

D.E. LOG D.C. 7/18/97

## STATE OF IDAHO

## IDAHO DEPARTMENT OF WATER RESOURCES

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JUL 28 1997  
Department of Water Resources

## NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

JUL 18 1997

Department of Water Resources  
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

1. Water Right Number(s) 29-08005 / license on water right side  
Adjudication Claim Number(s) N/A ADJUDICATION CLAIM

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) STEPHEN JAMES SWEITZER  
2254 N. INKOM RD. INKOM, ID. 83245.

4. New Owner/Claimant(s) CHRISTOPHER J. OR ROBERTA CHAPMAN  
Name connector (Check one): [ ] AND, [X] OR, [ ] AND/OR  
New Mailing Address 6559 W. OLD HIGHWAY 91

City, State and ZIP Code POCATELLO, IDAHO 83204  
New Telephone Number (208) 233-1499

5. Date you acquired the property JUNE 27, 1997

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated 2 Number and type of stock \_\_\_\_\_

Diversion rate in CFS 0.04 Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_  
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Christopher J. Chapman Date 7/17/97  
Date \_\_\_\_\_

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)  
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

**INSTRUCTIONS**

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed claim.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures, or if you have questions about completing this form, please contact your nearest IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believe there are water rights for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

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

IDWR Southern Region, 222 Shoshone St. E., Twin Falls, ID 83301-6105 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

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JUL 31 1998

## WARRANTY DEED

97011044

For Value Received **MARY CATHERINE SWEITZER and STEPHEN JAMES SWEITZER, WIFE AND HUSBAND**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

**CHRISTOPHER J. CHAPMAN and ROBERTA CHAPMAN, husband and wife**

whose address is: **6559 W. OLD HIGHWAY 91, POCA TELLO, ID, 83204 R.L.C. c.p.e.**

Hereinafter called the Grantee, the following described premises situated in BANNOCK County, Idaho, to-wit:

Beginning at the South 1/16 Corner of Section 22, Township 7 South, Range 35 East, Boise Meridian; thence Southerly along the meridional centerline of said Section, 170 feet, more or less, to intersect the Northerly line of the Portneuf River; thence in a Westerly and Northwesterly direction along the Northerly and Northeasterly line of said Portneuf River to an intersection with the Southerly right-of-way line of the Union Pacific Railroad as same exists as of this date; thence Easterly along said right-of-way line, 380 feet, more or less, to intersect the meridional center line of Section 22; thence Southerly along said centerline, 310 feet, more or less, to the POINT OF BEGINNING. The above described tract being a portion of the East half Southwest quarter of Section 22, Township 7 South, Range 35 East, Boise Meridian, BANNOCK COUNTY, IDAHO.

SAVE AND EXCEPT any portion which has been Deeded to the STATE OF IDAHO presumably for road right-of-way and access, and any right-of-way which might be disclosed by an inspection or survey of the subject property.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: JUNE 27, 1997

*Mary Catherine Sweitzer*  
MARY CATHERINE SWEITZER

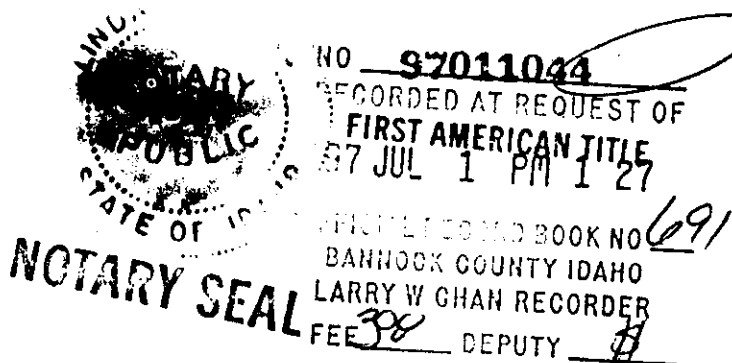
*Stephen James Sweitzer*  
STEPHEN JAMES SWEITZER

STATE OF IDAHO )

: ss

COUNTY OF BANNOCK )

On This 27TH day of JUNE, in the year 1997, before me, a Notary Public in and for said State, personally appeared MARY CATHERINE SWEITZER and STEPHEN JAMES SWEITZER, known or identified to me to be the person(s) whose name(s) ARE subscribed to the within Instrument, and acknowledged to me that THEY executed the same.



