

12/05/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 13, 2006

Water right number: 67-478

SCHWENKFELDER RANCHES INC
3381 SCHWENKFELDER RD
CAMBRIDGE ID 83610
Telephone Number: (208)257-3591

ROYCE A SCHWENKFELDER
3381 SCHWENKFELDER RD
CAMBRIDGE ID 83610
Telephone Number: (208)257-3591

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

A POU

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation. no changes need to be made.

DATE: 12/14/06

SIGNATURE: Royce A. Schwenkfelder

Please print your name: ROYCE A. SCHWENKFELDER

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

$$0.98 \text{ cfs} * \frac{\text{ac}}{0.0125 \text{ cfs}} = 78.4 \text{ ac}$$

Changed POU at limiting conditions
MVB 12-18-06

SCANNED

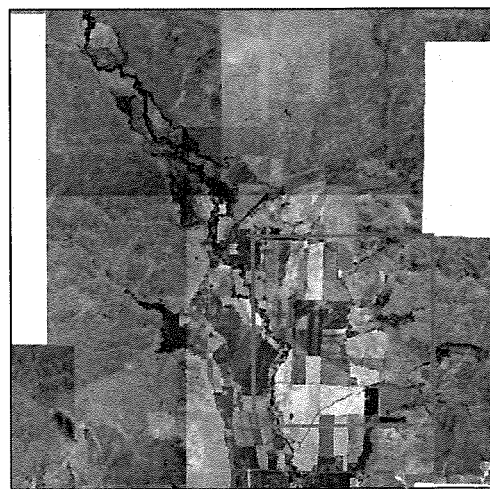
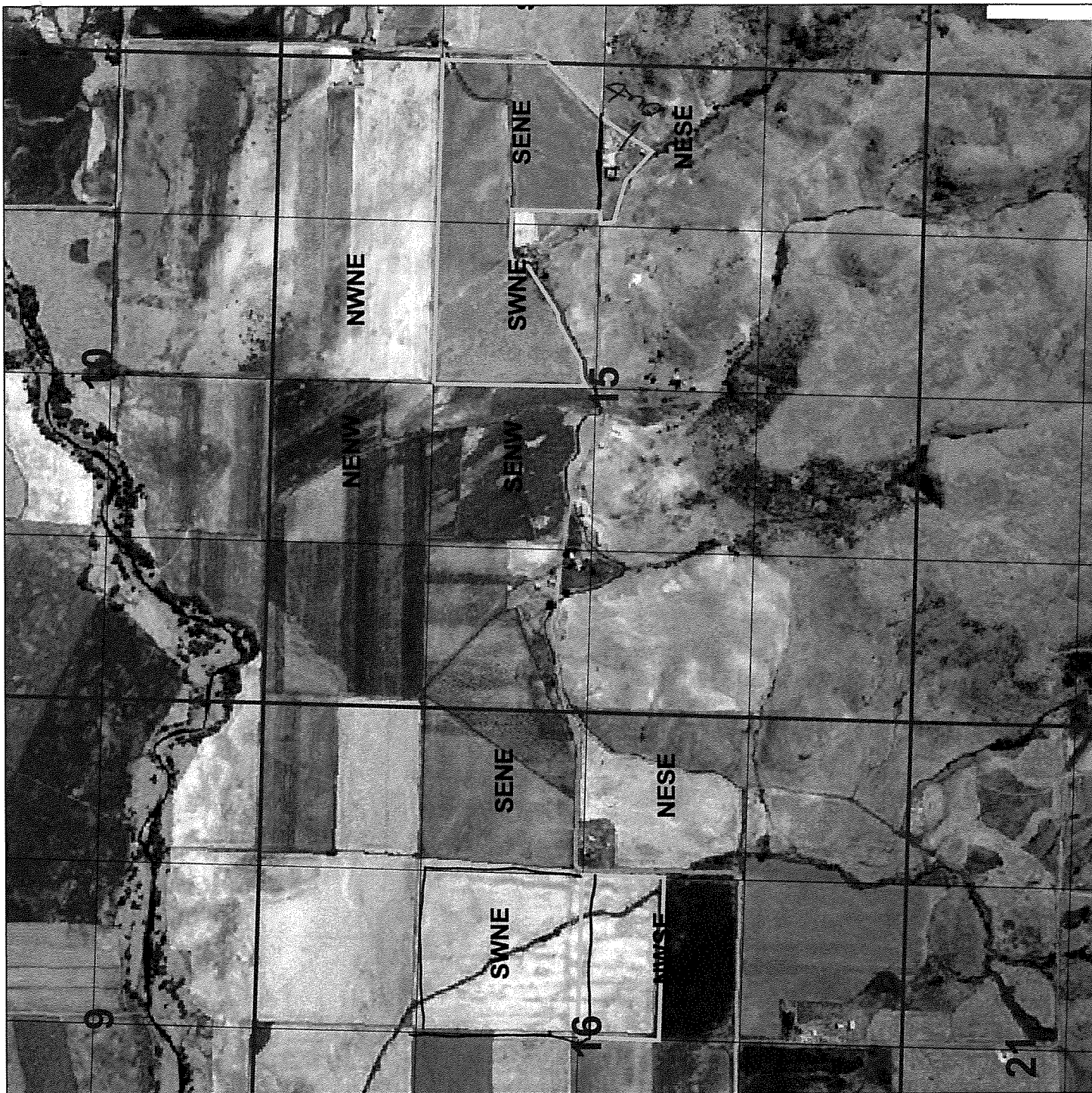
DEC 18 2006

