

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 15 7133

To appropriate the public waters of the State of Idaho

1. Name of applicant Neil Schoenenberger Phone (801) 298-2999
Post office address 695 W 1100N Salt Lake City, Utah 84054
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is _____ $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 26 Township 16S Range 36E B.M. Owaida County; additional
points of diversion if any: SW. SW Sec 25 16S 36E Owaida County
4. Water will be used for the following purposes:
Amount 1.20 for Irrigation purposes from 1 April to 1 Nov (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) 1.20 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Well, pump, sprinkler system
 - 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 20" inches; proposed depth of well is 350' feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
3 years (minimum 1 year).

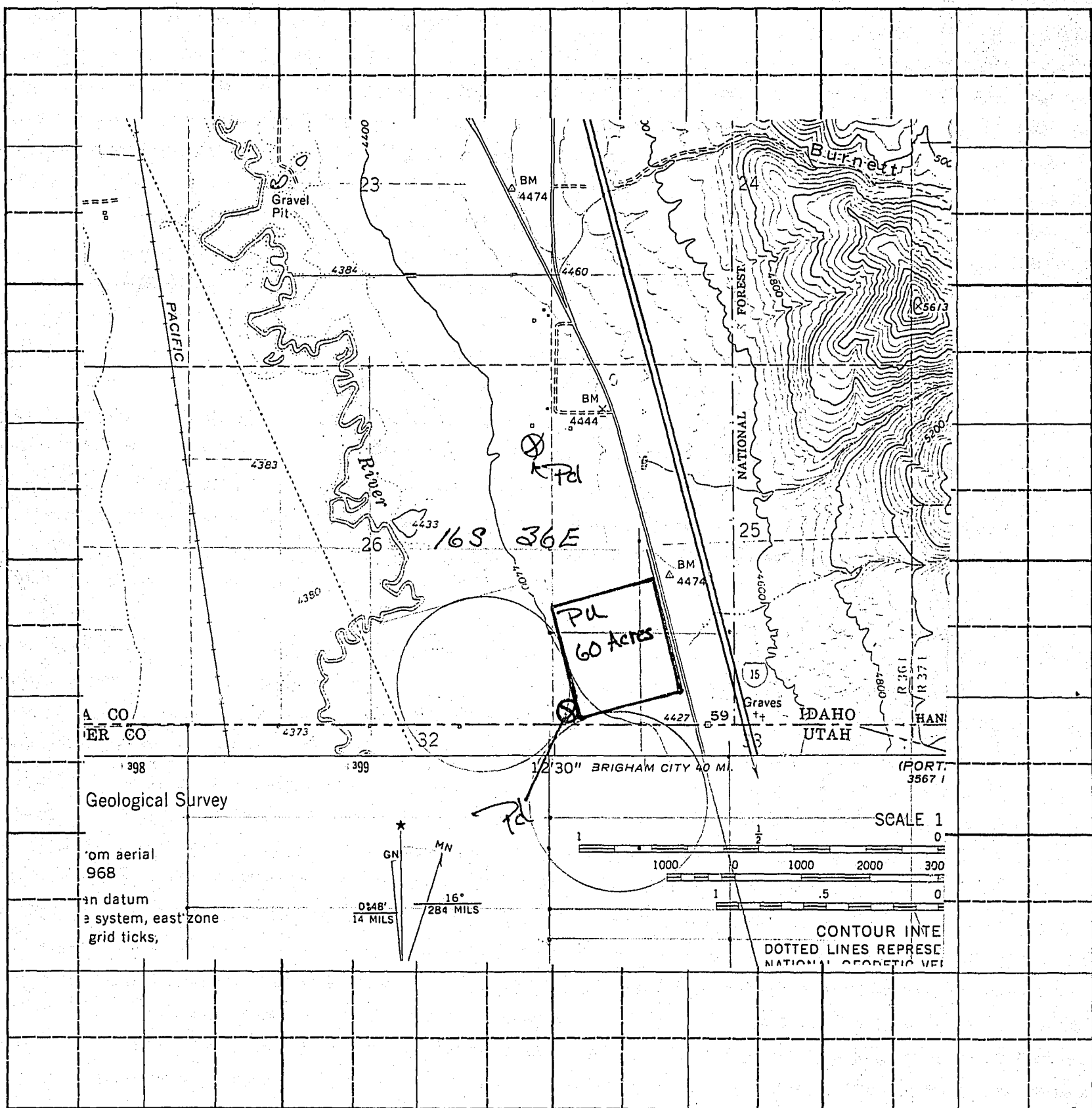
8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in KW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; show name of municipality. _____
 - Domestic; show number of households. _____
 - Other; 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	
16S	36E	25									6	16	28	10					60

Total number of acres to be irrigated 60

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: See permit 15-07128

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.

[Signature]
(Applicant)

Received by DMD Date 12 Sept 91 Time 11:15 Preliminary check by _____
Fee \$ 65⁰⁰ Received by DMD # ED16548 Date 12 Sept 1991
Publication prepared by LB Date 10-31-91 Published in TD Enterprise
Publication approved LB Date 11-21-91

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:

Nº 1365

AFFIDAVIT OF PUBLICATION

RECEIVED

NOV 12 1991

STATE OF IDAHO, }
County of Oneida } ss.