*inda Ch...* Notary Public of Idaho  
Residing at POCA TELLO  
Commission Expires: 2-18-99

JUL 31 1998

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 29-08005

Priority: April 16, 1990

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

8.0 AF

This is to certify, that STEPHEN JAMES SWEITZER  
6559 W OLD HWY 91

POCATELLO ID 83204

has complied with the terms and conditions  
of the permit, issued pursuant to Application for Permit dated April 16, 1990; and  
has submitted Proof of Beneficial Use on September 14, 1993. An examination indicates  
that the works have a diversion capacity of 0.110 cfs of water from:

PORTNEUF RIVER

tributary to SNAKE RIVER

source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31       | 0.04 CFS                 | 8.0 AF               |

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 22, Township 07S, Range 35E  
BANNOCK 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> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 07S        | 35E        | 22         | NESW 1       | SESW 1       |              | 2            |

Total number of acres irrigated: 2

CONDITIONS OF APPROVAL AND REMARKS

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

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MAY 18 1991

State of Idaho  
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 29-08005

CONDITIONS OF APPROVAL AND REMARKS

6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. Use of water under this water right will be regulated by the watermaster of State Water District No. 29.
8. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
9. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.  
Witness the seal and signature of the Director, affixed at Boise, this 6<sup>TH</sup>  
day of MARCH, 1997.

  
KARL J. DREHER, Director

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APR 10 1997

OFFICE USE ONLY  
Amt. of Fee \$ 50.00  
Date 9-14-93  
Receipt No. 0029569  
Receipt by SW

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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SEP 14 1993

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 a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 29-08005 Telephone No. 232-6946  
2. Name(s) of Permit Holder(s): Stephen James Sweitzer  
3. Mailing Address: 6559 W. old hwy 91, Poc. ID. 83204  
4. Source of Water: Portneuf River

If GROUNDWATER, Well Driller's Name: \_\_\_\_\_ Date Drilled: \_\_\_\_\_

OPTIONAL:

Pump horsepower: 1 hp. Pressure (psi): 40 Dynamic pumping level (ft.): \_\_\_\_\_

5. Extent of Use (as authorized by the permit):

Domestic \_\_\_\_\_ (No. of households) Stockwater \_\_\_\_\_ (No. and type of stock)

Irrigation 2.0 (No. of acres) Other \_\_\_\_\_

6. Total rate and/or volume for which proof is submitted 0.04 cfs OR \_\_\_\_\_ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Rockable  
Measuring device: Required? Yes No Installed? Yes No

OR  
Flow Measurement Port: Required? \_\_\_\_\_ Yes No Installed? \_\_\_\_\_ Yes No

8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

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

Stephen J. Sweitzer 232-6946  
Name Telephone No.

6559 W. old hwy 91, Poc. ID 83204  
Address

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

MICROFILMED

9-10-93  
Date

Stephen J. Sweitzer  
Signature (and title, if on behalf of a company or organization)

OCT 18 1993

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SEP 2 1992

For Office Use Only

\$15 Fee Received by [initials]  
Date 9-2-92  
Receipt No. 0025385STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF  
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 29-08005  
Name(s) of Permit Holder: Stephen James Sweitzer  
Mailing Address: 6559 W. old Hwy 91, Poc. ID. 83204  
Date Proof is Due 10/1/92 Telephone No. 232-6946

Describe what work has been completed toward the development of this water right:  
(This must be filled out! If no work has been completed, show "none".)

I have purchased a pump & an electrical box to be used  
in my project. I also have the project planned out  
however no physical work has be done as of this date.  
Costing \$ 550

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

I have no money to buy my additional supplies  
necessary to start & finish my project. I still need  
250ft. of underground electrical cable, sprinkler pipe & heads

Permit holder(s) request an extension to Oct. 1<sup>st</sup>, 19 93.

FEE: \$15.00

(Signature)\*

\*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

MICROFILMED

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED SEP 09 1992  
and the time within which to submit proof of beneficial use is  
extended to October 1, 1993.

Signed this 3<sup>rd</sup> day September, 19 92

[Signature]  
Chief, Water Allocation Bureau

State of Idaho  
Department of Water Resources  
**Permit To Appropriate Water**

NO. 29-08005

Proposed Priority: April 16, 1990      Maximum Diversion Rate: 0.04 CFS  
This is to certify, that **STEPHEN JAMES SWEITZER**  
6559 W. OLD HWY 91  
POCATELLO, ID 83204  
has applied for a permit to appropriate water from:

**PORTNEUF RIVER**      tributary of **SNAKE RIVER**

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| IRRIGATION            | 04/01 to 11/15       | 0.04 CFS                 |

LOCATION OF POINT(S) OF DIVERSION:      NESW      Sec. 22, Township 07S, Range 35E  
BANNOCK 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> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 07S        | 35E        | 22         | NESW 1       | SESW 1       |              | 2            |

Total number of acres irrigated: 2

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **October 1, 1992**.
2. Subject to all prior water rights.
3. A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this permit.
4. Use of water under this permit is subject to control by the watermaster of State Water District No. 29.
5. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
6. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

**MICROFILMED**

OCT 16 1990

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 29-08005

CONDITIONS/REMARKS:

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

21<sup>st</sup> day of September, 1990.

