



RECEIVED

APR 26 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

cell phone 208-371-4800

1. Permit No. 63-11851 Telephone No. 208-466-3823

2. Name of Permit Holder(s): Michel J SWARTZ

3. Mailing Address: 8827 S Powerline Rd.

City NAMPA State ID Zip 83686

4. Source of Water: GROUND WATER If GROUNDWATER (well), Date Drilled: mo. 7 / yr. 92

Well Driller: ROBINSON #490 Drilling Permit Number: 63-92-W-571

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

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

Irrigation (No. of acres): 80 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 1.6 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes X or No _____

Has the measuring device been installed?

Yes _____ or No X

8. Fee Enclosed: \$ 125 (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: Michel J SWARTZ Telephone Number: Home 208-466-3823 Cell 208-371-4800

Address: 8827 S. Powerline Rd NAMPA ID 83686

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: Michel J Swartz Date: 4/25/01
(include your title, if on behalf of company or organization)

MICROFILMED
MAY 09 2001

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-11851

Priority: 06/08/1992

Maximum Diversion Rate: 1.60 CFS

This is to certify, that MICHEL J SWARTZ
8827 S POWERLINE RD
NAMPA ID 83686

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	1.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE 1/4 NE 1/4 Sec. 22, Twp 02N, Rge 02W, B.M. CANYON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	02W	22	40.0			40.0													80.0

Total Acres: 80

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before May 1, 2002.
2. Subject to all prior water rights.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
6. This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
7. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

MICROFILMED

MAY 09 2001

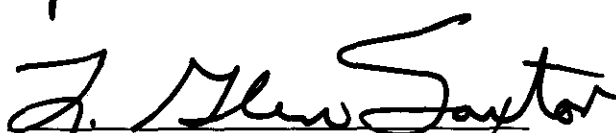
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-11851

CONDITIONS OF APPROVAL

9. This right does not authorize the irrigation of land not previously irrigated under prior temporary approval of this application.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 19th day of April, 2001.



for
KARL J DREHER, Director

MICROFILMED
MAY 09 2001

Date: 07/07/95
Time: 15:07:19

FIRST PAGE

13. Remarks: Water bearing zone to be appropriated is 60 to 180 feet. _____

(GOLD2=Update)	(GOLD4=Prev Screen)	(GOLD1=Export Remarks)	(Enter=Exit)
(GOLD3=Add Std Rmk)	(GOLD5=Next Screen)	(GOLD7=Import Remarks)	(GOLD8=Cancel)
	(GOLD6=End of Data)		

MICROFILMED

MAY 09 2001

4

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-11851 IN)
THE NAME OF MICHEL J SWARTZ)
_____)

REINSTATEMENT ORDER

This matter having come before the Idaho Department of Water Resources (department), as a result of drought conditions being experienced during the 1994 irrigation season, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. In May 1992, the department issued the above captioned temporary permit (permit) to use ground water during the 1992 irrigation season to offset the effects of the drought and the associated reduced surface water supply. The permit expired on November 15, 1992.
2. The permit was conditioned that the Director of the department retained jurisdiction to reinstate the permit if drought conditions justify resumption of ground water use.
3. Water supply conditions during 1994 justify reinstatement of the permit by the Director.

CONCLUSIONS OF LAW

1. The Director is authorized under Chapter 2, Title 42, Idaho Code, to issue water right permits authorizing the diversion and use of the state's water resources.
2. The Director should reinstate the above captioned permit with certain conditions and limitations.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the above captioned permit is **REINSTATED** with the following conditions and limitations:

1. The permit expires on November 15, 1994.
2. The right to divert water under the above captioned permit is void if the surface water appurtenant to the place of use has been sold, transferred, leased or used on any other place of use without the approval of the department.

FILED
AUG 0 1994

3. The permit holder shall use the full allotment of surface water to the extent it is available before diversion is authorized under this reinstated permit.

4. The permit holder shall employ reasonably efficient methods of water application to conserve the water of the state of Idaho.

5. The rate of diversion of water for irrigation under this right and all other rights shall not exceed 0.02 cfs for each acre of land.

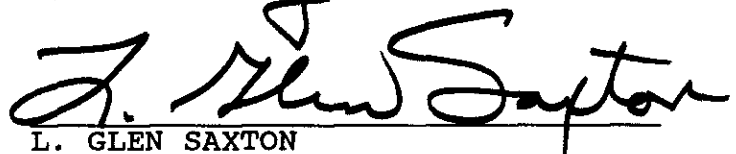
6. This use is subject to all prior water rights.

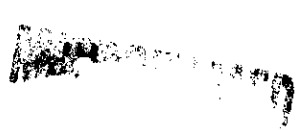
7. The place of use authorized is only that shown on the permit. Permit holder shall prevent use of this water on land for which it is not authorized.

8. This reinstatement does not authorize the construction of new wells or the deepening of existing wells.

9. Failure to comply with the above conditions and limitations of permit use voids this reinstatement.

Dated this 27th day of July, 1994.


L. GLEN SAXTON
Chief, Water Allocation Bureau


AUG 09 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-11851

Proposed Priority: June 8, 1992 Maximum Diversion Rate: 1.60 CFS

This is to certify, that **MICHEL J SWARTZ**
8827 S POWERLINE RD
NAMPA ID 83686

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

IRRIGATION	03/15 to 11/15	1.60 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 22, Township 02N, Range 02W
CANYON 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>
02N	02W	22	NENE 40	SENE 40		80

Total number of acres irrigated: 80

CONDITIONS/REMARKS:

1. This permit to appropriate water expires at the end of the 1992 irrigation season. The Director retains jurisdiction to reinstate the permit if drought conditions justify resumption of groundwater use.
2. A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.
3. This right to divert groundwater is void if the surface water right appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
4. The permit holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this permit.
5. The permit holder must employ reasonably efficient methods of water application to conserve the water of the State of Idaho.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. Construction of the well must comply with Idaho well construction standards.
8. This right is subject to all prior rights.

AUG 09 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-11851

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

16th day of JULY, 1992.


