

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07706

Priority: May 21, 1983

Maximum Diversion Rate: 0.10 CFS
Maximum Diversion Volume: 20.0 AF

This is to certify, that JAMES DAVID SCHWARTZ
4330 S BANNOCK HWY
POCATELLO ID 83204

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated May 9, 1983; and
has submitted Proof of Beneficial Use on August 13, 1991. An examination indicates
that the works have a diversion capacity of .120 cfs of water from a **GROUNDWATER**
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.10 CFS	20.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 2(SWNW), Sec. 7, 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	7	Lot 2(SWNW)	5		5

Total number of acres irrigated: 5

CONDITIONS/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. 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.
6. 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.
7. 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.

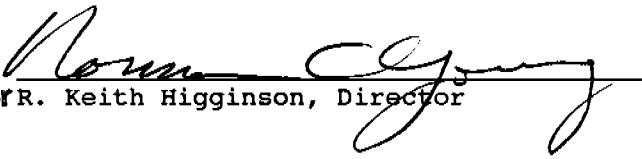
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07706

CONDITIONS/REMARKS:

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 9TH
day of DECEMBER, 1994.


Acting for R. Keith Higginson, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 29-07706 IN THE)
NAME OF JAMES D. SCHWARTZ) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before August 1, 1991; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

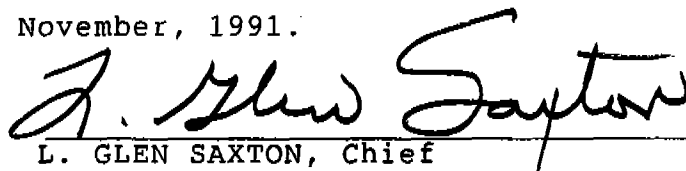
WHEREAS, the Department notified the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on August 13, 1991;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 29-07706 be REINSTATED and the priority advanced to May 21, 1983.

Dated this 1st day of November, 1991.



L. GLEN SAXTON, Chief
Water Allocation Bureau

RECEIVED

AUG 13 1991

STATE OF IDAHO

For Office Use Only
Amt. of Fee \$ 50.00
Date 8-13-91
Receipt No. CD21484
Received by mjh

Department of Water Resources

DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE100.00
50.00

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

1. Permit No. 29-07706 Telephone No. 208-232-56232. Name(s) of Permit Holder(s): James D. Schwartz3. Post Office Address: 4330 S Bannock Hwy Pocatello Idaho 832044. Source of Water: well, ground watera. If ground water, well driller's name: Lundstrom's Well Drilling Date drilled: prior to 1985b. Pump horsepower: 5 hp Pressure (psi): ? Dynamic pumping level (ft.): ?

5. Extent of Use:

Domestic _____ (No. of households)

Irrigation 6 1/2 (No. of acres)

Stockwater _____ (No. and type of stock)

Other _____

6. Total rate and/or volume for which proof is submitted 0.1 cfs _____ acre/feet

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

Measuring device: Required? Yes XNo Installed? Yes No

OR

Flow Measurement Port: Required? Yes XNo Installed? Yes No8. Fee Enclosed: \$ 5000 (See License Examination Fee Schedule)

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

J.D. Schwartz
Name232-5623
Telephone No.4330 S Bannock Hwy Pocatello Idaho 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.

Date

8/14/91

Signature (and title if on behalf of a company or organization)

[Signature]

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	29-7706	Hathaway, Kenneth	0.10
Full Assignment	29-7706	Schwartz, James David	0.10

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

RECEIVED

JUN 29 1990

Department of Water Resources
Eastern District Office

I, Kenneth Hathaway, hereby assign to James David Schwartz
of 4330 South Bannock Hiway, Pocatello Id 83204
Address

All my right, title, and interest in and to Permit No. 29-07706
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and
to Permit No. 29-07706 to appropriate the public waters of the
State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage
within each 40 acre subdivision, the point of diversion and the amount of
water in cubic feet per second for direct diversion, or acre feet for storage)

Made this 23rd day of June, 1990.

