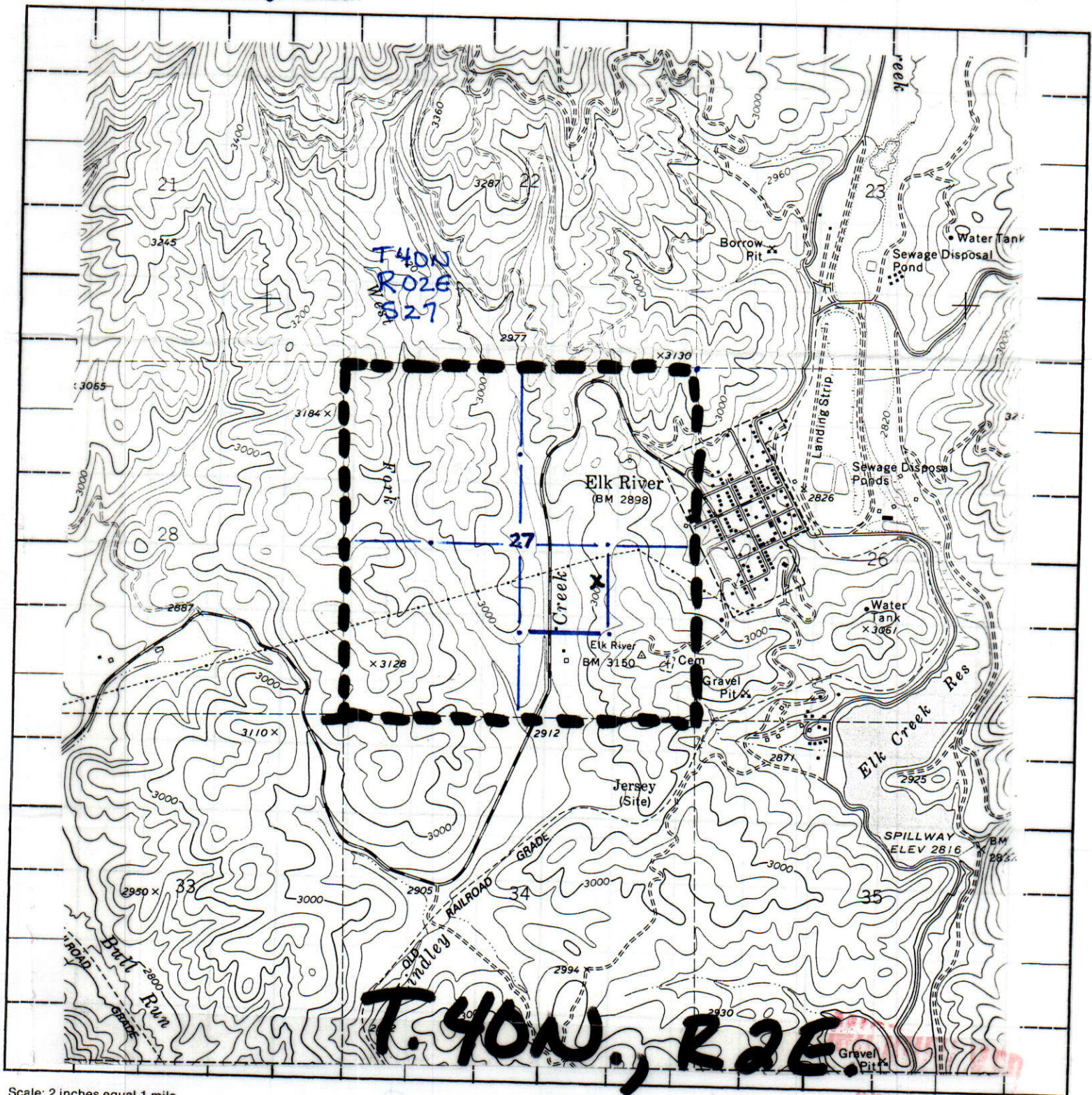


Please mark on the map the location of the well & bottling plant.