For: R. Keith Higginson, Director

RECEIVED

JUL 09 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: MICHEL J SWARTZ 208-466-3823
Address: 8827 SOUTH POWERLINE RD
NAMPA ID 83686

2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: NENE Sec. 22, Township 02N, Range 02W
CANYON County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	1.600		

5. Total quantity to be appropriated is:
1.600 CFS (and/or) AF

6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc.
WELL, PUMP, & SPRINKLER & GRAVITY IRRIGATION (SUPPLEMENTAL)
 - 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 12 inches; proposed depth of well is 200
feet.
 - d. Is groundwater with a temperature greater than 90F being sought? NO

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 3 years.

8. Description of proposed uses:
SUPPLEMENTAL IRRIG. (TO BOISE-KUNA & NAMPA-MERIDIAN)

9. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
02N	02W	22	NENE 40	SENE 40		80

Total number of acres irrigated: 80

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

AUG 09 1994

11. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

12. Remarks:

13. Map of proposed point of diversion and place of use attached? ☒

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.

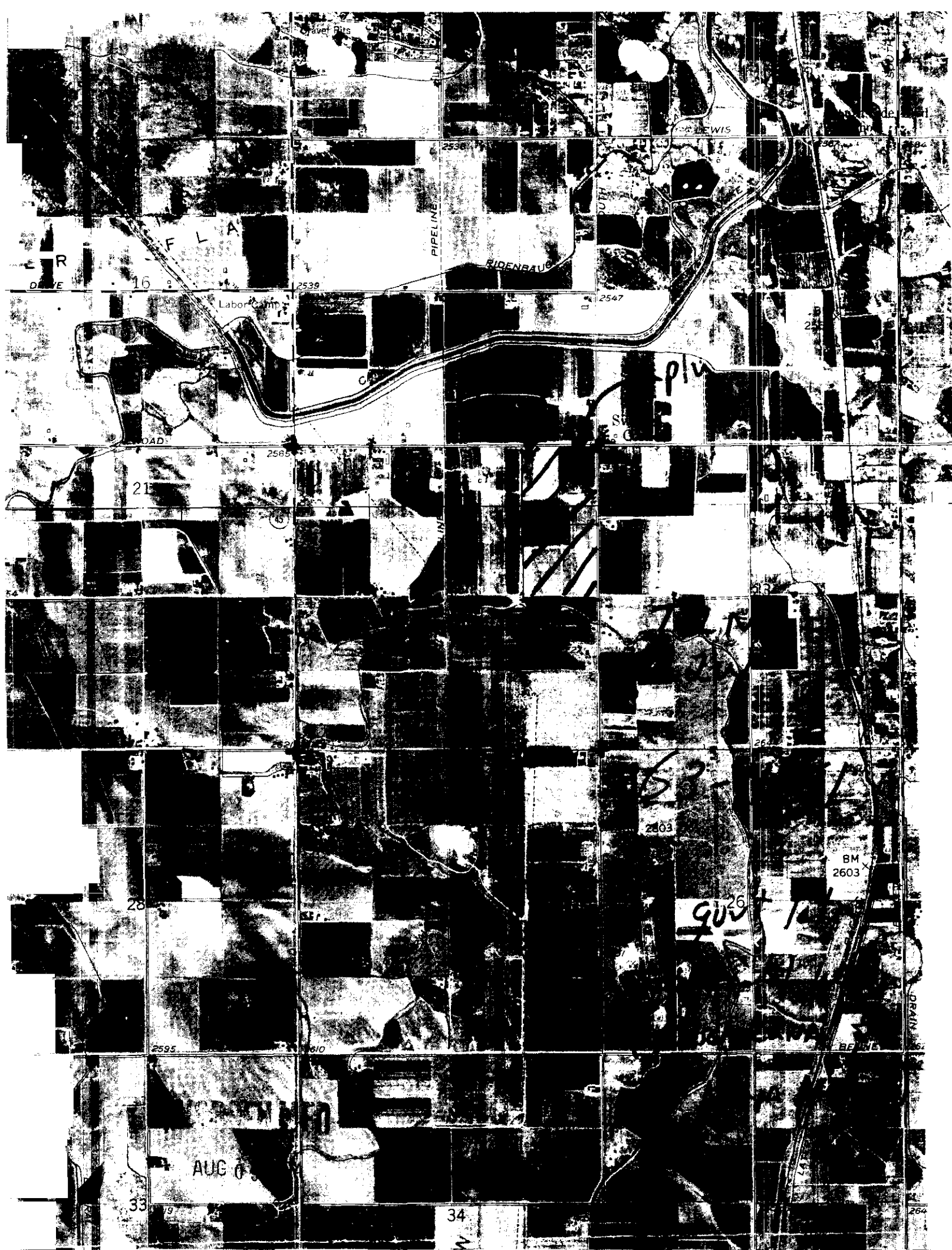
Michael J. Smith
Applicant

Received by JR Date 6/8/92 Time 3:15 Preliminary check by Ly
Fee \$ 65⁰⁰ Receipted by JR # W014852 Date 6/8/92
Publication prepared by GG Date 6-10-92 Published in Press-Tribune
Publication approved ST Date 6/17 & 6/24/92
CH 7-1-92
8-4-95

* Receipt # data - external - JR

RECEIVED

AUG 09 1994



NOTICE OF APPLICATION FOR WATER RIGHT

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

63-11741

PORTER, PAUL
PORTER, FRANCES
4475 C S POWERLINE RD
MELBA, ID 83641
Source: GROUNDWATER
Diversión Pt:
Use: IRRIGATION

NENW Sec 10 T 01N R 02W in CANYON County.
Total Diversión: (2.300 CFS)
(2.300 CFS)

Date Filed: 5/22/1992
In: CANYON County
T01N R02W S10
115.0 ACRES TOTAL

SENE NESE NWSE

63-11836

BATT, HJ
WILDER LAND CO LTD
PO BOX 666
WILDER, ID 83676
Source: GROUNDWATER
Diversión Pt:
Use: IRRIGATION

SWNE Sec 15 T 04N 05W in CANYON County.
Total Diversión: (1.600 CFS)
(1.600 CFS)

