

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: 67-479

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

SCHWENKFELDER RANCHES INC
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):

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. Schwendfeld

Please print your name:

ROYCE A. SCHWENKFELDER

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

SCANNED

DEC 18 2006

12/04/2006

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

RIGHT NUMBER: 67-479

NAME AND ADDRESS: ROYCE A SCHWENDFELDER
3381 SCHWENKFELDER RD
CAMBRIDGE ID 83610

SCHWENKFELDER RANCHES INC
3381 SCHWENDFELDER RD
CAMBRIDGE ID 83610

SOURCE: LITTLE WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 2.900 CFS

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION:

T14N R02W S1 SENESW 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	2.900 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T14N R02W S15	NENW	40.00	T14N R02W S15	NWNW	40.00
T14N R02W S15	SWNW	34.00	T14N R02W S15	SENW	38.00
T14N R02W S16	NENE	40.00	T14N R02W S16	SENE	40.00

232 ACRES TOTAL

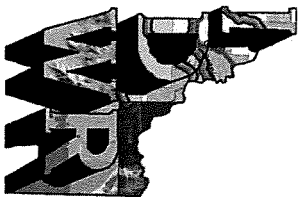
Right Nos. 67-479 and 67-4306 are limited to the irrigation of a combined total of 232 acres in a single irrigation season.

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

Use of this right is combined with water from
Little Weiser Irrigation District. JD 12/4/06



Idaho Department of Water Resources

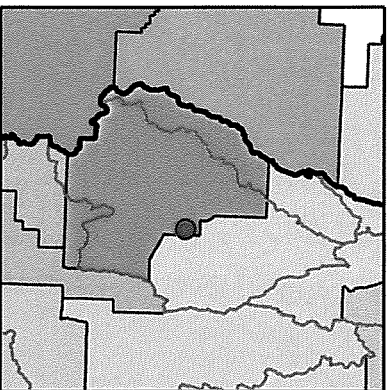
SRBA Recommendation:

67-479

(Irrigation)

Legend

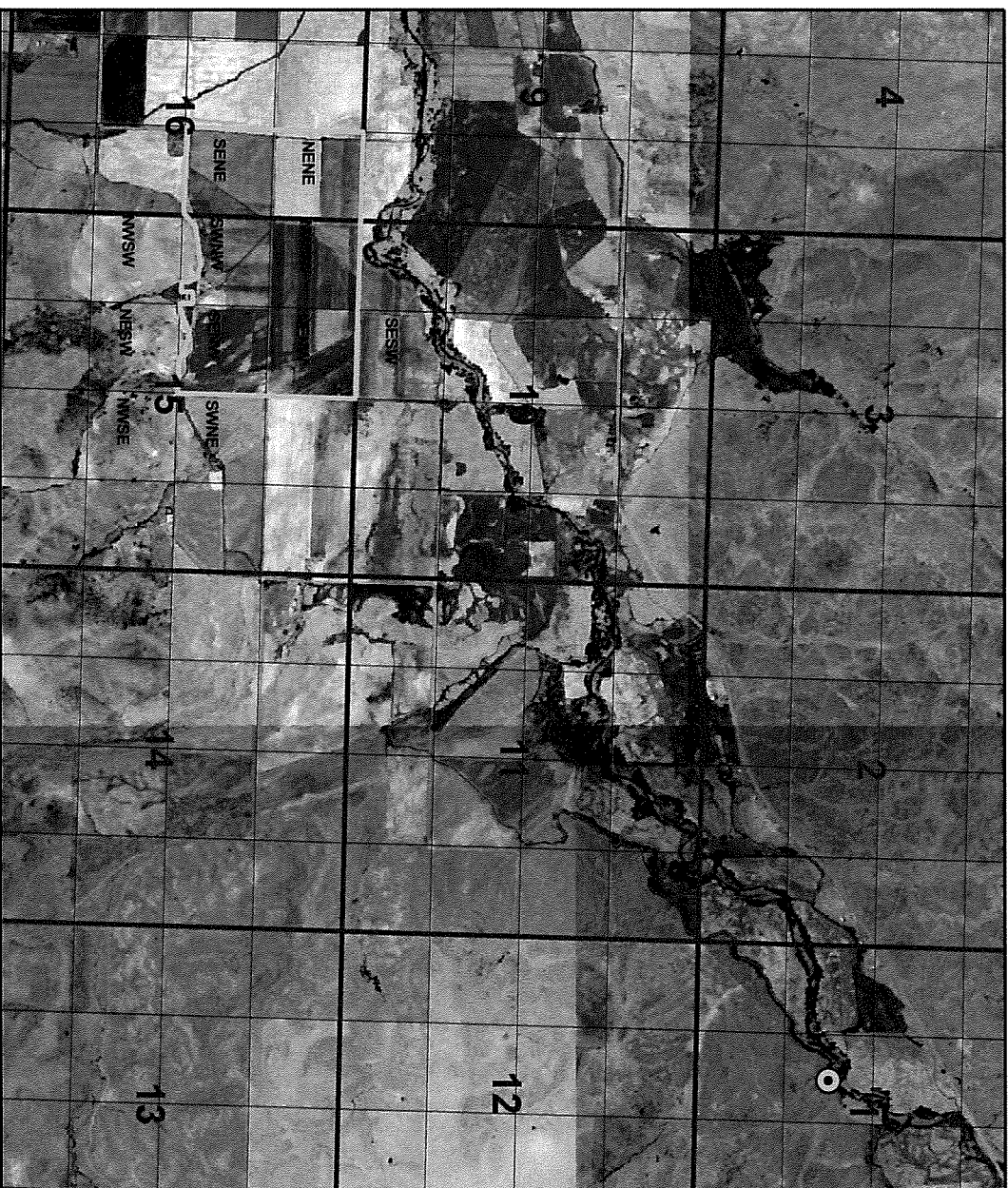
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67

