

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 27 2005	
By _____	Clerk Deputy Clerk

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

In Re SRBA	)	Subcase No. 25-2123
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

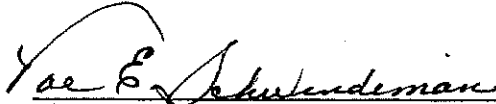
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):

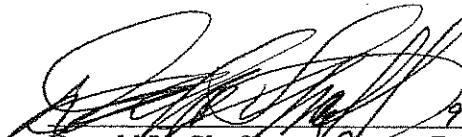
Val E. Schwendiman 9-8-05
 Val E. Schwendiman Date

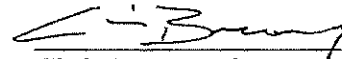
Diane P. Schwendiman
 Diane P. Schwendiman Date
 9-8-05

OBJECTOR:


Val E. Schwendiman Date 9-8-05

IDWR Concurrence:


Donald V. Shaff Date 9-01-05
Manager, Adjudication Technical Section


Chris M. Bromley Date 8/29/05
Deputy Attorney General
Attorney for IDWR

08/26/2005

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 25-2123

NAME AND ADDRESS: DIANE P SCHWENDIMAN
9633 E HWY 33
NEWDALE ID 83436

VAL E SCHWENDIMAN
9633 E HWY 33
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 7.500 CFS
2,376.00 AFY

The rights listed below are limited to a total combined diversion rate of 9.06 cfs and to a total combined annual diversion volume of 2432 AF.
Combined Right Nos.: 25-2123, 25-7068, and 25-14164.

Use of this right with Right No. 25-7068 is limited to a total combined annual diversion volume of 2376 AF.

PRIORITY DATE: 08/08/1956

POINT OF
DIVERSION:

T03N R40E S9 NWNW Within BONNEVILLE County
T03N R40E S9 NWNW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	7.500 CFS 2,376.00 AFY

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R40E S08	NENE	38.0	T03N R40E S08	SENE	37.0
T03N R40E S08	NESE	40.0	T03N R40E S08	SESE	40.0
T03N R40E S09	NWNW	34.0	T03N R40E S09	SWNW	40.0
T03N R40E S09	SESW	40.0	T03N R40E S09	NESW	40.0
T03N R40E S09	NWSW	40.0	T03N R40E S09	SWSW	40.0
T03N R40E S09	SESW	40.0	T03N R40E S16	NENW	40.0
T03N R40E S16	NWNW	40.0	T03N R40E S16	SWNW	~~19.0~~ 33.0
T03N R40E S16	SESW	26.0	T03N R40E S17	NENE	40.0

594 608 ACRES TOTAL

08/26/2005

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

This right is limited to the irrigation of 594 acres within the place of use described above in a single irrigation season.

Use of this right with Right No. 25-7068 is limited to the irrigation of a combined total of 594 acres in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 608 acres in a single irrigation season. Combined Right Nos.: 25-2123, 25-7068, and 25-14164.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right No. 25-14164 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

The following rights are diverted through points of diversion described above: 25-2123, 25-7068, and 25-14164.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Y.S.
Q.S.

SLB

CERTIFICATE OF MAILING

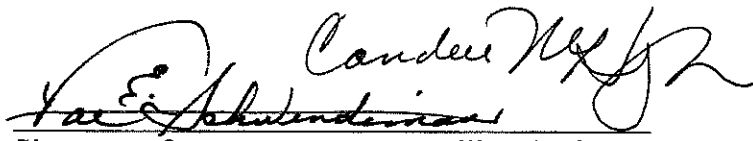
I certify that on 9/27/05 ^{8m²}, 2005, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. DIANE P SCHWENDIMAN
VAL E SCHWENDIMAN
9633 E HWY 33
NEWDALE, ID 83436

IDWR REPOSITORY
PO BOX 83720
BOISE, ID 83720-0098


Signature of person or attorney mailing the form