Date Filed: 5/21/1992
In: CANYON County
T04N R05W S11
80.0 ACRES TOTAL

SWNW NWSW

63-11837

TAGGERT, DONALD
10472 BOWMONT RD
NAMPA, ID 83686
Source: GROUNDWATER
Diversión Pt:
Use: IRRIGATION

NWSE Sec 32 T 02N R 02W in CANYON County.
Total Diversión: (1.600 CFS)
(1.600 CFS)

Date Filed: 5/21/1992
In: CANYON County
T02N R02W S32
80.0 ACRES TOTAL

NWSE SWSE

63-11842

YOUNG, WELDON
5420 CRAIG LN
NAMPA, ID 83686
Source: GROUNDWATER
Diversión Pt:
Use: IRRIGATION

NENE Sec 12 T 02N R 04W in CANYON County.
Total Diversión: (1.020 CFS)
(1.020 CFS)

Date Filed: 5/28/1992
In: CANYON County
T02N R04W S12
51.0 ACRES TOTAL

NENE SENE

63-11850

GARMEN, HOUSTON S
PO BOX 127
WILDER, ID 83676
Source: GROUNDWATER
Diversión Pt:
Use: IRRIGATION

NENE Sec 27 T 04N R 05W in CANYON County.
Total Diversión: (.600 CFS)
(.600 CFS)

Date Filed: 6/8/1992
In: CANYON County
T04N R05W S27
30.0 ACRES TOTAL

NENE

63-11851

SWARTZ, MICHEL J
6627 SOUTH POWERLINE RD
NAMPA, ID 83686
Source: GROUNDWATER
Diversión Pt:
Use: IRRIGATION

NENE Sec 22 T 02N R 02W in CANYON County.
Total Diversión: (1.600 CFS)
(1.600 CFS)

Date Filed: 6/8/1992
In: CANYON County
T02N R02W S22
80.0 ACRES TOTAL

NENE SENE

63-11853

NORRIS, DOUGLAS
18876 KARCHER RD
CALDWELL, ID 83605
Source: GROUNDWATER
Diversión Pt:
Use: IRRIGATION

SESW Sec 5 T 03N R 03W in CANYON County.
Total Diversión: (1.480 CFS)
(1.480 CFS)

Date Filed: 5/28/1992
In: CANYON County
T03N R03W S05
74.0 ACRES TOTAL

NESW SESW

63-11856

GRABER, ANSIL
24771 USTICK RD
WILDER, ID 83676
Source: GROUNDWATER
Diversión Pt:
Use: IRRIGATION

SESW Sec 36 T 04N R 05W in CANYON County.
Total Diversión: (1.680 CFS)
(1.680 CFS)

Date Filed: 5/27/1992
In: CANYON County
T03N R05W S01
S02
T04N R05W S36
84.0 ACRES TOTAL

Lot 3(NENW) Lot 4(NWNW)
SWNE SENE
SESW

63-11857

BASSETT, VERA
13971 MIDWAY RD
NAMPA, ID 83651
Source: GROUNDWATER
Diversión Pt:
Use: IRRIGATION

NENE Sec 25 T 03N R 03W in CANYON County.
Total Diversión: (.400 CFS)
(.400 CFS)

Date Filed: 5/22/1992
In: CANYON County
T03N R03W S25
20.0 ACRES TOTAL

NENE

AFFIDAVIT OF PUBLICATION

OF IDAHO)
) ss.
of Canyon)

JUN 26 1992

Department of Water Resources
Western Regional Office

Mary B. Scott

pa, Canyon County, Idaho, being first duly sworn, deposes s:

at I am a citizen of the United States of America, and at all ereinafter mentioned was over the age of eighteen years, a party to the above entitled action.

at I am the Principal Clerk of the Idaho Press-Tribune, a except Saturday) newspaper published in the City of and Caldwell, in the County of Canyon, State of Idaho; : said newspaper is in general circulation in the said of Canyon, and in the vicinity of Nampa and Caldwell, and : uninterruptedly published in said County during a period ty-eight consecutive weeks prior to the first publication of e, a copy of which is hereto attached.

t the notice, of which the annexed is a printed copy, was d in said newspaper

Two Times
regular and entire issue of said paper, and was printed in paper proper, and not in a supplement.

: said notice was published the following dates:

17, 24, 1992

Mary B. Scott

OF IDAHO)
)
OF CANYON)

4th day of June in the 992, before me, a Notary Public, personally Mary B. Scott, known led to me to be the person whose name subscribed to the strument, and being by me first duly sworn, declared baternents therein are true, and acknowledged to me that acuted the same.

[Signature]
Notary Public for Idaho
Residing at Nampa
MY COMMISSION EXPIRES
JUNE 21st, 1997

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before JULY 6, 1992.

R. KEITH HIGGINSON, Director
DEPARTMENT OF WATER RESOURCES
June 17, 24, 1992

AUG 09 1994



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

May 14, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MICHEL J SWARTZ
8827 S POWERLINE RD
NAMPA ID 83686

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-11851

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 contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

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 field examination, please contact the **Western** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

MAY 09 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 63-11851

Reviewed By: dgibson

Date: May 14, 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.:		C053397	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?	X		Measure device waiver requested?		X

Priority Calculation

Date proof received	04/26/2001
Date proof due	- 05/01/2002
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 06/08/1992
New priority date	= 06/08/1992

Deficiencies of Actions Items

Acknowledge proof.



