

06/20/2011

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

RIGHT NUMBER: 22-2131

NAME AND ADDRESS: MELVIN SCHWENDIMAN
PO BOX 74
NEWDALE ID 83436

DONALD STAKER
PO BOX 111
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.600 CFS
455.000 AFY

Right Nos. 22-2131 and 22-11070 are limited to a total combined diversion rate of 2.60 cfs.

PRIORITY DATE: 02/14/1949

POINT OF DIVERSION:

T07N R41E S35 SESW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.600 CFS 455.00 AFY

PLACE OF USE: IRRIGATION in FREMONT County

T07N R41E S34	NESE	25.00	T07N R41E S34	SESE	5.70
T07N R41E S35	NESW	40.00	T07N R41E S35	NWSW	40.00
T07N R41E S35	SWSW	38.00	T07N R41E S35	SESW	38.00

186.7 ACRES TOTAL

Right Nos. 22-2131 and 22-11070 are limited to the irrigation of a combined total of 186.7 acres in a single irrigation season.

This right is limited to the irrigation of 130 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right No. 22-11070 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

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

Right No. 22-11070 is also diverted through point of diversion described above.



Idaho Department of Water Resources

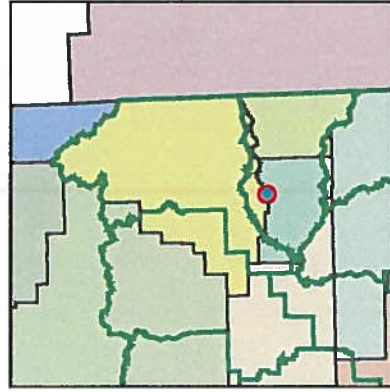
SRBA Recommendation:

22-2131
22-11070

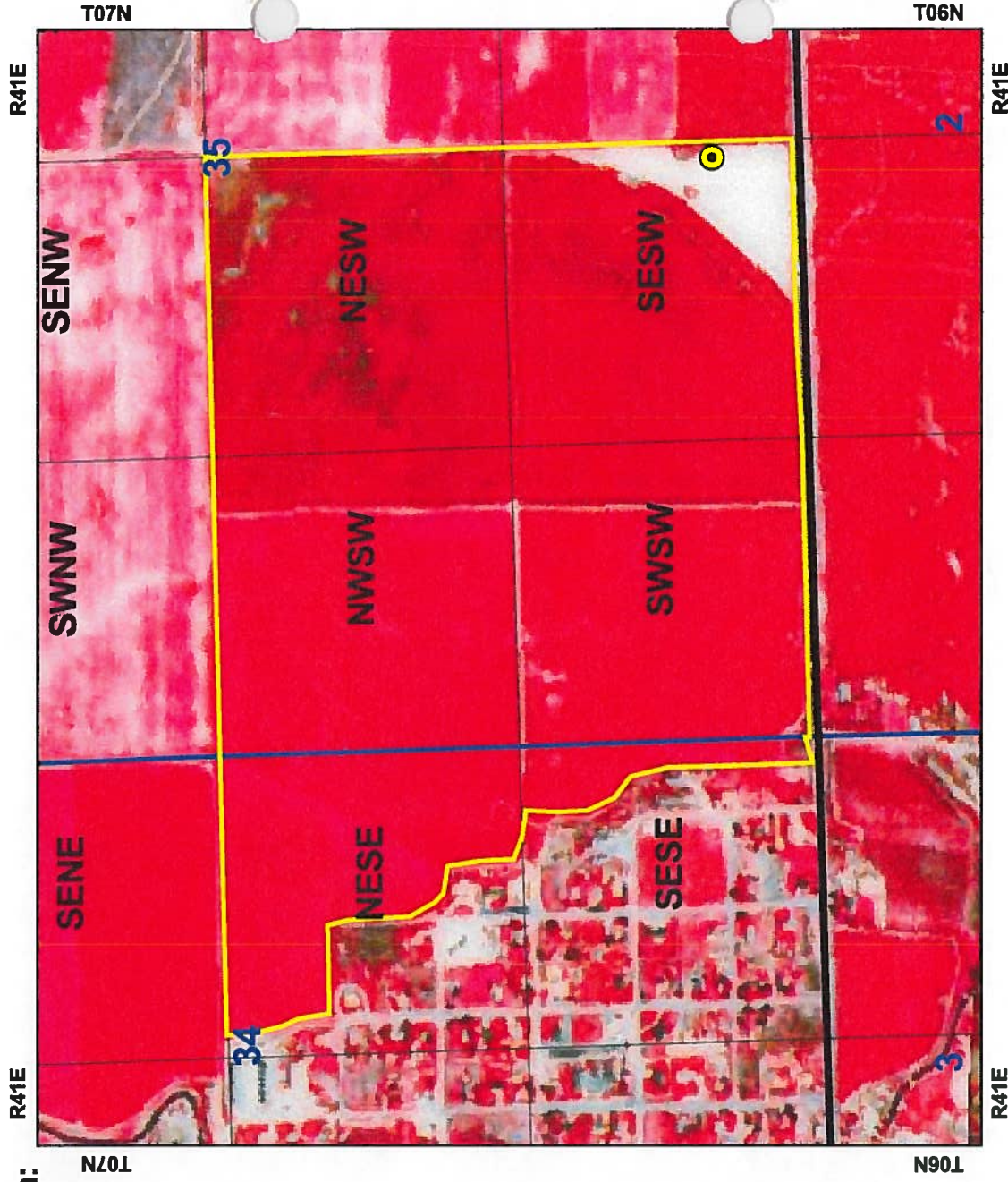
(Irrigation)

