7/5														

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2. Measurements:

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

D. FLOW MEASUREMENTS

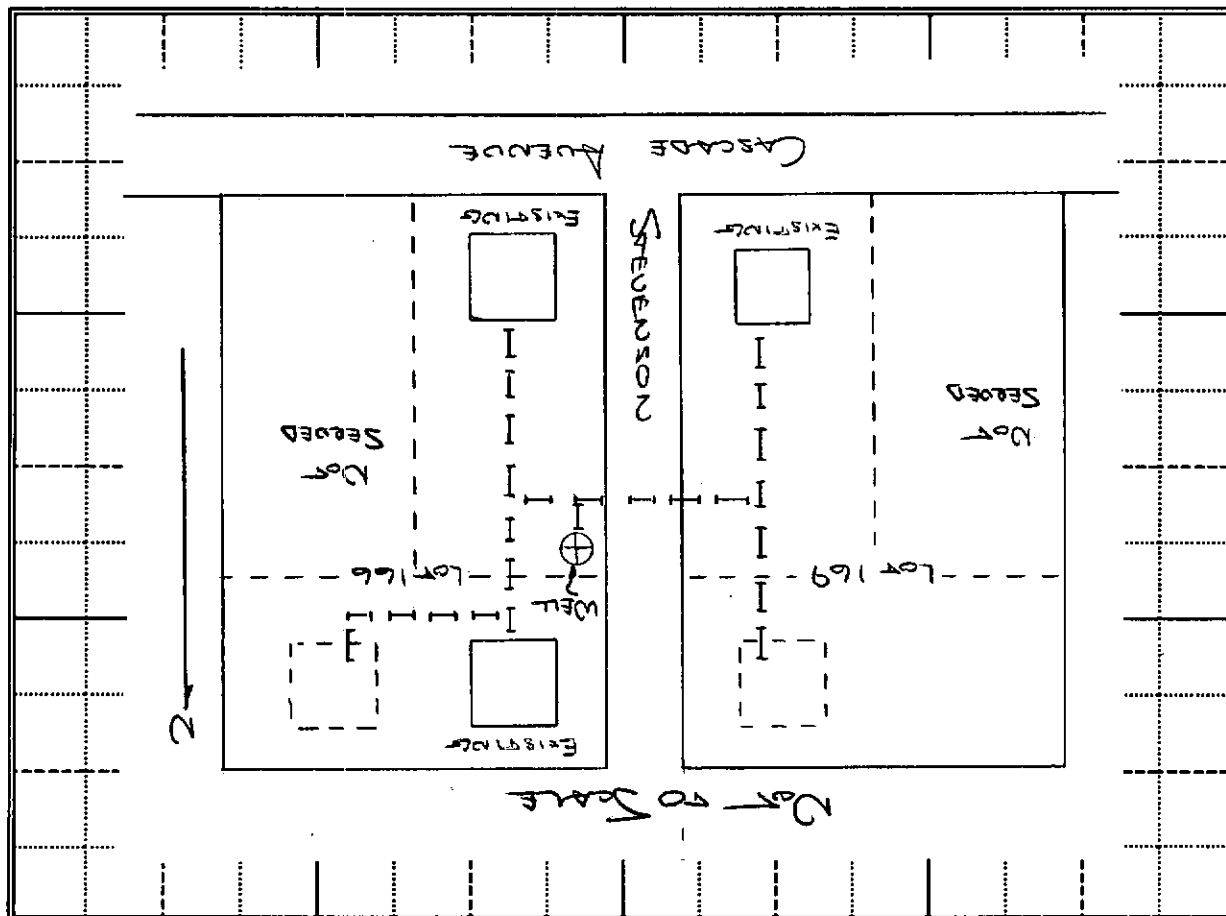
*Code to correspond with No. on map and aerial photo

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

4.

_____ Copy of USGS Quadrangle Showing location(s) of point(s) of diversion and place(s) of use (required).
 _____ Aerial Photo Attached (required for irrigation of 10+ acres)
 _____ Photo of Diversion and System Attached

Sender: f =



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

E. NARRATIVE/REMARKS/COMMENTS

WELL, PUMP AND PIPELINES TO 5 SUMMER HOME SITES. SYSTEM IS
STUBBED INTO 5 SITES. THREE CABINS IN PLACE AT TIME OF EXAM.
TOTAL OF FIVE ARE PLANNED.

PLACE OF USE INCLUDES PORTIONS OF LOTS 166 & 169 FLATROCK
(ISLAND PARK) SUBDIVISION

POINT OF DIVERSION IN LOT 166, FLATROCK SUBDIVISION.

OWNERS OF PLACE(S) OF USE:

1. ELMER & BARBARA SCHWENDIMAN
2. LUCINE & WANDA HOWARD
3. MELVIN & FAYE SCHWENDIMAN
4. DONALD & DELILAH STAKER
5. FRANK & ETHEL SPARKS.

