

10/04/2006

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

RIGHT NUMBER: 22-4024

NAME AND ADDRESS: MARK SCHWENDIMAN
12265 E 3749 N
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/01/1949

POINT OF DIVERSION:

T06N R42E S5 NWSENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC Within MADISON County

T06N R42E S05 SENW

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 - Beneficial Use

The quantity of water decreed for this water right is not a determination of historical beneficial use.

RECEIVED

OCT 04 2006

Department of Water Resources
Eastern Region

09/26/2005

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

RIGHT NUMBER: 22-4024

NAME AND ADDRESS: MARK SCHWENDIMAN
12265 E 3749 N
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS
7.600 AFY

PRIORITY DATE: 12/01/1949

POINT OF DIVERSION:

T06N R42E S5 SENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

~~0.100 CFS~~

STOCKWATER

01/01 12/31

~~6.20 AFY~~

~~0.030 CFS~~

1.40 AFY

PLACE OF USE:

STOCKWATER Within MADISON County

T06N R42E S05 SENW

DOMESTIC Within MADISON County

T06N R42E S05 SENW

0.08 cfs
3.6 afy
0.2 cfs
0.2 afy
0.06 afy
0.10 afy

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.

PARCEL NO. 06N42E059001A

MCUC

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use: ~~5~~ homes, ~~60~~ dairy cows, 5 horses

3

Add N11
Add N13

09/15/2006

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

RIGHT NUMBER: 22-4024

NAME AND ADDRESS: MARK SCHWENDIMAN
12265 E 3749 N
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
~~1.300 AFW~~

PRIORITY DATE: 12/01/1949

POINT OF DIVERSION:

T06N R42E S5 NWSE Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

~~1.30 AFW~~

STOCKWATER

01/01 12/31

0.020 CFS

~~0.10 AFW~~

Domestic use is for 1/2 home.

PLACE OF USE: STOCKWATER Within MADISON County

T06N R42E S05 SENW

DOMESTIC Within MADISON County

T06N R42E S05 SENW

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 - Beneficial Use

Stockwater use is for 5 horses.

PARCEL NO. 06N42E059001A

211

April 29, 2005

Mr. Mark Schwendiman
12265 East 3749 North
Newdale, ID 83436-1102

Re: Amending Claim # 22-4024

Dear Mr. Schwendiman,

As we spoke on the phone on April 29, 2005, I am sending you the forms to add the other homeowners as co-claimants to the above mentioned claim. Please have them file out the new owner/claimant section. Once they have completed and returned the forms, I will send you a new amended claim for you to sign and return.

Thank you for your time. If you have any questions, please do not hesitate to call me at (208) 525-7161.

Sincerely,

Sarah Porter
Water Agent
IDWR

9/26/05 NO RESPONSE TO REQUESTS
Recommend AS IS

Contacts Data Entry Form

Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

04/29/2005: Called Mark Schwendiman about claim. Remun stockwater. 11
Only 3 horses & claim. Add other horse owners as co-claimant.
Sent letter to Mr. Schwendiman to add claimant. Amending claim to
be domestic only.

5/02/2005: Claimant called. one of the owners filed a claim for 1/3 of the
will in February as 22-13353. Claimant wants 3rd owner to file
his own claim for his share.

Reviewer: _____ Date: _____

09/27/2005

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:

Water right number: 22-4024

MARK SCHWENDIMAN

12265 E 3749 N

NEWDALE ID 83436

Telephone Number: (208) 458-4258

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:

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

DATE: OCT 4, 2006

SIGNATURE:

Mark Schwendiman

Please print your name:

MARK SCHWENDIMAN

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

KWJ
10/05
4

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 22-4024 V2

WATER RIGHT NUMBER: 22-4024 V2

Owner Type

Current Owner

Name and Address

MARK SCHWENDIMAN
12265 E 3749 N
NEWDALE, ID 83436
(208)458-4258

Stan Schwendiman
12241 E 3749 N
Newdale, Id
313-7140

Priority Date: 12/01/1949

Basis: Beneficial Use

Status: Active

Source

GROUND WATER

Hirshi

TributaryBeneficial Use

DOMESTIC

From To

01/01 to 12/31

Diversion Rate

0.040 CFS

Annual VolumeTotal Diversion:

0.040 CFS

Location of Point(s) of Diversion

GROUND WATER

MADISON County

NW 1/4SE1/4NW 1/4

Sec. 5, Twp 06N, Rge 42E, B.M.

