

June 4, 2004

**DEAN SCHWENDIMAN & SONS INC
PO BOX 57
NEWDALE ID 83436**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-12543

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of MAY 25 1977, from GROUNDWATER.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
**The Department will not recommend the Notice of Claim be decreed by the court if
evidence of a priority date is not submitted. The Notice of Claim will be disallowed.**
.....

Please submit documentation supporting the priority date within 30 days of the date of
this letter, referencing all documents with the corresponding claim number. If you
have any questions not covered by this letter or the enclosed pamphlet, please feel free to
contact this office.

Respectfully submitted,



Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 10, 2005

D SCHWENDIMAN & SON INC
PO BOX 57
NEWDALE ID 83436

FINAL NOTICE

PLEASE READ

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-12543

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of MAY 25, 1977, from a WELL.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

9/28/05 No Response to Request ⇒ Disallowed ⇒ No BU found.

I Dirk Parkinson

Do testify that all the acreages on exhibits A, B, C, and D has been irrigated by Dean Schwendiman, or Dean Schwendiman and Sons, Inc. since June 27, 1977. The water was from IDWR permit No. 22-1253, from 3 wells.

One exception is tracts NE4, NW4 Sec. 8, Tsp. 7 N, Rge. 42 E. NW4, NE4, Sec. 8, Tsp. 7N, Rge. 42 E. These two 40 acre tracts, containing approximately 80 acres, were irrigated beginning in 1991.

I was in the area and farm next to Schwendiman's, so have knowledge of the above.



Signed

6-22-06

Date

Exhibit A

Tract. No

#1	SE 1/4, SW 1/4	sec. 12	T. 7 N	Rge 41 E
#2	NE 1/4, SW 1/4	sec. 12	T. 7 N	Rge 41 E
#3	SW 1/4, SE 1/4	sec. 12	T. 7 N	Rge 41 E
#4	NW 1/4, SE 1/4	sec. 12	T. 7 N	Rge 41 E
#5	SW 1/4, NE 1/4	sec. 12	T. 7 N	Rge 41 E
#6	NW 1/4, NE 1/4	sec. 12	T. 7 N	Rge 41 E
#7	SE 1/4, SE 1/4	sec. 12	T. 7 N	Rge 41 E
#8	NE 1/4, SE 1/4	sec. 12	T. 7 N	Rge 41 E
#9	SE 1/4, NE 1/4	sec. 12	T. 7 N	Rge 41 E
#10	NE 1/4, NE 1/4	sec. 12	T. 7 N	Rge 41 E
#11	NW 1/4, SE 1/4	sec. 7	T. 7 N	Rge 41 E
#12	SW 1/4, NW 1/4	sec. 7	T. 7 N	Rge 42 E
#13	NW 1/4, NW 1/4	sec. 7	T. 7 N	Rge 42 E
#14	NE 1/4, SE 1/4	sec. 7	T. 7 N	Rge 42 E
#15	SE 1/4, NW 1/4	sec. 7	T. 7 N	Rge 42 E
#16	NE 1/4, NW 1/4	sec. 7	T. 7 N	Rge 42 E
#17	NW 1/4, SE 1/4	sec. 7	T. 7 N	Rge 42 E
#18	SW 1/4, NE 1/4	sec. 7	T. 7 N	Rge 42 E
#19	NW 1/4, NE 1/4	sec. 7	T. 7 N	Rge 42 E
#20	NE 1/4, SE 1/4	sec. 7	T. 7 N	Rge 42 E
#21	SE 1/4, NE 1/4	sec. 7	T. 7 N	Rge 42 E
#22	NE 1/4, NE 1/4	sec. 7	T. 7 N	Rge 42 E
#23	NW 1/4, SW 1/4	sec. 8	T. 7 N	Rge 42 E
#24	SW 1/4, NW 1/4	sec. 8	T. 7 N	Rge 42 E
#25	NW 1/4, NW 1/4	sec. 8	T. 7 N	Rge 42 E
#26	NE 1/4, SW 1/4	sec. 8	T. 7 N	Rge 42 E
#27	SE 1/4, NW 1/4	sec. 8	T. 7 N	Rge 42 E
#28	NE 1/4, NW 1/4	sec. 8	T. 7 N	Rge 42 E

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tract No.