Legend

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



Fremont County
IDWR Basin 22



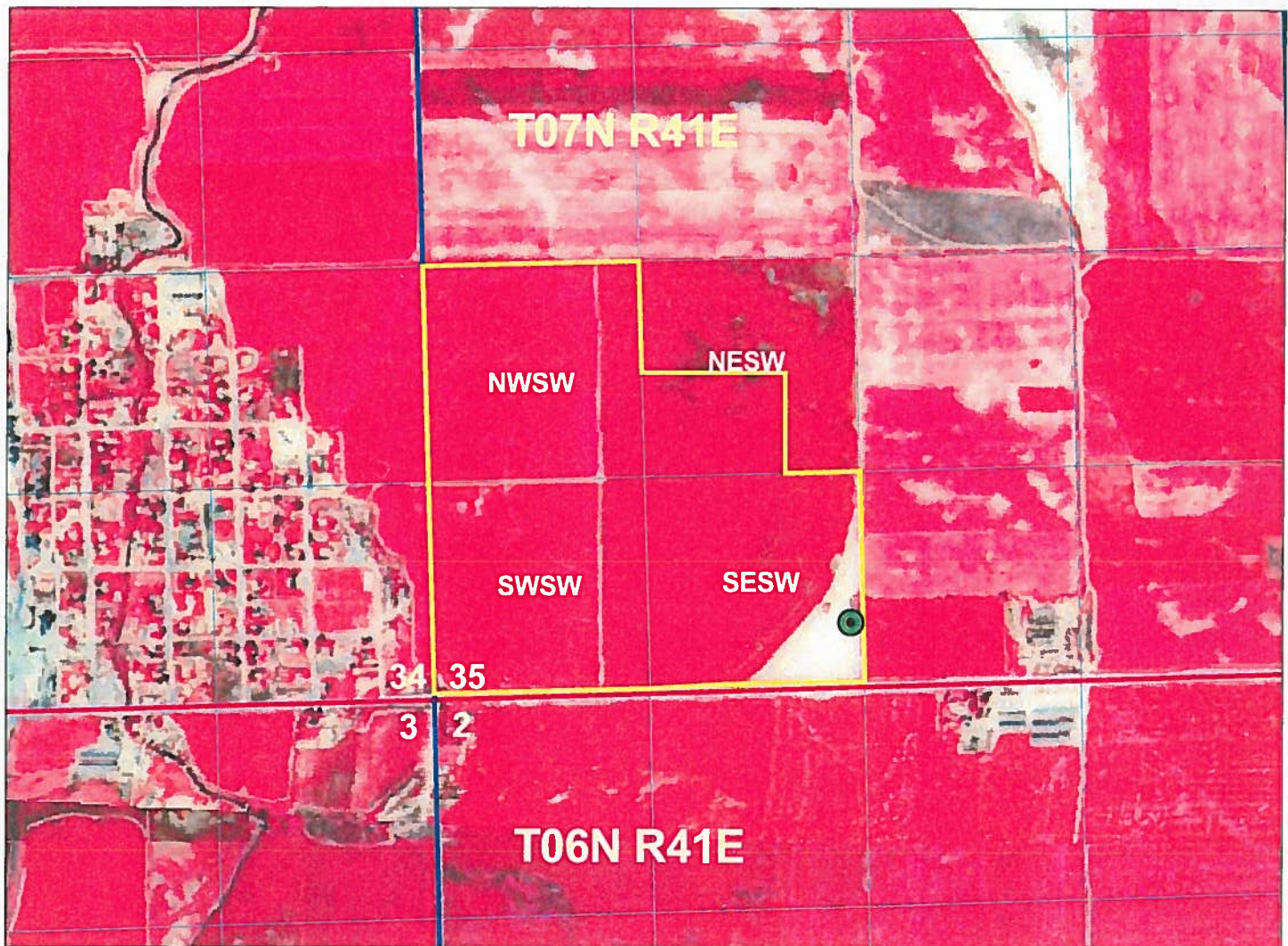
Prepared by T. Galbraith
On Wednesday, October 18, 2006
1987/88 Aerial Photography