*for* *R. Keith Higginson*  
R. Keith Higginson, Director

**MICROFILMED**

OCT 16 1990

E013220  
#30 of 55

29-8005

Form 202  
6/85

Ident. No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Stephen James Sweitzer Phone 232-6946  
Post office address 6559 W. old hwy 91 Pocatello ID 83204
2. Source of water supply Portneuf River which is a tributary of Snake River
3. Location of point of diversion is \_\_\_\_\_ 1/4 of NE 1/4 of SW 1/4, Govt. Lot \_\_\_\_\_  
Sec. 22 Township 75 Range 35E B.M. Bannock County; additional  
points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount .04 for irrigation purposes from April 1 to Nov. 15 (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) 0.04 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:
  - a. Description of ditches, flumes, pumps, headgates, etc. 1 - 1 HP Goulds pump  
in Portneuf River
  - 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 \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
  - d. Is ground water with a temperature of greater than 90°F being sought? \_\_\_\_\_
7. Time required for the completion of the works and application of the water to the proposed beneficial use is  
2 years (minimum 1 year).

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OCT 16 1990

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. \_\_\_\_\_

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 |        |
| 75  | 35E   | 22   |     |     |     |     |     |     |     |     | 1   |     |     | 1   |     |     |     |     | 2      |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 2

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

- Who owns the property at the point of diversion? Stephen James Sweitzer
- Who owns the land to be irrigated or place of use? Stephen James Sweitzer
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. \_\_\_\_\_

12. Remarks: \_\_\_\_\_

**RECORDED**

OCT 10 1999

SEC 22

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

|               |  |               |  |               |  |               |  |
|---------------|--|---------------|--|---------------|--|---------------|--|
| NW 1/4 NW 1/4 |  | NE 1/4 NW 1/4 |  | NW 1/4 NE 1/4 |  | NE 1/4 NE 1/4 |  |
| SW 1/4 NW 1/4 |  | SE 1/4 NW 1/4 |  | SW 1/4 NE 1/4 |  | SE 1/4 NE 1/4 |  |
| NW 1/4 SW 1/4 |  | NE 1/4 SW 1/4 |  | NW 1/4 SE 1/4 |  | NE 1/4 SE 1/4 |  |
| SW 1/4 SW 1/4 |  | SE 1/4 SW 1/4 |  | SW 1/4 SE 1/4 |  | SE 1/4 SE 1/4 |  |

22

PT  
DIV.

**MICROFILMED**  
OCT 16 1990

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.

*Stephen H. Lewis*  
(Applicant)

[illegible]

Stephen J. Swartz  
(Applicant)

Received by CW Date 4-16-90 Time 12:30 p Preliminary check by Dennis M. Dunn  
Fee \$ 30.00 Receipted by B. Bloom # EO 13220 Date 4-17-90  
Publication prepared by RB Date 1-19-26-90 Published in 10 State Trvl  
Publication approved CW Date 8-01-90

### 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:

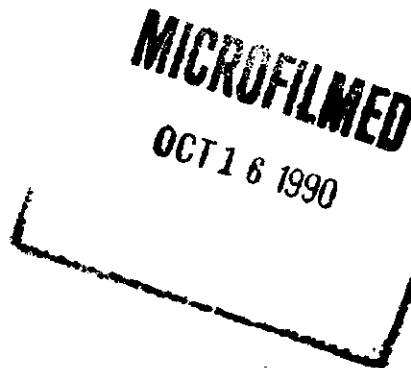
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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:



29-07  
NEESER, JOSEPH  
4045 AMBER LANE  
POCATELLO, ID 83202  
Source: GROUNDWATER  
Diversion Pt:  
SWNW Sec 36 T 08S R 36E  
Use: IRRIGATION (.100 CFS)  
DOMESTIC (.040 CFS)  
Total Diversion: (.140 CFS)  
Date Filed: 5-24-1990  
In: T08S R36E S36 SWNW  
5.0 ACRES TOTAL

