

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2009 NOV 5 AM 9 48

RECEIVED
NOV 06 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: 22-7287 & 22-12656

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-Amended
 - ☐ point of diversion ☒ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership
 - ☐ conditions

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: November 4, 2009

Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Nov. 4, 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:

David V Schwendiman	Melanie Schwendiman	Val E Schwendiman
2573 W 15000 E Hwy 33	2573 W 15000 E Hwy 33	9633 E Hwy 33
Newdale ID 83436	Newdale ID 83436	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

David V Schwendiman

Melanie Schwendiman

Val E Schwendiman

Val E Schwendiman Farms Inc

Canyon Creek Canal Co

Fremont Madison Irrigation Co

Represented by:

Jerry Rigby

25 N 2nd E

PO Box 250

Rexburg ID 83440-0250

IGWA Inc

Represented by:

Randall C Budge

201 E Center Ste A2

PO Box 1391

Pocatello ID 83204-1391

Milner Irrigation District

Represented by:

Baker Rosholt & Simpson LLP

113 Main Ave W Ste 303

PO Box 485

Twin Falls, ID 83303-0485

American Falls Reservoir

Represented by:

C Thomas Arkoosh

301 Main St

PO Box 32

Gooding ID

North Side Canal Co Ltd

Twin Falls Canal Company

Represented by:

Travis L Thompson

113 Main Ave W, Ste 303

4. One copy to:

Each party in the subcase, or attorney of record (Continued)

A & B Irrigation District

Burley Irrigation District

Represented by:

Roger D Ling

615 H Street

PO Box 396

Rupert ID 83350-0396

Minidoka Irrigation District

Represented by:

W Kent Fletcher

1200 Overland Ave

PO Box 248

Burley ID 83318

5. One copy each to:

Chief Natural Resources Division

Office of the Attorney General

PO Box 44449

Boise ID 83711-4449

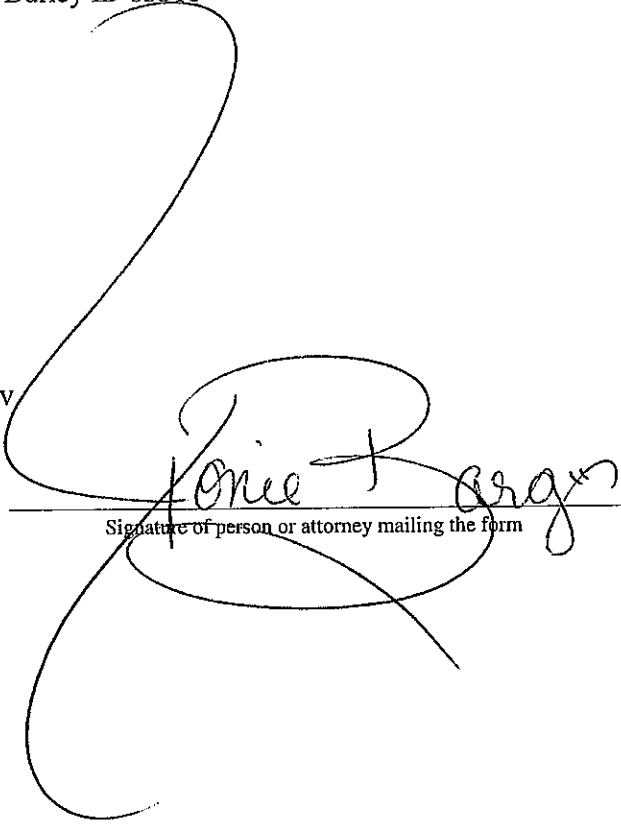
6. One Copy to:

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
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7287

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

VAL E SCHWENDIMAN
9633 E HWY 33
NEWDALE ID 83436

MELANIE SCHWENDIMAN
2573 N 15000 E HWY 33
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.120 CFS
2,100.00 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: 01/16/1979

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	5.120 CFS 2,100.00 AFY

PLACE OF USE: IRRIGATION in FREMONT County and MADISON County

T07N R42E S21	NENE	7.00	T07N R42E S21	SENE	32.00
T07N R42E S21	NESE	38.00	T07N R42E S22	NENE	14.00
T07N R42E S22	NWNE	14.00	T07N R42E S22	SWNE	39.20
T07N R42E S22	SENE	39.20	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			

644.5 ACRES TOTAL

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 600 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 644.5 acres in a single irrigation season. Combined Right Nos.: 22-7287 and 22-12656.

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 3933.5 acres in a single irrigation season.

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

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

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 - License

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

Right No. 22-12656 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

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

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: 0.380 CFS
73.30 AFY

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.

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

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:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.380 CFS 73.30 AFY

PLACE OF USE:

IRRIGATION in FREMONT County and MADISON County

T07N R42E S21	NENE	7.00	T07N R42E S21	SENE	32.00
T07N R42E S21	NESE	38.00	T07N R42E S22	NENE	14.00
T07N R42E S22	NWNE	14.00	T07N R42E S22	SWNE	39.20
T07N R42E S22	SENE	39.20	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			
644.5 ACRES TOTAL					

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

The rights listed below are limited to the irrigation of a combined total of 644.5 acres in a single irrigation season. Combined Right Nos.: 22-7287 and 22-12656.

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 3933.5 acres in a single irrigation season.

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

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

This right is for an enlargement of 44.5 acres within the place of use described for this right.