Department of Water Resources

Eastern Region



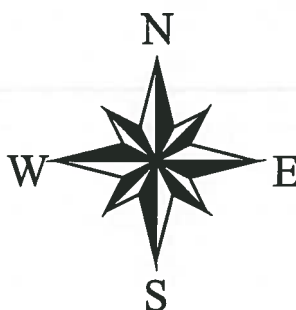
Claim No.: 22-2131



0 660 1320 1980 2640 Feet



-  Point of Diversion
-  22-2131
-  Township/Range
-  Sections
-  QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: November 2005

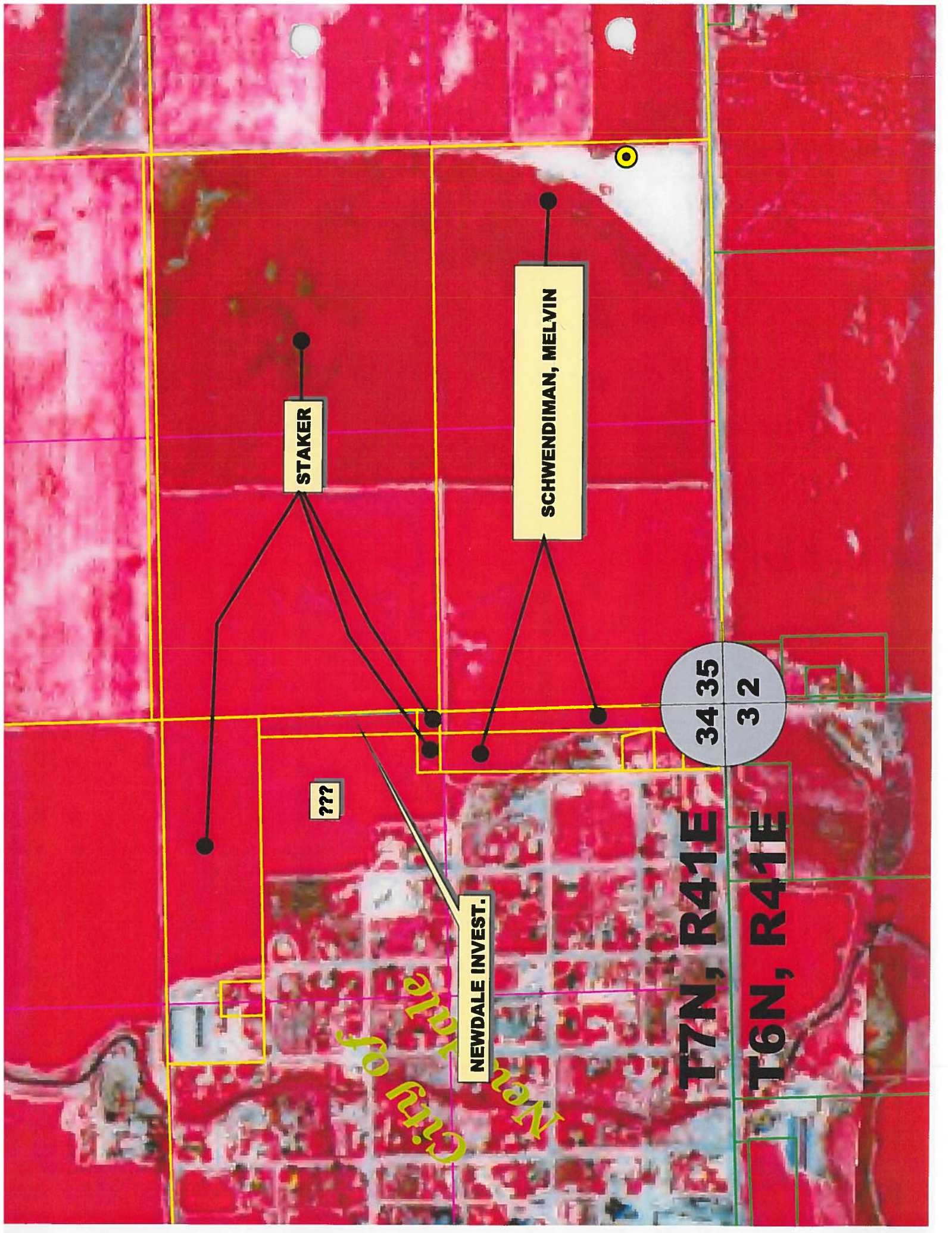
NOTES

11-9-05

22-2131 Claim mentions numerical use w/ 22-11070, however, no evidence of priority was ever provided, so it was disallowed.

Recommending as licensed.

KM



STAKER

SCHWENDIMAN, MELVIN

???

NEWDALE INVEST.

34 35
3 2

T7N, R41E

T6N, R41E

City of Newdale

Water Right No(s). A22-2131 + A22-11070

See Attached photo

GPS data - 2693692
1412077

GPS Rite# - 222131

GPS DATA:

Tag # A0015950 Location: on power panel

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR

Make: G.E. Model: _____ Hp: 200
SN: MMJ818077

PUMP

Make: Johnston Model: _____ Disch: _____
SN: N.A.

NOTES:

P.O.U. confirmed by applicant, Don Staker. (minus small piece in townsite)
Address for co-applicant Melvin Schwandman is P.O. Box 74, Nunda,
I.D. System is well, pump to pivots + sprinklers.