29-08003  
MOONEY, JEFFRY W.  
402 MCKINLEY  
POCATELLO, ID 83201  
Source: JOHNNY CREEK  
Tributary: PORTNEUF RIVER  
Diversion Pt:  
NWNE Sec 18 T 07S R 35E  
Use: IRRIGATION (.020 CFS)  
AESTHETIC (.100 CFS)  
Total Diversion: (.120 CFS)  
Date Filed: 4-23-1990  
In: T07S R35E S18 NWNE  
3.0 ACRES TOTAL

29-08005  
SWEITZER, STEPHEN JAMES  
6559 W. OLD HWY 91  
POCATELLO, ID 83204  
Source: PORTNEUF RIVER  
Tributary: SNAKE RIVER  
Diversion Pt:  
NESW Sec 22 T 07S R 35E  
Use: IRRIGATION (.040 CFS)  
Total Diversion: (.040 CFS)  
Date Filed: 4-17-1990  
In: T07S R35E S22 NESW SESW  
2.0 ACRES TOTAL

29-08004  
KREBS, ROBERT A.  
KREBS, MYMRIE  
2396 S. GRANT  
POCATELLO, ID 83204  
Source: GROUNDWATER  
Diversion Pt:  
NWSNW Sec 1 T 07S R 34E  
Use: DOMESTIC (.020 CFS)  
IRRIGATION (.060 CFS)  
Total Diversion: (.060 CFS)  
Date Filed: 4-13-1990  
In: T07S R34E S01 SENW  
3.0 ACRES TOTAL

29-08007  
ELECTRIC CONSTRUCTION  
& SALES, INC.  
P.O. BOX 4054  
POCATELLO, ID 83205  
Source: GROUNDWATER  
Diversion Pt:  
SWNWNW Sec 22 T 06S R 34E  
Use: COMMERCIAL (.040 CFS)  
IRRIGATION (.020 CFS)  
Total Diversion: (.040 CFS) (2.00 AF)  
Date Filed: 3-26-1990  
In: T06S R34E S22 NWNW  
1.0 ACRES TOTAL

29-08008  
MORRISON, PHILIP  
RT 1  
DOWNEY, ID 83234  
Source: SPRING  
Tributary: MARSH CREEK  
Diversion Pt:  
NENWSW Sec 1 T 11S R 36E  
Use: IRRIGATION (.200 CFS)  
STOCKWATER (.020 CFS)  
STOCKWATER STORAGE (1.00 AF)  
STOCKWATER FROM STORAGE (1.00 AF)  
Total Diversion: (.120 CFS) (1.00 AF)  
Date Filed: 5-1-1990  
In: T11S R36E S01 NWSW  
10.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before AUGUST 26, 1990.  
R. Keith Higginson, Director  
July 19, 26, 1990  
No. 581

COUNTY OF Bannock

On this 26th day of July in the year of 1990, before me, a Notary Public, personally appeared Sandra K. Wann known or identified to me to be the person whose name subscribed to the within and being by me first duly sworn, declared that the statements therein are true and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at Pocatello

My commission expires: July

MICROFILMED

OCT 18 1990



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 29, 1998

CHRISTOPHER J CHAPMAN  
ROBERTA CHAPMAN  
6559 W OLD HWY 91  
POCATELLO ID 83204

RE: WATER RIGHT 29-08005

Dear Water Right Holder(s):

The Department is in receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our records to reflect this change in ownership and a computer generated report is enclosed.

Just a reminder, because of a law that went into effect July 1, 1996, all water right owners are required to report change of address or ownership to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee to the water right owner. If you have other water rights that haven't had the ownership updated please contact the department as soon as possible.

If you have any questions regarding this matter, please feel free to contact me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager  
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED

JUL 31 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

March 7, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

STEPHEN JAMES SWEITZER  
6559 W OLD HWY 91  
POCATELLO ID 83204

RE: WATER RIGHT NO. 29-08005

Dear Water Right Holder(s):

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ENCLOSURE

MAR 10 1997

### ORAL ARGUMENT

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

### CERTIFICATE OF SERVICE

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

### FINAL ORDER

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

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

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

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

### APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen  
Water Rights Supervisor

SK:ph

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of March, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 29-08005