Tony Moritz
10-31-10
40 AC.

67-478



SCANNED
DEC 18 2006



12/04/2006

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

RIGHT NUMBER: 67-478

NAME AND ADDRESS: SCHWENKFELDER RANCHES INC
3381 SCHWENDFELDER RD
CAMBRIDGE ID 83610

ROYCE A SCHWENKFELDER
3381 SCHWENKFELDER RD
CAMBRIDGE ID 83610

SOURCE: LITTLE WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.980 CFS

This right when combined with 67-7485 shall provide no more than .02 cfs per acre.

Right Nos. 67-478 and 67-7485 are limited to a total combined diversion rate of 1.78 cfs.

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION:

T14N R02W S1 NENESW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	0.980 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T14N R02W S15	SWNE	28.00	T14N R02W S15	SENE	36.00
T14N R02W S15	NESE	5.00	T14N R02W S16	NWSE	20.00

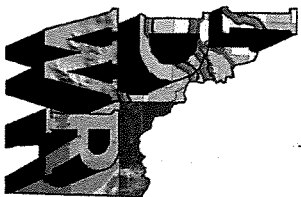
89 ACRES TOTAL

total Right Nos. 67-478 and 67-7485 are limited to the irrigation of a combined of 89 acres 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



Idaho Department of Water Resources

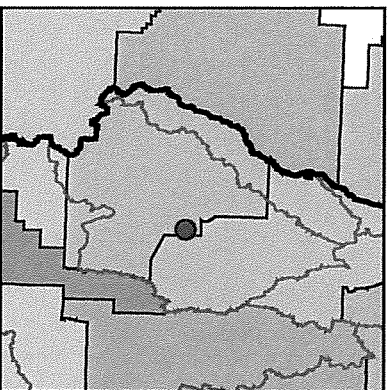
SRBA Recommendation:

67-478

(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



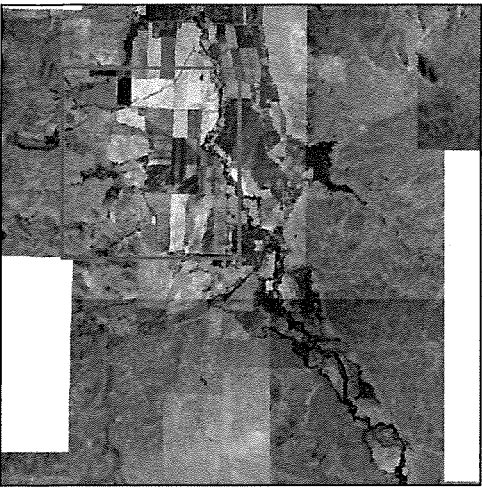
T14N

R02W



Prepared by IDWR State Office
On Monday, December 4, 2006
1987/88 Aerial Photography

67-478



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-478 V1

WATER RIGHT NUMBER: 67-478 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SCHWENKFELDER RANCHES INC 3381 SCHWENKFELDER RD CAMBRIDGE, ID 83610 (208)257-3591
Original Owner	JACOB MORITZ
Current Owner	, ID ROYCE A SCHWENKFELDER 3381 SCHWENKFELDER RD CAMBRIDGE, ID 83610 (208)257-3591

Priority Date: 05/01/1892

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WEISER RIVER	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.980 CFS	
	<u>Total Diversion:</u>	0.980 CFS	