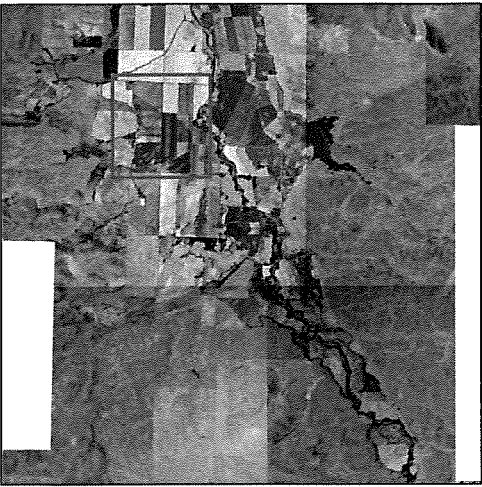
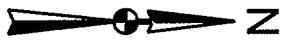


T14N



Prepared by J. Dean
On Monday, December 4, 2006
1987/88 Aerial Photography

67-479



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-479 V1

WATER RIGHT NUMBER: 67-479 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROYCE A SCHWENDFELDER 3381 SCHWENKFELDER RD CAMBRIDGE, ID 83610 (208)257-3591
Original Owner	JOHN SCHWENKFELDER , ID
Current Owner	SCHWENKFELDER RANCHES INC 3381 SCHWENDFELDER 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	2.900 CFS	
	<u>Total Diversion:</u>	2.900 CFS	

Location of Point(s) of Diversion

LITTLE WEISER RIVER	SE1/4NE1/4SW1/4	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					40.0	40.0	34.0	38.0									152.0
14N	02W	16	40.0																80.0

Total Acres: 232

Conditions of Approval:

1. E55 Right Nos. 67-479 and 67-4306 are limited to the irrigation of a combined total of 232 acres in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-479 V1

2. 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.

Remarks:Comments:

1. mcase 7/29/2004 POD

Comment: Updated shape

2. mcase 7/29/2004 POU

Comment: POU shape generated from claimed PLS. Decreed for 232 acres. Claimed 236 acres with other associated rights.

3. jdean 12/4/2006 POU

Comment: Recommended for 232 acres as per decree. Additional claimed acres appear to be covered by 67-7485.

4. jdean 12/4/2006 Recommended as decreed

Comment: This claim was recommended as decreed for priority date and quantity.

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: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 10:56:49 AM	mcase			Active
POD	7/29/2004 10:59:29 AM	mcase			Active
Source	7/29/2004 10:59:34 AM	mcase			Active
POU	7/29/2004 11:04:10 AM	mcase			Active
Use	7/29/2004 11:05:28 AM	mcase			Active
Season	7/29/2004 11:05:51 AM	mcase			Active
Quantity	7/29/2004 11:06:05 AM	mcase			Active
Summary			12/04/2006	jdean	Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-479 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	12/4/2006 2:03:22 PM	csaxton	Correlated PODID 624622 from SpatialDataID 373016 to SpatialDataID 342735
POU	12/4/2006 2:53:16 PM	jdean	Updated shape for 0
POU	12/4/2006 2:54:16 PM	jdean	Updated PLS for Active POU
POU	12/4/2006 2:53:13 PM	jdean	Updated shape for 67 4306
POU	12/4/2006 2:53:22 PM	jdean	Updated shape for 0
POU	12/4/2006 2:53:08 PM	jdean	Updated shape for Active POU
POU	12/4/2006 2:53:13 PM	jdean	Updated shape for 0
POU	12/4/2006 2:53:16 PM	jdean	Updated shape for 0
POU	12/4/2006 2:53:17 PM	jdean	Updated shape for 0
POU	12/4/2006 2:53:18 PM	jdean	Updated shape for 0
POU	12/4/2006 2:53:19 PM	jdean	Updated shape for 0
POU	12/4/2006 2:53:19 PM	jdean	Updated shape for 0
POU	12/4/2006 2:53:20 PM	jdean	Updated shape for 0
POU	12/4/2006 2:53:21 PM	jdean	Updated shape for 0
POU	12/4/2006 2:53:22 PM	jdean	Updated shape for 0
Summary	12/4/2006 3:03:16 PM	jdean	(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?
Use	7/29/2004 11:05:29 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-479 V1