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



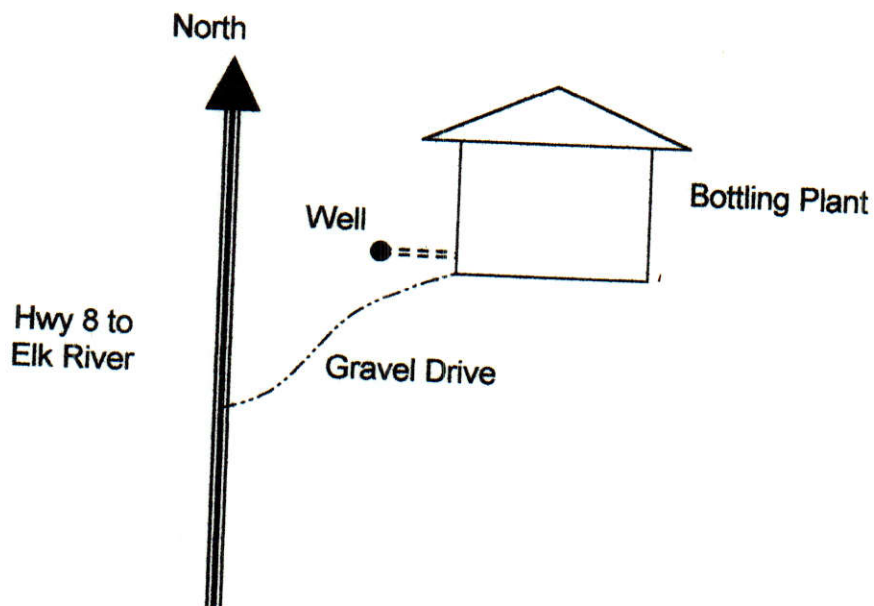
Scale: 2 inches equal 1 mile.

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.

James Schantz
(Applicant)

JUN 14 1995

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

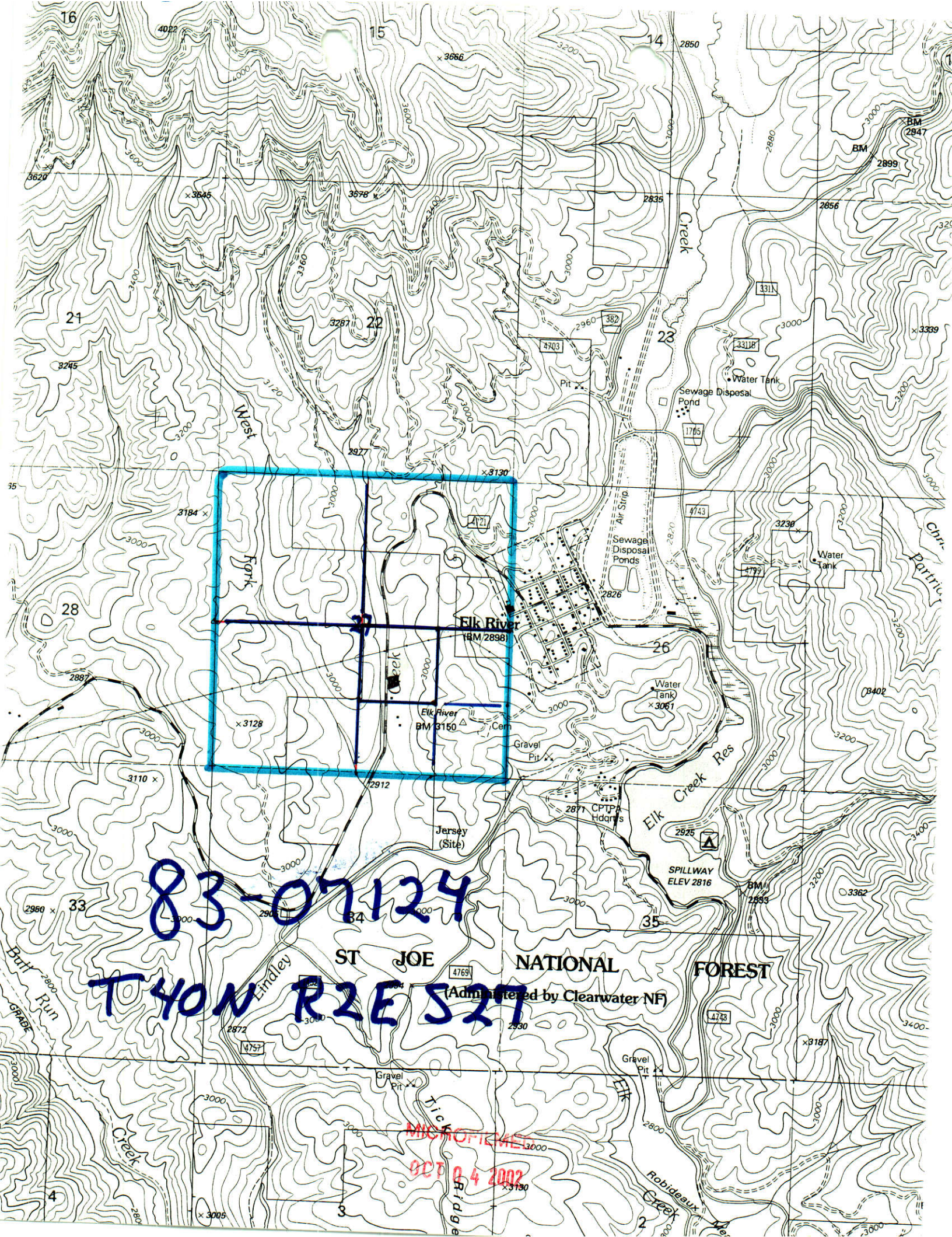
1.