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

April 19, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MICHEL J SWARTZ
8827 S POWERLINE RD
NAMPA ID 83686

RE: Permit No. 63-11851

Permit Approval Notice

Dear Permit Holder:

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

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

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

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

MICROFILMED

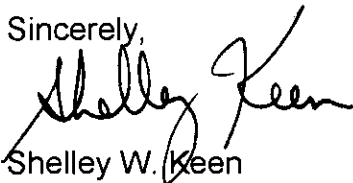
MAY 09 2001

Please note that one of the conditions of approval on your permit requires that you measure your diversion and record other important hydrologic and physical features and report them annually to the Department. The Department will shortly send you further information about measuring devices, flow estimation using power records, and annual reporting forms. If you have questions about the measuring and reporting requirements, please call the Department at (208) 327-7900 and ask for someone in the Water Distribution Section.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley Keen", written over the printed name.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

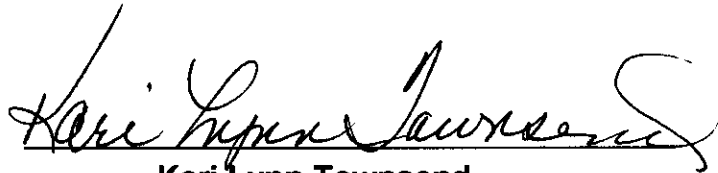
MAY 09 2001

CERTIFICATE OF MAILING

I hereby certify that on April 19, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 63-11851

**MICHEL J SWARTZ
8827 S POWERLINE RD
NAMPA ID 83686**

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

**Kari Lynn Townsend
Secretary**

MICROFILMED

MAY 09 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

**MICROFILMED
MAY 09 2001**

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

TO: Gary Spackman
FROM: Steve Lester 
DATE: March 19, 2001
RE: *Application for Permit No. 63-11851*

RECEIVED

MAR 23 2001

Department of Water Resources

The applicant called the office last week to ask if he can use his 1992 supplemental well this year. After some confusion about Workflow data,¹ it was determined that his filing remains an application. The last authorized use of this well was the 1994 temporary approval. I advised him to make a written request to IDWR regarding his well.

Mr. Swartz's well situation mirrors about eighty others approved as permits by 1996. Recall the "M Wells" reprocessed and approved as permits during 1995 and 1996. The Swartz application got caught in the "processing delay" clamp down as the massive reprocessing effort of 1995-96 came to a head. He got caught on the wrong side of the decision, at least from where he sits.

I have heard that an overall drought strategy is under consideration at the State Office. Maybe we will hear more about that in the next few weeks. Meanwhile, application 63-11851 appears to be worthy of approval for at least temporary use in 2001. A good case can be made to issue the approved permit similar to the 80 or so permits already issued for 1992 supplemental wells in Basin 63.

We probably will receive a lot of calls on this subject (it's already started at a pretty good pace). I hope we can be ready for the calls and requests.

¹ Recent database query showed 63-11851 as an *active application* and an *active permit*. Only one of the two categories should be active. The permit record includes a date field showing the permit expired at the end of 1994. I was told that a fair number of other filings appear active in more than one data table in Workflow. The Water Right Permits Section is aware of the data table problem and taking appropriate steps to fix it.

RECEIVED
MAY 09 2001

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 4/18/01

No. 63-11851 Name: Swartz Corp. Officers NA Ad ok ✓ Govt Lots

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

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells

Basin 34

WMD

≤ 0.24 cfs/5 acres

> 0.24 cfs/5 acres

WMD

Supp irr (irr = only use)

Supp irr (+ other uses)

≤ 0.24 cfs/5 acres

> 0.24 cfs/5 acres

- 084 (if necessary)

- North/East/West

- No MD

- 067

- 065-104

- 100-105

- No MD

- 01M

LOCATION:

Boise Front LoGeo

Mitigation

- 058 (<85 GW)

- 121

Trust

Non-Trust

- 051 (consumptive uses)

- 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE

IRR ≤ 5 ac

> 5 ac

STOCKWATER

MINING

FISH PROP

HEAT/COOL

FIRE PROT

COMMERCIAL/

INDUSTRIAL

DAIRY

- 18A-01H-01P-18B-NA

- R66/R67/R68/R69 (0.03 cfs/ac)

- R62/R63/R64/R65 (0.02 cfs/ac)

- R37 (BLM/FS)

- 054-106

- 029 (70's only)-007-042-106

- R07 (injection well)

- 077

- 106-R07

- 082-WD8

SURFACE WATER: (✓Flow Chart)

F&G contacted

In/Above MSF

PLANNING REVIEW/RESPONSE

WD

≤ 0.20 cfs/others

> 0.20 cfs

SPRINGS/SINK/INACTIVE WD or WD

≤ 0.24 cfs/5 acres

> 0.24 cfs/5 acres

- Yes/No Response

- WB9

- R04 (WD#)

- 01H(P01), 01P or No MD

- 01J

- No MD

- 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01)

(02,03)

Payette R (65)

Salmon R (70's)

Weiser R (67)

- W22, N/A

- 007 (w/ remark WB9 if above Weiser)

- 047 (Payette Lake)

- 029 (fish screens)

- 086-087

USES:

POWER

MUNICIPAL

Restricted area

Irr., GW/supp to SW

DOMESTIC

Surface water

> 1 in restricted area

Irr use listed separate

or none allowed

Moratorium approvable

- 17H or 17K (+uses)-17G (not under FERC)
or 17M (FERC regulated >25 cfs or 500hp)
08A-025-027-01N-106-W13 (if dewatering stream)

- 022,075

- 102

- WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)

- 070-071-075 (no parks/common areas, etc)

- WB5

- W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

BENEFICIAL USE DUE: 5/01/2002

MISC CONDITIONS/REMARKS:

Protested

Development Period

> 1 yr

Ownership

Non-consumptive

Water Quality

- 020-W19

- 26A

- 004

- 027

- 106-R07

Multiple pd's per ¼/¼

Subd lot desc (pd)

Subd lot desc (pu)

Use definitions

For 1987 development

Single p/d intended

- W32

- W59

- W60

- W02 example - S/50 range

- 068-074 (allow 120 days for proof due)

- 076

IRRIGATION SEASON 3/1 - 11/15 (Per updated map)

IRR VOLUME/ACRE 4.5

OTHER CONDITIONS/REMARKS

COMMENTS

Drought relief processing Basin 63 apps as permanent
for w/ typical supp. conditions

March 15, 2001

Michel J. Swartz
8827 S. Powerline
Nampa, ID 83686
208.466.3823- home
208.371.4800- cell

State of Idaho
Department of Water Resources
Regional Office
2735 Airport Way
Boise ID 83705

RECEIVED

MAR 19 2001

WATER RESOURCES
WESTERN REGION

Re: Water Right Number 63-11851

To Whom It May Concern:

My farm is a row crop operation. I grow the following crops: sugar beets, garden beans, hybrid sweet corn seed, onion seed, carrot seed, mint, alfalfa seed and wheat. In normal years these crops are irrigated with surface water delivered by Boise-Kuna Irrigation District.