POU	7/29/2004 11:04:10 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? (No) 7. Is there evidence that there has been a change in the POU?
POU	7/29/2004 11:00:11 AM	mcase	Created polygon from PLS
Season	7/29/2004 11:05:51 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 11:06:06 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?
Priority Date	7/29/2004 10:56:50 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?
POD	7/29/2004 10:59:29 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 67-479 V1

Source	7/29/2004 10:59:35 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?
POD	12/4/2006 2:03:18 PM	csaxton	Correlated PODID 624622 from SpatialDataID 373016 to SpatialDataID 342735
POD	12/4/2006 2:03:26 PM	csaxton	Correlated PODID 624622 from SpatialDataID 373016 to SpatialDataID 342735
POU	12/4/2006 2:53:15 PM	jdean	Updated shape for 0
POU	12/4/2006 2:53:17 PM	jdean	Updated shape for 0
POU	12/4/2006 2:53:20 PM	jdean	Updated shape for 0
POU	12/4/2006 2:54:20 PM	jdean	Updated PLS for 67 4306
POU	12/4/2006 2:53:14 PM	jdean	Updated shape for 0
POU	12/4/2006 2:53:15 PM	jdean	Updated shape for 0
POU	12/4/2006 2:53:18 PM	jdean	Updated shape for 0
POU	12/4/2006 2:53:21 PM	jdean	Updated shape for 0

Water Supply Bank:

67-479

Decree

5-1-1892

2.9 cfs

$$2.9 \text{ cfs} * \frac{\text{ac}}{0.0125 \text{ cfs}} = 232 \text{ ac}$$

14N 2W 15 NENW
NW NW
SW NW
SE NW

14N 2W 16 NENE
SE NE

Claim

5-1-1892

2.9 cfs

14N 2W 15 NENW 40-no overlap
NWNW 40-no overlap
SWNW 38-possible overlap 7485
SE NW 38-no overlap
156

14N 2W 16 NENE 40-no overlap
SE NE 40-no overlap
80

/ 236 ac

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: A67-00479
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 SCHWENDFELDER RD
CAMBRIDGE ID 83610

208-257-3591

AND

Name: ROYCE A SCHWENDFELDER
Address: 3381 SCHWENKFELDER RD
CABRIDGE ID 83610

208-257-3591

2. Date of Priority: MAY 1, 1892

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

4. Point of Diversion:

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

5. Description of diverting works:

DAM IN LITTLE WEISER R. THROUGH SCHWENDFELDER DITCH FLOOD IRR SPR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.900		

7. Total Quantity Appropriated is:

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

8. Total consumptive use is 708.0 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER, 700 BEEF CATTLE

SCANNED
APR 06 2004

A67-00479

Page

1

Date: 02/23/93

MICROFILMED
AUG 05 1994

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14N	02W	15	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	38.0
			SE		NW		IRR	38.0
							Section Acres	156.0
		16	NE		NE		IRR	40.0
			SE		NE		IRR	40.0
							Section Acres	80.0
							Total Acres	236.0

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, 67-2385.

14. Remarks:

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

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs 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: A67-00479
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 SCHWENDFELDER RD.
CAMBRIDGE, ID 83610

AND

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

2. Date of Priority: MAY 01, 1892

3. Source: LITTLE WEISER 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 SCHWENDFELDER DITCH FLOOD IRR SPR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.900		

7. Total Quantity Appropriated is:

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

8. Total consumptive use is 708.0 Acre Feet Per Annum.

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STOCKWATER 700 HD BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14N	02W	15	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	38.0
			SE		NW		IRR	38.0
							Section Acres	156.0
		16	NE		NE		IRR	40.0
			SE		NE		IRR	40.0
							Section Acres	80.0
							Total Acres	236.0

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, 67-2385.

14. Remarks:

THIS WATER CARRIED IN THE SCHWENKFELDER DITCH.
STOCK WATER IS 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.

Roger A. Schenck
Signature of Authorized Agent
V.P. for Schwenkfelder Ranches, Inc.
Title and Organization
10/2/89
Date

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 2 day
of Oct 19 89

John Dale Carter
Notary Public

Seal

Residing at Bain ID

A67-00479

Page

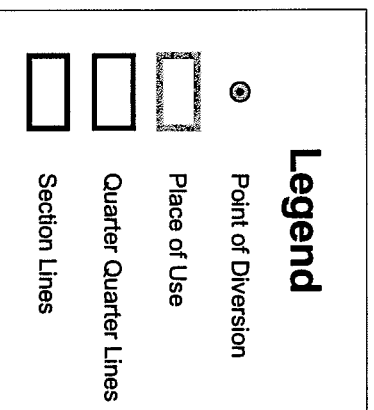
My Commission Expires 6/2/94
3 Date: 10/02/89

MICROFILMED

AUG 05 1984

Idaho Department of Water Resources

T14N, R02W S15 & 16
Water Right No: 67-479



Idaho Department of Water Resources

T14N, R02W S1

Water Right No: 67-479

