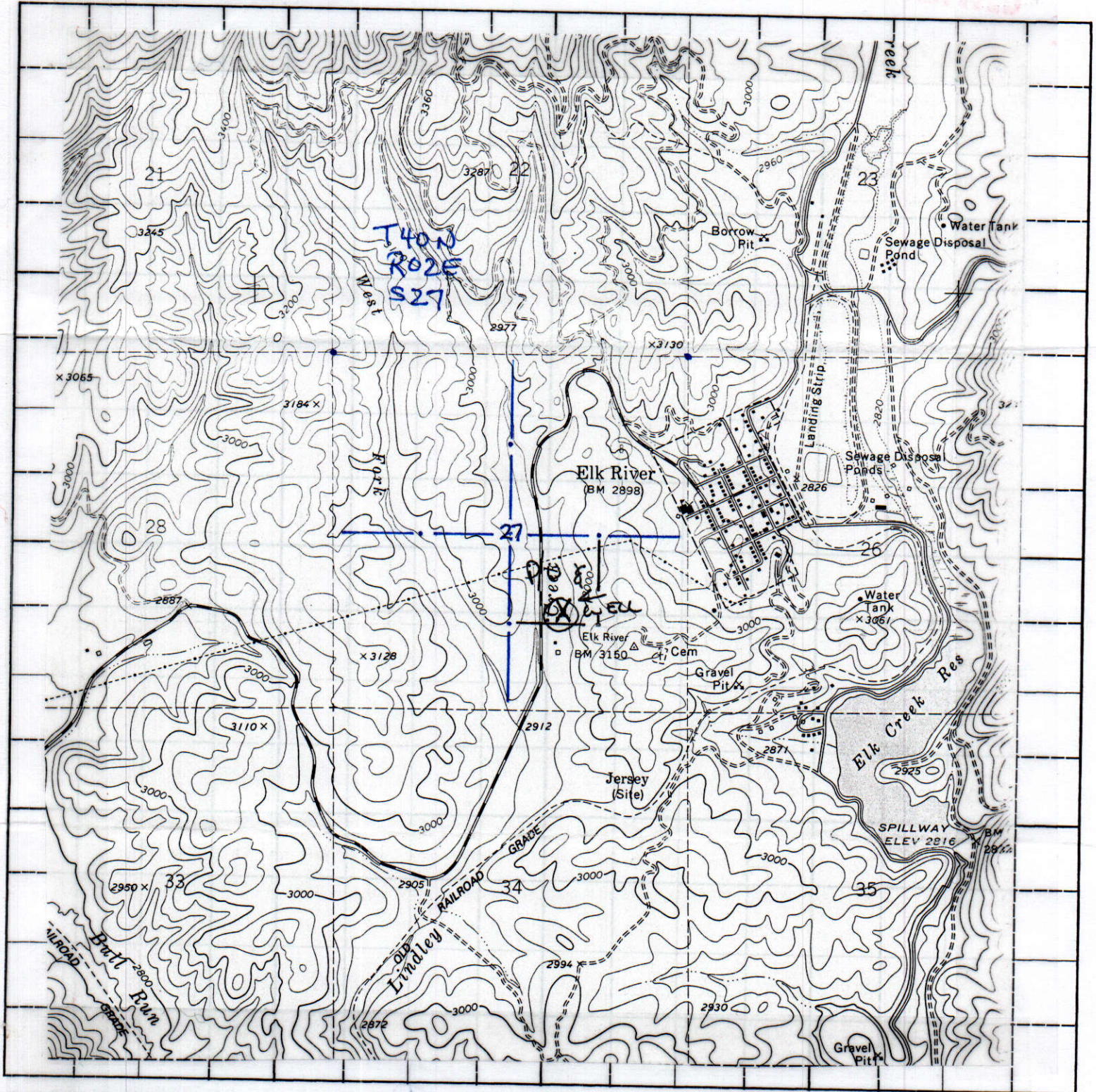


Please mark on the map the location of the well & greenhouses.

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



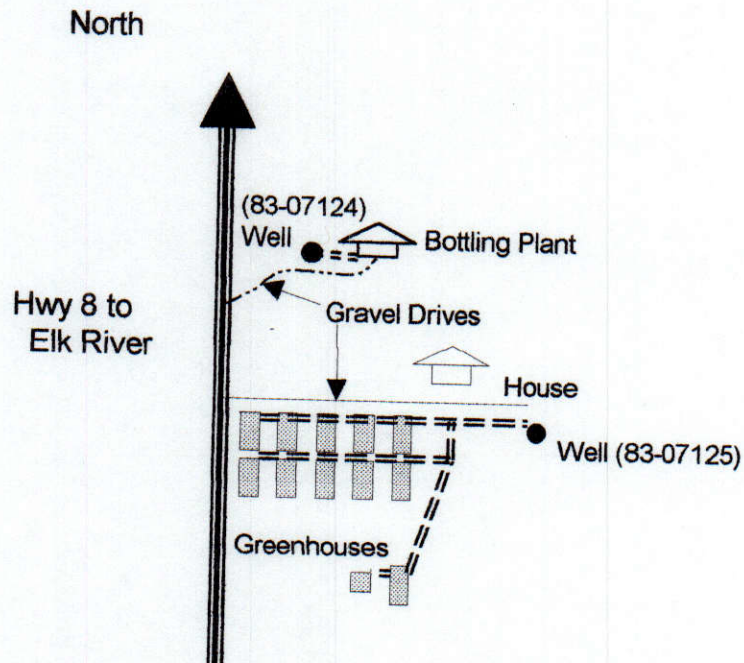
Scale: 2 inches equal 1 mile.

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.