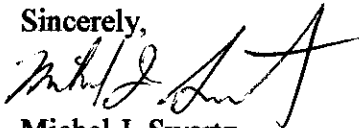
On March 7, 2001 due to the low snow pack in the district watershed; the Boise-Kuna Irrigation District Board of Directors set the 2001 irrigation season water allotment at 0.9-acre feet. This is less than a third of the normal water allotment.

In 1992, I obtained a temporary permit (#63-11851) from the State of Idaho Department of Water Resources to drill a well and use groundwater to augment the surface water. The last time this well was used was in 1994 and has since remained inactive.

Due to the severe shortage of adequate surface water in the 2001-growing season I am requesting the Director to consider reinstating the permit for the 2001 irrigation season.

Your prompt attention to this matter would be greatly appreciated.

Sincerely,



Michel J. Swartz

MICROFILMED
MAY 09 2001

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-11683

BAIRD, DEAN
10576 DUCK LN
NAMPA, ID 83686
Source: GROUNDWATER
Diversion Pt: SENW Sec 12 T 02N R 03W in CANYON County.
Use: IRRIGATION (1.000 CFS)
Total Diversion: (1.000 CFS)
Date Filed: 2/28/1992

In: CANYON County
T02N R03W S12 SWNE SENW
50.0 ACRES TOTAL
Water bearing zone to be appropriated is 50 to 121 feet.
63-11746

TAKASUGI, MICHIO
2431 JACK RD
PARMA, ID 83660
Source: GROUNDWATER
Diversion Pt: SWNE Sec 13 T 04N R 05W in CANYON County.
Use: IRRIGATION (1.600 CFS)
Total Diversion: (1.600 CFS)
Date Filed: 4/2/1992
In: CANYON County
T04N R05W S13 NWNE SWNE
80.0 ACRES TOTAL
Water bearing zone to be appropriated is 120 to 560 feet.
63-11799

SHIRLEY, JAMES R
SHIRLEY, ELAINE J
6900 BROWN LN
NAMPA, ID 83686
Source: GROUNDWATER
Diversion Pt: NESW Sec 8 T 02N R 01W in CANYON County.
Use: IRRIGATION (0.020 CFS)
DOMESTIC (0.040 CFS)
Total Diversion: (0.060 CFS)
Date Filed: 4/20/1992
In: CANYON County
T02N R01W S08 NESW
1.0 ACRES TOTAL
Water bearing zone to be appropriated is 80 to 125 feet.
63-11802

WILLIAMSON, ROGER L
WILLIAMSON, JOHN C
DBA J & R FARMS
14252 SUNNYSLOPE RD
CALDWELL, ID 83605
Source: GROUNDWATER
Diversion Pt: NWSE Sec 10 T 03N R 04W in CANYON County.
Use: IRRIGATION (0.520 CFS)
Total Diversion: (0.520 CFS)
Date Filed: 4/29/1992
In: CANYON County
T03N R04W S10 NWSE
26.0 ACRES TOTAL
Water bearing zone to be appropriated is 150 to 350 feet.
63-11850

GARMAN, HOUSTON S
PO BOX 127
WILDER, ID 83676
Source: GROUNDWATER
Diversion Pt: NENE Sec 27 T 04N R 05W in CANYON County.
Use: IRRIGATION (0.600 CFS)
Total Diversion: (0.600 CFS)
Date Filed: 6/8/1992
In: CANYON County
T04N R05W S27 NENE
30.0 ACRES TOTAL
Water bearing zone to be appropriated is 200 to 300 feet.
63-11851

SWARTZ, MICHEL J
8827 S POWERLINE RD
NAMPA, ID 83686
Source: GROUNDWATER
Diversion Pt: NENE Sec 22 T 02N R 02W in CANYON County.
Use: IRRIGATION (1.600 CFS)
Total Diversion: (1.600 CFS)
Date Filed: 6/8/1992
In: CANYON County
T02N R02W S22 NENE SENE
80.0 ACRES TOTAL
Water bearing zone to be appropriated is 60 to 180 feet.
63-11859

TOMLINSON, FLOYD
TOMLINSON, JULIA
2629 TRACK RD
MELBA, ID 83641
Source: GROUNDWATER
Diversion Pt: SENESW Sec 23 T 01N R 02W in CANYON County.
Use: IRRIGATION (0.500 CFS)
Total Diversion: (0.500 CFS)
Date Filed: 6/10/1992
In: CANYON County
T01N R02W S23 SENW
25.0 ACRES TOTAL
Water bearing zone to be appropriated is 162 to 216 plus 431 to 435 feet per 1990

63-11866

BATT, FRED
BATT, REED
BOX 287
WILDER, ID 83676
Source: GROUNDWATER
Diversion Pt: SWSESE Sec 9 T 04N R 05W in CANYON County.
SENE Sec 16 T 04N R 05W in CANYON County.
Use: IRRIGATION (2.200 CFS)
Total Diversion: (2.200 CFS)
Date Filed: 6/16/1992
In: CANYON County
T04N R05W S15 NWNW SWNW
S16 NENE NWNE SWNE SENE
150.0 ACRES TOTAL
Water bearing zone to be appropriated is 100 to 500 feet.
63-11875

NORRIS, J MARTIN
16608 CHICKEN DINNER RD
CALDWELL, ID 83605
Source: GROUNDWATER
Diversion Pt: SWNW Sec 12 T 03N R 04W in CANYON County.
Use: IRRIGATION (0.700 CFS)
Total Diversion: (0.700 CFS)
Date Filed: 6/2/1992
In: CANYON County
T03N R04W S01 SESW
S11 NWSE
S12 NWSW
83.2 ACRES TOTAL
Water bearing zone to be appropriated is 89 to 320 feet.
63-11876