Field Exam Date: 9-2-2005 Agent: D.W. Jones



A22-2131 + A22-11070, Looking North

City of Newport

22-2173B

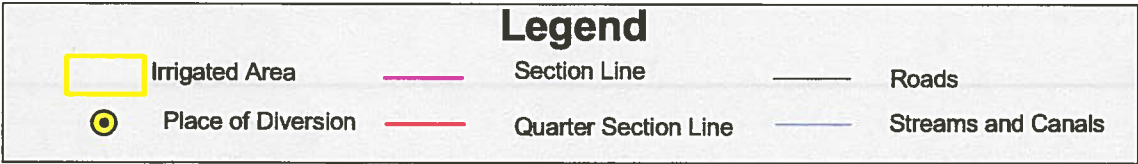
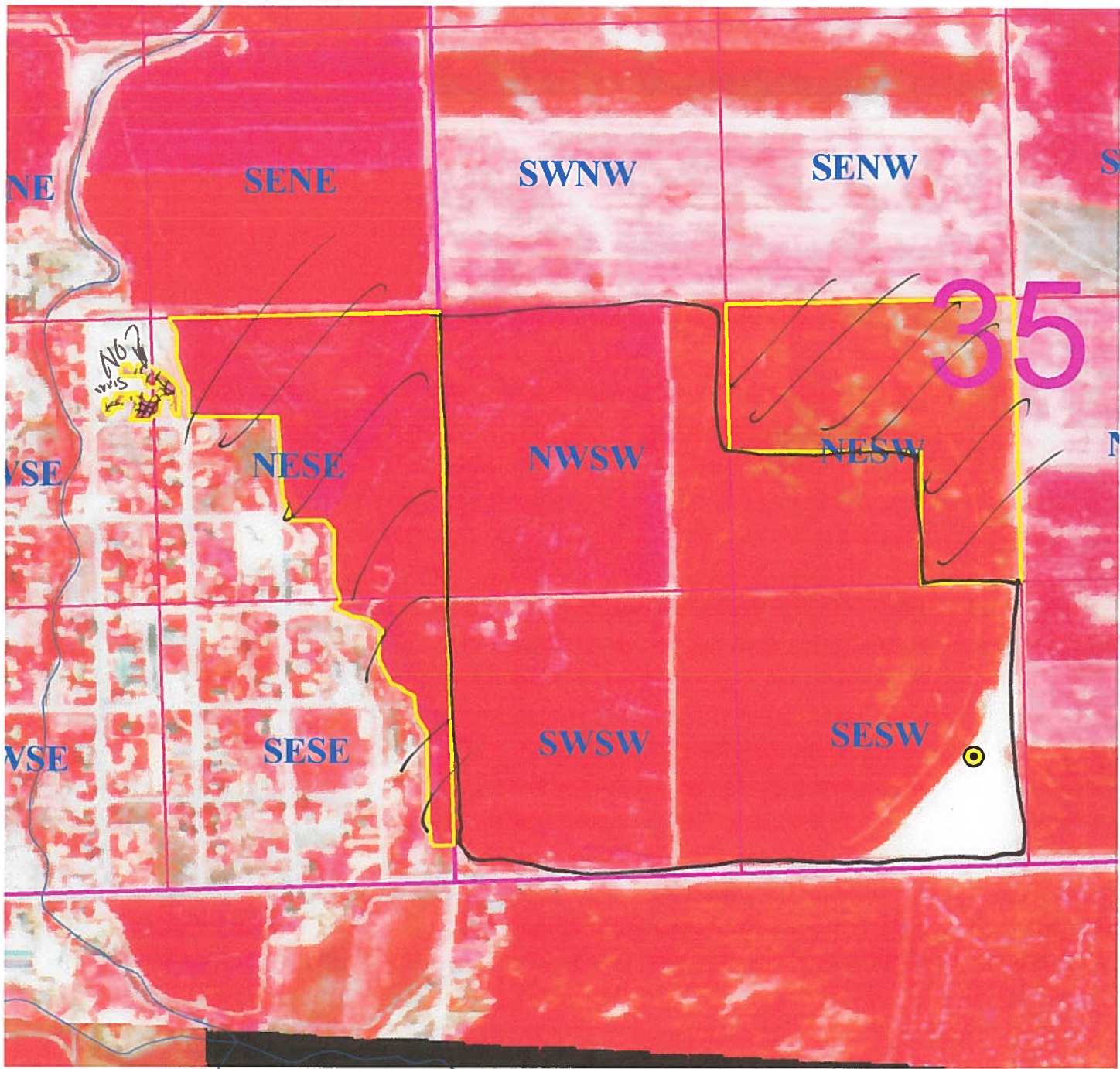
22-11053

22-2131



Water Right Claim Number 22-11070
Township , 7N41E

08/21/2001



State of Idaho
License and Certificate of Water Right

Water License No. 20949

Amount 2.6 sec. ft.

Water District No.

Priority February 14, 1949

THIS IS TO CERTIFY that **EMRY LENT**
of **Newdale, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **February 14**, 1949; that Permit No. 20949
was issued under said application; that Certificate of Completion of works with a carrying capacity of
three second feet, was issued thereunder on **April 5**, 1949, showing that said works
were completed on the **3rd** day of **March**, 1949; and that on the **21st**
day of **May**, 1949.

EMRY LENT

of **Newdale**, State of **Idaho**, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of **subterranean**
flow from ~~xxxxxx~~ a well, for the purpose of **irrigation**
under Use Permit No. 20949 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

8 of Licenses at page **4561**, on the **13th** day of **April**, 1950;

The right hereby confirmed dates from **February 14**, 1949;

The Point of Diversion is located

in the **SE 1/4 SW 1/4**, Sec. **35**, Tp. **7 N.**, R. **41 E.**, B. M. **Fremont County**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed **2.6** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 N.	41 E.	35	NE 1/4 SW 1/4	40	10
			NW 1/4 SW 1/4	40	40
			SW 1/4 SW 1/4	40	40
			SE 1/4 SW 1/4	40	40
			Number of Acres Actually Irrigated -		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
13th day of **April**, 1950.

