

12/05/2005

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

RIGHT NUMBER: 22-7265B
NAME AND ADDRESS: M & B ENTERPRISES LTD PARTNERSHIP
PO BOX 326
ST ANTONY ID 83445

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.090 CFS
194.86 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. 22-7205, 22-7265A, 22-7265B, 22-7270, and 22-7314 are limited to a total combined (re)diversion capacity of 24.5 cfs and to a total combined annual diversion volume of 9,741.6 AF.

PRIORITY DATE: 11/16/1977

POINT OF DIVERSION:

T07N R41E S29 SESWNE Within FREMONT County
T07N R41E S29 NWNESE Injection Within FREMONT County
T07N R42E S23 SENWSE Rediversion Within FREMONT County

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

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

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	1.090 CFS 194.86 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 FREMONT County

T07N R42E S02	SWSW	4.0	T07N R42E S03	SESE	24.0
T07N R42E S10	NENE	20.0	T07N R42E S10	NWNE	31.0
T07N R42E S10	SWNE	30.0	T07N R42E S10	SENE	37.0
T07N R42E S10	NENW	20.0	T07N R42E S10	SENW	36.0
T07N R42E S10	NESW	33.0	T07N R42E S10	NWSW	30.0
T07N R42E S10	NESE	38.0	T07N R42E S10	NWSE	39.0
T07N R42E S10	SWSE	26.0	T07N R42E S10	SESE	37.0
T07N R42E S11	NENW	0.3	T07N R42E S11	NWNW	34.0
T07N R42E S11	SWNW	38.0	T07N R42E S11	SENW	0.2
T07N R42E S11	NESW	1.6	T07N R42E S11	NWSW	30.0
T07N R42E S11	SWSW	40.0	T07N R42E S11	SESW	40.0
T07N R42E S11	SWSE	40.0	T07N R42E S11	SESE	30.0

T07N R42E S12	SWSW	5.5	T07N R42E S12	SESW	0.6
T07N R42E S12	SWSE	2.4	T07N R42E S12	SESE	1.6
T07N R42E S13	NENE	37.0	T07N R42E S13	NWNE	39.0
T07N R42E S13	SWNE	33.0	T07N R42E S13	SENE	36.0
T07N R42E S13	NENW	34.0	T07N R42E S13	NWNW	38.0
T07N R42E S13	SWNW	34.0	T07N R42E S13	SENW	29.0
T07N R42E S13	NESW	40.0	T07N R42E S13	NWSW	39.0
T07N R42E S13	SWSW	38.0	T07N R42E S13	SESW	39.0
T07N R42E S13	NESE	35.0	T07N R42E S13	NWSE	40.0
T07N R42E S13	SWSE	39.0	T07N R42E S13	SESE	39.0
T07N R42E S14	NENE	35.0	T07N R42E S14	NWNE	40.0
T07N R42E S14	SWNE	30.0	T07N R42E S14	SENE	28.0
T07N R42E S14	NENW	34.0	T07N R42E S14	NWNW	35.0
T07N R42E S14	SWNW	40.0	T07N R42E S14	SENW	37.0
T07N R42E S14	NESW	40.0	T07N R42E S14	NWSW	37.0
T07N R42E S14	SWSW	2.7	T07N R42E S14	SESW	29.0
T07N R42E S14	NESE	26.0	T07N R42E S14	NWSE	39.0
T07N R42E S14	SWSE	40.0	T07N R42E S14	SESE	40.0
T07N R42E S15	NENE	26.0	T07N R42E S15	NWNE	1.2
T07N R42E S15	SWNE	24.0	T07N R42E S15	SENE	39.0
T07N R42E S15	NESE	19.0	T07N R42E S15	NWSE	19.0
T07N R42E S23	NENE	40.0	T07N R42E S23	NWNE	26.0
T07N R42E S23	SWNE	2.7	T07N R42E S23	SENE	30.0
T07N R42E S23	NENW	3.6	T07N R42E S24	NENE	40.0
T07N R42E S24	NWNE	40.0	T07N R42E S24	SWNE	39.0
T07N R42E S24	SENE	40.0	T07N R42E S24	NENW	40.0
T07N R42E S24	NWNW	39.0	T07N R42E S24	SWNW	36.0
T07N R42E S24	SENW	37.0	T07N R42E S24	NESW	1.2
T07N R42E S24	NWSW	0.3	T07N R42E S24	NESE	25.0
T07N R42E S24	NWSE	9.7	T07N R43E S18 Lot 4	SWSW	0.7
T07N R43E S18	SESW	0.4	T07N R43E S19	NENE	40.0
T07N R43E S19	NWNE	40.0	T07N R43E S19	SWNE	40.0
T07N R43E S19	SENE	40.0	T07N R43E S19	NENW	40.0
T07N R43E S19 Lot 1	NWNW	41.0	T07N R43E S19 Lot 2	SWNW	41.0
T07N R43E S19	SENW	37.0	T07N R43E S19	NESW	4.3
T07N R43E S19 Lot 3	NWSW	25.0	T07N R43E S19	NESE	30.0
T07N R43E S19	NWSE	30.0	T07N R43E S19	SWSE	4.6
T07N R43E S19	SESE	0.7			

2783.3 ACRES TOTAL

This right is limited to the irrigation of 2200 acres within the place of use described above in a single irrigation season.

Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270, and 22-7314 are limited to the irrigation of a combined total of 2783.3 acres in a single irrigation season.

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.

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.

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

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.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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. 22-7205, 22-7265A, 22-7265B, 22-7270, and 22-7314 are also diverted through point of rediversion described above.

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