Kenneth Hathaway
Permit Holder

Deceased
Spouse of Permit Holder

State of Idaho)
County of BANNOCK) ss

On this 25th day of June, 1990, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Ron Bittan
Notary Public residing at
Pocatello, Idaho

s e a l

My commission expires:

May 30, 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Kenneth Hathaway Phone _____

Post office address 4330 Bannock Highway, Pocatello, ID 83201

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

3. Location of point of diversion is Lot 2
SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7 Township 7S

Range 35E B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.10 for Irrigation purposes from 4-1 to 11-1 (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:

a. 0.10 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well and pump to sprinkler system.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 6 inches; proposed depth of well is 90 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	35E	7							5										5

Total number of acres to be irrigated 5

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

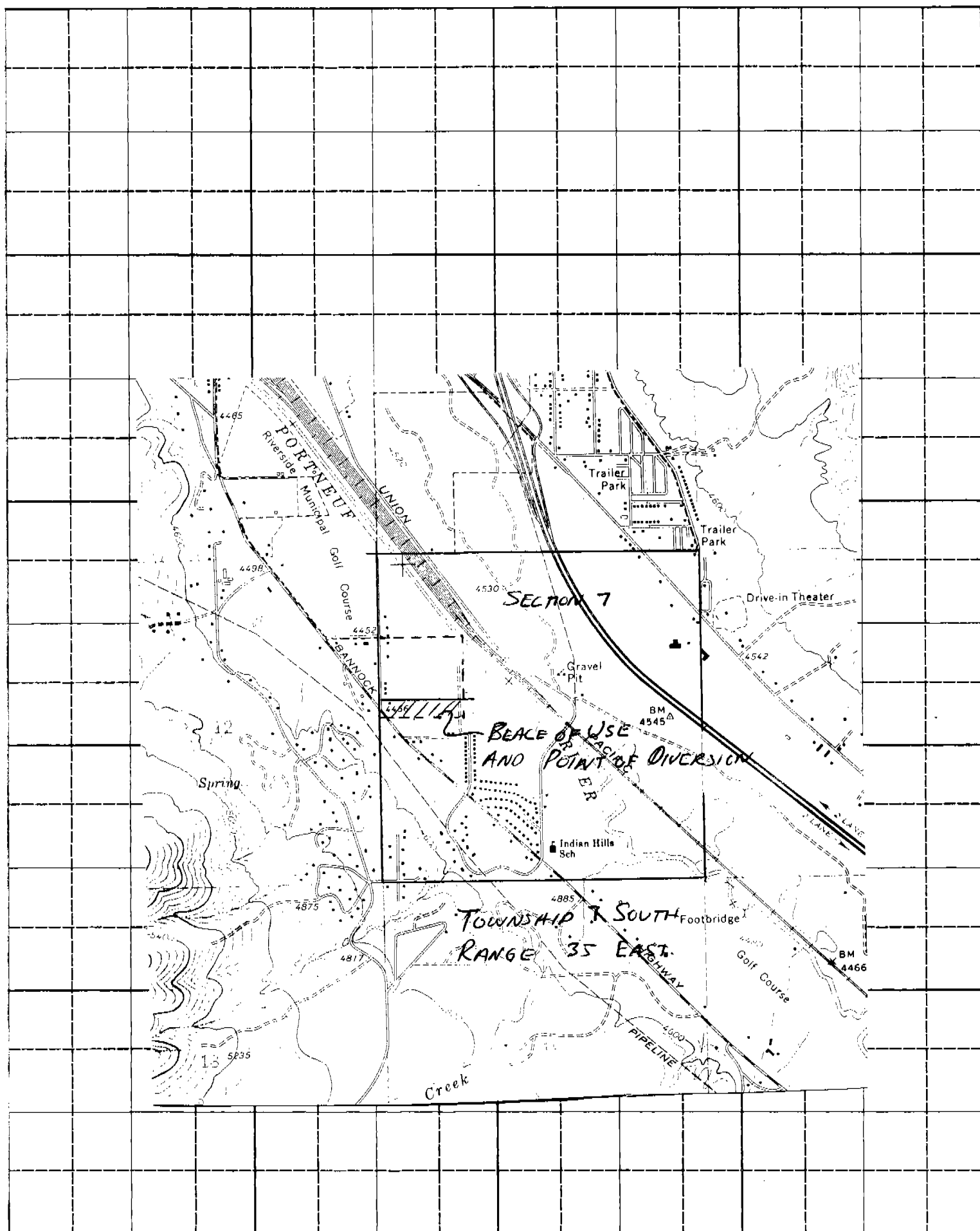
9. a. Who owns the property at the point of diversion Applicant

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

10. Remarks

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



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.