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

2. Measurements:

Bottling plant was not operating at the time of the exam, therefore, a measurement was not taken.

MICROFILMED
OCT 04 2002



83-07124

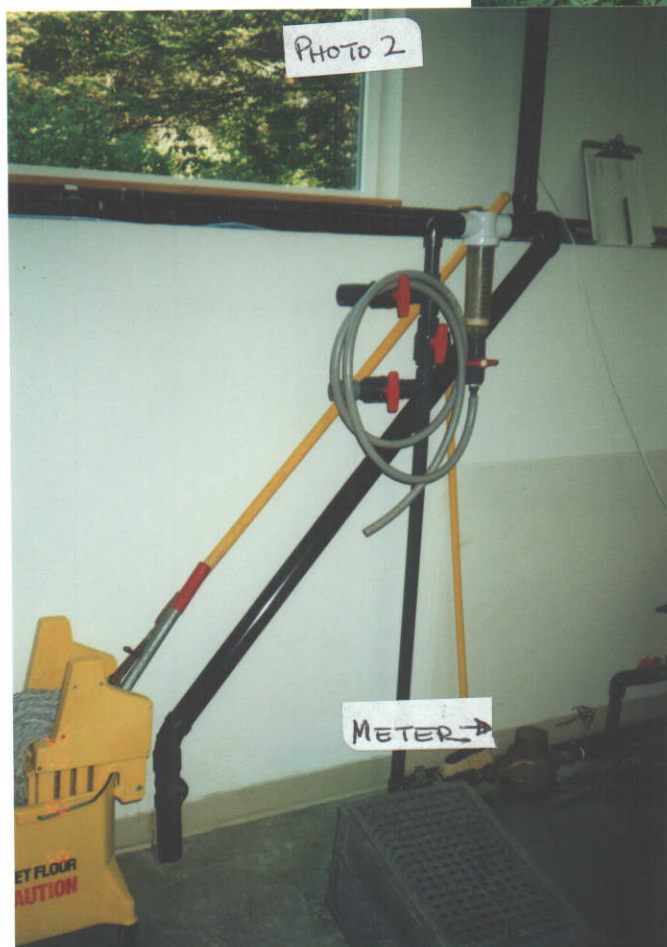
T40N R2E S27

MICROFILMED

OCT 04 2002

PERMIT NO.: 83-07124

PHOTOS:



OCT 04 2002

AFFIDAVIT OF PUBLICATION

RECEIVED
MAY 08 1995
NORTHERN REGION
IDWR

STATE OF IDAHO)
County of Clearwater) ss.

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

83-07124-83-07125-84-07284

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 Bonnie M. Bessent 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.

Pamela A. Jones
Notary Public for Idaho
Resident at Orofino, Idaho
My commission expires: 11-20-95

JUN 14 1995

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

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 83-07124

Priority: March 16, 1995

Maximum Diversion Rate: 0.06 CFS
Maximum Diversion Volume: 3.0 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 16, 1995; and has
submitted Proof of Beneficial Use on May 15, 1998. An examination indicates that the works have a
diversion capacity of 0.06 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

0.06 CFS

**ANNUAL
DIVERSION VOLUME**

3.0 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER NW¼SE¼ 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																	X	

CONDITIONS OF APPROVAL

1. Commercial use is for a water bottling facility.

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. C-12338
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. 83-07124 Telephone No. 208-826-3408
2. Name(s) of Permit Holder(s): James Schwartz
3. Mailing Address: P.O. Box 149 Elk River, ID 83827
4. Source of Water: _____ If **GROUNDWATER** (well), Date Drilled: mo. 8 / yr. 95
 - a. Well Driller: Uhlenkott
 - b. **OPTIONAL:** Drilling Permit Number: 83-95-11-0006-000
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: Bottled Water - Commercial
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 <u>X</u>
Has the measuring device been installed?	Yes _____ or No <u>X</u>
Flow Measurement Port: Is a flow measurement port required?	Yes _____ or No <u>X</u>
Has the measurement port been installed?	Yes _____ or No <u>X</u>
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Jim Schwartz Telephone Number: 208-826-3408
Address: PO Box 149 (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 (include your title, if on behalf of company or organization)
Date: 5/10/98

NOT FILMED

AUG 21 1998

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 83-07124

Proposed Priority: March 16, 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. Construction of the well must comply with Idaho well construction standards.
6. Commercial use is for a water bottling facility.

