

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

)

Water Rights: 22-7210, 22-7313A
and 22-7313B

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer 74650

☐ point of diversion ☒ place of use

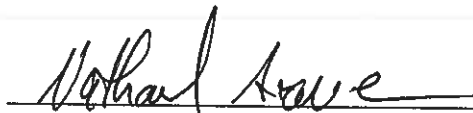
☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 3/3/2009

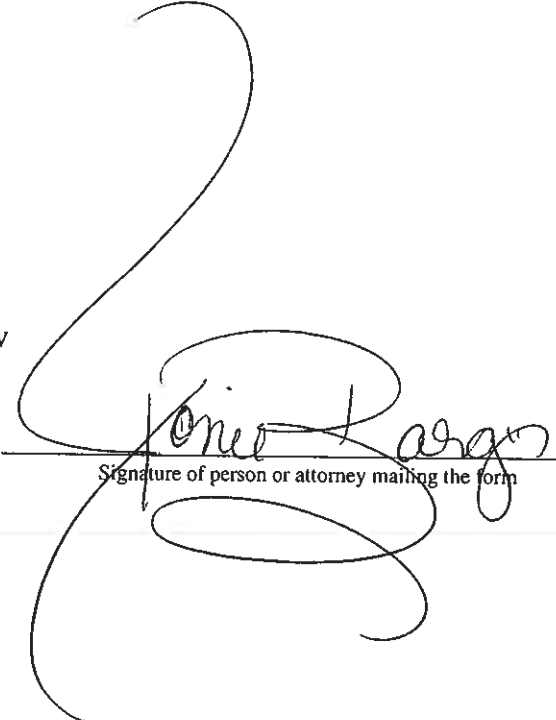


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 16, 2009, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Val E Schwendiman Farms Inc
9633 E Hwy 33
Newdale ID 83436
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
4. One copy to:
Each party in the subcase, or attorney of record
Jerry Rigby
25 N 2nd E
PO Box 250
Rexburg ID 83440-0250
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
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:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 15.500 CFS
5,656.900 AFY

The rights listed below are limited to a total combined diversion rate of 33.22 cfs.
Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

The rights listed below are limited to a total combined annual diversion volume of 13, 767.25 af. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

The rights listed below are limited to a total combined diversion rate of 28.10 cfs.
Combined Right Nos.: 22-7210, 22-7271, 22-7313A & 22-7313B

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 & 22-7314

The rights listed below are limited to a total combined annual diversion volume of 11,476.5 af. Combined Right Nos.: 22-7210, 22-7271, 22-7313A & 22-7313B
02/15/1977

PRIORITY DATE:

POINT OF DIVERSION:

T07N R41E S29 SESWNE Within FREMONT County

T07N R41E S29 NWNESE Within FREMONT County

T07N R42E S23 SENWSE Within FREMONT County

The following rights are diverted through point(s) of redirection described above: 22-7210, 22-7270, 22-7313A & 22-7313

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

The following rights are diverted through point(s) of diversion described above: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B & 22-7314