Have conditions of permit approval been met? ☐ yes ☐ no

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FEB 24 1997

FEB 24 1997

Date 2-16-95

_____ Add P.D. as reflected above	_____ Add P.U. as reflected above
_____ None	_____ Other

2. Recommended Amendments

Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Domestic	1-1 12-31	0.11	6.0
Totals:		0.11	6.0

1. Recommended Amounts

H. RECOMMENDATIONS

$$5 \text{ nodes} \times 1.2 \text{ AFA/node} = 6.0 \text{ AFA}$$

ADJUSTED FOR SINGLE HOME WITH LAMU = 1.244/10000

2. Volume Calculations for Other Uses:

$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{LR} \text{ and } V_{DR} =$$

1. Volume Calculations for Irrigation:

G. VOLUME CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

IDWR RECOGNIZED STANDARD FOR 5 SINGLE FAMILY HOMES

$$Q = 0.11 \text{ cfs}$$

MELVIN SCHWENDIMAN
NEWDALE, ID 83436

January 24, 1990

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 21-07394

Dear Permit Holder:

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

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

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

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MAR 09 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 21-7394

Date: 1/3/90

General Considerations:

- ☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change yes If yes, prepare a data entry
☒ Proof received timely yes
☐ Reinstated

Source of Water:

- ☒ Surface water
☐ Groundwater
☒ 1. well log in file Oct 1, 1975
☒ 2. drilling permit
☒ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- ☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- ☒ Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

Proof acceptable

Priority Calculation:

Date proof received

Date proof due

No. of days late

Priority date

NEW PRIORITY DATE

<u>NA</u>	

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

add Box # to address

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 334-7900
June 7, 1989

MELVIN SCHWENDIMAN
NEWDALE, ID 83436

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 21-07394

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

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

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of

Microfilm

JUN 12 1989

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

[Handwritten signature]

JUN 12 1984

Form No. 202a
1/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

21~7394

INITIAL REVIEW BY KCW Wilson DATE 17 Jan 89 APPLICATION NUMBER _____

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

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

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

RECEIVED

Date Requested 1/17/89

Department of Water Resources

PROCESSING

- ☒ Yes ☐ No Form for advertising
- ☐ Yes ☒ No Statewide advertising
- ☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

- ☐ Idaho Dept. of Health & Welfare
- ☐ Idaho Dept. of Fish & Game
- ☐ Idaho Dept. of Lands
- ☐ Adjudication Bureau Unit
- ☐ U.S. BLM
- ☐ U.S. Forest Service
- ☐ Water District
- ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

- ☒ Yes ☐ No Affidavit of publication received
- ☒ Yes ☐ No Application published correctly. If not, record action taken.
- ☒ Yes ☐ No Publication dates & paper, recorded on application
- ☐ Yes ☒ No Protests received
- ☐ Yes ☐ No Final date for protest 2-20-89 4-24-89
- ☒ Yes ☐ No Protests, dates, resolution of protest, recorded on application
- ☐ Yes ☐ No Recommendations attached
- ☐ Yes ☐ No Measuring device required
- ☐ Yes ☐ No Access port required
- ☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 01-P05
- ☐ Yes ☐ No Special conditions of approval or cover letter below.

☐ See below for additional information

Date of priority recommended 1-11-89
By HWS Date 4-30-89

STATE OFFICE REVIEW

P05, P23 P16 46 48 49 04

☐ See below for additional information

By KW Date 5/25/89

ADDITIONAL INFORMATION

It appears well is in place - HWS
App. in NON-TRUST area
allow 1 yr. for development -

NOTICE OF CORRECTION

Notice is hereby given that application No. 21-7394 in the name of Melvin Schwendiman was advertised incorrectly on February 2 and 9, 1989. The use was advertised as being for Domestic. Whereas, the actual use is for Domestic 0.11 cfs. Any protests against the granting of this application as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402 on or before APRIL 24, 1989.

R. Keith Higginson
Director

Published in the HERALD-CHRONICLE April 6 & 13, 1989.

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JUN 12 1989

January 30, 1989

Melvin Schwendiman
Newdale, ID 83436

Application for Permit No. 21-07394

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 21-07394. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Herald Chronicle. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

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JUN 12 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

JANUARY 25, 1989

HERALD CHRONICLE
P.O. BOX 10
REXBURG, ID 83440

Gentlemen:

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 FEBRUARY 20, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

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JUN 12 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

RECEIVED

JUN 12 1989

21-07394

SCHWENDIMAN, MELVIN
NEWDALE, ID 83436

Source: GROUNDWATER

Diversion Pt: SWNE Sec 36 T 14N R 43E

Use: DOMESTIC (.110 CFS)

Date Filed: 1/11/1989

In: T14N R43E S36 SWNE

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JUN 12 1989

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before FEBRUARY 20, 1989.

R. Keith Higginson, Director

Published 2/02/1989 & 2/09/1989

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JUN 12 1989