JUN 14 1995

James Schumt
(Applicant)

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



Scale: 1" = Not to scale

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

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

X 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
	(Submersible)	1	Unknown		

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

D. FLOW MEASUREMENTS

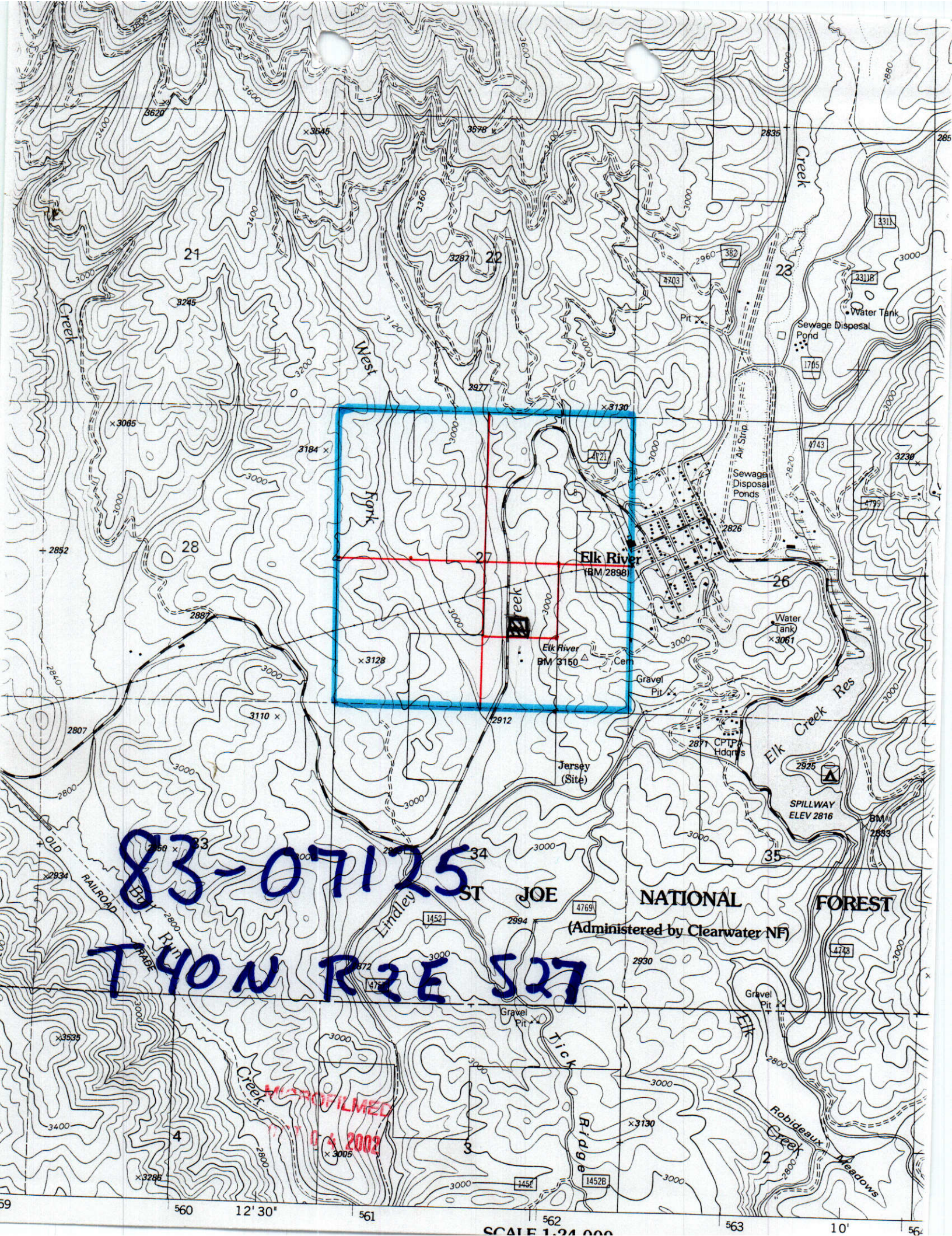
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

None taken.

MICROFILMED
OCT 04 2002



PERMIT NO.: 83-07125

PHOTOS:



PHOTO 1
POINT OF DIVERSION

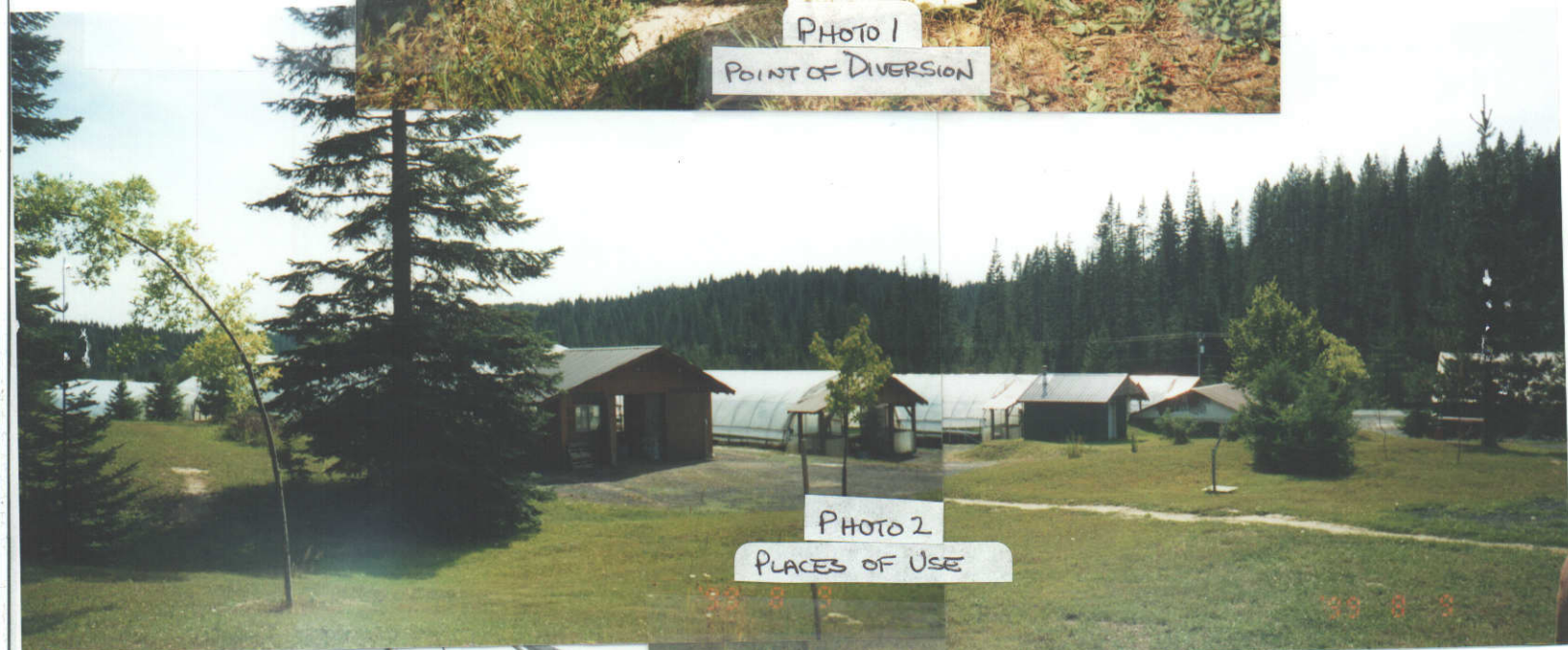


PHOTO 2
PLACES OF USE



PHOTO 3
IRRIGATION SYSTEM

PHOTO FILMED
04 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 83-07125

Priority: March 20, 1995

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 6.6 AF

It is hereby certified that JAMES SCHWARTZ
PO BOX 149
ELK RIVER ID 83827-0149 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated March 20, 1995; and has
submitted Proof of Beneficial Use on May 15, 1998. An examination indicates that the works have a
diversion capacity of 0.07 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

COMMERCIAL

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

0.04 CFS

**ANNUAL
DIVERSION VOLUME**

6.6 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27, Twp 40N, Rge 02E, B.M., CLEARWATER County

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
40N	02E	27																	

CONDITIONS OF APPROVAL

1. Commercial use is for greenhouses.
2. Right 83-07097 is also diverted through the point of diversion described above.
3. Rights 83-07097 and 83-07125 when combined shall not exceed a total diversion rate of 0.07 cfs for use in 12 greenhouses.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 20TH day of JUNE, 2002.

Acting for

KARL J. DREHER
Director

MICROFILMED

OCT 04 2002

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No.: 040338
Receipt By: JS
Date Received: 5/15/98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 15 1998

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 83-07125 Telephone No. 208-826-3408

2. Name(s) of Permit Holder(s): James Schwartz

3. Mailing Address: PO Box 149, Elk River, ID 83827

4. Source of Water: _____ If **GROUNDWATER** (well), Date Drilled: mo. 6 / yr. 1987

a. Well Driller: K.W. Drilling Drilling Permit Number: 99 - 91 - N - 29

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

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

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

Irrigation (No. of acres): _____ Other: Commercial - Greenhouses

6. Total rate of diversion and/or volume for which proof is submitted: .20 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 _____ or No X

Has the measuring device been installed? Yes _____ or No X

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No X

Has the measurement port been installed? Yes _____ or No X

8. Fee Enclosed: \$ 50⁰⁰ (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: Jim Schwartz Telephone Number: 208-826-3408

Address: 3048 Hwy 8 Elk River, ID 83827

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

Signature of permit holder: James Schwartz Date: 5/10/98
(include your title, if on behalf of company or organization)

MICROFILMED

AUG 21 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 83-07125

Proposed Priority: March 20, 1995

Maximum Diversion Rate:

0.20 CFS

This is to certify, that JAMES SCHWARTZ

PO BOX 149

ELK RIVER ID 83827-0149

has applied for a permit to appropriate water from: GROUNDWATER

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

COMMERCIAL

01/01 to 12/31

0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 27, Township 40N, Range 02E
CLEARWATER County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

40N 02E 27

NWSE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1998.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Commercial use is for greenhouses.

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

12th day of June, 1995

Karl J. Dreher
Karl J. Dreher, Director

RECORDED
JUN 14 1995

GREENHOUSES

RECEIVED

MAR 15 1995

Ident. No. 83-7125

RECEIVED
JUN 05 1995

WATER RESOURCES
EASTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of applicant James Schwartz Phone 208-826-3408
Post office address P.O. Box 149, Elk River, Idaho 83827-0149

2. Source of water supply GROUNDWATER which is a tributary of _____

3. Location of point of diversion is _____ 1/4 of NW 1/4 of SE 1/4, Govt. Lot _____

Sec. 27 Township 40N Range 02E B.M. CLEARWATER County; additional
points of diversion if any: NONE

4. Water will be used for the following purposes:

Amount 0.20 for COMMERCIAL purposes from 1/1 to 12/31 (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) 0.20 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. EXISTING WELL WITH PUMP TO
GREENHOUSES.

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. ^{EXISTING} Proposed well diameter is 6 inches; proposed depth of well is 100 feet.

d. Is ground water with a temperature of greater than 85°F being sought? No

e. If well is already drilled, when? 6/87; Drilling firm K W. DRILLING;

Well was drilled for (well owner) APPLICANT

7. Time required for the completion of the works and application of the water to be proposed beneficial use is
3 years (minimum 1 year).

RECEIVED
JUN 14 1995

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. COMMERCIAL USE FOR GREENHOUSES.

