

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-13470

Date Received:  
Receipt Nos:  
Received By:

AMENDED  
NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

Name of Claimant DIANE P SCHWENDIMAN  
VAL E SCHWENDIMAN  
9633 E HWY 33  
NEWDALE, ID 83436  
(208)458-4261

Priority Date: 06/01/1900  
Basis: Decreed/License  
Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| Ground Water  |                  |
| Teton River   | Snake River      |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | 10/31     | 0.1 CFS               | 42.4 AFA      |
| Total Diversion       |             |           | 0.1 CFS               |               |

Location of Point(s) of Diversion:

|                 |        |         |              |           |                |
|-----------------|--------|---------|--------------|-----------|----------------|
| GROUND<br>WATER | SESENE | Sec. 01 | Township 06N | Range 41E | MADISON County |
| GROUND<br>WATER | NENWNW | Sec. 01 | Township 06N | Range 41E | MADISON County |
| GROUND<br>WATER | SENWSW | Sec. 12 | Township 06N | Range 41E | MADISON County |
| GROUND<br>WATER | SESESE | Sec. 14 | Township 06N | Range 41E | MADISON County |

Place(s) of use:

Place of Use Legal Description: IRRIGATION MADISON County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 06N             | 41E          | 1              |            | SWNE 40      |              | SENE       | 39           |              |            |              |              |            |              |              |
|                 |              |                | 3          | NENW 39      |              | 4          | NWNW 39      |              |            | SWNW40       |              |            | SENE         | 40           |
|                 |              |                |            | NESW 40      |              |            | NWSW 39      |              |            | SWSW 39      |              |            | SESW         | 40           |
|                 |              |                |            | NESE 30      |              |            | NWSE 39      |              |            | SWSE 13      |              |            |              |              |
|                 |              | 2              | 1          | NENE 39      |              | 2          | NWNE 36      |              |            | SWNE 39      |              |            | SENE         | 39           |
|                 |              |                | 3          | NENW 17      |              |            | SENE 16      |              |            |              |              |            |              |              |
|                 |              |                |            | NESW 17      |              |            | SESW 17      |              |            |              |              |            |              |              |
|                 |              |                |            | NESE 40      |              |            | NWSE 40      |              |            | SWSE 40      |              |            | SESE         | 40           |
|                 |              | 11             |            | NENE 40      |              |            | NWNE 40      |              |            | SWNE 40      |              |            | SENE         | 40           |
|                 |              |                |            | NESE 40      |              |            | NWSE 1       |              |            | SESE 40      |              |            |              |              |
|                 |              | 12             |            | NENW 39      |              |            | NWNW 39      |              |            | SWNW40       |              |            | SENE         | 40           |
|                 |              |                |            | NESW 40      |              |            | NWSW 40      |              |            | SWSW 39      |              |            | SESW         | 40           |
|                 |              |                |            | NWSE 40      |              |            | SWSE 40      |              |            |              |              |            |              |              |
|                 |              | 13             |            | NENE 39      |              |            | NWNE 40      |              |            | SWNE 40      |              |            | SENE         | 39           |
|                 |              |                |            | NESW 40      |              |            | NWSW 40      |              |            | SWSW 40      |              |            | SESW         | 40           |
|                 |              |                |            | NESE 40      |              |            | NWSE 40      |              |            | SWSE 40      |              |            | SESE         | 40           |
| 07N             |              | 36             |            | NESW 5       |              |            | NWSW 10      |              |            | SWSW 38      |              |            | SESW         | 27           |

Total Acres: 2053

Remarks: This water right includes the right to divert water which is recovered ground water resulting from recharge for irrigation and/or water resulting from irrigation under the Canyon Creek Canal Company irrigation works for use on lands within said irrigation entity's authorized place of use. Diversion of this right for the purpose of irrigation is authorized for a maximum acreage equivalent to the authorized place of use for this right. This right includes an accomplished change in place of use pursuant to Section 42-1425, Idaho Code. § I.C. 42-1425 and/or I.C. 42-228. This right includes an accomplished change in point of diversion pursuant to Sections 42-1425 and/or 42-228, Idaho Code. In the event recharge or recovered water is not available, the priority date shall revert to the previously licensed priority date.

1. This right is a split from former right 22-10129 .  
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
2. C18 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 rights listed below are limited to the irrigation of a combined total of 2053 acres in a
3. E56 single irrigation season. Combined Right Nos.: 22-13466, 22-13467, 22-13468, 22-13469, 22-13470, 22-13471, 22-13472  
The rights listed below are limited to a total combined annual diversion volume of 7178.5
4. E54 af. Combined Right Nos.: 22-13466, 22-13467, 22-13468, 22-13469, 22-13470, 22-13471, 22-13472  
This right is limited to the irrigation of 20 acres within the place of use described above
5. K06 in a single irrigation season.
6. This right is based on former license 22-7052B.
7. 129 Place of use is within the area served by Canyon Creek Canal Company.
8. F06 The following rights are all diverted through point of diversion described above: 22-13466 through 22-13472.

Describe any other water rights used at the same place and for the same purposes as describe above: Those water rights recommended as of the date of this amended claim.

Basis of Claim: Decreed/License

Signature(s)

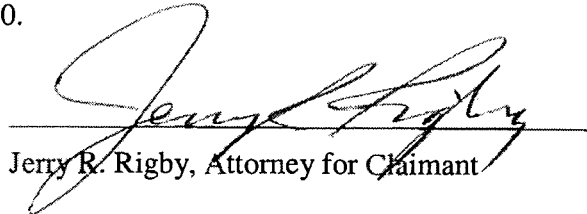
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: Previously submitted and on file with IDWR

For Individuals/Organizations:

I do solemnly swear or affirm under penalty of perjury that I am the attorney for the above individual or organization, that I have signed the foregoing document in the space below as attorney for the individual or organization and that the statements contained in the forgoing document are true and correct.

DATED this 17<sup>th</sup> day of August, 2010.

  
Jerry R. Rigby, Attorney for Claimant

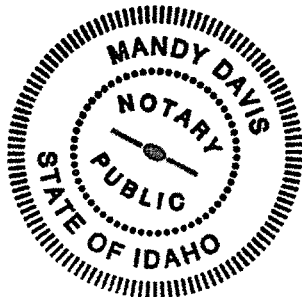
STATE OF IDAHO, )

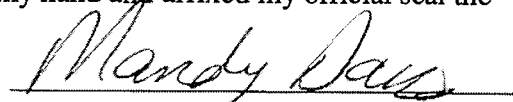
ss.

County of Madison. )

On this 17<sup>th</sup> day of August, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



  
Notary Public for Idaho

Residing at: St. Anthony

My Commission Expires: 6/24/2011