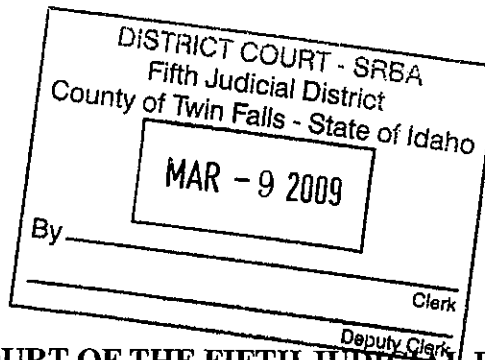


RECEIVED

MAR 11 2009  
DEPARTMENT OF  
WATER RESOURCES



COPY

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

Nathan Love  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on March 1, 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:

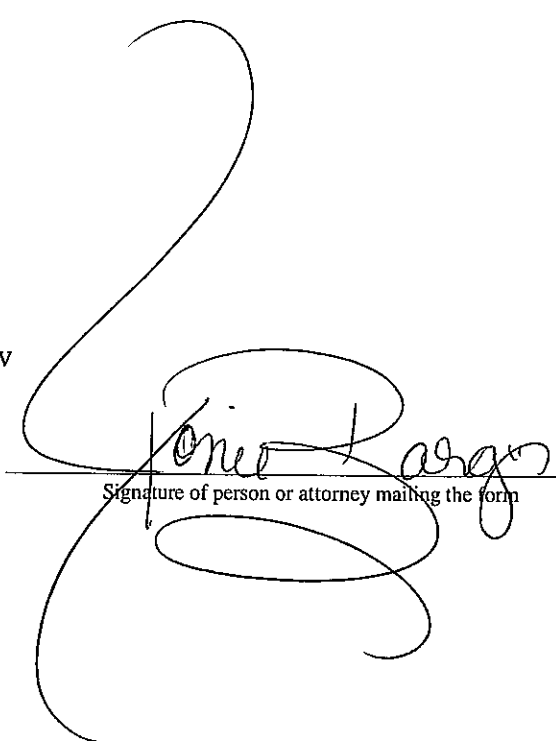
Each party in the subcase, or attorney of record  
Jerry Rigby  
25 N 2<sup>nd</sup> E  
PO Box 250  
Rexburg ID 83440-0250

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

PRIORITY DATE: 02/15/1977

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<br>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.

| <u>PURPOSE OF USE</u>                                                                                                                                                                                                                                                                                                                                                                                                                 | <u>PERIOD OF USE</u> | <u>QUANTITY</u>           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------|
| IRRIGATION                                                                                                                                                                                                                                                                                                                                                                                                                            | 04/15 10/15          | 5.370 CFS<br>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.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:  
 Place of use does not include federal public lands unless authorized in writing by the managing federal agency.  
 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.

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