Department of Water Resources
Eastern District Office

Sandra Struhs

being duly sworn,
deposes and says: That she is the Secretary of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with October 3, 19 91, and ending with the issue of October 10, 19 91

Sandra Struhs

Fee \$ 63.50

Subscribed and sworn to before me this 7th day
of Nov., 19 91

Susan D. Wittman

Notary Public, Residing at Malad, Idaho

My Commission Expires 29, 19 94

NOTICE OF APPLICATION FOR WATER RIGHT

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

NOTICE OF APPLICATIONS FOR WATER RIGHT

The Following application has been filed to appropriate the public waters of the State of Idaho:

15-07132

SCHOENENBERGER, NEIL
695 W 1100 N
SALT LAKE CITY UT 84054
Source: GROUNDWATER
Diversión Pt: SWSW Sec 25 T16S
R36E NENE Sec 26 T16S R36E
Oneida County
Use: IRRIGATION (6.760 CFS)
FROM 4/1 TO 11/1

TOTAL DIVERSION: (6.760 CFS)
DATE FILED: 9/12/1991
IN: T16S R36E S25 SESW S26
NESE NWSE SWSE SESE
Oneida County, Idaho 88.0 Acres
T15N R3W S32 NENE NWNE SENE
NENW NWNW SWNW SENW S33
NENW NESW SESW NWSE
Box Elder County, Utah 250.0 Acres
338.0 ACRES TOTAL

15-07133

SCHOENENBERGER, NEIL
695 W 1100 N
SALT LAKE CITY, UT 84054
Source: GROUNDWATER
County: ONEIDA
Diversión Pt: SWSW Sec 25 T 16S
R 36E NENE Sec 26 T 16S R 36E
Use: IRRIGATION (1.200 CFS)
Total Diversión (1.200 CFS)
Date Filed: 9/12/1991
In: T16S R36E S25 NESW NWSW
SWSW SESW
60 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoupe Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before OCTOBER 21, 1991

R. KEITH HIGGINSON, Director

Published 10/3/1991 & 10/10/1991
#1365

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 15-07133

Proposed Priority: September 12, 1991 Maximum Diversion Rate: 1.20 CFS

This is to certify, that **NEIL SCHOENENBERGER**
695 W 1100 N
SALT LAKE CITY UT 84054

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	1.20 CFS

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	
NENE	Sec. 26, Township 16S, Range 36E
SWSW	Sec. 25, Township 16S, Range 36E
	ONEIDA County

<u>PLACE OF USE:</u>	<u>IRRIGATION</u>					
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
16S	36E	25	NESW 6	NWSW 16	SWSW 28	60
			SESW 10			

Total number of acres irrigated: 60

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **December 1, 1994**.
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. Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

PAGE 2

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 15-07133

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

13 th day of December, 1991.

R. Keith Higginson

R. Keith Higginson, Director

for

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before OCTOBER 21, 1991.

R. KEITH HIGGINSON, Director

Published 10/ 3/1991 & 10/10/1991

15-07133

SCHOENENBERGER, NEIL
695 W 1100 N
SALT LAKE CITY, UT 84054

Source: GROUNDWATER

Diversion Pt:	SWSW	Sec 25 T 16S R 36E
	NENE	Sec 26 T 16S R 36E

Use: IRRIGATION	(1.200 CFS)
Total Diversion:	(1.200 CFS)

Date Filed: 9/12/ 1991

In: T16S R36E S25	NESW	NWSW	SWSW	SESW
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60.0 ACRES TOTAL

NOTICE OF APPLICATION FOR WATER RIGHT

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

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

Idaho Falls, Idaho 83402
(208) 525-7161

SEPTEMBER 25, 1991

THE IDAHO ENTERPRISE
P.O. BOX 205
MALAD CITY, ID 83252

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 OCTOBER 21, 1991.

Yours truly,

Rita Bodell
Secretary

Encl.



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

12-Sep-1991

NEIL SCHOENENBERGER
695 W 1100 N
SALT LAKE CITY UT 84054

RE: Application No. 15-07132 & 15-07133

Dear Water Right Applicant:

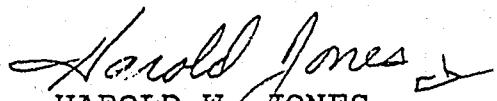
The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Idaho Enterprise on October 3 & 10, 1991. The advertisement will be published for two consecutive weeks, and a period of ten days following 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

APPLICATION FOR PERMIT REVIEW

Application #: 15-7133
 Date: 12-9-91

Reviewer: Pam Skaggs

✓Existing:

✓No

Complete in 1 year

- 26A-P17
 - P16

Yes

Proof not submitted

- P16

Proof submitted

- N/A

✓Groundwater:

✓GT. 0.2 cfs

- 01G-P03 01C-P03(existing well)

LT. 0.2 cfs

- N/A

✓Drilling Permit:

Approved w/permit

- P99

✓Not included

- 046-P23(All GW, even existing wells)

✓Location:

✓Water Districts

- WD No. _____

Surface water

- 005, 005-01H-P01(LT.2 w/pump)
 005-01J-P08(GT.2)

Groundwater

- P05

Irrigation Districts

- 023

Canal Co. Areas

- 023

Drainage Districts

- 024

Boise Front (63)

- 058 (Groundwater)

✓Swan Falls Flag

- _____ (1, Blank or Other)

Trust

- 051-052-053-P74(Consumptive Uses)

Non Trust

- 048-049

River Basins:

(Surface Water)

Water District Control Condition &....