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	42E	5								X									

Conditions of Approval:

1. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
2. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
3. 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.
4. X01 Domestic use is for 1 home.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 22-4024 V2

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:
 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>
Summary			09/15/2006	sjones	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	9/15/2006 1:37:50 PM	sjones	Updated shape
POD	9/15/2006 1:39:10 PM	sjones	Updated PLS
POU	9/15/2006 1:47:06 PM	sjones	Updated shape for Active POU
Summary	9/15/2006 2:47:13 PM	sjones	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 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?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 22-4024 V1

WATER RIGHT NUMBER: 22-4024 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARK SCHWENDIMAN 12265 E 3749 N NEWDALE, ID 83436 (208)458-4258

Priority Date: 12/01/1949

Basis: Beneficial Use

Status: Closed

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.100 CFS	6.20 AF
STOCKWATER	01/01 to 12/31	0.030 CFS	1.40 AF
	<u>Total Diversion:</u>	0.100 CFS	7.60 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW 1/4	Sec. 5,	Twp 06N,	Rge 42E, B.M.
MADISON County				

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	42E	5																	

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	42E	5																	

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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 22-4024 V1

2. PARCEL NO. 06N42E059001A
3. Use: 5 homes, 60 dairy cows, 5 horses.

Remarks:Comments:

1. DUNN1 12/7/1993 COPIED FROM REMARKS
- Comment: WELL IS USED BY 5 SINGLE FAMILY DWELLINGS OF SEPERATE OWNERSHIP.

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: NONE RECEIVED
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 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>
POD	4/28/2005 3:19:06 PM	kjackson			Closed
POU	4/28/2005 3:19:25 PM	kjackson			Closed
Use	4/28/2005 3:20:18 PM	kjackson			Closed
Season	4/28/2005 3:31:43 PM	kjackson			Closed
Summary			04/28/2005	kjackson	Closed
Priority Date	4/28/2005 3:36:26 PM	kjackson			Closed
Source	4/28/2005 3:36:27 PM	kjackson			Closed
Quantity	4/28/2005 3:36:28 PM	kjackson			Closed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	4/28/2005 3:19:25 PM	kjackson	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU?

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 22-4024 V1

Use	4/28/2005 3:20:18 PM	kjackson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use?
Season	4/28/2005 3:31:43 PM	kjackson	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use?
Summary	4/28/2005 3:33:51 PM	kjackson	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 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?
POD	4/28/2005 3:19:07 PM	kjackson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD?
Priority Date	4/28/2005 3:36:27 PM	kjackson	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice?
Quantity	4/28/2005 3:36:28 PM	kjackson	(No) 1. Is the basis of this claim a Decree or License?
Source	4/28/2005 3:36:28 PM	kjackson	(No) 1. Is the basis of claim Decree or License?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 22-13353 V1

WATER RIGHT NUMBER: 22-13353 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NEIL HIRSCHI 12259 E 3749 N NEWDALE, ID 83436 (208)458-4977

Priority Date: 07/20/1972

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.010 CFS	
	<u>Total Diversion:</u>	0.010 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW 1/4	Sec. 5, Twp 06N, Rge 42E, B.M.
MADISON County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	42E	5																	X

Conditions of Approval:

1. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
2. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
3. 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.
4. PARCEL NO. RP06N42E054294A

Remarks:Comments:

Renumbered from 22-13316

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 22-13353 V1

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:
 Owner Name Connector:
 Water District Number:
 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>
Summary			02/10/2005	jcrabtre	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	2/10/2005 3:56:25 PM	jcrabtre	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 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?

Water Supply Bank:

Paid
\$63⁰⁰

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: A22-04024
Date Received: 8/09/1988
Receipt No: E001158
Received By: FO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARK SCHWENDIMAN 208-458-4258
Address: HC 60 BOX 1066
NEWDALE, ID 83436

2. Date of Priority: DEC 01, 1949

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	42E	5	SE		NW		MADISON

5. Description of diverting works:
WELL, PUMP, PIPE AND STOCK TANKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31		0.100	
STOCKWATER	01/01	12/31		0.030	

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/60 DAIRY, 6 HORSES D/5 HOMES.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	42E	5	SE	NW		STOCK	

11. Place of use in counties: MADISON

A22-04024

Page 1

Date: 08/09/88

A2204024



MICROFILMED

OCT 29 1992

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

13. Other Water Rights Used:

14. Remarks:

WELL IS USED BY 5 SINGLE FAMILY DWELLINGS OF SEPERATE OWNERSHIP.

15. Basis of Claim: STATUTORY CLAIM

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: 2

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): Mark Schwarzman Date: 8/9/88
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 9th day

of August 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 6-94