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
40N	02E	27														C			

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 83-7097

11. a. Who owns the property at the point of diversion? _____

b. Who owns the land to be irrigated or place of use? _____

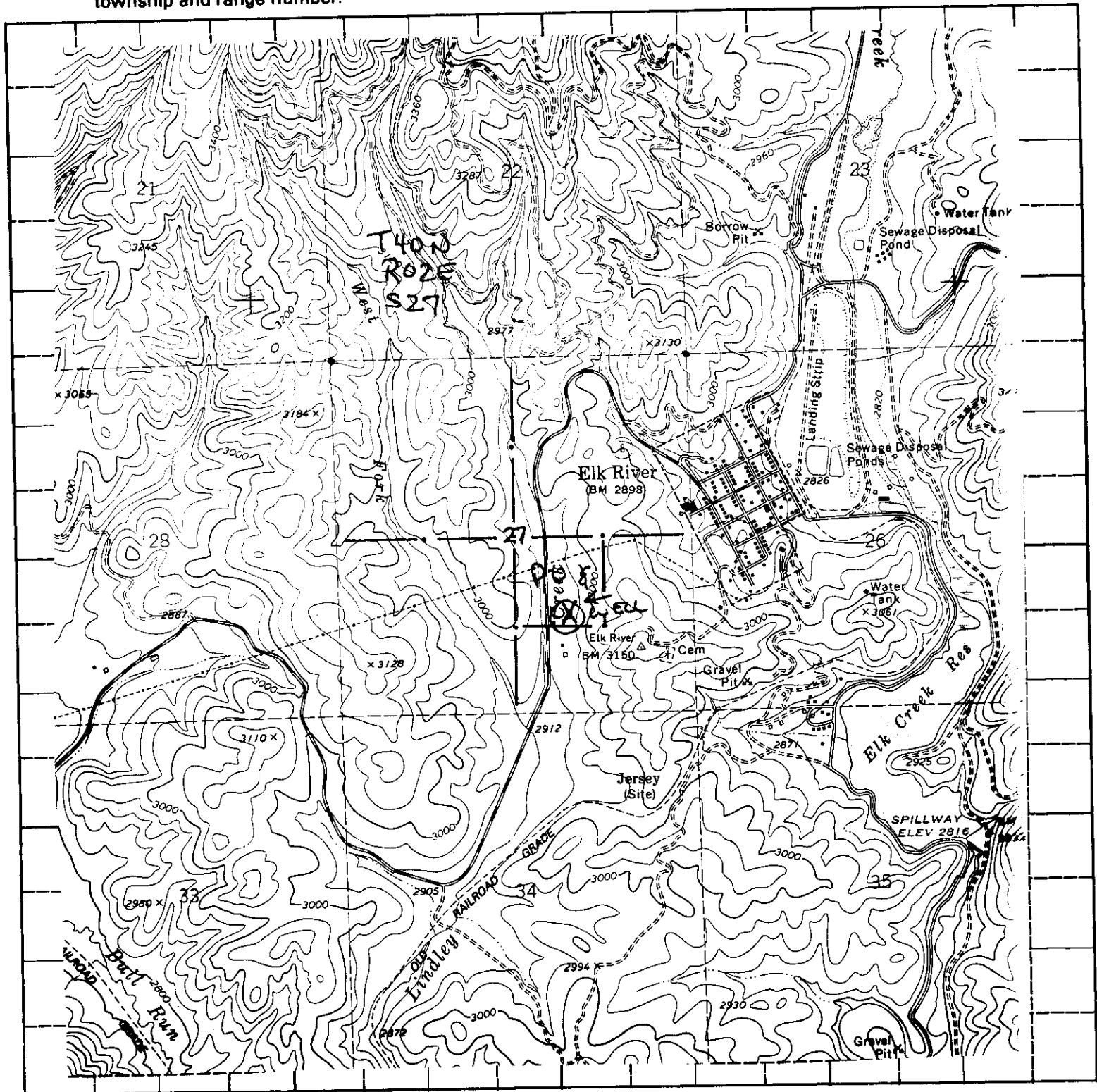
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

JUN 14 1995

Please mark on the map the location of the well & greenhouses

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



Scale: 2 inches equal 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.

JUN 14 1995

James Schumt
(Applicant)

Received by OB ^{3/20/95 Northern} Date 3/15/95 Time 11:25 AM Preliminary check by AB
Fee \$ 50.00 Received by OB # W018737 Date 3-15-95
Publication prepared by OK Date 3/29/95 Published in Clematis Tr. 4/6 + 13/95
Publication approved OB Date 5/10/95

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. _____, and said application is hereby _____.

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 _____, 19 ____.

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 rights 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:

RECORDED

JUN 14 1995

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 24, 2002

JAMES SCHWARTZ
PO BOX 149
ELK RIVER ID 83827-0149

RE: License No. 83-7125 - Issuance of License

Dear Water Right Holder(s):

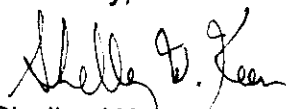
The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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 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.

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,


Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

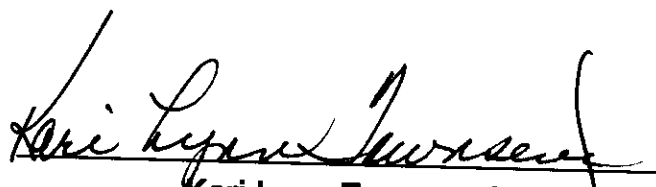
MICROFILMED
OCT 04 2002

CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 83-7125

**JAMES SCHWARTZ
PO BOX 149
ELK RIVER ID 83827-0149**


Kari Lynn Townsend
Secretary

MICROFILMED

OCT 04 2002

**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
OCT 04 2002

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.

MICROFILMED
OCT 10 4 2002

Comment Report

83-7125

1. kwalker 6/19/2002 Rate of Diversion

Comment: Examiner recommended we allow 0.07 cfs under this license but failed to notice that there was an overlapping license no. 83-07097 for 8 of the greenhouses. I have recommended we allow 0.04 cfs under this license since capacity of system is 0.07 and license 83-07097 was issued for 0.03 cfs to be used in the greenhouses.

2. DBALL 3/28/1995 DIVERSION DESCRIPTION

Comment: Existing well with pump to greenhouse drilled under 83-87-N-0003. Well is 6 in. depth 100 ft. drilled by K.W. Drilling, 6/10/87.