STEPHEN JAMES SWEITZER  
6559 W OLD HWY 91  
POCATELLO ID 83204

  
\_\_\_\_\_  
Vanessa Roby  
Secretary

MICROFILMED

MAR 10 1997

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

RECEIVED  
FEB 12 1997

Department of Water Resources

**A. GENERAL INFORMATION**

Permit No. 29-8005

1. Owner: Stephen James Sweitzer Phone No. (208) 232-6946

Current Address: 6559 W. Old HWY 91, Pocatello, ID 83204

2. Accompanied by: Stephen James Sweitzer EXAM DATE: 8-3-95

Address: Same Phone No. (208) 232-6946

Relationship to Permit Holder: Same

3. Source: Portneuf River tributary to Snake River

**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 | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Method of Determination/Remarks |
|-----------|-----------|-----|-----|-----|------|------|------|---------|---------------------------------|
|           |           |     | NE  | SW  | 22   | 75   | 35E  | Bannock | USGS / on site                  |
|           |           |     |     |     |      |      |      |         |                                 |
|           |           |     |     |     |      |      |      |         |                                 |
|           |           |     |     |     |      |      |      |         |                                 |

**2. Place(s) of Use:**

Indicate Method of Determination

| TWP | RGE  | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|------|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |      |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 75  | 35 E | 22  |    |    |    |    |    |    |    |    | 1  |    |    | 1  |    |    |    |    | 2      |
|     |      |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |      |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |      |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |      |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |      |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |      |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |      |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

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MAR 10 1997



E. NARRATIVE/REMARKS/COMMENTS

Pump from Portneuf River, to PVC then aluminum main line, to aluminum handlines.

13 birds were running at the time of the flow measurement.

12 were  $9/64$ , 1 was a  $5/32$ .

pressure averaged 39 PSI

I measured off the place of use as shown in the diagram. The curves of the river make it somewhat difficult to calculate the POU exactly. I tried to indicate POU + POD on the USGS map in the folder.

$$40 \text{ psi } 9/64 = 3.74 \text{ g/m (12)} = 44.9$$

$$40 \quad 5/32 \quad 4.61 \text{ g} = 4.6$$

$$\frac{49.5}{448.8} = 0.11 \text{ CFS}$$

Note: the pon is right on the line between the SW $1/4$  and the SE $1/4$ . while there probably is land irrigated in the NWSE $1/4$ , none was filed on.

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

IMPROVED  
MAR 10 1997

**F. FLOW CALCULATIONS**

\_\_\_\_\_ Additional Computation Sheets Attached

Measured Method:

**G. VOLUME CALCULATIONS****1. Volume Calculations for Irrigation:**

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{2 \times 4 = 8}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{8}$$

**2. Volume Calculations for Other Uses:****H. RECOMMENDATIONS****1. Recommended Amounts**

| Beneficial Use | Period of Use |              | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|----------------|---------------|--------------|------------------------------|--------------------------|
|                | From          | To           |                              |                          |
| <u>IRR</u>     | <u>04/01</u>  | <u>10/31</u> | <u>0.04 CFS</u>              | <u>8</u>                 |
| _____          | _____         | _____        | _____                        | _____                    |
| _____          | _____         | _____        | _____                        | _____                    |
| _____          | _____         | _____        | _____                        | _____                    |
| Totals:        |               |              | <u>0.04 CFS</u>              | <u>8</u>                 |

