

02/08/2006

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7210

NAME AND ADDRESS: VAL E SCHWENDIMAN FARMS INC  
9633 E HWY 33  
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 15.500 CFS  
5,656.900 AFY

The rights listed below are limited to a total combined diversion rate of 56.36 cfs. Combined Right Nos.: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B, and 22-7314.

Use of this right with Right Nos. 22-7210, 22-7271, 22-7313A, and 22-7313B is limited to a total combined diversion rate of 28.1 cfs and to a total combined annual diversion volume of 11,476.5 AF.

The combined rights listed above with Right No 22-7287 and 22-12656 are limited to a total combined diversion rate of 33.22 cfs and to a total annual diversion volume of 13,767.25 AF.

PRIORITY DATE: 02/15/1977

POINT OF DIVERSION:

T07N R41E S29 SESWNE Within FREMONT County

T07N R41E S29 NWNSE Injection Within FREMONT County

T07N R42E S23 SENWSE Rediversion Within FREMONT County

Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the points of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above.

Three exchange wells are located at or near the point of diversion described above.

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
04/15 10/15

QUANTITY  
15.500 CFS  
5,656.90 AFY

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within MADISON County

|                          |       |                          |       |
|--------------------------|-------|--------------------------|-------|
| T06N R42E S02 Lot 1 NENE | 39.00 | T06N R42E S02 Lot 2 NWNE | 39.00 |
| T06N R42E S02 SWNE       | 39.00 | T06N R42E S02 SENE       | 39.00 |
| T06N R42E S02 Lot 3 NENW | 39.00 | T06N R42E S02 Lot 4 NWNW | 39.00 |
| T06N R42E S02 SWNW       | 39.00 | T06N R42E S02 SENW       | 39.00 |
| T06N R42E S02 NESW       | 39.00 | T06N R42E S02 NWSW       | 39.00 |
| T06N R42E S02 SWSW       | 39.00 | T06N R42E S02 SESW       | 39.00 |
| T06N R42E S02 NESE       | 39.00 | T06N R42E S02 NWSE       | 39.00 |