Location of Point(s) of Diversion

LITTLE WEISER RIVER	NE1/4NE1/4SW1/4	Sec. 1, Twp 14N, Rge 02W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	02W	15			28.0	36.0									5.0				69.0
14N	02W	16													20.0				20.0

Total Acres: 89

Conditions of Approval:

1. C18 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.
2. E62 This right when combined with 67-7485 shall provide no more than .02 cfs per acre.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-478 V1

3. E51 Right Nos. 67-478 and 67-7485 are limited to a total combined diversion rate of 1.78 cfs.
4. E55 Right Nos. 67-478 and 67-7485 are limited to the irrigation of a combined total of 89 acres in a single irrigation season.

Remarks:Comments:

1. mcase 7/29/2004 POD
Comment: Updated shape

2. mcase 7/29/2004 POD
Comment: Updated PLS

3. mcase 7/29/2004 POU
Comment: Updated Shape

4. mcase 7/29/2004 POU
Comment: POU shape created using claim map. Decreed for 78 acres. Claimed 89 acres, not all within decreed QQs, with other associated rights. Shape as digitized is 87 acres.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number: 67
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		89
Combined Water Rights: 67-7485 , 67-478		

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	7/29/2004 10:29:28 AM	mcase			Active
POD	7/29/2004 10:31:00 AM	mcase			Active
Source	7/29/2004 10:31:06 AM	mcase			Active
POU	7/29/2004 10:48:41 AM	mcase			Active
Use	7/29/2004 10:49:57 AM	mcase			Active
Season	7/29/2004 10:50:18 AM	mcase			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-478 V1

Quantity	7/29/2004 10:50:32 AM	mcase	Active
Contacts	12/4/2006 11:50:04 AM	mvanbussum	Active
Priority Date	12/4/2006 11:50:17 AM	mvanbussum	Active
POD	12/4/2006 11:50:27 AM	mvanbussum	Active
POU	12/4/2006 11:55:17 AM	mvanbussum	Active
Source	12/4/2006 11:55:18 AM	mvanbussum	Active
Quantity	12/4/2006 11:55:19 AM	mvanbussum	Active
Season	12/4/2006 11:55:19 AM	mvanbussum	Active
Use	12/4/2006 11:55:19 AM	mvanbussum	Active
POD	12/4/2006 1:49:21 PM	mvanbussum	Active
POU	12/4/2006 1:50:50 PM	mvanbussum	Active
Use	12/4/2006 1:54:00 PM	mvanbussum	Active
Season	12/4/2006 1:54:18 PM	mvanbussum	Active
Quantity	12/4/2006 1:54:53 PM	mvanbussum	Active
Summary	12/04/2006	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	12/4/2006 2:29:53 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	7/29/2004 10:41:33 AM	mcase	Created polygon from PLS
POD	7/29/2004 10:31:00 AM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-478 V1

Source	7/29/2004 10:31:05 AM	mcase	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
Season	7/29/2004 10:50:18 AM	mcase	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?
Quantity	7/29/2004 10:50:33 AM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?
POU	7/29/2004 10:48:42 AM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file?
Use	7/29/2004 10:49:58 AM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Priority Date	7/29/2004 10:29:27 AM	mcase	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Contacts	12/4/2006 11:50:01 AM	mvanbussum	(No) 1. Do you want to schedule an appointment?

Comment for 1: Desktop review.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-478 V1

General	12/4/2006 11:50:14 AM	mvanbussum	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	12/4/2006 11:50:23 AM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POU	12/4/2006 11:55:14 AM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License?
Source	12/4/2006 11:55:15 AM	mvanbussum	(Yes) 1. Is the basis of claim Decree or License?
Use	12/4/2006 11:55:15 AM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License?
Season	12/4/2006 11:55:15 AM	mvanbussum	(Yes) 1. Is the basis of claim Decree or License?
Quantity	12/4/2006 11:55:16 AM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License?
POD	12/4/2006 1:50:13 PM	mvanbussum	Updated shape
POU	12/4/2006 1:51:55 PM	mvanbussum	Updated PLS for Active POU
POU	12/4/2006 1:52:45 PM	mvanbussum	Updated PLS for Active POU
POU	12/4/2006 1:52:38 PM	mvanbussum	Updated shape for Active POU
Use	12/4/2006 1:53:51 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	12/4/2006 1:54:09 PM	mvanbussum	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-478 V1