3. CBIRD 5/15/1998 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

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OCT 04 2002

LICENSE REVIEW CHECKLIST

Permit No. 83-7125

Date: 6-19-02

Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): 83-7097

File reviewed OK Profile reports printed OK

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.20 cfs
Fee Limit 0.20 cfs
Measured 0.07 cfs
Theoretical 0.07 cfs

Recommended Total Diversion Rate 0.04

**-see comment report*

Water Uses OK

Change (P46)

Season of Use per new Standards

Irrigation OK cfs af

Stockwater OK cfs af

Domestic OK cfs af

Comm 0.04 cfs af

Total 0.04 cfs af

6.6

6.6

Irrigation - overlap(R58-R61, R62-R65, R66-R69)

supp Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (106/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

*Rec. Vol = 8.1
Vol 7097 = 1.5
this right → 6.6*

Volume Determination

0.04 cfs x 1.9835 x 12 days = af (vs) 0.04 acres x 12 (FHR) = af

Remarks: W36, W35 → 12 greenhouses

Additional Conditions

Watermaster Control
GW Measurement/Measuring Device
Other
Trust R55 - remove 051)
Non-trust (048)

GW Dist?
Water Msm. Dist?
Crit. GWMA?
GWMA?
Government Lots?

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim? NO

Adjust memo OK

Amend Letters

P87, S06

Second Amendment Notice

S06

06/19/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 83-7097

WATER RIGHT NUMBER: 83-7097

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARLA SCHWARTZ PO BOX 149 ELK RIVER, ID 83827 (208)826-3408
Current Owner	JAMES SCHWARTZ PO BOX 149 ELK RIVER, ID 83827 (208)826-3408

Priority Date: 10/18/1988

Basis: License

Status: Active

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	1/01 to 12/31	0.030 CFS	1.50 AF
DOMESTIC	1/01 to 12/31	0.030 CFS	1.20 AF
	<u>Total Diversion:</u>	0.060 CFS	2.70 AF

Location of Point(s) of Diversion

GROUND WATER

CLEARWATER County

NW1/4SE1/4

Sec. 27, Twp 40N, Rge 02E, B.M.

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
40N	02E	27																	

DOMESTIC same as COMMERCIALConditions of Approval:Remarks:

1. General

Commercial use is for a greenhouse operation.
Domestic use is for 1 home.*(8 greenhouses per field exam)*Comments:

06/19/2002

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 83-7097

Dates and Other Information:

Licensed Date: 2/22/1994
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB 14 2000
Department of Water Resources

A. GENERAL INFORMATION

1. Owner: James Schwartz

Current Address: PO Box 149, Elk River ID 83827-0149

2. Accompanied by: James Schwartz

Address: same as above

Relationship to Permit Holder: Permit Holder

3. Source: Groundwater

Tributary to

Permit No.: 83-07125

Phone No.: (208) 826-3408

EXAM DATE: August 9, 1999

Phone No.: same as above

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	SE	27	40N	02E	Clearwater	Permit holder sited location on topo

2. Place(s) of Use:

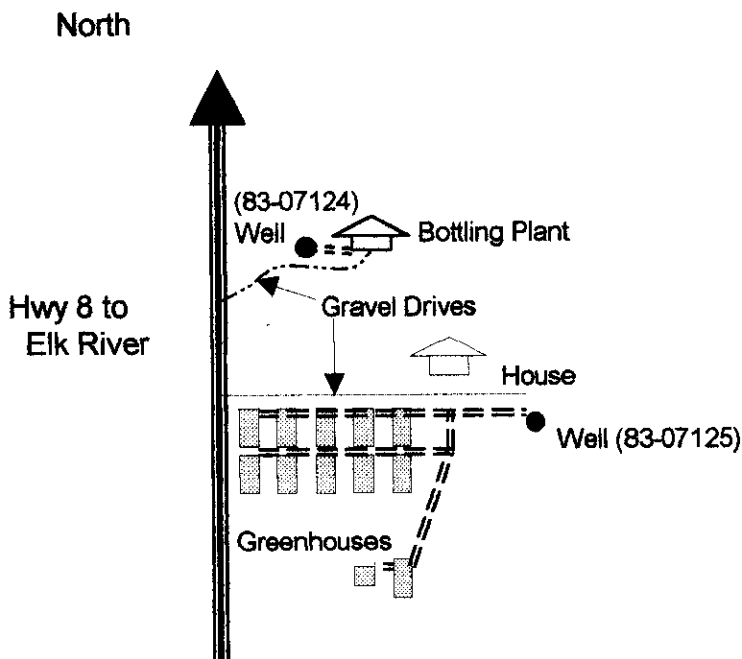
Indicate Method of Determination same as above

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
40N	02E	27														C			

MICROFILMED

FEB 14 2002

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



Scale: 1" = Not to scale

X 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)

X 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
	(Submersible)	1	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

2. Measurements:

None taken.

MICROFILMED

OCT 04 2002

E. NARRATIVE/REMARKS/COMMENTS

Per owner, well (photo 1) is 8" by 89' with a static water level of 25' and an estimated dynamic pumping level of about 32'. KVV Drilling drilled the well in 1987 under drilling permit no. 83-87-N-0003-000. The well produced an estimated 30 gpm or 0.07 cfs. Well is located up gradient of the greenhouses. Photo 2 is taken about half way between well and the first greenhouse.

Water is piped to pressure tanks in each of the 12 greenhouses (photo 2). The irrigation systems in each of the greenhouses are state-of-the-art automated systems. Water can be regulated, temperature controlled, and/or mixed with fertilizers, etc. and pressurized into the overhead hanging lines. Each greenhouse has one overhead line with 36 varying sized Quick Teejet 0C-03 atomizers (photo 3). Each pass of the system through the greenhouse uses approximately 100 gallons of water. On average, 12 passes per greenhouse are made every other day year round. Each pass is approximately 14-15 minutes in duration. Operator can regulate rate of flow and speed of greenhouse systems to run 3 to 4 greenhouses at a time. No water is wasted or runs off.

Owner grows various trees for the federal government starting with seeds through to the saplings shown in photo 3.