Kenneth Hathaway
(Applicant)

5/9/83

Received by SM Date 5/9/83 Time 12:50
Preliminary check by HWS Fee \$ 30.00
Receipted by BP Date 5/9/83 # 28178
Publication prepared by GB Date 6-6-89
Published in Idaho State Journal
Publication dates 6-15 & 22, 89
Publication approved CH Date 7-25-89
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by HWS

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. 29-7706, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 91.
- 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. Other: Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
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.

Witness my hand this 20th day of July, 1989.

J. Glen Saxton



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

December 9, 1994

JAMES DAVID SCHWARTZ
4330 S BANNOCK HWY
POCATELLO ID 83204

RE: WATER RIGHT NO. 29-07706

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:dc

Enclosure

LICENSE REVIEW CHECKLIST



PERMIT NO. 29-07706 DATE 11-8-94

NAME	<u>Yes</u>	<u>No</u> ☒	Or Address Change?
PRIORITY DATE	☒	<u>Advance? YES</u>	Advanced to: <u>5-21-83</u> Order to reinstate needed? <u>already done</u> Incorrect fee for rate recommended? <u> </u>
SOURCE	<u> </u>	☒	Changes or just clarification of originally intended source? <u> </u> Notice of Intent to Void necessary? <u> </u>
POINT OF DIV	<u> </u>	☒	Amendment needed? <u> </u> <u>Overlaps?</u> <u> </u>
PLACE OF USE	<u> </u>	☒	Amendment needed? <u>Add Gov Lot #2</u> <u>Overlaps?</u> <u> </u>
DIV RATE	<u> </u>	☒	Permit/fee limits: <u>.10 CFS</u> Meas Q = <u>.12</u> Theo Q = <u>.25</u> Recommend: <u>.10</u> <u>5 x .02 = .10 CFS</u> Combined rates exceed capacity <u> </u>
ANNUAL VOLUME	<u> </u>	☒	Season of use: <u>C/4 (4-1 to 10-31)</u> NEW Calculations: <u>5 x 4 = 20 GFW</u> Flow limit: <u> </u> cfs x <u> </u> x 1.9835 = <u> </u> Combined volumes exceed capacity/allowable <u> </u>
USES	<u> </u>	☒	Change in Nature of Use or additional uses? <u> </u> Amendment necessary? <u> </u>
REMARKS	<u> </u>	☒	Multiple p/d(s) in 1/4 1/4? <u> </u> <u>Other</u> <u> </u>
CONDITIONS	<u> </u>	☒	Measuring/Locking Devices <u> </u> <u>Watermaster control - District</u> <u> </u> <u>R31</u> <u>Irrigation Overlap</u> <u> </u> <u>Water Quality</u> <u> </u> ☒ <u>Other NON-TRUST</u> Heat/Cool/ Fish verified <u> </u>

COMMENTS:

RECOMMENDED	CFS	VOL	SRBA Claim Filed	<u>NO</u>
<u>Irrigation</u>	<u>.10</u>	<u>20.0</u>	Adjustment Memo Needed	<u>NO</u>
<u> </u>	<u> </u>	<u> </u>	LICENSE	☒
<u> </u>	<u> </u>	<u> </u>	1ST AMENDMENT LETTER	<u> </u>
<u> </u>	<u> </u>	<u> </u>	FINAL AMENDMENT LETTER	<u> </u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

RECEIVED

NOV 01 1994

Department of Water Resources

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
☒ Copy of Permit
☐ Copies of any Amendments/Orders with Conditions of Approval
☐ Well Inspection Form (If Needed)
☒ Aerial Photo Required? ☐ yes ☒ no If yes: ☐ copy attached
NONE SRBA Attachment A Submitted to Adjudication Section
SRBA Claim Check Received _____ (initial & date)
☐ N/A ☐ Applicable, See Attachment A _____
☒ Copy of U.S.G.S. Quad
☒ Check for Government Lots. If so, make a copy of government plat
☐ Check of P/D index _____ (initial & date)
Overlap ☐ yes ☒ no If yes: ☐ copy of exam(s) attached?
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____
☒ Check of P/U index _____ (initial & date)
Overlap? ☐ yes ☒ no If yes: ☐ copy of water right(s) attached?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____
☐ Scheduling Letter Sent? _____ (initial & date)
☒ Appointment Made and Telephone Conversation Memo Attached