Boise (63)

- 05A & 11E

Payette (65)

- 047-P04, 059-P71

Snake (01, 02 & 03)

- 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation

- 06A, 09E-P10 & 010 (WQ/Choose One),
 042(req.), 002-P06(MD), 07A(Spec.),
 044(Policy 5G)

Power

- _____ Use Power Review

Mining

- 06A, 010, or 09E-P10 & 054(req.)

Storage

- 18A-for multiple measuring devices(In WD),
 18B-P09(Size)

Rec. & Aesthetic

- 027(Non-Consumptive)

Domestic

- 021(restricted areas)

Ownership:

Non land owner

- 004

Protested:

Agreement

- 020

✓Beneficial Use Due Date: - 12-01-1994
 Other Conditions Recommended _____



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 19, 1991

NEIL SCHOENENBERGER
695 W 1100 N
SALT LAKE CITY UT 84054

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 15-07133

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.

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. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

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.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

RECEIVED

DEC 19 1994

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY
Amt. of Fee \$: 125.00
Receipt No. 0031857
Receipt By: RT
Date Received: 12/19/94

PROOF OF BENEFICIAL USE

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

1. Permit No. 15071-33 Telephone No. 801-298-2999
2. Name(s) of Permit Holder(s): NEIL SCHOENENBERGER
3. Mailing Address: 695-W 1100 NO NO SALT LAKE CITY UT 84054
4. Source of Water: WELL If GROUNDWATER (well), Date Drilled: mo. 1 yr. 91
 - a. Well Driller: WEECH Drilling Permit Number: 15071-28
1507132 15-91-E-0006
 - b. **OPTIONAL:**
Pump Horsepower: 125 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): 60 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 1.2 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 _____
	Has the measuring device been installed?	Yes _____ or No _____
Flow Measurement Port:	Is a flow measurement port required?	Yes <u>✓</u> or No _____
	Has the measurement port been installed?	Yes _____ or No _____
8. Fee Enclosed: \$ 125.00 (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: GENE CARTER Telephone Number: 208-766-4535
Address: 1069-CLARK RD MALAD IDAHO
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:

Neil Schoenenberger Date: 12-14-94
(include your title, if on behalf of company or organization)

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 15-07133)

IN THE NAME OF NEIL SCHOENBERGER)

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 December 1, 1994; and,

WHEREAS, the Department notified the permit holder on September 30, 1994, by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

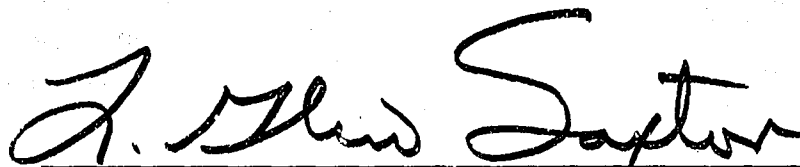
WHEREAS, the Department notified the permit holder on December 8, 1994, that the permit had lapsed for failure to submit an acceptable proof of beneficial use or extension of time; and,

WHEREAS, Section 42-218a, 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 an acceptable proof of beneficial use on December 19, 1994;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 15-07133 be REINSTATED with an advance in priority to September 30, 1991.

Dated this 3rd day of January, 1995.



L. GLEN SAXTON
Chief, Water Allocation Bureau

September 30, 1994

NEIL SCHOENENBERGER
695 W 1100 N
SALT LAKE CITY UT 84054

PROOF DUE NOTICE

RE: PERMIT NO. 15-07133

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 December 1, 1994. (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.

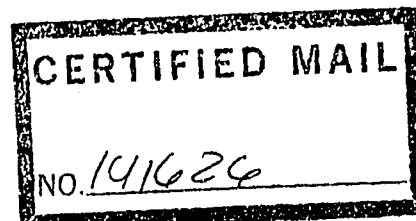
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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



December 8, 1994

NEIL SCHOENENBERGER
695 W 1100 N
SALT LAKE CITY UT 84054

LAPSE NOTICE

RE: PERMIT NO. 15-07133

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 September 30, 1994. 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 fifty dollar (\$50.00) fee.

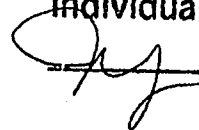
Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring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

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 12/9/94
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.





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

January 4, 1995

NEIL SCHOENBERGER
695 W 1100 N
N SALT LAKE CITY UT 84054

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 15-07133

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating your permit since proof of beneficial use was received after the proof due date. Please note that the priority date has been advanced to September 30, 1991.

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,

A handwritten signature in cursive script that reads 'Julie L. Yarbrough'.

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region