MICROFILMED

001 - 002

Have conditions of permit approval been met? X yes no

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$\text{gpm} + \text{gallons per cfs} = 30 + 448.83 = 0.066 = 0.07 \text{ cfs.}$$

$$\text{HP} = \frac{8.8 \times 0.7 \times 1.0}{32 + (2.31 \times 25)} = 0.07 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

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

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

2. Volume Calculations for Other Uses:

$$\begin{aligned} \text{AF} &= (\text{gpm/pass} \times \text{passes/day} \times \text{days/yr} \times \text{number of greenhouses}) \div \text{gallons/AF} \\ &= (100 \times 12 \times 183 \times 12) \div 325,850 \\ &= 2,635,200 \div 325,850 \\ &= 8.1 \text{ AF.} \end{aligned}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Commercial	1/1	12/31	0.07	8.1
Totals:			0.07	8.1

2. Recommended Amendments

Change P.D. as reflected above	Add P.D. as reflected above	☒ None
Change P.U. as reflected above	Add P.U. as reflected above	Other

I. AUTHENTICATION

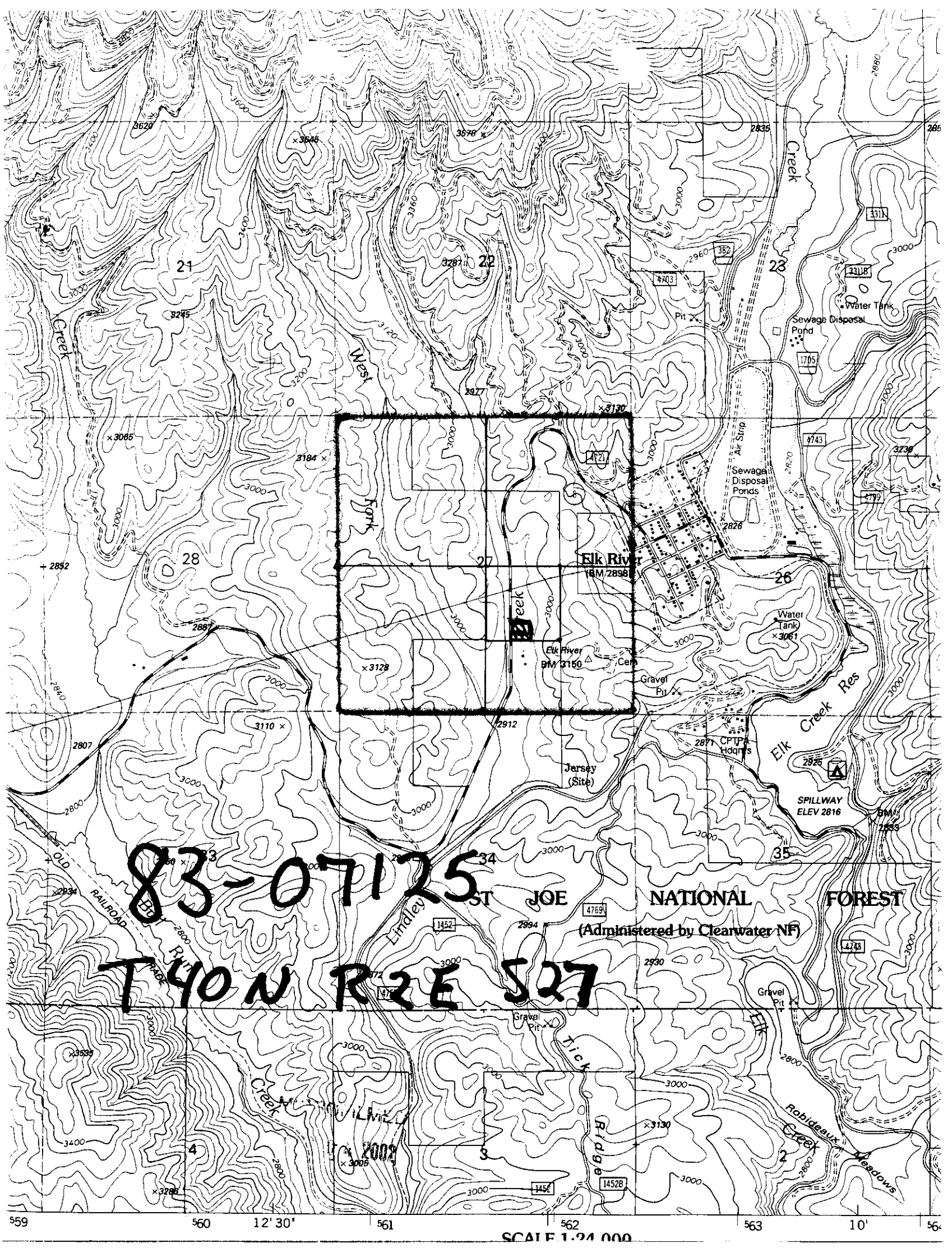
Field Examiner's Name: Cindy Zimmerman

Date: September 12, 1999

Field Examiner's Signature:


MICROFILMED

SEP 14 2002



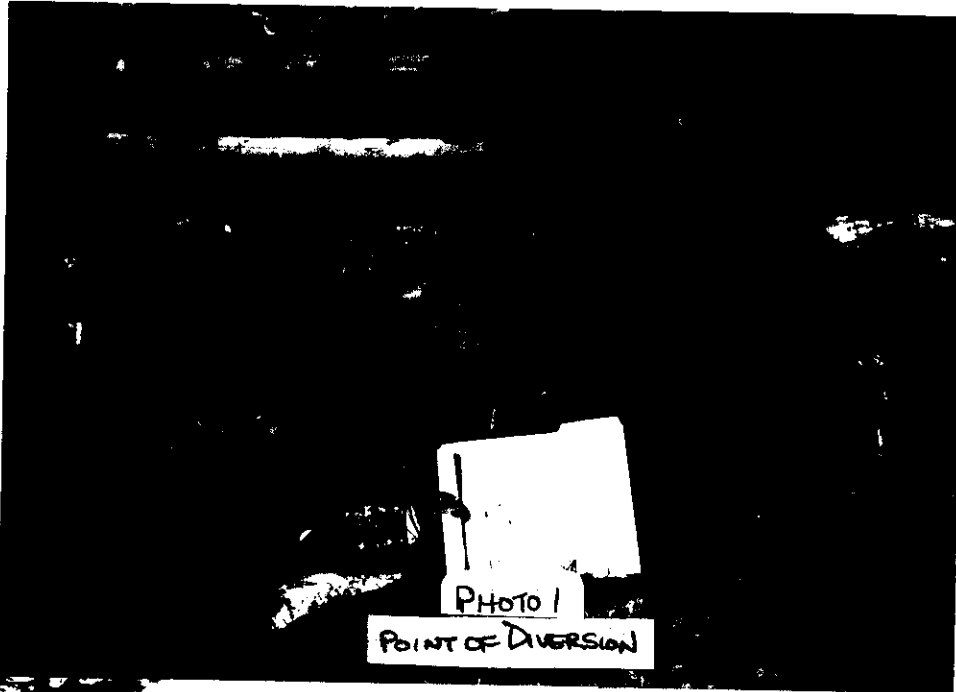
83-07125

T40N R2E S27

SCALE 1:24,000

PERMIT NO.: 83-07125

PHOTOS:



11 4 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 9, 1998

James Schwartz
PO Box 149
Elk River ID 83827

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 83-07125

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.

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 department's **NORTHERN** Regional Office in Coeur d'Alene at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
AUG 21 1998

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 83-7125 Reviewed by Jay Date 7/8/98

GENERAL CONSIDERATIONS

YLS Name same as permit?
YLS Address same as permit?
YLS Proof timely received?
If not, complete calculation below.

TYPES OF USE

Comm.

Correct Uses? YLS

SOURCE OF WATER

 Surface water source

✓ Ground water source

YLS Drilling permit required?

NIO Copy in the file? Drilling Permit No. 83-87-N-0003

 Amount paid for permit

NIO Well log in the file? Correct?

LICENSE EXAMINATION FEE

YLS Required?
50- Amount Submitted
YLS Correct?

MEASURING DEVICE

NIO Required?
✓ Installed?
 Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X Proof Made 5-15-98

JAMES SCHWARTZ
PO BOX 149
ELK RIVER ID 838270149

March 31, 1998

RE: PERMIT NO. 83-07125 PROOF DUE NOTICE

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1998.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

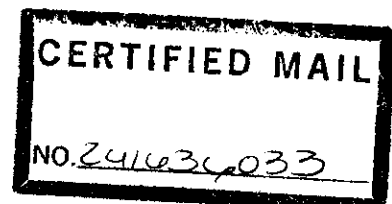
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILM
AUG 21 1998





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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 12, 1995

JAMES SCHWARTZ
PO BOX 149
ELK RIVER ID 83827-0149

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 83-07125

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

JUN 14 1995

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 83-7125 Name: James Schwartz Date: 6/6/95 Ad OK? ✓
Correct Fee? ✓ Receipt #: W018737 Priority: 2/15/95 ✓ Gvmt Lts: ✓

AREA OF CONCERN? GW exempt - No/Yes s/c Mor GWMA Trust/Non-trust
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)

SYSTEM COMPLETED:
Yes/proof filed - NA
1 year/no proof - P16
+1 year - 2NA-P17

GROUNDWATER: <✓ FLO-CH>
+ 0.2 cfs - 01M
- 0.2 cfs - No MD
+ 5 a. (POU cmp) - 01M, 803(if GW use SW 1st)

Drilling Permit:
Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink):
Water District (~~dem~~) - 005 (req) WD # _____ <SEE MAP & LISTING>
+ 0.2 cfs - 01J-P08 or 01M
- 0.2 cfs - 01H-P01 or No MD
+ 5 a. irr. - 01M (POU cmp)
~~In-WD~~ + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
+ 5 a. irr. - 01M (POU cmp)

RIVER BASINS (*Surface water):
Snake R (01) - 11A-P04, NA
(02/03) - 007-P07 (w/remark WB9), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064(consump. use), 047-P04(Payette Lake), NA

USE:
Domestic (surface) - 021(Boise R + L Peak); 27A(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10; 044(N 1000 Spr)
Irr - 5 acres - 057 (0.03 cfs/A)
+ 5 acres - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
Storage(✓ 3 compo.) - +25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09
18A(multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:
Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - B <SEE CONDITION CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA
OWNERSHIP: Non-land owner - 004 (PD/PU)

OTHER CONDITIONS:
STANDARD REMARKS:

BENEFICIAL USE DUE:
COMMENTS:

① Comm use / greenhouses

6-1-1998

No. a
4/87-06/92n

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
JUN 05 1995

APPLICATION # 83-7125

***** INITIAL REVIEW ***** Department of Water Resources

APPLICANT: SCHWARTZ BY: AB DATE: 3/20/95

ITEM REQUIRED INFORMATION

1. ☒ Name and Address
2. ☒ Source
3. ☒ Point of Diversion & County
4. ☒ Quantity
☒ Nature of Proposed Use
☒ Period of Use
5. ☒ Total Quantity
6. ☒ Description of diverting works
7. ☒ Time required for b/u
8. ☒ Proposed use
9. ☒ Place of use or acres irrigated
10. ☒ Other Water Rights
11. ☒ Ownership
13. ☒ Map
☒ Signature
☒ Fee (Amt, recpt, acknowledgment)

*** Send info sheet Y() N()

ADDITIONAL INFORMATION

Yes No

- ☒ Field check: by _____
☒ Field report attached
☒ Analysis Supp. attached(>5cfs/500af)
☒ Water delivered by water master?
Water District # _____

PROCESSING

Yes No

PRIORITY DATE: 3/20/95

____ (Include Moratorium Remark)

____ Statewide Avertising: (Diversion rate greater than 10 cfs or 1,000 af).

CT John ok

ADVERTISE IN: CLEARWATER County.