Quantity	12/4/2006 1:54:43 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
POD	12/4/2006 1:49:13 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POU	12/4/2006 1:50:41 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	12/4/2006 1:51:49 PM	mvanbussum	Updated shape for Active POU

Water Supply Bank:

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: A67-00478
Date Received: 10/19/1989
Receipt No: W006449
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: SCHWENKFELDER RANCHES INC
Address: 3381 SCHWENKFELDER RD
CAMBRIDGE ID

208-257-3591

83610

AND

Name: ROYCE A SCHWENKFELDER
Address: 3381 SCHWENKFELDER RD
CAMBRIDGE ID

208-257-3591

83610

2. Date of Priority: MAY 1, 1892

3. Source: LITTLE WIESER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	02W	1	SE	NE	SW		WASHINGTON

5. Description of diverting works:

DAM IN LITTLE WEISER R. THROUGH SCHWENKFELDER DITCH FLOOD AND SPR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.980		

7. Total Quantity Appropriated is:

0.980 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 267.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

A67-00478

Page

1

Date: 02/23/93

SCANNED
APR 06 2004

MICROFILMED
AUG 05 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	02W	15	SW	NE	IRR	29.0
			SE	NE	IRR	35.0
			NE	SE	IRR	5.0
					Section Acres	69.0
		16	NW	SE	IRR	20.0
					Section Acres	20.0
					Total Acres	89.0

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
67-7485, 67-02385.

14. Remarks:

THIS WATER CARRIED IN THE SCHWENKFELDER DITCH.
WATER IS USED FOR STOCK WATER. AN INCIDENTAL USE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

vs WILLIAM ALLISON
Decree Defendant

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: A67-00478
Date Received: 10/02/1989
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SCHWENKFELDER RANCHES INC. 208-257-3591
Address: 3381 SCHWENKFELDER RD
CAMBRIDGE, ID 83610

AND

Name: ROYCE A. SCHWENKFELDER 208-257-3591
Address: 3381 SCHWENKFELDER RD.
CAMBRIDGE, ID 83610

2. Date of Priority: MAY 01, 1892

3. Source: LITTLE WIESER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	02W	1	SE	NE	SW		WASHINGTON

5. Description of diverting works:

DAM IN LITTLE WEISER R. THROUGH SCHWENKFELDER DITCH FLOOD AND SPR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.980		

7. Total Quantity Appropriated is:

0.980 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 267.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14N	02W	15	SW		NE		IRR	29.0
			SE		NE		IRR	35.0
			NE		SE		IRR	5.0
							Section Acres	69.0
		16	NW		SE		IRR	20.0
							Section Acres	20.0
							Total Acres	89.0

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
67-7485, 67-02385.

14. Remarks:

THIS WATER CARRIED IN THE SCHWENKFELDER DITCH.
WATER IS USED FOR STOCK WATER. AN INCIDENTAL USE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree Defendant

16. 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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

For Organizations:

I do solemnly swear or affirm that I am Vice President of _____

Schwenkfelder Ranches, Inc. that I have signed the foregoing
Organization document in the space below as Vice President of _____

Schwenkfelder Ranches, Inc. and that the statements contained in the
Organization foregoing document are true and correct.

Ron A. Schenfeld
Signature of Authorized Agent

V.P. for Schwenkfelder Ranches, Inc.
Title and Organization

10/2/89
Date

State of Idaho)
County of War) SS.

Subscribed and sworn (or affirmed) before me this 2 day

of OCT 19 89

John Dale Cochran
Notary Public

Seal

Residing at Boise ID

My Commission Expires 4/3/94
Date: 10/02/89

A67-00478

Page

3

MICROFILMED

AUG 05 1994

POOR ORIGINAL

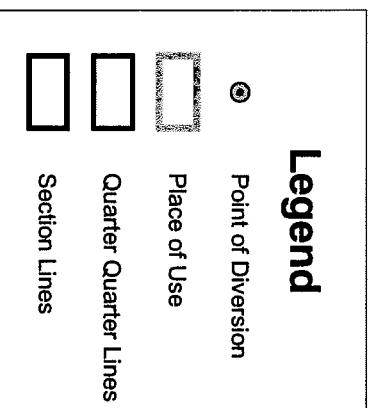


MICROFILMED

AUG 05 1954

Idaho Department of Water Resources

T14N, R02W S15 & 16
Water Right No: 67-478



0.1 0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 0.8 0.9 1.0 Miles

Idaho Department of Water Resources

T14N, R02W S1

Water Right No: 67-478