PANGBURN, BOB
PANGBURN, CAROL
12412 2 RED SPRUCE RD
BOISE, ID 83704
Source: GROUNDWATER
Diversion Pt: LOT 3 (NWSW) Sec 31 T 05N R 03W in CANYON County.
Use: IRRIGATION (1.660 CFS)
Total Diversion: (1.660 CFS)
Date Filed: 6/12/1992
In: CANYON County
T05N R03W S31 Lot 3 (NWSW) Lot 4 (SWSW)
83.0 ACRES TOTAL
Water bearing zone to be appropriated is 40 to 100 feet.
63-11891

MAGGARD, SHIRLEY
14088 SUNNY SLOPE RD
CALDWELL, ID 83605
Source: GROUNDWATER
Diversion Pt: NWNE Sec 33 T 04N R 04W in CANYON County.
Use: IRRIGATION (2.000 CFS)
Total Diversion: (2.000 CFS)
Date Filed: 6/3/1992
In: CANYON County
T04N R04W S33 NENE NWNE SWNE SENE
100.00 ACRES TOTAL
Water bearing zone to be appropriated is 150 to 600 feet.
63-12222

IDAHO FRIENDS RETIREMENT HOMES INC
BOX 307
GREENLEAF, ID 83626
Source: GROUNDWATER
Diversion Pt: NWNE Sec 21 T 04N R 04W in CANYON County.
Use: IRRIGATION (0.060 CFS)
Total Diversion: (0.060 CFS)
Date Filed: 6/27/1995
In: CANYON County
T04N R04W S21 NWNE
2.0 ACRES TOTAL
63-12225

DEER FLAT FREE METHODIST CHURCH
17703 BEET RD
CALDWELL, ID 83605
Source: GROUNDWATER
Diversion Pt: NESENE Sec 3 T 03N R 04W in CANYON County.
Use: FIRE PROTECTION (4.460 CFS)
Total Diversion: (4.460 CFS)
Date Filed: 6/30/1995
In: CANYON County
T03N R04W S03 SENE
Diversions under this right reserved for emergency purposes.
63-12234

SYME, SCOTT A
SYME, PATRICIA N
17498 ALLENDALE RD
WILDER, ID 83676
Source: GROUNDWATER
Diversion Pt: LOT 6 (NWSW) Sec 6 T 03N R 04W in CANYON County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 6/29/1995
In: CANYON County
T03N R04W S06 Lot 6 (NWSW)

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, 1200 N. Capitol Blvd., Boise, Idaho 83705 together with a protest fee of \$25.00 on or before AUGUST 7, 1995. The protestant must also file a copy of the protest to the applicant.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Carolyn Spath

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Twice

— in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:
July 19, 26, 1995

Carolyn Spath

STATE OF IDAHO)
)
COUNTY OF CANYON)

On this 26th day of July
in the year of 1995, before me, a Notary Public, personally appeared Carolyn Spath 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/she executed the same.

Janet Lusk
Notary Public for Idaho
Residing at Nampa
MY COMMISSION EXPIRES
JUNE 21st, 1997

NOTICE OF APPLICATION FOR WATER RIGHT

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

Original affidavit filed with water right #63-11683.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before JULY 24, 1995. The protestant must also send a copy of the protest to the applicant.
CARL J. DREHER, Director
July

RECEIVED

JUL 28 1995

WATER RESOURCES
WESTERN REGION

MICROFILMED

MAY 09 2001

ADDITIONAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: ly DATE: 6/9/92 APPLICATION: 63-11851

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) Gov't. Lots:
☒ Period of use: ☒ P/D
☒ Nature of proposed use: (Include description of use) ☒ P/U
☒ 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 signatory is required)
☒ Fee:
☒ Yes ☐ No* In form to receipt:

ADDITIONAL INFORMATION

YES NO

- ☐ ☒ Overlapping place of use: (Describe source & relationship to present application on the back.)
☐ ☒ Overlapping point of diversion:
☐ ☐ Field check required: Field check by: _____
☐ ☐ Field report attached:
☐ ☒ Critical groundwater area:
☐ ☒ Groundwater management area:
☐ ☒ 1992 moratorium
☐ ☒ Diversion within interim protected river area
☐ ☒ Send dam safety information:
☐ ☒ Send power requirement letter:
☐ ☒ Send fish farm requirement letter:
☐ ☒ Power residency affidavit:
☐ ☒ Power efficiency form:
☐ ☒ Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☐ ☒ 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

☒ DATE REQUESTED: _____
☐ Additional information on reverse side:

RECEIVED
JUL 15 1992

Department of Water Resources

PROCESSING

APPLICATION : 63-11851

YES NO

In form for advertising:

Statewide advertising:

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

Handwriting practice lines showing slanted strokes on ruled paper.

U.S. BLM

U.S. Forest Svc.

Water Dist. #

Other

FINAL REGIONAL PROCESSING REVIEW

YES / NO

✓
✓

Affidavit of publication received:

Application published correctly: If not, record action taken.

[illegible]

Publication dates and paper recorded on application:

Protests received. Final date for protest

Protest dates, resolution of protest recorded on application:

Recommendations attached: *Approve, Du*

Measuring device required:

Measuring port required:

Water delivered by water master? District #

Special conditions of approval or cover letter:

Noratorium conditions

See below for additional information

Recommended Date or Priority 6/8/1992

Recommended by: Date 7/10/1992

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION

RESPONSE FORM

Boise River Basin Moratorium Application

RECEIVED

MAY 31 1995

WATER RESOURCES
WESTERN REGION

Name of Applicant: Michel J. Swartz

Address: 8827 S. Powerline Rd

Nampa ID 83686

Water Right No.: 63-11851

Do you wish to proceed with development of the
water right as proposed in the application?
(If the response is no, please complete
and return the enclosed withdrawal form.)

X
Yes No

If the source of water that you propose to
appropriate is ground water, what aquifer
level do you propose to develop to obtain water? 60 ft to 180 ft

Signature: Michel J. Swartz

Printed Name: Michel J. Swartz

Please return this form to:

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705

MICROFILMED

MAY 09 2001



DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNORKARL J. DREHER
DIRECTOR

May 19, 1995

Distribution: Applicants Whose Water Right Applications Were Held Without Action Under the Boise River Basin Moratorium

Dear Applicant:

As you might be aware, on May 3, 1995 the Director of the Department of Water Resources, Mr. R. Keith Higginson, signed an Amended Moratorium Order which provides for the processing of previously held applications within the Boise River Basin, with certain restrictions. Enclosed for your information is a copy of the Order.