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
() Power Information () Other: N/A

INFORMATION RECEIVED:

- () Dam Information () Fish Information
() Power Information () Other: N/A

***** GROUNDWATER SECTION *****

(Yes) (No)

- ☒ Groundwater management area
☒ Critical ground water area
____ Well Drilling Permit required
____ Well Drilling Application and Fees received
____ Well Drilling Application approved?
____ Well Drilling Application Number _____

Checked by: _____ Date: 3/20/95

Remarks: EXISTING WELL AT TIME OF FILING.

***** FINAL REGIONAL PROCESSING/REVIEW *****

(Yes) (No)

- ____ Notice of pending void order issued. Final order response date: 3/20/95
____ Further information required from applicant
5/8/95 Affidavit of publication received
5/10 Application published correctly, If not, record action taken: _____
3/29/95 Publication dates and paper recorded on application | Sr. Agent initial AB
____ Protests received. Final protest date: 4/24/95
____ Measuring device required
____ Measuring port required
____ Special conditions: _____
____ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: AB

Date: 5/18/95

AFFIDAVIT OF PUBLICATION

RECEIVED

MAY 08 1995

NORTHERN REGION
IDWR

STATE OF IDAHO)
) ss.
County of Clearwater)

Bonnie M. Bessent

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE; that said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho, during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of:

Water Application

That said 83-07124-83-07125-84-07284

8600-7339

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for a full period of two consecutive issues commencing on the 6th day of April 1995 and ending on the 13th day of April 1995

STATE OF IDAHO)
)
COUNTY OF CLEARWATER)

On this 24th day of April in the year of 1995, before me, a Notary Public, personally appeared

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

Notary Public for Idaho
Resident at Orofino, Idaho

My commission expires: 11-20-95

NOTICE OF APPLICATION FOR WATER RIGHT

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

83-07124 -

SCHWARTZ, JAMES
P.O. BOX 149
ELK RIVER, ID 838270149
Source: GROUNDWATER
Diversion Pt: NWSE Sec 27 T
40N R 02E in CLEARWATER
County.

Use: COMMERCIAL (0.200 CFS)
Total Diversion: (0.200 CFS)
Date Filed: 3/16/1995
In: CLEARWATER County
T40N R02E S27 NWSE

83-07125 -

SCHWARTZ, JAMES
P.O. BOX 149
ELK RIVER, ID 838270149
Source: GROUNDWATER
Diversion Pt.: NWSE Sec 27 T
40N R 02E in CLEARWATER
County.

Use: COMMERCIAL (0.200 CFS)
Total Diversion: (0.200 CFS)
Date Filed: 3/20/1995
In: CLEARWATER County
T40N R02E S27 NWSE
84-07284 -

BOWMAN, DWIGHT
3235 UPPER FORDS CREED RD
OROFINO, ID 83544
Source: SPRING
Tributary: JIM FORDS CREEK
Diversion Pt: SENENW Sec 24 T
36N R 02E in CLEARWATER
County.

Use: WILDLIFE (0.200 CFS)
WILDLIFE STORAGE (3.00 AF)
RECREATION (0.200 CFS)
RECREATION STORAGE (3.00 AF)
DIVERSION TO STORAGE (0.200 CFS)
DOMESTIC (0.040 CFS)
DOMESTIC STORAGE (3.00 AF)
DOMESTIC FROM STORAGE (3.00 AF)
Total Diversion: (0.200 CFS)
(3.00 AF)

Date Filed: 3/27/1995
In: CLEARWATER County
T36N R02E S24 NENW
86-07339 -

HULETT, ARLENE
4562 CAVENDISH GRADE
OROFINO, ID 83544
Source: GROUNDWATER
Diversion Pt: SWSESW Sec 25 T
37N R 01W in CLEARWATER
County.

Use: IRRIGATION (0.090 CFS)

DOMESTIC (0.040 CFS)
Total Diversion: (0.100 CFS)
Date Filed: 3/16/1995
In: CLEARWATER County

T37N R01W S25 SESW
5.0 ACRES TOTAL
For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814, together with a protest fee of \$25.00 on or before APRIL 3, 1995.

R. KEITH HIGGINSON,
Director
4-6,13

RECEIVED

JUN 14 1995

March 29, 1995

Mr. James Schwartz
P O Box 149
Elk River, ID 83827-0149

Subject: Water Appropriation Application for Permit Number 83-07125

Dear Mr. Schwartz:

The Idaho Department of Water Resources hereby acknowledges receipt of the above-referenced Application for Permit to appropriate the Public Waters of the State of Idaho. Enclosed is Receipt Number W018737 from Northwoods Nursery, Inc. Please refer to your Application for Permit Number in future matters concerning this water right application.

Your Application for Permit is currently being prepared for advertising in the local county newspaper. The advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for submittal of protests.

If your application is not protested, it will be forwarded to Boise for processing. Normal processing time is approximately 3 to 4 months, if the application is not protested. If your Application for Permit is protested, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before your Application for Permit can be approved. If the protest is not resolved, this Department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State Office in Boise.

If your Application for Permit is for a well (groundwater) that was constructed after July 1, 1987, you must apply for a well drilling permit upon approval of your Application for Permit if no permit was obtained by previous owners to construct the well. Well Drilling Permits can only be issued by this office to holders of approved Applications for Permit.

If I can be of further assistance, please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resource Agent
Enc. - Receipt

JUN 14 1995

83-07125

SCHWARTZ, JAMES
P O BOX 149
ELK RIVER, ID 838270149

Source: GROUNDWATER

Diversion Pt: NWSE Sec 27 T 40N R 02E in CLEARWATER County.

Use: COMMERCIAL (0.200 CFS)
Total Diversion: (0.200 CFS)

Date Filed: 3/20/1995

In: CLEARWATER County
T40N R02E S27 NWSE

APR 10 1995

JUN 14 1995