Exhibit B

#29	NW 1/4 , SE 1/4	sec. 8	T. 7 N	Rge 42 E
#30	SW 1/4 , NE 1/4	sec. 8	T. 7 N	Rge 42 E
#31	NW 1/4 , NE 1/4	sec. 8	T. 7 N	Rge 42 E
#32	NE 1/4 , SE 1/4	sec. 8	T. 7 N	Rge 42 E
#33	SE 1/4 , NE 1/4	sec. 8	T. 7 N	Rge 42 E
#34	NE 1/4 , NE 1/4	sec. 8	T. 7 N	Rge 42 E
#35	NW 1/4 , SW 1/4	sec. 9	T. 7 N	Rge 42 E
#36	SW 1/4 , NE 1/4	sec. 9	T. 7 N	Rge 42 E
#37	NE 1/4 , SE 1/4	sec. 9	T. 7 N	Rge 42 E
#38	SE 1/4 , NE 1/4	sec. 9	T. 7 N	Rge 42 E
#39	SW 1/4 , NW 1/4	sec. 5	T. 7 N	Rge 42 E
#40	NW 1/4 , NW 1/4	sec. 5	T. 7 N	Rge 42 E
#41	SW 1/4 , SW 1/4	sec. 32	T. 8 N	Rge 42 E
#42	SE 1/4 , NW 1/4	sec. 5	T. 7 N	Rge 42 E
#43	NE 1/4 , NW 1/4	sec. 5	T. 7 N	Rge 42 E
#44	SE 1/4 , NW 1/4	sec. 32	T. 8 N	Rge 42 E
#45	SW 1/4 , NE 1/4	sec. 5	T. 7 N	Rge 42 E
#46	NW 1/4 , NE 1/4	sec. 5	T. 7 N	Rge 42 E
#47	SW 1/4 , SE 1/4	sec. 32	T. 8 N	Rge 42 E
#48	SE 1/4 , NE 1/4	sec. 5	T. 7 N	Rge 42 E
#49	NE 1/4 , NE 1/4	sec. 5	T. 7 N	Rge 42 E
#50	SE 1/4 , SE 1/4	sec. 32	T. 8 N	Rge 42 E
#51	SE 1/4 , NE 1/2	sec. 12	T. 7 N	Rge 41 E