B. After Conducting the Exam, the File Contains:

- ☐ Fully Completed and Signed Field Report Form
☒ Photographs of Point of Diversion and Place of Use
☐ Copy of SRBA Claim Verification Sheet / ☐ Original Returned to
Adjudication Section

C. Review and Processing:

Exam Completed D. Carlson 5-18-94 (signature of examiner & date)
Exam Reviewed by Senior Water Resource Agent JLH 5-19-94 (initial & date)
Exam Reviewed by Manager of Regional Office _____ (initial & date)
Exam Sent to State Office _____ (initial & date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 29-07706

1. Owner: James D Schwartz Phone No. 208-232-5623

Current Address: 4330 S. Bannock Hwy Pocatello, Idaho 83204

2. Accompanied by: NONE EXAM DATE: 5/18/94

Address: _____ Phone No. _____

Relationship to Permit Holder:

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

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

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

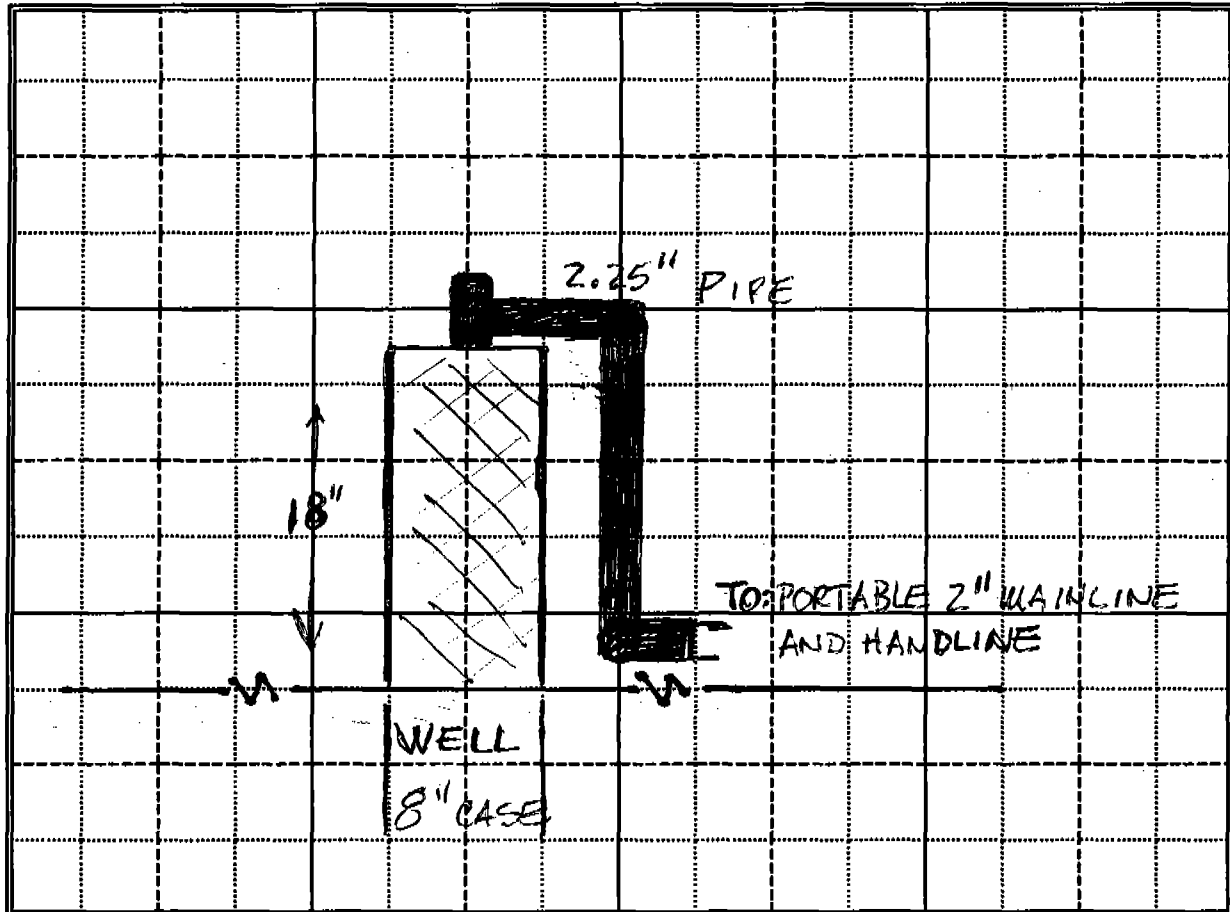
[illegible]