**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

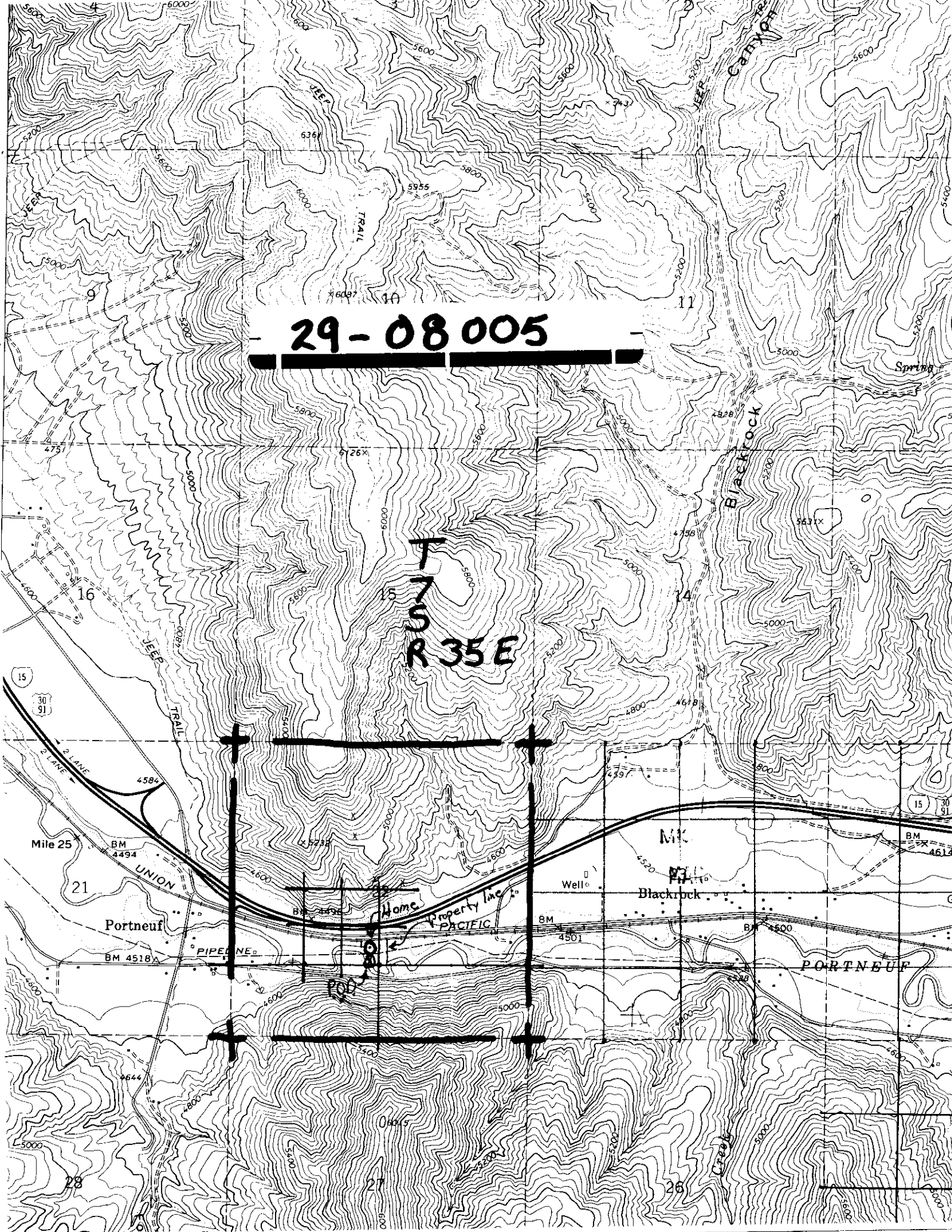
**I. AUTHENTICATION**Field Examiner's Name Steve Mueller Date 8-3-95Reviewer DAVE CARLSON Date 2/7/97