As provided in the Order, this office will resume the processing of these applications in order of priority at a rate of 30 applications per month. Depending on how many applicants wish to proceed with development of their projects, the processing of the 338 presently-held applications could require as much as a year. To enable you to make an estimate as to when your application(s) will be processed, please be advised that 244 of the applications have priority (receipt) dates of 1992; 32 are dated 1993; 37 are dated 1994; and 25 are dated 1995.

As new applications are received, they are sorted into two groups. Those that would not have been held back under the moratorium are processed immediately. To assure fairness in processing, those that would have been held back under the moratorium, such as irrigation applications, are placed at the end of the moratorium processing line.

Note that the Order requires that all applications held under the moratorium will be advertised (or re-advertised if previously advertised), in order to enable neighboring water users to examine the proposed uses in view of water availability information gained during recent drought years. There will be no additional charge to the applicants for this process. For applications that propose use of ground water, the advertisement must include an indication of the depth interval from which the applicant proposes to withdraw water.

Please find enclosed a Profile Report which provides information from our water rights data base describing each of your moratorium-held applications. In addition we have included one response form for each application, which enables you to indicate whether you wish to proceed with processing of your water right application(s).

MICROFILMED

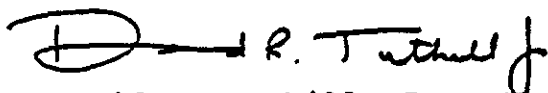
~ Celebrating Our Centennial Year of Service to Idaho 1805-1905 ~
MAY 09 2001

May 19, 1995

In case you no longer intend to develop a water use as described on an application, please complete and return the enclosed Withdrawal Form. Because of the time and effort already devoted to researching water availability in the Boise River basin, the Department will not be able to provide refunds of fees for applications that are withdrawn.

If you have questions about this process, or if you need assistance in completing the response form, please feel free to contact this office at (208) 334-2190. Response forms received no later than May 31, 1995, will be used in compiling the applications that will be advertised during June.

Sincerely,



David R. Tuthill, Jr., P. E.
Manager, Western Region Office

Enclosures

Amended Moratorium Order
Profile Report(s)
Response Form(s)
Application Withdrawal Form(s)

MICROFILMED

MAY 09 2001



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 27, 1994

MICHEL J SWARTZ
8827 S POWERLINE RD
NAMPA ID 83686

RE: PERMIT NO. M63-11851

REINSTATEMENT OF PERMIT APPROVAL

Dear Reinstated Permit Holder(s):

Enclosed is an reinstatement order **authorizing diversion of water** under the above referenced permit.

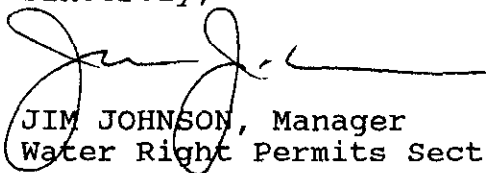
The Department has reinstated your permit for the remainder of the 1994 irrigation season and the reinstatement will expire on November 15, 1994. When your permit expires, you must make the pump and motor inoperable, and you cannot operate the pump without approval from the Department of Water Resources. The Director may reinstate the permit again next year if drought conditions persist.

Please remember water diverted under your reinstated permit is only to be used on the lands identified on your permit. You must obtain the approval of the Department before using your water anywhere else.

If diversion from your well causes interference with other wells with an earlier priority, you may be required to cease pumping or compensate the affected party. Idaho law specifically protects groundwater levels for domestic wells which were in use prior to 1978.

If you have any questions please let me know.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

MAILED

AUG 09 1994

DROUGHT RELIEF QUESTIONNAIRE

RECEIVED

JUL 26 1994

If you are not interested in having a 1994 temporary permit reinstatement, or if you did not drill a well in 1992, disregard this questionnaire. No response is necessary.

Please answer the questions below. Your answers will help the department assess the need for use of the wells to complete the 1994 irrigation season and the extent of water use that will occur if the department again authorizes use of the wells.

1. Temporary permit identification number. M 63-1185/
(See cover letter)

2. a) Person responding to this questionnaire

Michel J SWARTZ

b) Relationship to applicant? _____

3. Do you expect to use all of your surface water supplies for the land identified on the attached application prior to the end of the 1994 irrigation season? Yes X No _____

4. What is the source of supply? (Name of Canal)

EAST Madden (Boise River Irrigation District)

5. What date do you expect this to occur? Aug 15

6. List the type of crop, acreage and volume of water in acre feet (AF) needed under the temporary permit to complete the 1994 irrigation season. List only for the lands included in the land list of the attached application for permit.

CROP	ACRES	ACRE FEET
<u>SUGAR BEETS</u>	<u>16</u>	<u>24</u>
<u>Seed CORN</u>	<u>12</u>	<u>12</u>
<u>ALFALFA</u>	<u>5</u>	<u>7</u>
<u>Seed ONION'S</u>	<u>15</u>	<u>21</u>
<u>ALFALFA Seed</u>	<u>7</u>	<u>3</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

This questionnaire needs to be completed and returned to the department by August 1, 1994 in order to be considered as a request to reinstate a temporary permit.

RECEIVED

AUG 09 1994



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 20, 1994

MICHEL J SWARTZ
8827 S POWERLINE RD
NAMPA ID 83686

RE: Water Right No. M63-11851

Dear Water Right Holder(s):

In 1992, the Department issued you a temporary permit to use groundwater from your well, if you drilled one, to replace depleted storage water supplies. This temporary permit expired on November 15, 1992.

During 1994, since available surface water supplies are again substantially below normal, the department has received a number of requests to re-authorize use of the "1992 drought relief" wells.

The department is willing to consider reinstating the temporary permits for the remainder of 1994 provided you can show that you used water under the 1992 temporary approval and that water will be used only on the lands identified on the temporary permit. Enclosed is a questionnaire which you must complete and return to the department if you want to be considered for reinstatement in 1994.

Also enclosed, for your reference, is a record of your application for permit.