2. Place(s) of Use:

Indicate Method of Determination *AGCS MAP*

[illegible]

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



Scale: 1" = _____

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

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

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GWB. PUMP	5hp			2" discharge pipe

*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: 5 gallon bucket and stopwatch/one handline
running 15 birds (5 gallon bucket ave 1.4 minutes/fill)

$$\frac{5 \text{ gal}}{1.4 \text{ minute}} \times (15 \text{ birds}) \left(\frac{1}{445.8} \right) = 0.12 \text{ CFS}$$

E. NARRATIVE/REMARKS/COMMENTS

5 hp submersible pump to portable mainline and handlines

CIRCLE A-W Products power box at well head

Theoretical: 5hp 21' water level (from well log)

CALCULATION 40psi

$$= \frac{5hp (8.8)(.70)}{21 + (2.31(40))} = \frac{30.8}{113.4} = 0.27 \text{ CFS}$$

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

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: 5 gallon bucket - stop watch

$$\frac{5 \text{ gal}}{(1.4 \text{ min.}) \text{ (AVE.)}} \times 15 \text{ birds} \frac{1}{448.8} = 0.12 \text{ CFS}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 5 \text{ ac} \times 4 = 20$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (0.10) (20) (1.9835) = 42.6 \text{ ac-ft}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 20 \text{ ac-ft}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

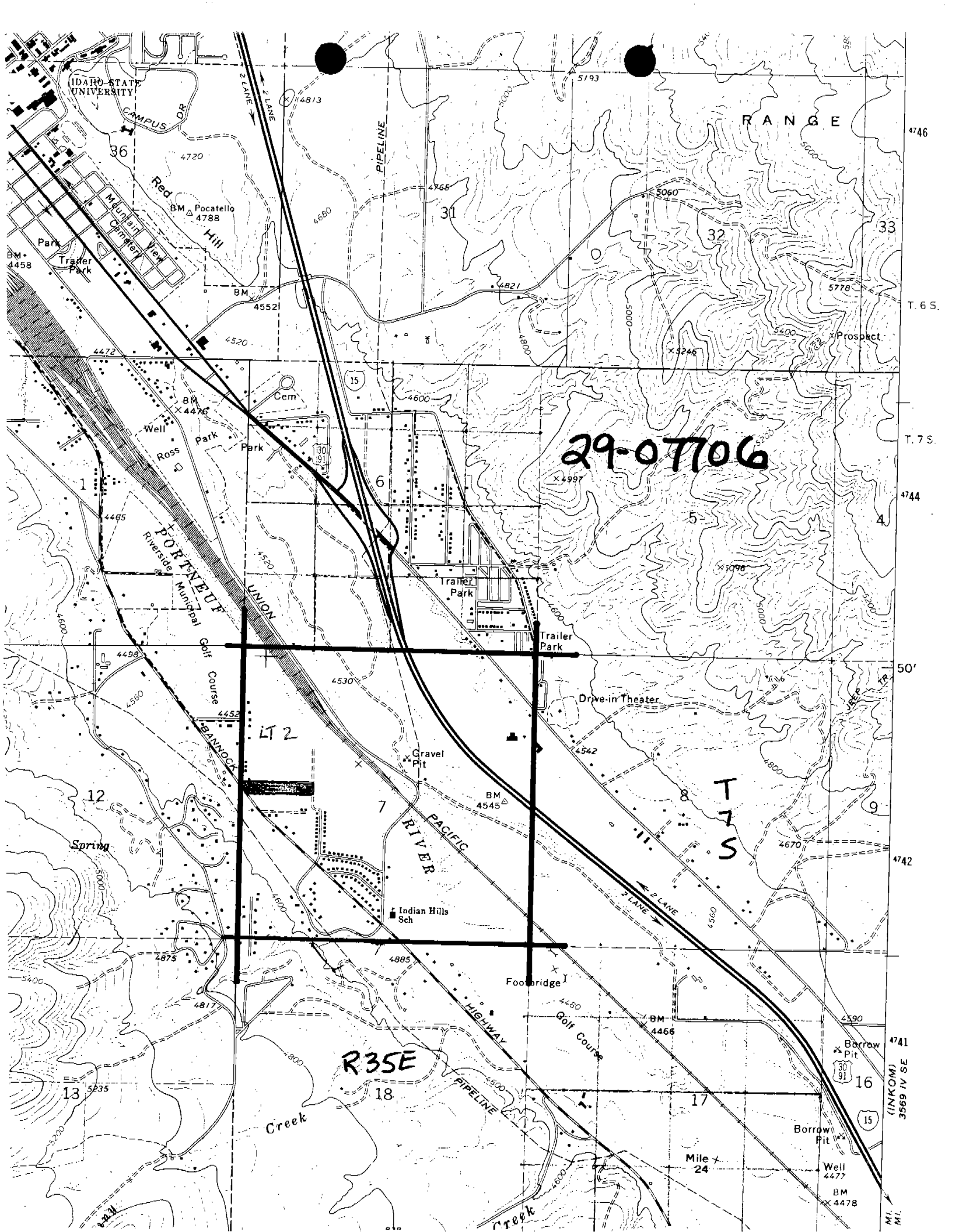
Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRR</u>	<u>4/01</u>	<u>10/31</u>	<u>0.10 CFS</u>	<u>20</u>
Totals:			<u>0.10 CFS</u>	<u>20.0 ac-ft</u>