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 redirection 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	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 in 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 S03 SENE 3.20	T06N R42E S03 NESE 31.00
T06N R42E S03 NWSE 13.00	T06N R42E S10 NENE 40.00
T06N R42E S10 NWNE 40.00	T06N R42E S10 SWNE 36.00
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 S21 NENE 7.00	T07N R42E S21 SENE 32.00
T07N R42E S21 NESE 38.00	T07N R42E S22 NENE 14.50
T07N R42E S22 NWNE 14.00	T07N R42E S22 SWNE 39.20
T07N R42E S22 SENE 39.30	T07N R42E S22 NENW 31.00
T07N R42E S22 NWNW 31.00	T07N R42E S22 SWNW 40.00
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 2.80
T07N R42E S23 SWNW 29.00	T07N R42E S23 SENW 3.10
T07N R42E S23 NESW 24.00	T07N R42E S23 NWSW 39.20
T07N R42E S23 SWSW 40.00	T07N R42E S23 SESW 38.00
T07N R42E S23 SWSE 12.00	T07N R42E S26 NWNE 23.30
T07N R42E S26 SWNE 35.00	T07N R42E S26 SENE 2.20
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	36.10	T07N R42E S26	NWSW	40.00
T07N R42E S26	SWSW	40.00	T07N R42E S26	SESW	40.00
T07N R42E S26	NESE	1.60	T07N R42E S26	NWSE	11.80
T07N R42E S26	SWSE	7.10	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	27.00
T07N R42E S35	SWNE	39.00	T07N R42E S35	SENE	15.60
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	37.40	T07N R42E S35	NWSE	39.00
T07N R42E S35	SWSE	39.00	T07N R42E S35	SESE	39.00
T07N R42E S36	NWSW	12.80	T07N R42E S36	SWSW	39.00

3934.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 3,933.5 acres in a single irrigation season. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

Place of use does not include federal public lands unless authorized in writing by the managing federal agency.

This right is limited to the irrigation of 2,560 acres within the place of use described above in a single irrigation season.

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

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

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

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

The right holder shall accomplish the change authorized by transfer

74650 within one year of the date of February 20, 2009

Failure of the right holder to comply with the conditions of transfer 74650 is cause for the Director to rescind approval of the transfer.

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

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.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. As of February 02, 2009, this water right is within State Water District No. 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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

RIGHT NUMBER: 22-7313A

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

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 5.370 CFS
1,970.820 AFY

The rights listed below are limited to a total combined diversion rate of 33.22 cfs.
Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

The rights listed below are limited to a total combined diversion rate of 28.10 cfs.
Combined Right Nos.: 22-7210, 22-7271, 22-7313A & 22-7313B

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 & 22-7314

The rights listed below are limited to a total combined annual diversion volume of 13,767.25 af. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

The rights listed below are limited to a total combined annual diversion volume of 11,476.5 af. Combined Right Nos.: 22-7210, 22-7271, 22-7313A & 22-7313B

PRIORITY DATE: 01/15/1980

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

The following rights are diverted through point(s) of diversion described above: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A & 22-7313B

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

The following rights are diverted through point(s) of rediversion described above: 22-7210, 22-7270, 22-7313A & 22-7313B

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.

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/15 10/15

5.370 CFS

1,970.82 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 in 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 S03 SENE	3.20	T06N R42E S03 NESE	31.00
T06N R42E S03 NWSE	13.00	T06N R42E S10 NENE	40.00
T06N R42E S10 NWNE	40.00	T06N R42E S10 SWNE	36.00
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 S21 NENE	7.00	T07N R42E S21 SENE	32.00
T07N R42E S21 NESE	38.00	T07N R42E S22 NENE	14.50
T07N R42E S22 NWNE	14.00	T07N R42E S22 SWNE	39.20
T07N R42E S22 SENE	39.30	T07N R42E S22 NENW	31.00
T07N R42E S22 NWNW	31.00	T07N R42E S22 SWNW	40.00
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	2.80
T07N R42E S23 SWNW	29.00	T07N R42E S23 SENW	3.10
T07N R42E S23 NESW	24.00	T07N R42E S23 NWSW	39.20
T07N R42E S23 SWSW	40.00	T07N R42E S23 SESW	38.00
T07N R42E S23 SWSE	12.00	T07N R42E S26 NWNE	23.30
T07N R42E S26 SWNE	35.00	T07N R42E S26 SENE	2.20
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	36.10	T07N R42E S26 NWSW	40.00

T07N R42E S26	SWSW	40.00	T07N R42E S26	SESW	40.00
T07N R42E S26	NESE	1.60	T07N R42E S26	NWSE	11.80
T07N R42E S26	SWSE	7.10	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	27.00
T07N R42E S35	SWNE	39.00	T07N R42E S35	SENE	15.60
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	37.40	T07N R42E S35	NWSE	39.00
T07N R42E S35	SWSE	39.00	T07N R42E S35	SESE	39.00
T07N R42E S36	NWSW	12.80	T07N R42E S36	SWSW	39.00

3934.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 3,933.5 acres in a single irrigation season. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

Place of use does not include federal public lands unless authorized in writing by the managing federal agency.