MARK R. KULP

State Reclamation Engineer

(SEAL)

22 2131

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 28603
 PERMIT No. 20949
 DISTRICT No.

1. Name of Applicant: **EMRY LENT**

Postoffice address: **Newdale**

County: **Fremont**

State: **Idaho**

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: **Three (3)** cubic feet per second.

3. Source of water supply: **A well from which water is pumped which is a tributary of**

4. Location of point of diversion: About 15 rods North and 5 rods ^{West} ~~feet distant~~ from the Southeast corner of Section 35, T. 7 N., R. 41 E., B.M., and is in the **SE $\frac{1}{4}$ SW $\frac{1}{4}$** of Section 35, T. 7 N., R. 41 E., B.M., County of **Fremont**

5. Water is to be used for **Irrigation of SW $\frac{1}{4}$ Section 35, Twp. 7 N., Rge. 41 E., B.M.**

6. If for mining, milling, power or manufacturing purposes, give:

- (a) Point of use of water: _____ feet distant from _____ corner of Section _____, T. _____, R. _____, B.M., in the _____ of Section _____, T. _____, R. _____, B.M.
- (b) Amount of power generated: _____ H.P., under _____ feet head.
- (c) Water is to be returned to _____ at a point _____ feet distant from the _____ corner of Section _____, T. _____, R. _____, B.M., in the _____ of Section _____, T. _____, R. _____, B.M.

7. Estimated cost of works: \$ 12,000.00 Paid.

8. Kind of works: **A well tapping subterranean water beneath above described property.**

9. Height of dam _____ feet; length of dam at top _____ feet; length of dam at bottom _____ feet; material used in dam:

10. Size of headgate: Width _____ feet; height _____ feet.

11. Ditch: Width at bottom _____ feet; width at water line _____ feet; depth of water _____ feet; dimensions of flume:

Diameter of pipe _____ inches; length of conduit _____ miles.

Average grade per mile _____ feet.

12. The time required for the completion of such work is **work is now complete** years.

13. The time required for the complete application of the water to the proposed use is **None** additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: **15 shares in the Canyon Creek Irrigation Company**

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

EMRY LENT *Applicant.*

By *Agent.*

Date of first receipt at Department of Reclamation: 9:00 A. M. February 14, 1949

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 20949

Recorded in Book 75 Page 20949 Approved February 21, 1949

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before Completed and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before -

The whole of said work to be completed on or before May 21, 1949

Beneficial use of water appropriated in accordance herewith, to be made on or before May 21, 1949

WITNESS My hand this 21st day of February, 1949

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho,

and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 21st

day of February, 1949

STATE OF IDAHO

Countersigned:

(SEAL)

By J. D. "CY" PRICE

By C. A. ROBINS

Governor.

Secretary of State.

REMARKS:

14.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7 N.	41 E.	35									40	40	40	40					160
Permit No. 20949 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that EMRY LENT of Newdale, County of Fremont, and State of Idaho, the holder of Permit No. 20949, issued upon Application No. 28603 bearing date of priority of February 14, 1949, authorizing the diversion of Three (3) second feet of the waters of a well (subterranean) County of Fremont, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho; that said works are adequate for diverting and conveying to the place of intended use Three (3) second feet of the waters of said well; that the point of diversion of said waters is in the SE 1/4 SW 1/4 Section 35, Township 7 North, Range 41 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW 1/4 Section 35, Township 7 North, Range 41 East, B.M. Witness my hand this 5th day of April, A. D. 1949. MARK R. KULP State Reclamation Engineer Proof of Completion of Works made March 3, 1949. Certificate of Completion of Works issued April 5, 1949.																			