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

23 day of

May, 1995

for

Karl J. Dreher, Director

RECORDED

JUN 14 1995

BOTTLING PLANT

RECEIVED
MAY 22 1995

Ident. No. 83-07124

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 _____ $\frac{1}{4}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 27 Township 40N Range 02E B.M. GEARWATER 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. WELL WITH PUMP, PIPED TO
BOTTLING PLANT.

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 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? _____; Drilling firm _____

Well was drilled for (well owner) _____

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).

FILED
JUN 14 1995

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. COMMERCIAL USE IS FOR A WATER BOTTLING FACILITY

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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. NONE

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

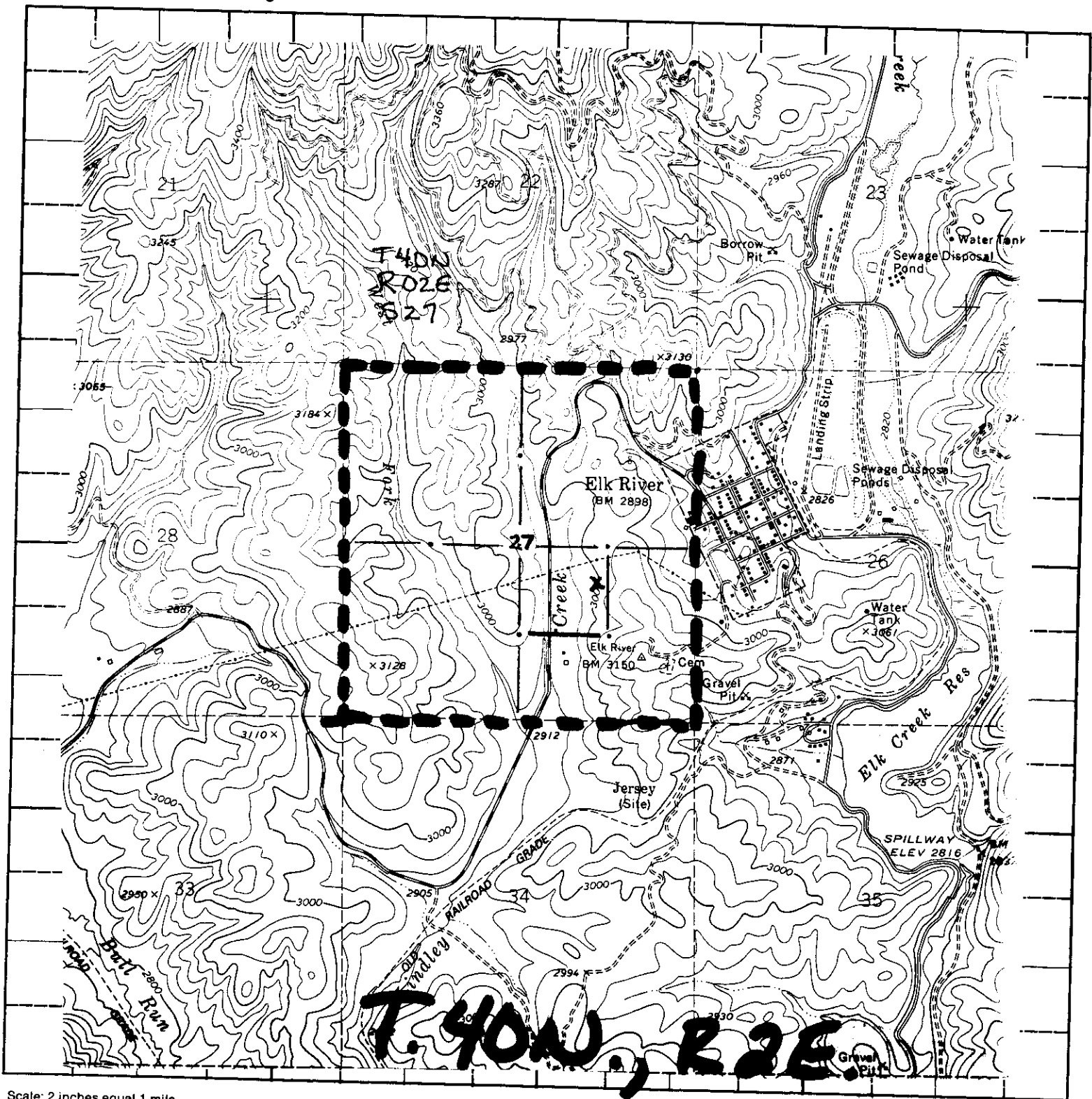
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

JUN 14 1995

Please mark on the map the location of the well & bottling plant.

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.

James Schantz
(Applicant)

Received by db Date 3/16/95 Time 125P Preliminary check by AJ
Fee \$ 50.00 Receipted by db # N008697 Date 3/16/95
Publication prepared by CV Date 3/29/95 Published in Chenoweth Trib 4/6 & 13/95
Publication approved db 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.