This right is limited to the irrigation of 719 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 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 right holder shall accomplish the change authorized by transfer 74650 within one year of the date of February 20, 2009

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

Failure of the right holder to comply with the conditions of transfer 74650 is cause for the Director to rescind approval of the transfer.

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.

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. As of February 20, 2009, this water right is within State Water District No. 01.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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

RIGHT NUMBER: 22-7313B

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

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 3.630 CFS
1,313.880 AFY

The rights listed below are limited to a total combined diversion rate of 28.10 cfs.
Combined Right Nos.: 22-7210, 22-7271, 22-7313A & 22-7313B

The rights listed below are limited to a total combined annual diversion volume of 13, 767.25 af. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

The rights listed below are limited to a total combined diversion rate of 33.22 cfs.
Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

The rights listed below are limited to a total combined annual diversion volume of 11,476.5 af. Combined Right Nos.: 22-7210, 22-7271, 22-7313A & 22-7313B

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 & 22-7314

PRIORITY DATE: 01/15/1980

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.

The following rights are diverted through point(s) of rediversion described above: 22-7210, 22-7270, 22-7313A & 22-7313

The following rights are diverted through point(s) of diversion described above: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B & 22-7314

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

3.630 CFS
1,313.88 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 in 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 S03 SENE	3.20	T06N R42E S03 NESE	31.00
T06N R42E S03 NWSE	13.00	T06N R42E S10 NENE	40.00
T06N R42E S10 NWNE	40.00	T06N R42E S10 SWNE	36.00
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 S21 NENE	7.00	T07N R42E S21 SENE	32.00
T07N R42E S21 NESE	38.00	T07N R42E S22 NENE	14.50
T07N R42E S22 NWNE	14.00	T07N R42E S22 SWNE	39.20
T07N R42E S22 SENE	39.30	T07N R42E S22 NENW	31.00
T07N R42E S22 NWNW	31.00	T07N R42E S22 SWNW	40.00
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	2.80
T07N R42E S23 SWNW	29.00	T07N R42E S23 SENW	3.10
T07N R42E S23 NESW	24.00	T07N R42E S23 NWSW	39.20
T07N R42E S23 SWSW	40.00	T07N R42E S23 SESW	38.00
T07N R42E S23 SWSE	12.00	T07N R42E S26 NWNE	23.30
T07N R42E S26 SWNE	35.00	T07N R42E S26 SENE	2.20
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	36.10	T07N R42E S26 NWSW	40.00
T07N R42E S26 SWSW	40.00	T07N R42E S26 SESW	40.00
T07N R42E S26 NESE	1.60	T07N R42E S26 NWSE	11.80
T07N R42E S26 SWSE	7.10	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	27.00
T07N R42E S35	SWNE	39.00	T07N R42E S35	SENE	15.60
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	37.40	T07N R42E S35	NWSE	39.00
T07N R42E S35	SWSE	39.00	T07N R42E S35	SESE	39.00
T07N R42E S36	NWSW	12.80	T07N R42E S36	SWSW	39.00

3934.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 3,933.5 acres in a single irrigation season. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

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

Place of use does not include federal public lands unless authorized in writing by the managing federal agency.

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

Totalizing measuring devices shall be maintained at the exchange wells and redirection pumps from 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.

The right holder shall accomplish the change authorized by transfer 74650 within one year of the date of February 20, 2009

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. As of February 20, 2009, this water right is within State Water District No. 01.

Failure of the right holder to comply with the conditions of transfer 74650 is cause for the Director to rescind approval of the transfer.

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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