LICENSE ISSUED FOR 2.4 SEC. FT.
#4561

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 20949

This proof is for Beneficial use In Water District No. _____

1. Name of applicant Emry Lent, Newdale, Idaho
2. Source of water supply: Subterranean from well
3. Location of point of diversion: Is in the SE¹ SW¹ of Section 35
T. 7 N. R. 41 E. County of _____
4. Describe works as they exist, giving dimensions and capacities of same: _____
Johnson Turbine Pump, Serial 14299, HE 110, Ratio 4 - 5, BHP of pump 110 @
1750 R.P.M., 8" discharge, lift 8'-10' to 40' flume and ditch 3' x 1' deep.
Pump driven by a Grey Marine Diesel engine directly connected by shaft and
two toggle joints. Model 64-HN9, Engine No. C-38745.
5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Southwest Quarter of Section 35, Twp. 7 North, Range 41 East, B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Unknown

Remarks: _____

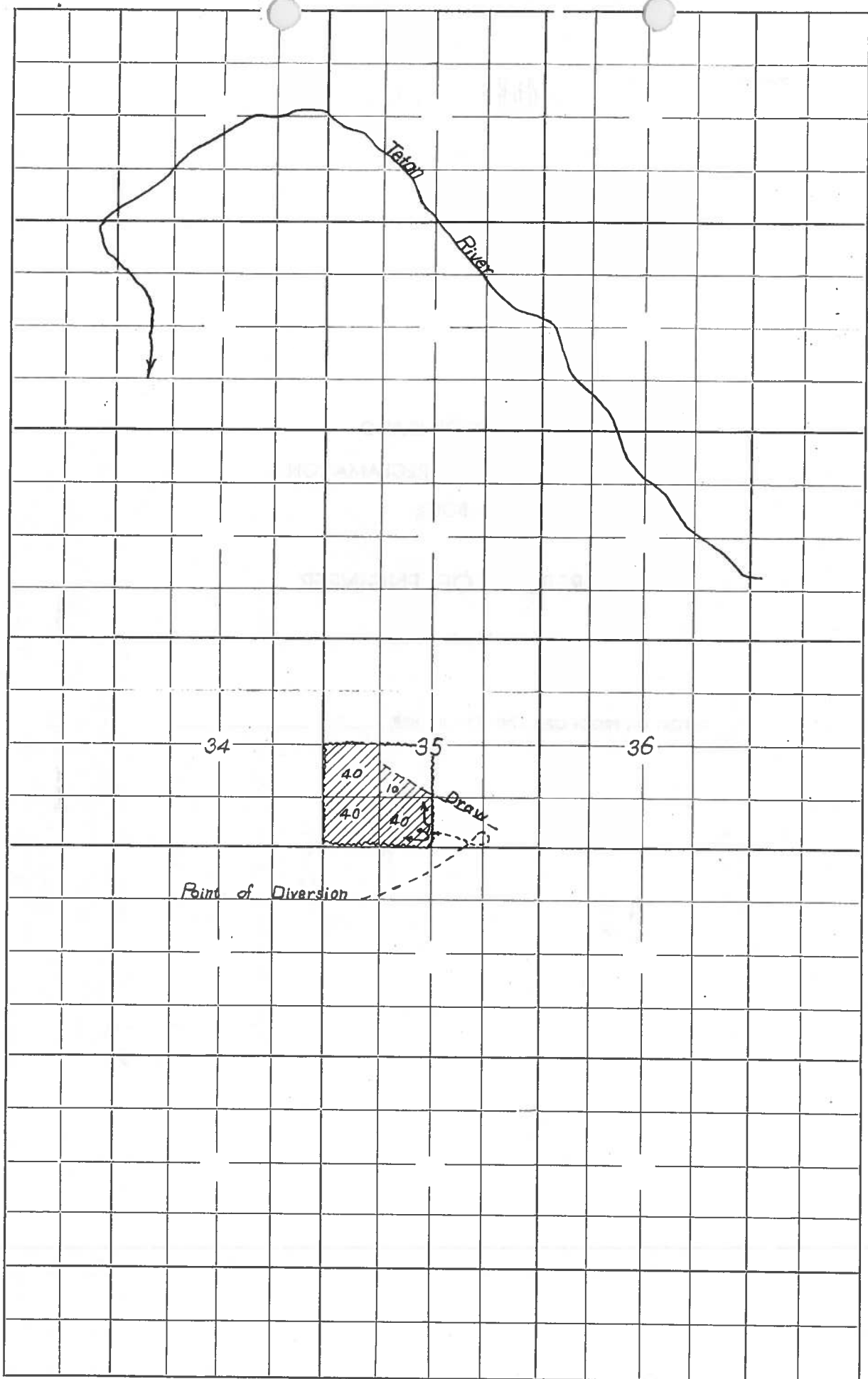
This examination was made on the 25 th day of September, 19 49

(Signed)

F. A. Tolman

Examiner.