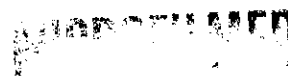
b. Proof of construction of works and application of water to beneficial use shall be submitted on or before

_____, 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:



JUN 14 1995



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 21, 2002

JAMES SCHWARTZ
PO BOX 149
ELK RIVER ID 83827-0149

RE: License No. 83-7124 - 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 21, 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. 83-7124

**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).

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.

LICENSE REVIEW CHECKLIST

Permit No. 83-7124

Date: 6-18-02 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): _____
File reviewed _____ Profile reports printed _____

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

Rate of Diversion:

Permitted rate 0.20 cfs
Fee Limit 0.20 cfs
Measured _____ cfs
Theoretical 0.06 cfs

Recommended Total Diversion Rate 0.06

Water Uses OK

Change (P46)

Season of Use per new Standards

Irrigation _____ cfs _____ af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
Comm 0.06 cfs 3.0 af
_____ cfs _____ af
Total 0.06 cfs 3.0 af

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)

Volume Determination

_____ cfs x 1.9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks: _____

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

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim? NO

Adjust memo _____

Amend Letters

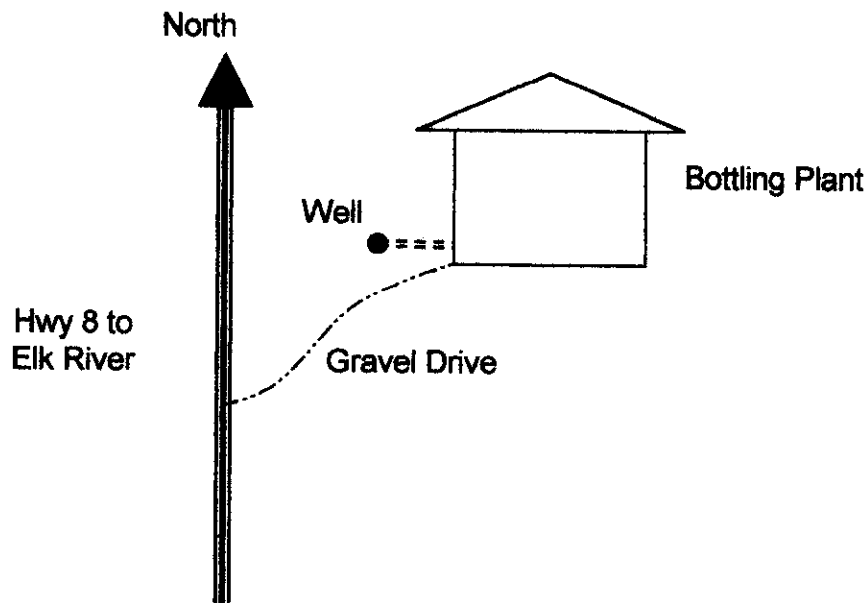
P87, S06

Second Amendment Notice

S06

007 0 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 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:

Bottling plant was not operating at the time of the exam, therefore, a measurement was not taken.

MICROFILMED
OCT 04 2002

E. NARRATIVE/REMARKS/COMMENTS

Per owner, well is 8" by 99' with a static water level at 33'. Well was drilled by Uhlekott Drilling in August 1995 under drilling permit no. 83-95-N-0006-000. Well was tagged by DEQ, E0005899. (See photo 1).

The well produces an estimated 30 gpm. Water is piped underground to the bottling building. The water is metered (photo 2) before being filtered (photo 3) and bottled (photo 4) under the label of "Idaho Ice". At maximum efficiency, the bottling machine can process up to 3600 half-liter bottles per hour or approximately 475 gph (1 liter = 1.056 quart). The bottling plant operates no more than 8 hours per day on weekdays only, bottling approximately 3,800 gallons per day.

No water is wasted or diverted for any other use than for the bottling. The system capacity is limited to the production capabilities of the bottling machine.

MICROFILMED

OCT 04 2002

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

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

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

$$\text{HP} \frac{8.8 \times 0.7 \times 1.0}{43 + (2.31 \times 25)} = 0.06 \text{ cfs}$$

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:

$$\begin{aligned} \text{AF} &= (\text{gph} \times \text{hr/day} \times \text{d/wk} \times \text{wk/yr}) \div \text{gallons/AF} \\ &= (475 \times 8 \times 5 \times 52) \div 325,850 \\ &= 988,000 \div 325,850 \\ &= 3.0 \text{ AF.} \end{aligned}$$

*=limited to bottling machine capacity.