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. AUTHENTICATIONField Examiner's Name DAVE CARLSON Date 5/18/94Reviewer [Signature] Date 6-1-94

SEAL



57 4 40

R 35E

12

LOT 2

T 7S R 35E
section 7

POB

John
Powell
#445

29-07706

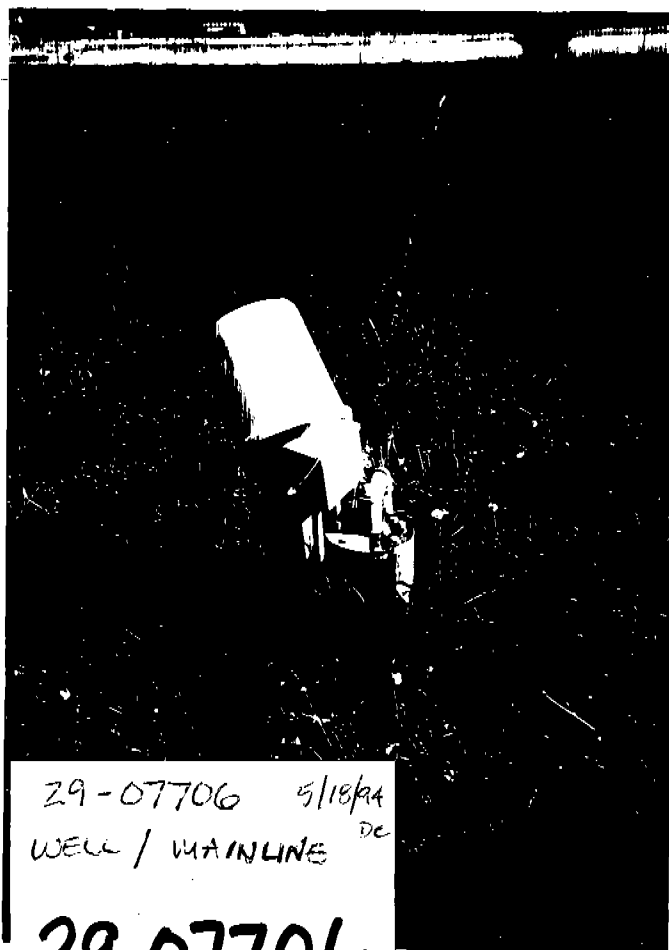
11.9

5.4

29-07706

5/18/94

D. CARLSON



October 31, 1991

JAMES DAVID SCHWARTZ
4330 S. BANNOCK HWY.
POCATELLO ID 83204

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07706

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. 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,

Nina Shields
Secretary/Records Manager

c: IDWR - Region

Enclosure

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 29-7706

Date 9-26-91

GENERAL CONSIDERATIONS

4 Name same as permit?
4 Address same as permit? If no, indicate below.
Jim Proof timely received? If no, complete priority
advancement below.