Please be advised that unless the department specifically reinstates the expired permit, you are not authorized to divert and use the water from the well identified on the temporary permit.

If you have any questions, please feel free to contact me at Ph. 327-7947.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson'.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

AUG 09 1994

March 31, 1994

MICHEL J SWARTZ
8827 S POWERLINE RD
NAMPA ID 83686

RE: Water Right No. M63-11851

Dear Water Right Holder(s):

In 1992, the Department of Water Resources issued the above referenced permit allowing the diversion of water for the 1992 irrigation season only. The permit included a condition:

This permit to appropriate water expires at the end of the 1992 irrigation season. The Director retains jurisdiction to reinstate the permit if drought conditions justify resumption of groundwater use.

It now appears that 1994 early season water supply and precipitation conditions are such that short-term use of the wells that were drilled under this authority could be beneficial prior to the start of water delivery through the canal systems in the Boise Valley. We have been advised that most of the canals will not be able to deliver water for another 10 to 14 days.

Therefore, you are hereby notified that the permit is reinstated for temporary use during the period April 1 through April 15, 1994 only. All other conditions of the permit continue to apply. One requirement was that the well be disconnected from the power system at the end of the approved period of use, which under this reinstatement is April 15, 1994.

The existing moratorium in the Boise Valley area is not changed by this temporary reinstatement of the 1992 drought well permit. This temporary reinstatement does not authorize the construction of a new well or alteration of an existing well.

If you have any questions, please contact this office.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

AUG 09 1994



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 16, 1992

MICHEL J SWARTZ
8827 S POWERLINE RD
NAMPA ID 83686

RE: PERMIT NO. 63-11851

LETTER OF TEMPORARY PERMIT APPROVAL

Dear Permit Holder(s):

Enclosed is a copy of your approved permit. Your proposed use of water qualifies for a narrow exception to the Snake River Basin Moratorium established by the Director on May 15, 1992. The exception allows the use of groundwater during the drought to protect agricultural uses which normally have an adequate supply of water. Please carefully review the conditions of approval.

The Department has approved your permit for the 1992 irrigation season. Diversion of groundwater is not authorized after the 1992 season, and the permit expires. The Director may reinstate the permit in a subsequent year if drought conditions persist. You will be responsible for requesting reinstatement during future irrigation seasons.

When your permit expires, you must make the pump and motor inoperable, and cannot operate the pump without approval from the Department of Water Resources.

Your permit is for supplemental use only to augment your surface water supply. If the surface water you own is sold, transferred, leased or used on any other land without the approval of the Department of Water Resources, you automatically lose your right to divert groundwater. You must obtain the approval of the Department before using your water anywhere other than where it has traditionally been used.

In addition, you must fully utilize your available surface water to the extent possible. The surface water need not be fully consumed or diverted prior to use of groundwater. You cannot, however, simply divert token quantities of surface water and rely primarily on your groundwater diversion. Surface water must be your primary source of water.

RECEIVED

AUG 09 1994

If you want to locate your well closer than 500 feet from an existing well, you must obtain the approval of the Department of Water Resources. We realize that under certain circumstances, it may be impossible to locate the well 500 feet away from another well. You must, however, be cognizant of possible interference resulting from pumping of your well.

If diversion from your well causes interference with other wells with an earlier priority, you may be required to cease pumping or compensate the affected party. Idaho law specifically protects groundwater levels for domestic wells which were in use prior to 1978.

If general water levels in the geographical area of your well decline below reasonable levels, the Department may require you to cease diverting from your well.

You must efficiently apply the water to the land and conserve water to the extent possible. Excessive irrigation, delivery systems with substantial losses, and application methods which cause substantial percolation or evaporation are not acceptable.

Sincerely,

for 
JIM JOHNSON
Water Right Supervisor

JJ:cz

Enclosure

AUG 09 1994

Michael J. SWARTZ

APPLICANT NAME

63-11851

APPLICATION NO.
(if known)

MORATORIUM EXEMPTION QUESTIONNAIRE

IF YOUR APPLICATION PROPOSES AN IRRIGATION USE, PLEASE
COMPLETE AND RETURN THE FOLLOWING:

- Has ALL the land you propose to irrigate been irrigated
with surface water in the past? *intent is to use well this
season if possible*
yes

- Do you summer fallow any of your irrigated land? If
so, how many acres? *NO*

- List the water right(s) you have used to irrigate the
land listed on the application. If you have received
water from a canal company or water district, please
identify the name of canal or water district.

Boise River Irrigation East Madison Canal

- During the last ten years, how many years has your
surface irrigation water been available for the entire
irrigation season?

*Reduced water allotment since 1988 but
Irrigation District was able to deliver the entire
irrigation season*

- What crops have you grown in the past ten years?

Sugar beets, hay seed, seed corn, wheat, onion seed

I understand if my proposed diversion of groundwater is
approved as a supplemental use, that I can only use my well
during periods of drought, when a full supply of water is not
available. I also agree that my surface water will be fully used
to the extent available, will not be sold or used on other lands,
and that a change in use of my surface water may result in
revocation of any groundwater right granted pursuant to my
application for supplemental water.

Dated this 8 day of June, 1992.

AUG 09 1994

(Please sign)

Michael J. Swartz

63-11851

SWARTZ, MICHEL J
8827 SOUTH POWERLINE RD
NAMPA, ID 83686

Source: GROUNDWATER

Diversion Pt: NENE Sec 22 T 02N R 02W in CANYON County.

Use: IRRIGATION (1.600 CFS)
Total Diversion: (1.600 CFS)

Date Filed: 6/ 8/1992

In: CANYON County
T02N R02W S22 NENE SENE

80.0 ACRES TOTAL

AUG 09 1994

63-11851

SWARTZ, MICHEL J
8827 S POWERLINE RD
NAMPA, ID 83686

Source: GROUNDWATER

Diversion Pt: NENE Sec 22 T 02N R 02W in CANYON County.

Use: IRRIGATION (1.600 CFS)
Total Diversion: (1.600 CFS)

Date Filed: 6/ 8/1992

In: CANYON County
T02N R02W S22 NENE SENE

80.0 ACRES TOTAL

Water bearing zone to be appropriated is 60 to 180 feet.