

#72

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A22-02145
Date Received: 1/11/1989
Receipt No: E005473
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MELVIN SCHWENDIMAN 208-458-4376
Address: BOX 7
NEWDALE, ID 83436

2. Date of Priority: JUL 01, 1952

3. Source: UNNAMED STREAM Trib. to: TETON RIVER
WASTE WATER TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	41E	28	NE	NE			FREMONT

5. Description of diverting works: *DITCH*

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION			0.440		

7. Total Quantity Appropriated is:
0.440 C.F.S. (and/or) A.F.A.

8. Total consumptive use is *55* Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	41E	28	NE	NE		IRR	22.0
Section Acres							22.0

A22-02145

Page 1

Date: 01/11/89



RECORDED
OCT 29 1989

10. Place of Use: Continued

Total Acres 22.0

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

SOURCE MAY BE CANAL.

15. Basis of Claim: LICENSE

Water Right Number: 22891

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): A. Michael Schneiderman Date: Jan. 11, 1989

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 11 day

of January 19 89

Seal

Anthony S. Olenichuk
Notary Public

Residing at 9/12/1994 Hobbs Falls
My Commission Expires 9/12/1994

4864

4863

55'

4862

4861

4860

810 000
FEET

4859

T.7N.

T.6N.

16

14

BM 5008

Gaging Sta

5030

5025

4998

5029

21

22

23

Siphon

TEJON

Levee

5084

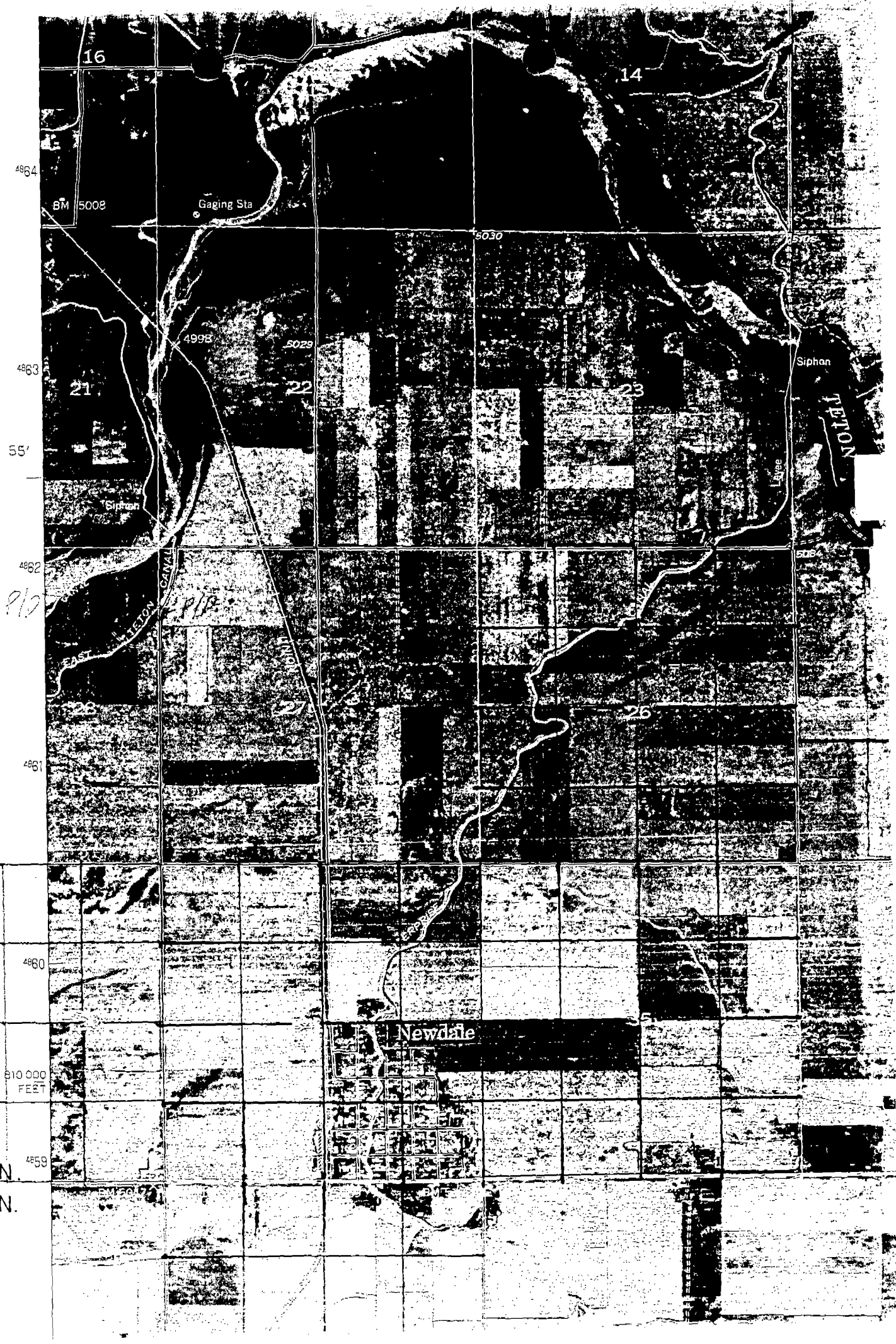
P/D

28

27

26

Newdale



T. 7 N.
T. 6 N.

Log for claim 22-02145

Spatial Dynamics LTD

7/27/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07n41e	28	NENE	22	27	Indiscernible
Totals:			22	27	

