

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

Case No. 39576

A. Subcase 22-12656
(Insert water right number)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office
Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: David Schwendiman
Address: 2573 N 1500 E, Hwy 33; Newdale, Idaho 83436
Name:
Address: ;
Name:
Address: ;

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use

11. **Recommendation:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING RESPONSE:

The Objector is seeking to increase the Place of Use (POU) description to include the service area of an entity to which BLM has filed an objection because said digital boundary includes federal public land where irrigated agricultural activities are not authorized.

E.

VERIFICATION (Must be Completed)

State of Idaho

)

) ss.

County of ADA

)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing response)

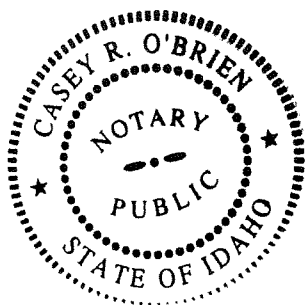
That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing response)

Samuel Magri, F.L.A.
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 25, 2007

Casey R. O'Brien
Casey R. O'Brien



Notary Public for State of Idaho

Residing at: Nampa, ID.

My Commission Expires: 10-31-2009

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F.

CERTIFICATE OF MAILING

I certify that on Sept. 25th, 2007, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

David V. and Melanie Schwendiman
2573 N 15000 E, Hwy 33; Newdale, Idaho 83436

3. One copy to the party who filed the objection at the following address:

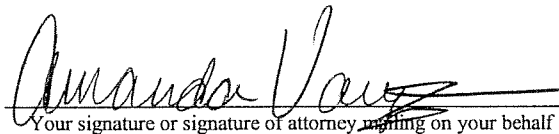
David Schwendiman
2573 N 1500 E, Hwy 33; Newdale, Idaho 83436

4. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Your signature or signature of attorney acting on your behalf

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

RIGHT NUMBER: 22-12656

NAME AND ADDRESS: DAVID V SCHWENDIMAN
2573 N 15000 E HWY 33
NEWDALE ID 83436

MELANIE SCHWENDIMAN
2573 N 15000 E HWY 33
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.190 CFS
80.50 AFY

Right Nos. 22-7287 and 22-12656 are limited to a total combined diversion rate of 5.12 cfs.

Use of this right with Right Nos. 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B, and 22-12656 is limited to a total combined diversion rate of 33.22 cfs and to a total combined annual diversion volume of 13,767.25 AF.

PRIORITY DATE: 01/17/1979

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION: T07N R42E S23 SESWSW Within MADISON County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.190 CFS 80.50 AFY

PLACE OF USE: IRRIGATION in MADISON County

T07N R42E S21	NENE	6.50	T07N R42E S21	SENE	29.00
T07N R42E S21	NESE	38.00	T07N R42E S22	NENE	14.00
T07N R42E S22	NWNE	6.10	T07N R42E S22	SWNE	4.20
T07N R42E S22	SWNE	35.00	T07N R42E S22	SENE	30.00
T07N R42E S22	SENE	7.10	T07N R42E S22	NENW	30.00
T07N R42E S22	NWNW	21.00	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	30.00
T07N R42E S23	SENW	3.70	T07N R42E S23	NESW	13.00
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	3.10	T07N R42E S23	SESW	35.00
T07N R42E S23	SWSE	13.00			

623.8 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 3860.6 acres in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 623.8 acres in a single irrigation season. Combined Right Nos.: 22-7287 and 22-12656.

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

Totalizing measuring devices shall be maintained at the point of diversion.

This right is based upon an enlargement of Right No. 22-7287 pursuant to Section 42-1426, Idaho Code.

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 - Beneficial Use

This right is for an enlargement of 23 acres within the place of use described for this right.

Right Nos. 22-7287 and 22-12656 are also diverted through point of diversion described above.