SOURCE OF WATER

4 Surface water source
4 Ground water source
N/A Drill permit req'd?
4 Copy in file? Drill permit no. _____
4 Amt paid for drilling permit? _____ Correct?
4 Well log in file?

LICENSE EXAMINATION FEE

4 Required?
50.00 Amount submitted?
4 Correct amount?

MEASURING DEVICE

No Measuring device or access port required?
4 Installed?
4 Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

*Proof acceptable
Jim state*

PRIORITY CALCULATION

Date proof received Aug. 13 225
Date proof due Aug. 1 - 213
No. of days late = 12
Priority date May 9, 1983 129
NEW PRIORITY DATE May 21 = 141

1983

LB

August 6, 1991

JAMES DAVID SCHWARTZ
4330 S. BANNOCK HWY.
POCATELLO, ID 83204

LAPSE NOTICE

RE: PERMIT NO. 29-07706

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated May 31, 1991. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:rf

Enclosures

8.9.91
[Handwritten signature]

138612
May 31, 1991

JAMES DAVID SCHWARTZ
4330 S. BANNOCK HWY.
POCATELLO, ID 83204

PROOF DUE NOTICE

RE: PERMIT NO. 29-07706

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 August 1, 1991. (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,

Rita Fleck
Secretary/Records Manager

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 17, 1990

James David Schwartz
4330 South Bannock Hiway
Pocatello, ID 83204

RE: Water Right No. 29-7706

Dear Water Right Holder(s):

We acknowledge receipt of the correspondence transferring ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script that reads 'Sharla Curtis'.

SHARLA CURTIS
Technical Records Specialist

SC:js

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 334-7900
July 20, 1989

KENNETH HATHAWAY
928 N. GRANT AVE.
POCATELLO, ID 83204

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 29-07706

Dear Permit Holder:

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

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

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

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,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
150 Shoup — Suite 15
Idaho Falls, Idaho 83402



Kenneth Hathaway
4330 Bannock Hwy
Pocatello, ID 83201



per phone
directory
may be:
928 N. Grant Ave.
Pocatello 83204
kw
7/18/89



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

07-Jun-1989

Kenneth Hathaway
4330 Bannock Hwy
Pocatello, ID 83201

RE: Application for Permit No. 29-7706

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. 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

07-Jun-1989

Kenneth Hathaway
4330 Bannock Hwy
Pocatello, ID 83201

RE: Application for Permit No. 29-7706

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. 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.

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

Date Filed: 4-27-1983
In: T06S R34E S23 NWNW SESW
S35 NESE
S36 NESW NWSW
T07S R34E S01 NWNE SWNE
NENW NESE
40.0 ACRES TOTAL

29-07705

DAVIS, GLADE R.
DAVIS, JANE P.
RT. 1,
DOWNEY, ID 83234
Source: SPRING
Tributary: SINKS
Diversion Pt:
NWNE Sec 34 T 11S R 36E
Use: IRRIGATION (.120 CFS)
STOCKWATER (.030 CFS)
Date Filed: 5-16-1983
In: T11S R36E S34 NWNE
4.0 ACRES TOTAL

29-07706

HATHAWAY, KENNETH
4330 BANNOCK HWY.
POCATELLO, ID 83201
Source: GROUNDWATER
Diversion Pt:
LOT 2 (SWNW) Sec 7 T 07S R 35E
Use: IRRIGATION (.100 CFS)
Date Filed: 5-09-1983
In: T07S R35E S07 SWNW
5.0 ACRES TOTAL

29-07712

BANNOCK COUNTY
P.O. BOX 4777
POCATELLO, ID 83201
Source: GROUNDWATER
Diversion Pt:
SWNW Sec 12 T 06S R 34E
Use: IRRIGATION (.080 CFS)
DOMESTIC (.080 CFS)
RECREATION (.080 CFS)
FIRE PROTECTION (.080 CFS)
Date Filed: 5-19-1983
In: T06S R34E S12 SWNW SENW
NESW NWSW
4.0 ACRES TOTAL