State of Idaho

License and Certificate of Water Right

Water License No. 22891

Amount 0.44 second foot

Water District No. _____

Priority July 1, 1952

THIS IS TO CERTIFY that RUDOLPH SCHWENDIMAN
of Newdale, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 1, 1952; that Permit No. 22891
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.44 second foot, was issued thereunder on July 26, 1952, showing that said works
were completed on the 23rd day of July, 1952; and that on the 11th
day of September, 1952,

RUDOLPH SCHWENDIMAN
of Newdale, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of an un-
named stream/ (waste water), for the purpose of irrigation
, under Use Permit No. 22891 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at page 5114, on the 7th day of August, 1953;
The right hereby confirmed dates from July 1, 1952;

The Point of Diversion is located
in the NE 1/4 NE 1/4, Sec. 28, Tp. 7 N., R. 41 E., B. M. Fremont County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.44 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract:	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>7 N.</u>	<u>41 E.</u>	<u>28</u>	<u>NE 1/4 NE 1/4)</u> <u>SE 1/4 NE 1/4)</u>	<u>22</u>	<u>22</u>
Number of Acres Actually Irrigated - - - -					<u>22</u>

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

7th day of August, 1953.

MARK R. KILP

State Reclamation Engineer

(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

23-2145

APPLICATION No. 30635
 PERMIT No. 22891
 DISTRICT No.

1. Name of Applicant: RUDOLPH SCHWENDIMAN

Postoffice address: Newdale

County: Fremont

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand: \$400

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources: 80 acre farm valued at \$20,000, which is clear

2. Quantity of water claimed: 22 inches or 0.44 cubic feet per second.

Twp. 7 N., Range 41 E., B.M., collected and diverted in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 28, T. 7 N., R. 41 E., B.M.

3. Source of water supply: Waste water from land in Sec. 27/ which is a tributary of

4. Location of point of diversion: 660 feet distant from the N. W.

corner of Section 27, T. 7 N., R. 41 E., B.M., and is in the SE $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 28, T. 7 N., R. 41 E., B.M., County of Fremont

5. Water is to be used for Irrigation purposes.

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T., R., B.M., in the of Section, T., R., B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section, T., R., B.M., in the

of Section, T., R., B.M.

7. Estimated cost of works: \$ 500.00

8. Kind of works: Build flume and install pump to pump this water on to land.

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width No headgate feet; height feet.

11. Ditch: Width at bottom 1 $\frac{1}{2}$ feet; width at water line feet; depth of water 2 feet;

dimensions of flume 15" steel pipe

Diameter of pipe 15 inches; length of conduit 24 feet -miles-

Average grade per mile feet.

12. The time required for the completion of such work is Work all completed- flume built.

13. The time required for the complete application of the water to the proposed use is - additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Waste waters

16. (a) Is reservoir to be used? No If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

RUDOLPH SCHWENDIMAN *Applicant.*

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. July 1, 1952

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 22891

Recorded in Book 81

Page 22891

Approved July 9, 1952

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before Completed and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before - -

The whole of said work to be completed on or before October 9, 1952

Beneficial use of water appropriated in accordance herewith, to be made on or before October 9, 1952

WITNESS My hand this 9th day of July, 1952

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, EDSON H. DEAL,

...Acting... Governor of the State of Idaho,

and IRA H. MASTERS Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 9th

day of July, 1952

STATE OF IDAHO

Countersigned:

By

EDSON H. DEAL

By IRA H. MASTERS

Acting Governor.

Secretary of State.

REMARKS: This is waste water from lands owned by Harvey Schwendiman and Mrs. Bean, and is to be used for irrigation.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
7 N.	41 E.	28	x			x									22
CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that RUDOLPH SCHWEINDIMAN of Newdale, County of Fremont, end State of Idaho, the holder of Permit No. 22891, issued upon Application No. 30635 bearing date of priority of July 1, 1952, authorizing the diversion of 0.44 second foot of the waters of waste water from land in Sections 27 and 28, Twp. 7 North, Range 41 East, B.M. (an un-named stream) County of Fremont, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.44 second foot of the waters of said un-named stream; that the point of diversion of said waters is in the SE$\frac{1}{4}$ NE$\frac{1}{4}$ Section 28, Township 7 North, Range 41 East, B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Twenty-two acres in the E$\frac{1}{2}$ NE$\frac{1}{4}$ Section 28, Township 7 North, Range 41 East, B.M. Witness my hand this 26th day of July, A.D. 1952. E. N. HUMPHREY Deputy State Reclamation Engineer Proof of completion of works made July 23, 1952. Certificate of completion of works issued July 26, 1952.															