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	0.06	3.0
Totals:			0.06	3.0

2. Recommended Amendments

Change P.D. as reflected above

Add P.D. as reflected above

X None

Change P.U. as reflected above

Add P.U. as reflected above

Other

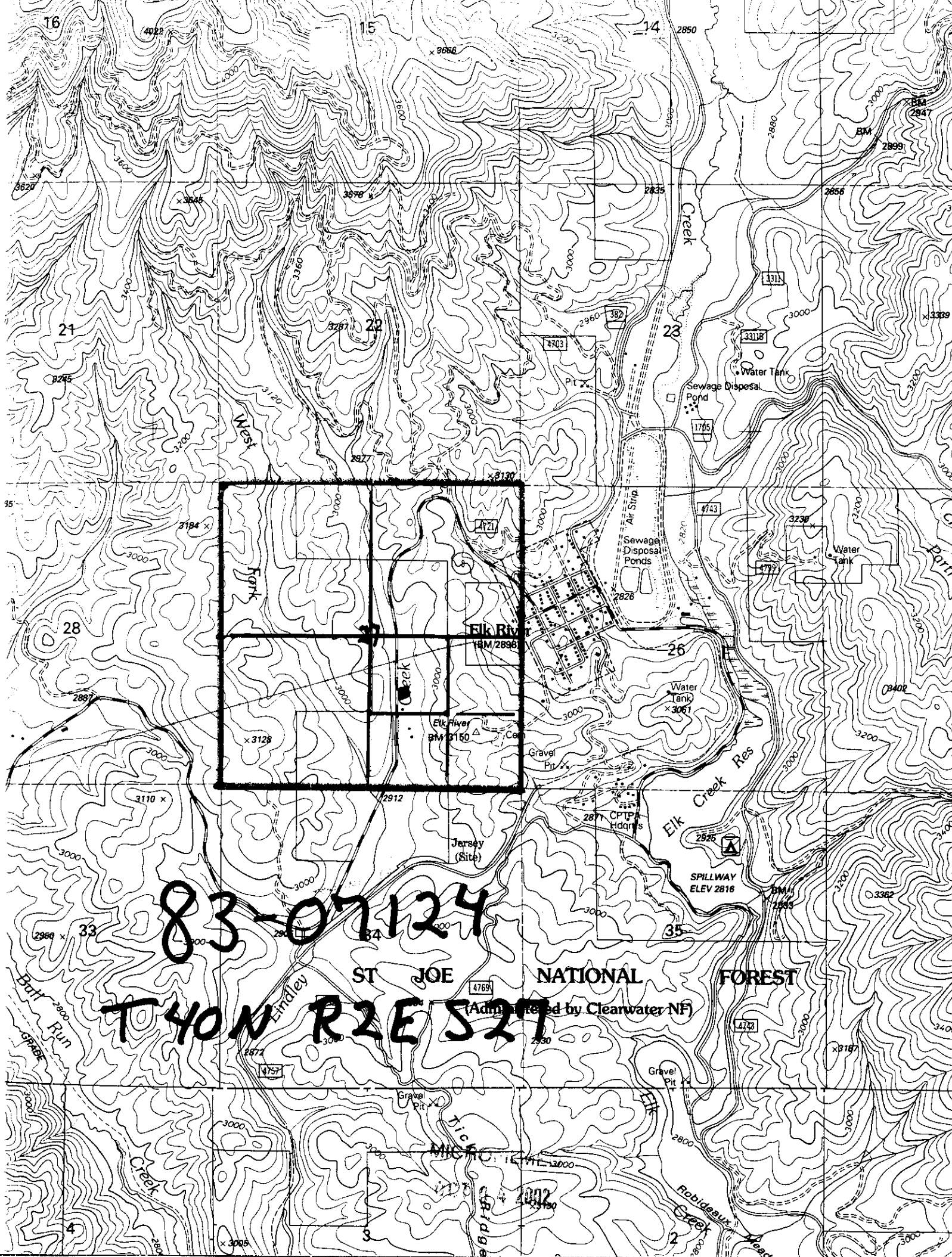
I. AUTHENTICATION

Field Examiner's Name: Cindy Zimmerman

Date: September 11, 1999

Field Examiner's Signature:

Cindy Zimmerman
MICROFILMED
OCT 6 4 2002



83-07124

T40N R2E S21

ST JOE

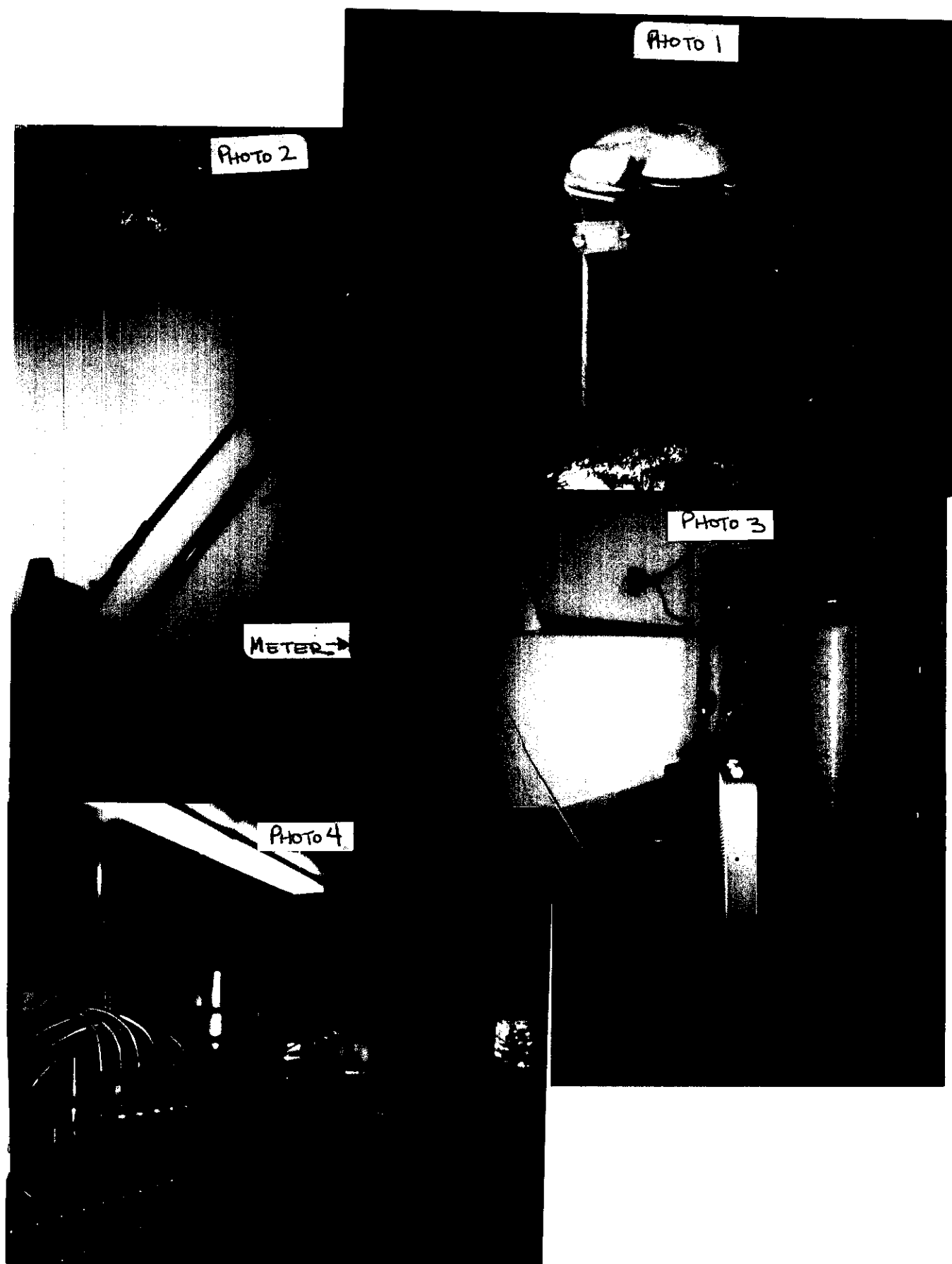
NATIONAL

FOREST

(Administered by Clearwater NF)

PERMIT NO.: 83-07124

PHOTOS:



OCT 04 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 8, 1998

James Schwartz
PO Box 149
Elk River ID 83827

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 83-07124

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. 83-07124

Reviewed by [Signature] Date 7/8/98

GENERAL CONSIDERATIONS

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

TYPES OF USE

Comm.

Correct Uses? YES

SOURCE OF WATER

 Surface water source

✓ Ground water source

YES Drilling permit required?

NO Copy in the file?

200- Amount paid for permit

YES Well log in the file?

Drilling Permit No. 83-95-N-0006-000

YES Correct?

LICENSE EXAMINATION FEE

YES Required?

50- Amount Submitted

YES Correct?

MEASURING DEVICE

NO Required?

+ Installed?

 Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address [Signature] Proof Made 5-15-98

JAMES SCHWARTZ
PO BOX 149
ELK RIVER ID 838270149

March 31, 1998

RE: PERMIT NO. 83-07124 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.