20949



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

20949

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 22-2131

Date Received:
Receipt Nos:
Received By:

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

Name of Claimant

DONALD STAKER
PO BOX 111
NEWDALE, ID 83436
(208)458-4387
MELVIN SCHWENDIMAN
PO BOX 74
NEWDALE, ID 83436
(208)458-4376

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

Source

Ground Water
Teton River

Tributary

Snake River

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2.58 CFS	451.5 AFA

Total Diversion 2.58 CFS

Location of Point(s) of Diversion:

GROUND WATER	SESESW	Sec. 35	Township 07N Range 41E	FREMONT County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION FREMONT County

<u>Township</u>	<u>Range</u>	<u>Sect</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>
07N	41E	34		SENE	.01									
				NESE	25		SESE	5.1						
		35		NESW	39		NWSW	39		SWSW	38		SESW	38

Total Acres: 184.2

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 Co. 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. 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. E55 Right Nos. 22-2131 and 22-11070 are limited to the irrigation of a combined total of 184.2 acres in a single irrigation season.
3. K06 This right is limited to the irrigation of 130 acres within the place of use described above in a single irrigation season.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. K01 Right No. 22-11070 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
6. E60 Right Nos. 22-2131 and 22-11070 are limited to a total combined diversion rate of 2.6 cfs and to a total combined annual diversion volume of 455 AF.

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)

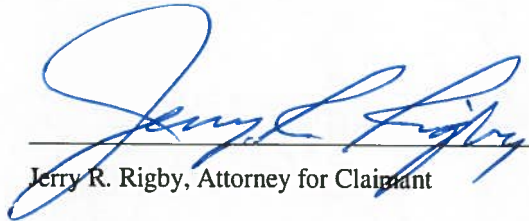
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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 17th day of August, 2010.


Jerry R. Rigby, Attorney for Claimant

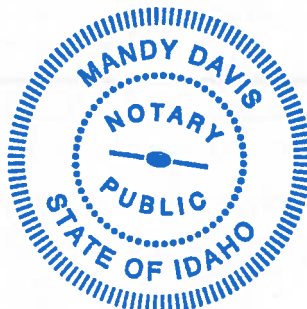
STATE OF IDAHO,)

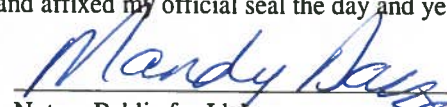
ss.

County of Madison.)

On this 17th 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

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: A22-02131
Date Received: 8/19/1988
Receipt No: E001484
Received By: Kcw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONALD STAKER 208-458-4387
Address: P.O. BOX 111
NEWDALE, ID 83436
OR
Name: MELVIN SCHWENDIMAN
Address: PO Box 74
NEWDALE, ID 83436



2. Date of Priority: FEB 14, 1949

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	41E	35	SE	SW			FREMONT

5. Description of diverting works:
WELL PUMP MAINLINE TO CENTER PIVOT AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.600		

7. Total Quantity Appropriated is:
2.600 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 260.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	41E	35	NE	SW		IRR	12.0
			NW	SW		IRR	40.0
			SW	SW		IRR	39.0
			SE	SW		IRR	39.0
						Section Acres	130.0
						Total Acres	130.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS RIGHT IN COMBINATION WITH A22-11070 SHALL NOT EXCEED 2.6 CFS

15. Basis of Claim: LICENSE
Water Right Number: 20949

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): Donald Slater Date: Aug 19 / 1988

Date: _____

State of Idaho)
County of Bonneville) SS.

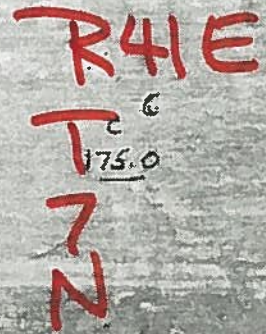
Subscribed and sworn (or affirmed) before me this 19th day
of August 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 6-94

0 - 3



A 22-02131

NOT TO SCALE

RECEIVED
OCT 28 1964