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 22891

Comes now RUDOLPH SCHWENDIMAN and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of permit to appropriate the public waters of the State of Idaho, No. 22891.

That the point of diversion is described in said permit as being located SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, Township 7 North, Range 41 East, S.M.

That he now requests that the point of diversion be changed to a point NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, Township 7 North, Range 41 East, S.M.

That his reasons for desiring to make such change are as follows: Wrong description shown on previous application

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at St. Anthony, Idaho this 6 day of August 1953.

RUDOLPH SCHWENDIMAN

Date of receipt at Department of Reclamation August 7, 1953.

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to permit to appropriate the public waters of the State of Idaho, No. 22891. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP
State Reclamation Engineer

LICENSE ISSUED FOR 2.44 SEC. FT.

OK. 5114

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 22891

This proof is for Beneficial use In Water District No. _____1. Name of applicant Rudolph Schwendiman, Nondale, Idaho2. Source of water supply: An un-named stream (waste water)3. Location of point of diversion: Is in the SE¹ NE¹ of Section 28T. 7 N. R. 41 E. County of Fremont

4. Describe works as they exist, giving dimensions and capacities of same: Picks up waste water at lower end of culvert where it crosses road. Diverts thru 15' culvert pipe across canal into a ditch on lower side of and parallel to canal. Then to pump - to Flume - to Field by gravity. Water normally dumps into the canal. Source of water is The Enterprise Canal.

Pump is a 8"x6" hor. centrifugal Fairbanks Morse. Lift is 12' thru 8"x17' light gal. pipe. Flume is 14"x180' light sheet metal on post-and-rail frame.

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

E¹ NE¹ Section 28, Twp. 7 North, Range 41 East, B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

Crops are grain & potatoes

This examination was made on the 30 day of July, 1953(Signed) E. N. Humphrey Examiner.

22891

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
 6. Give general characteristics of soils, topography, and crops raised.
-

Rudolph Schwendiman
Newdals, Idaho

Permit No. 22891

Examination for Beneficial use

County Fremont

S. 28 - 7N - 4E

Q - 0.44 cfs.

S - Waste water

P.A. - SENE Sec. 28, T. 7N. - R. 4E.

Use - Irrigation

RECEIVED
JUL 31 1953
Department of Reclamation

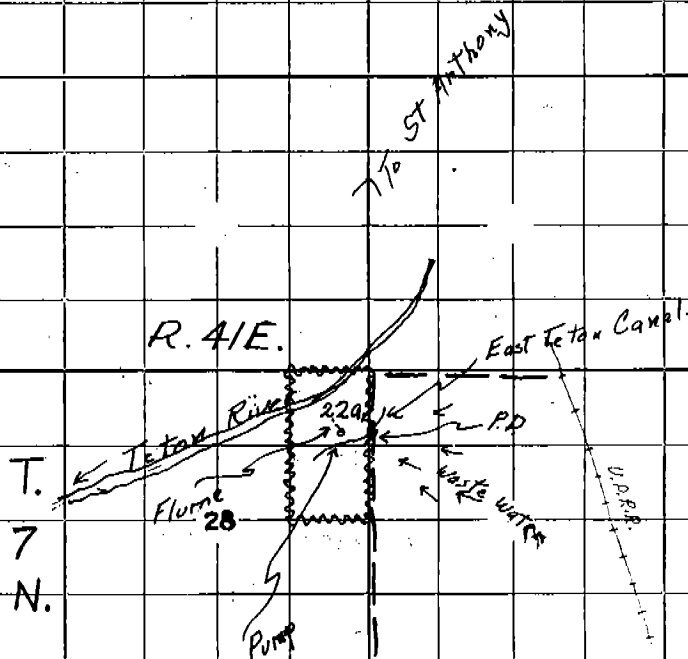
Priority - July 1, 1952
Due - Oct. 9, 1952

15" x 22" corr.

Across E. Teton Canal on E. side of

Waste water comes under road thru 18" x 20" culvert

Waste water is south of Enterprise Canal. Waste off approx 1600 to East



Area = 22 acres

Q = 22 inches

20' each } 8" x 10" pipe } 17' left } 6" Cent. Fairbanks }
[8" x 6"]

Form 28

Pulled by Model D.C. Case
40 hp on belt 18 hp used

14" x 180' flume on posts and timbers
metal

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 22891

REPORT ON PROOF OF Beneficial use

RUDOLPH SCHWENDIMAN, Newdale, Idaho

East Teton canal

440' x 180'

app. 0.44 cfs.

22 acres