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FEB 15 2006

Department of Water Resources
Eastern Region

2-19-05

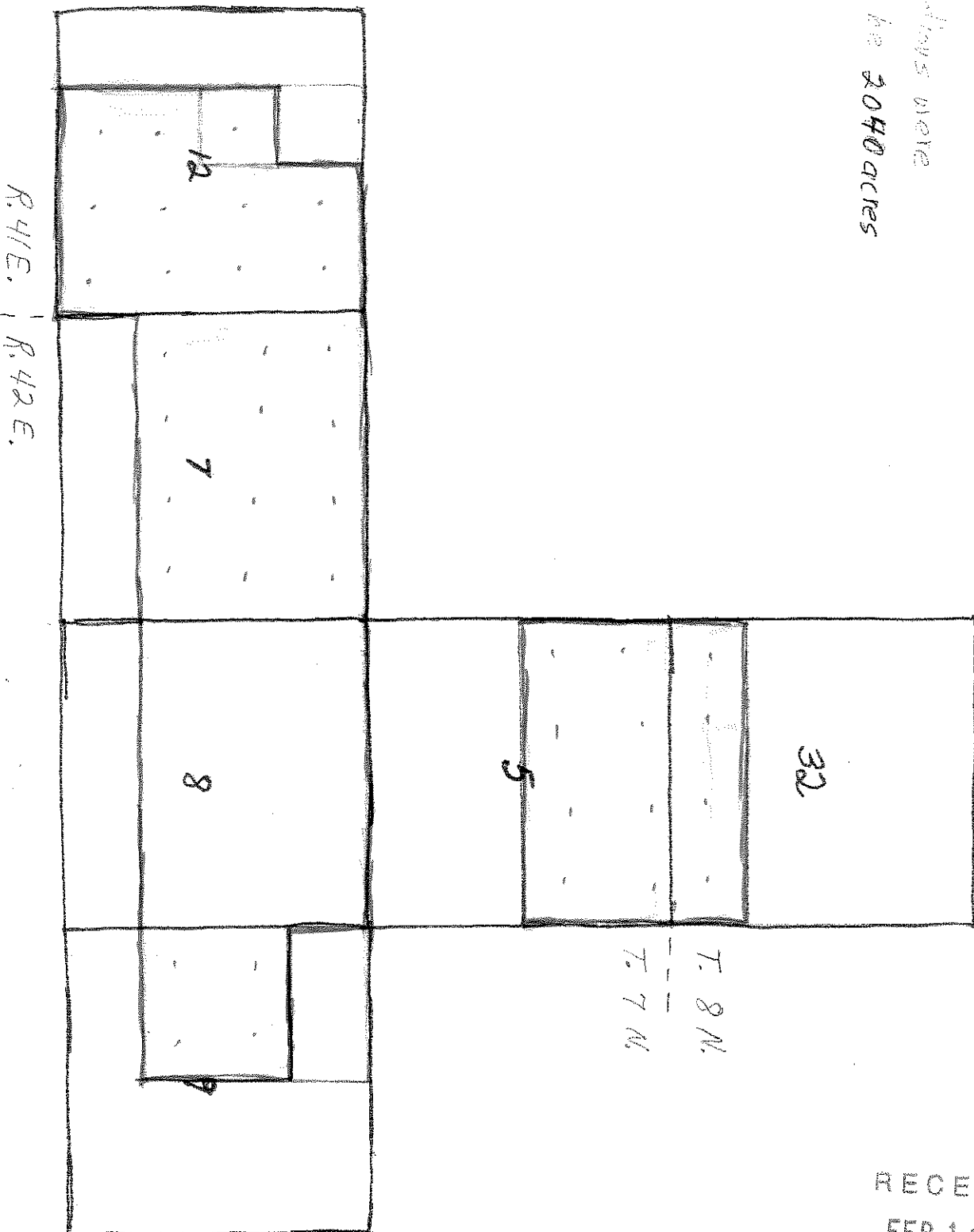
Sections —

including —

If all sections were

could be 2040 acres

Exhibit C



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Department of Water Resources
Eastern Region

Water Quantity
under IWR claim # 22-12543

Well #1	NE 1/4 SW 1/4	Sec. 8	2000 G.P.M.
Well #2	SE 1/4 NE 1/4	Sec. 7	1300 G.P.M.
Chester well	NE 1/4 NE 1/4	Sec. 30	5500 G.P.M.

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Department of Water Resources
Eastern Region

Exhibit D

Land irrigated from water licenses -

well #1 22-2193 ; well #2 22-7020 ; Chester 21-7084
date 1960 ; date 1969 ; date 1975
water right number : 22-12543 expanded from above.

by 40 acre tracts - 51 tracts.

containing more or less - Total 2040 acres.

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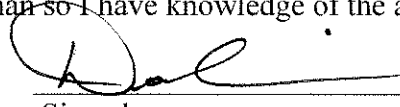
FEB 15 2006

Department of Water Resources
Eastern Region

22 2193
22-7020
22-17543

I Dirk Parkinson do testify that all the acreages described in exhibit A has been irrigated by Dean Schwendiman, or Dean Schwendiman & Sons, Inc., since June 27, 1977. The water was from IDWR permit No. 22-1253⁴, from 3 individual wells.

My farm borders Dean Schwendiman so I have knowledge of the above.



Signed

10-16-06

Date

Exhibit A

07N42E8NENW
07N42E8NWNW
07N42E7NENE
07N42E7NWNE
07N42E7NENW
07N42E7NWNW
07N42E9SEnw
07N42E9SWNW
07N42E8SENE
07N42E8SWNE
07N42E8SEnw
07N42E8SWNW
07N42E7SENE
07N42E7SWNE
07N42E7SEnw
07N42E7SWNW
07N42E9NESW
07N42E9NWSW
07N42E8NESE
07N42E8NWSE
07N42E8NESW
07N42E8NWSW
07N42E7NESE
07N42E7NWSE
07N42E7NESW
07N42E7NWSW
07N41E12NWNE
07N41E12NESE
07N41E12SESE
07N41E12SWSE
07N41E12SENE
07N41E12NENE
07N41E12NESW
07N41E12SWNE
07N41E12SEnw
07N41E12SESW
07N41E12NWSE