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T06N R42E S02 | SWSE | 39.00 | T06N R42E S02 | SESE | 39.00 |
| T06N R42E S10 | NENE | 40.00 | T06N R42E S10 | NWNE | 40.00 |
| T06N R42E S10 | SWNE | 35.00 | T06N R42E S10 | SENE | 31.00 |
| T06N R42E S10 | NESW | 40.00 | T06N R42E S10 | NWSW | 40.00 |
| T06N R42E S10 | NESE | 40.00 | T06N R42E S10 | NWSE | 40.00 |
| T06N R42E S11 | NENE | 39.00 | T06N R42E S11 | NWNE | 39.00 |
| T06N R42E S11 | SWNE | 39.00 | T06N R42E S11 | NENW | 39.00 |
| T06N R42E S11 | NWNW | 39.00 | T06N R42E S11 | SWNW | 39.00 |
| T06N R42E S11 | SENW | 39.00 | T07N R42E S15 | SWSW | 1.20  |
| T07N R42E S21 | NENE | 11.00 | T07N R42E S21 | SENE | 34.00 |
| T07N R42E S21 | NESE | 38.00 | T07N R42E S22 | NENE | 20.00 |
| T07N R42E S22 | NWNE | 17.00 | T07N R42E S22 | SWNE | 4.20  |
| T07N R42E S22 | SWNE | 35.00 | T07N R42E S22 | SENE | 30.00 |
| T07N R42E S22 | SENE | 9.30  | T07N R42E S22 | NENW | 34.00 |
| T07N R42E S22 | NWNW | 34.00 | T07N R42E S22 | SWNW | 20.00 |
| T07N R42E S22 | SWNW | 20.00 | T07N R42E S22 | SENW | 40.00 |
| T07N R42E S22 | NESW | 17.00 | T07N R42E S22 | NWSW | 36.00 |
| T07N R42E S22 | NESE | 39.00 | T07N R42E S22 | NWSE | 39.00 |
| T07N R42E S23 | NWNW | 3.90  | T07N R42E S23 | SWNW | 31.00 |
| T07N R42E S23 | SENW | 4.50  | T07N R42E S23 | NESW | 15.00 |
| T07N R42E S23 | NESW | 11.00 | T07N R42E S23 | NWSW | 0.20  |
| T07N R42E S23 | NWSW | 39.00 | T07N R42E S23 | SWSW | 40.00 |
| T07N R42E S23 | SESW | 3.40  | T07N R42E S23 | SESW | 35.00 |
| T07N R42E S23 | SWSE | 14.00 | T07N R42E S26 | NWNE | 16.00 |
| T07N R42E S26 | NWNE | 8.30  | T07N R42E S26 | SWNE | 15.00 |
| T07N R42E S26 | SWNE | 21.00 | T07N R42E S26 | SENE | 2.90  |
| T07N R42E S26 | NENW | 40.00 | T07N R42E S26 | NWNW | 40.00 |
| T07N R42E S26 | SWNW | 40.00 | T07N R42E S26 | SENW | 40.00 |
| T07N R42E S26 | NESW | 27.00 | T07N R42E S26 | NESW | 9.80  |
| T07N R42E S26 | NWSW | 40.00 | T07N R42E S26 | SWSW | 40.00 |
| T07N R42E S26 | SESW | 19.00 | T07N R42E S26 | SESW | 20.00 |
| T07N R42E S26 | NESE | 1.60  | T07N R42E S26 | NWSE | 13.00 |
| T07N R42E S26 | NWSE | 0.80  | T07N R42E S26 | SWSE | 0.20  |
| T07N R42E S26 | SWSE | 8.10  | T07N R42E S27 | NENE | 40.00 |
| T07N R42E S27 | NWNE | 40.00 | T07N R42E S27 | SWNE | 40.00 |
| T07N R42E S27 | SENE | 40.00 | T07N R42E S27 | NENW | 40.00 |
| T07N R42E S27 | NWNW | 40.00 | T07N R42E S27 | SWNW | 40.00 |
| T07N R42E S27 | SENW | 40.00 | T07N R42E S27 | NESW | 40.00 |
| T07N R42E S27 | NWSW | 40.00 | T07N R42E S27 | SWSW | 40.00 |
| T07N R42E S27 | SESW | 40.00 | T07N R42E S27 | NESE | 40.00 |
| T07N R42E S27 | NWSE | 40.00 | T07N R42E S27 | SWSE | 40.00 |
| T07N R42E S27 | SESE | 40.00 | T07N R42E S28 | NENE | 38.00 |
| T07N R42E S28 | SWNE | 40.00 | T07N R42E S28 | SENE | 40.00 |
| T07N R42E S28 | SWSW | 40.00 | T07N R42E S28 | SESW | 40.00 |
| T07N R42E S28 | NESE | 40.00 | T07N R42E S28 | NWSE | 40.00 |
| T07N R42E S28 | SWSE | 40.00 | T07N R42E S28 | SESE | 40.00 |
| T07N R42E S33 | NENW | 40.00 | T07N R42E S35 | NWNE | 0.20  |

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T07N R42E S35 | NWNE | 31.00 | T07N R42E S35 | SWNE | 39.00 |
| T07N R42E S35 | SENE | 0.60  | T07N R42E S35 | SENE | 21.00 |
| T07N R42E S35 | NENW | 40.00 | T07N R42E S35 | NWNW | 40.00 |
| T07N R42E S35 | SWNW | 40.00 | T07N R42E S35 | SENW | 39.00 |
| T07N R42E S35 | NESW | 39.00 | T07N R42E S35 | NWSW | 39.00 |
| T07N R42E S35 | SWSW | 39.00 | T07N R42E S35 | SESW | 39.00 |
| T07N R42E S35 | NESE | 38.00 | T07N R42E S35 | NWSE | 39.00 |
| T07N R42E S35 | SWSE | 39.00 | T07N R42E S35 | SESE | 39.00 |
| T07N R42E S36 | NWSW | 14.00 | T07N R42E S36 | SWSW | 39.00 |

3934.2 ACRES TOTAL

Right Nos. 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B, and 22-12656 are limited to the irrigation of a combined total of 3,933.5 acres in a single irrigation season.

This right is limited to the irrigation of 2560 acres within the place of use described above in a single irrigation season.

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

This right is subject to regulation by the watermaster of Water District No 01.

The rate of diversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.

The exchange wells must inject water into the Teton River whenever water is being diverted from the river under this license, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the rediversion pump and the exchange wells will be allowed even if the exchange wells are pumping water into the Teton River.

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.

Totalizing measuring devices shall be maintained at the exchange wells and rediversion pumps from the Teton River.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B, and 22-7314 are also diverted through points of diversion and injection described above.

Right Nos. 22-7210, 22-7270, 22-7313A, and 22-7313B are also diverted through point of rediversion described above.

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

Exchange well diversion capacity is owned half by Schwendiman Farms and half by M & B Enterprises for a total capacity of 56.36 cfs.