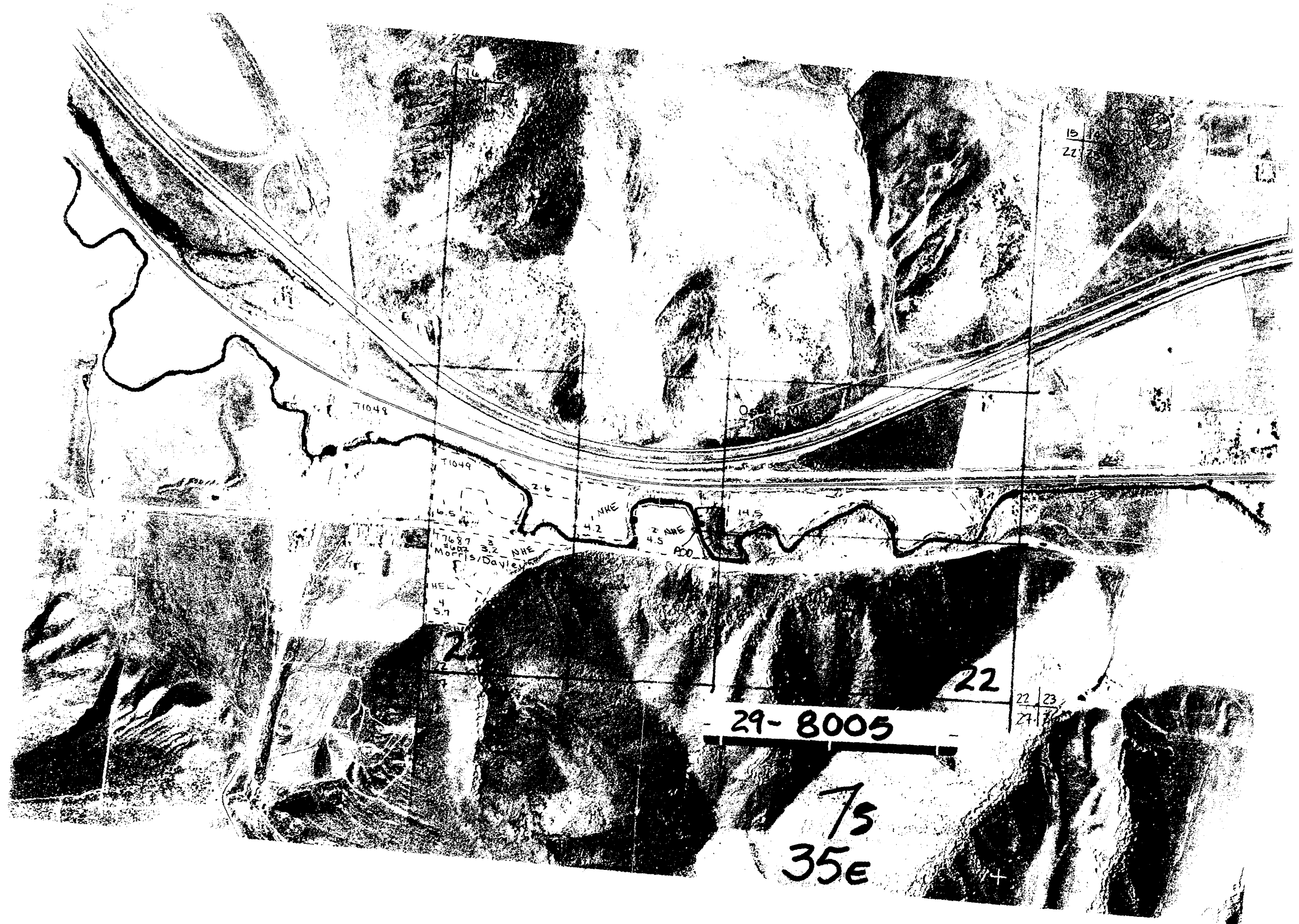
SEAL

MICROFILMED  
MAR 10 1997

29-08005

T  
7  
S  
R 35 E





15 16  
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T1048

T1049

T7687  
MORRIS/DAYLE

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1 NHE  
4.2

2 NHE  
4.5

14.5

22

29-8005

22 23  
24 25

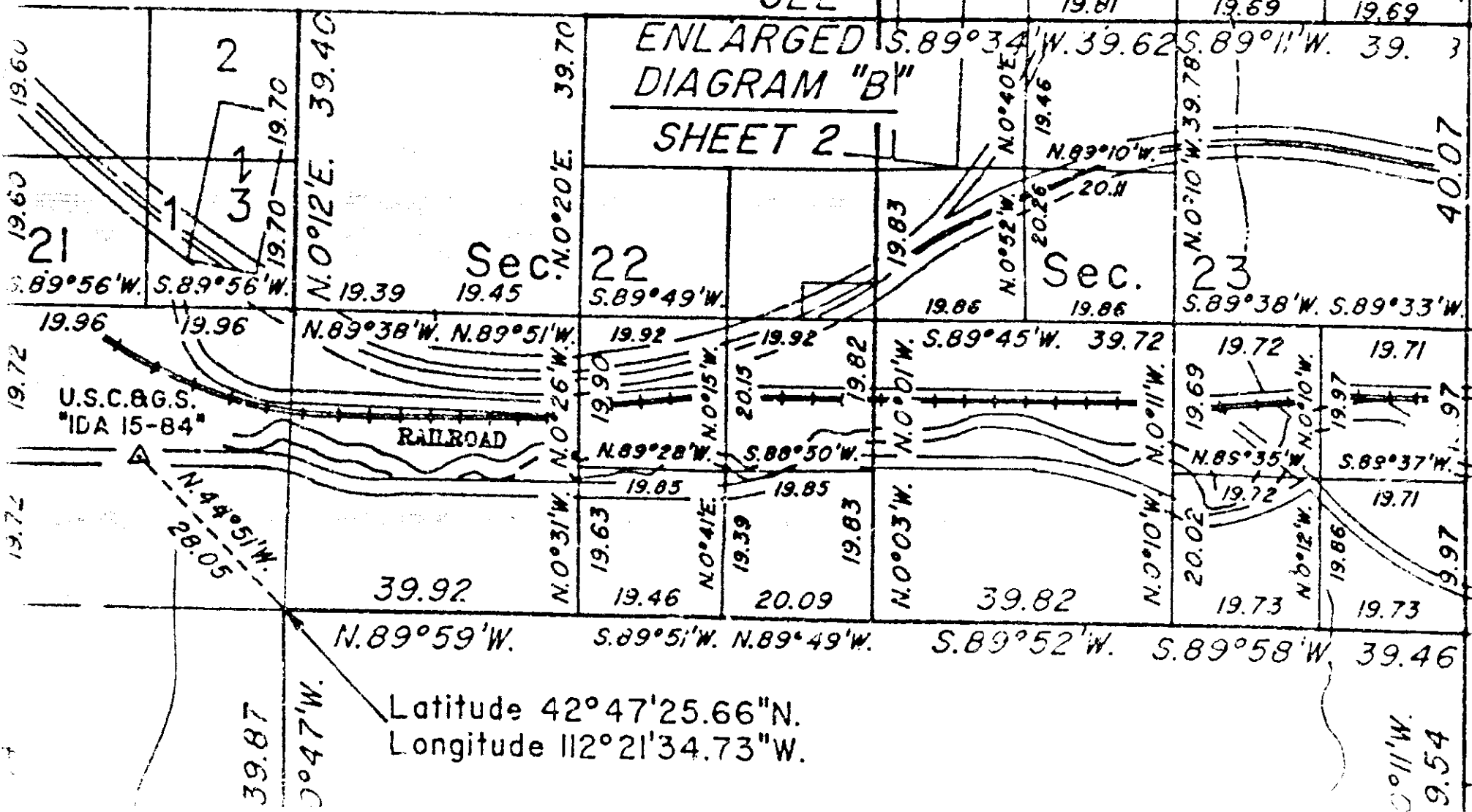
7s  
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SEE