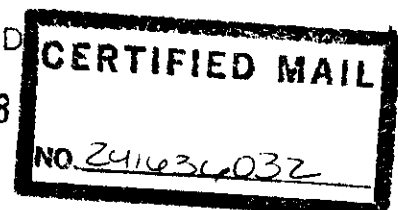
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

AUG 21 1998



RECEIVED

Form 238-7
3/95

SEP 12 1995

POSTED

IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

NORTHWEST REGION

1. DRILLING PERMIT NO. 83-95-N-0006-000

Other IDWR No. Water Right 83-07129

2. OWNER:

Name Jim Schwartz
Address P.O. Box 149
City Elk River State Idaho Zip 83707

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N				
		X		
W				E
				S

Twp. 40 North ☒ or South ☐
Rge. 2 East ☒ or West ☐
Sec. 27 1/4 SW 1/4 NE 1/4
Gov't Lot _____ County Clearwater
Lat: _____ Long: _____

Address of Well Site 1.5 miles NW of City Elk River
(Give at least name of road + Distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. USE:

☐ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☒ Other Commercial

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT		METHOD
Material	From	To	Sacks or Pounds		
Bentonite	0	50	800#	To P Pour	Puddling Clay

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 48 ft.
Was drive shoe seal tested? ☒ Y ☐ N How? Air Pressure

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
8 in + 2	-48'	210		Steel	☒	☐	☒	☐
6 in - 6	-92'	160		Plastic	☐	☒	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☒ Perforations Method Saw
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
-78	-92	1/4" x 5/8"	82	6"	Plastic	☐	☒

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

31 ft. below ground Artesian pressure — lb.
Depth flow encountered _____ ft. Describe access port or control devices: Top of Casing
SWNE 27 40N 2E

11. WELL TESTS:

☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
30			1.00

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: Good

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
	0	28	Clay		☒
	28	35	Soft Decomposed Granite		☒
	35	98	Med Hard Decomposed Gr.	30	☒
	98	99	Hard Peppered Granite		
			Encountered water at 65 ft - picking up more up to 98 ft		
			10" 1/2" Puddling Clay Bentonite 2-2 1/2'		
			6" 6" PVC Casing 10' 6" 6" PVC Casing 10'		
			8" casing 50 ft		
			6" to 8" Pack at		

Completed Depth 98 FT (Measurable)
Date: Started 8-21-95 Completed 8-22-95

13. DRILLER'S CERTIFICATION

I certify that all minimum well construction standards were complied with at the time the rig was removed.

AUG 21 1995

Firm Name Ulenkot Drilling Firm No. 125

Firm Official Ray Ulenkot Date 9-8-95

Supervisor or Operator Dave Richards Date 9-8-95

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES



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

May 23, 1995

JAMES SCHWARTZ
PO BOX 149
ELK RIVER ID 83827-0149

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 83-07124

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.

If a well has not already been constructed you are required to obtain a "drilling permit" from the department. The right to drill a well is not a part of this permit to appropriate water.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

RECEIVED

JUN 14 1995

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW**
by Cindy Zimmerman

No.: 83-07124 Name: Schwartz Date: 5/22/95 Ad OK? ✓
Correct Fee? ✓ Receipt #: N8697 Priority: 3/16/95 ✓ Gvmt Lts: ✓

AREA OF CONCERN? GW exempt - No/Yes S/C Mor GWMA Trust/Non-trust
PROTESTED: - 020 (Prehearing agreement) or W19 (See Order)

SYSTEM COMPLETED:

Yes/proof filed - NA
1 year/no proof - P16
+1 year - ~~26A-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? - ~~46-B-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);
+25 cfs-P18; 17G (FERC) or 17M (FERC); 18B-P09
Storage (✓ 3 compo.) - 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:

- ① Comm Use

BENEFICIAL USE DUE:

- 6-1-1998

COMMENTS:

No. a
4/87-06/92n

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
MAY 22 1995

APPLICATION # 93-07124

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

APPLICANT: SCHWARTZ BY: AS DATE: 3/16/95

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

Yes No

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

PROCESSING

Yes No

PRIORITY DATE: 3/16/95

___ x (Include Moratorium Remark)

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

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)

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

Checked by: _____ Date: ___/___/___

Remarks: _____

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

(Yes) (No)

- ___ Notice of pending void order issued. Final order response date: ___/___/___
___ Further information required from applicant
5/5/95 Affidavit of publication received
5/10/95 Application published correctly, If not, record action taken: _____
3/20/95 Publication dates and paper recorded on application | Sr. Agent initial AS
___ 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: AS

Date: 5/12/95

AFFIDAVIT OF PUBLICATION

RECEIVED

MAY 08 1995

NORTHWEST 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

66007330

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

Bonnie M. Bessent

STATE OF IDAHO)
)
COUNTY OF CLEARWATER)

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

Pamela A. Jones

Notary Public for Idaho
Resident at Orofino, Idaho

My commission expires: 11-20-95

JUN 14 1995

[The following text is extremely faint and largely illegible, appearing to be a continuation of the affidavit or a separate document. It contains several lines of text, some of which are bolded, but the content is mostly obscured by noise and poor scan quality.]

March 29, 1995

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

Subject: Water Appropriation Application for Permit Number 83-07124

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 N008697. 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

83-07124

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

14 1995