29-07729

SPRAKER, IRVIN L.
INKOM, ID 83245
Source: PORTNEUF RIVER
Tributary: SNAKE RIVER
Diversion Pt:
SENE Sec 34 T 07S R 36E
Use: IRRIGATION (.200 CFS)
Date Filed: 6-14-1983
In: T07S R36E S34 SENE
S35 SWNW
14.0 ACRES TOTAL

29-07730

FUHRMAN RANCH, INC.
BOX 103
DOWNEY, ID 83423
Source: MARSH CREEK
Tributary: PORTNEUF RIVER
Diversion Pt:
SWNE Sec 11 T 11S R 36E
Use: IRRIGATION (.760 CFS)
Date Filed: 6-13-1983
In: T11S R36E S11 NWNE SENW
38.0 ACRES TOTAL

29-07731

FUHRMAN RANCH, INC.
BOX 103
DOWNEY, ID 83234
Source: GROUNDWATER
Diversion Pt:
SESE Sec 35 T 10S R 36E
Use: IRRIGATION (3.750 CFS)
Date Filed: 6-13-1983
In: T10S R36E S35 NESE NWSE
SWSE SESE
T11S R36E S02 NENE NWNE SWNE
SENE
NWSE
288.0 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 JULY 3, 1989.
S/R. Keith Higginson, Director
June 15, 22, 1989
No. 157

OF OF PUBLICATION

Sandra K. Wann

Department of Water Resources
Eastern District Office

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of Ameri-
ca, more than 21 years of age, and the Principal Clerk of THE IDAHO
STATE JOURNAL, a daily newspaper, printed and published at Pocatello,
Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

<u>15 June</u>	<u>1989</u>	<u>19</u>
<u>22 June</u>	<u>19 89</u>	<u>19</u>
<u>19</u>	<u>19</u>	<u>19</u>
<u>19</u>	<u>19</u>	<u>19</u>
<u>19</u>	<u>19</u>	<u>19</u>

That said paper has been continuously and uninterruptedly published
in said County for a period of seventy-eight weeks prior to the publication
of said notice or advertisement and is a newspaper within the meaning
of the laws of Idaho.

Sandra K. Wann

STATE OF IDAHO

COUNTY OF Bannock

On this 22nd day of June in the year of 1989, 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 instrument,
and being by me first duly sworn, declared that the statements therein are true, and
acknowledged to me that he executed the same.

John L. Larson
Notary Public for Idaho

Residing at Pocatello
My commission expires: July 1991

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

Idaho Falls, Idaho 83402
(208) 525-7161

JUNE 6, 1989

IDAHO STATE JOURNAL
P.O. BOX 431
POCATELLO, ID 83204

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JULY 3, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

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

29-07706

HATHAWAY, KENNETH
4330 BANNOCK HWY.
POCATELLO, ID 83201

Source: GROUNDWATER

Diversion Pt: LOT 2 (SWNW) Sec 7 T 07S R 35E

Use: IRRIGATION (.100 CFS)

Date Filed: 5/09/1983

In: T07S R35E S07 SWNW

5.0 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 JULY 3, 1989.

R. Keith Higginson, Director

Published 6/15/1989 & 6/22/1989



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

August 12, 1985

RE: Application for Permit No. 29-7706

Kenneth Hathaway
4330 Bannock Highway
Pocatello, Idaho 83201

Dear Mr. Hathaway:

In October of 1984, Idaho Power Company and the State of Idaho signed an agreement stating the Company's water rights would be subordinated to those persons who beneficially used water prior to October 1, 1984, and who filed an application or claim for said use by June 30, 1985.

To insure proper consideration of your application pursuant to the above agreement, follow the directions on the enclosed form and return it to this office when completed. For your benefit in identifying the point of diversion and place of use, included on the form is a description of the major items contained on the application.

Your cooperation in returning the completed form and supplemental documentation will expedite future administrative action on your application when processing of applications above Swan Falls resumes.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

29-2206

HATHAWAY, KENNETH

4330 BANNOCK HWY., POCA TELLO, ID 83201

Source: GROUNDWATER

Date Filed: 05/09/1983

Diversion Pt: LOT 02 (SWNW) Sec 07 T 07S R 35E

Use: IRRIGATION (0.10 CFS)

In: SWNW Sec 07 T 07S R 35E FOR 5 ACRES