ENLARGED  
DIAGRAM "B"  
SHEET 2



*Point of diversion*



29-8005

September 17, 1993

STEPHEN JAMES SWEITZER  
6559 W. OLD HWY 91  
POCATELLO ID 83204

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-08005

Dear Permit Holder:

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

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

Sincerely,

Karen L. Gustafson  
Secretary/Records Manager

c: IDWR - Region

RECEIVED

OCT 18 1993

July 31, 1993

STEPHEN JAMES SWEITZER  
6559 W. OLD HWY 91  
POCATELLO ID 83204

PROOF DUE NOTICE

RE: PERMIT NO. 29-08005

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 October 1, 1993. (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.

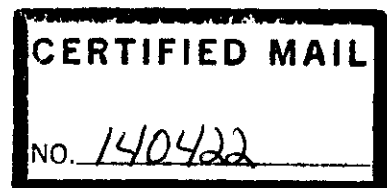
SINCERELY,

Karen L. Gustafson  
Secretary/Records Manager

Enclosures

NOTIFIED

OCT 18 1993





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

September 3, 1992

Stephen James Sweitzer  
6559 West Old Hwy 91  
Pocatello, ID 83204

Re: Permit No. 29-08005

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to October 1, 1992. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

Karen L. Gustafson  
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

**MICROFILMED**

SEP 09 1992

July 31, 1992

STEPHEN JAMES SWEITZER  
6559 W. OLD HWY 91  
POCATELLO ID 83204

PROOF DUE NOTICE

RE: PERMIT NO. 29-08005

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 October 1, 1992. (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.

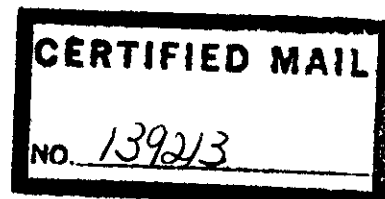
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Karen L. Gustafson  
Secretary/Records Manager

Enclosures



MICROFILMED

SEP 09 1992

S T A T E   O F   I D A H O  
DEPARTMENT OF WATER RESOURCES

-----

Statehouse  
Boise, Idaho 83720  
(208) 327-7900  
September 24, 1990

STEPHEN JAMES SWEITZER  
6559 W. OLD HWY 91  
POCATELLO, ID 83204

PERMIT APPROVAL NOTICE

RE: PERMIT NO.        29-08005

Dear Permit Holder:

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

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

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

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ: SC  
Enclosures

**MICROFILMED**

OCT 16 1990

11-Jul-1990

STEPHEN JAMES SWEITZER  
6559 W. OLD HWY 91  
POCATELLO, ID 83204

RE: Application for Permit No. 29-08005

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Idaho State Journal on JULY 19 & 26, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

HAROLD W. JONES  
Water Rights Supervisor

HWJ/rb

**MICROFILMED**

OCT 16 1990

29-08005

SWEITZER, STEPHEN JAMES  
6559 W. OLD HWY 91  
POCATELLO, ID 83204

Source: PORTNEUF RIVER

Tributary: SNAKE RIVER

Diversion Pt:                NESW        Sec 22 T 07S R 35E

Use: IRRIGATION                ( .040 CFS)  
                                 Total Diversion: ( .040 CFS)

Date Filed: 4/17/ 1990

In: T07S R35E S22                NESW                SESW

2.0 ACRES TOTAL

MICROFILMED

OCT 16 1990