

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7210

NAME AND ADDRESS: VAL E SCHWENDIMAN FARMS INC
9633 E HWY 33
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 15.500 CFS
5,656.90 AFY

The rights listed below are limited to a total combined diversion rate of 33.22 cfs. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

The rights listed below are limited to a total combined annual diversion volume of 13,767.25 af. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

The rights listed below are limited to a total combined diversion rate of 28.10 cfs. Combined Right Nos.: 22-7210, 22-7271, 22-7313A & 22-7313B

The rights listed below are limited to a total combined diversion rate of 56.36 cfs. Combined Right Nos.: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B & 22-7314.

The rights listed below are limited to a total combined annual diversion volume of 11,476.5 af. Combined Right Nos.: 22-7210, 22-7271, 22-7313A & 22-7313B

PRIORITY DATE: 02/15/1977

POINT OF
DIVERSION:

T07N R41E S29 SESWNE Within FREMONT County
T07N R41E S29 NWNESE Injection Within FREMONT County
T07N R42E S23 SENWSE Rediversion Within FREMONT County

The following rights are diverted through point(s) of rediversion described above: 22-7210, 22-7270, 22-7313A & 22-7313

Three exchange wells are located at or near the point of diversion described above.

The following rights are diverted through point(s) of diversion described above: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B & 22-7314

Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the points of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

15.500 CFS
5,656.90 APY

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in MADISON County

T06N R42E S02 Lot 1 NENE	39.00	T06N R42E S02 Lot 2 NWNE	39.00
T06N R42E S02 SWNE	39.00	T06N R42E S02 SENE	39.00
T06N R42E S02 Lot 3 NENW	39.00	T06N R42E S02 Lot 4 NWNW	39.00
T06N R42E S02 SWNW	39.00	T06N R42E S02 SENW	39.00
T06N R42E S02 NESW	39.00	T06N R42E S02 NWSW	39.00
T06N R42E S02 SWSW	39.00	T06N R42E S02 SESW	39.00
T06N R42E S02 NESE	39.00	T06N R42E S02 NWSE	39.00
T06N R42E S02 SWSE	39.00	T06N R42E S02 SESE	39.00
T06N R42E S03 SENE	3.20	T06N R42E S03 NESE	31.00
T06N R42E S03 NWSE	13.00	T06N R42E S10 NENE	40.00
T06N R42E S10 NWNE	40.00	T06N R42E S10 SWNE	36.00
T06N R42E S10 SENE	31.00	T06N R42E S10 NESW	40.00
T06N R42E S10 NWSW	40.00	T06N R42E S10 NESE	40.00
T06N R42E S10 NWSE	40.00	T06N R42E S11 NENE	39.00
T06N R42E S11 NWNE	39.00	T06N R42E S11 SWNE	39.00
T06N R42E S11 NENW	39.00	T06N R42E S11 NWNW	39.00
T06N R42E S11 SWNW	39.00	T06N R42E S11 SENW	39.00
T07N R42E S21 NENE	7.00	T07N R42E S21 SENE	32.00
T07N R42E S21 NESE	38.00	T07N R42E S22 NENE	14.50
T07N R42E S22 NWNE	14.00	T07N R42E S22 SWNE	39.20
T07N R42E S22 SENE	39.30	T07N R42E S22 NENW	31.00
T07N R42E S22 NWNW	31.00	T07N R42E S22 SWNW	40.00
T07N R42E S22 SENW	40.00	T07N R42E S22 NESW	17.00
T07N R42E S22 NWSW	36.00	T07N R42E S22 NESE	39.00
T07N R42E S22 NWSE	39.00	T07N R42E S23 NWNW	2.80
T07N R42E S23 SWNW	29.00	T07N R42E S23 SENW	3.10
T07N R42E S23 NESW	24.00	T07N R42E S23 NWSW	39.20
T07N R42E S23 SWSW	40.00	T07N R42E S23 SESW	38.00
T07N R42E S23 SWSE	12.00	T07N R42E S26 NWNE	23.30

T07N R42E S26	SWNE	35.00	T07N R42E S26	SENE	2.20
T07N R42E S26	NENW	40.00	T07N R42E S26	NWNW	40.00
T07N R42E S26	SWNW	40.00	T07N R42E S26	SENW	40.00
T07N R42E S26	NESW	36.10	T07N R42E S26	NWSW	40.00
T07N R42E S26	SWSW	40.00	T07N R42E S26	SESW	40.00
T07N R42E S26	NESE	1.60	T07N R42E S26	NWSE	11.80
T07N R42E S26	SWSE	7.10	T07N R42E S27	NENE	40.00
T07N R42E S27	NWNE	40.00	T07N R42E S27	SWNE	40.00
T07N R42E S27	SENE	40.00	T07N R42E S27	NENW	40.00
T07N R42E S27	NWNW	40.00	T07N R42E S27	SWNW	40.00
T07N R42E S27	SENW	40.00	T07N R42E S27	NESW	40.00
T07N R42E S27	NWSW	40.00	T07N R42E S27	SWSW	40.00
T07N R42E S27	SESW	40.00	T07N R42E S27	NESE	40.00
T07N R42E S27	NWSE	40.00	T07N R42E S27	SWSE	40.00
T07N R42E S27	SESE	40.00	T07N R42E S28	NENE	38.00
T07N R42E S28	SWNE	40.00	T07N R42E S28	SENE	40.00
T07N R42E S28	SWSW	40.00	T07N R42E S28	SESW	40.00
T07N R42E S28	NESE	40.00	T07N R42E S28	NWSE	40.00
T07N R42E S28	SWSE	40.00	T07N R42E S28	SESE	40.00
T07N R42E S33	NENW	40.00	T07N R42E S35	NWNE	27.00
T07N R42E S35	SWNE	39.00	T07N R42E S35	SENE	15.60
T07N R42E S35	NENW	40.00	T07N R42E S35	NWNW	40.00
T07N R42E S35	SWNW	40.00	T07N R42E S35	SENW	39.00
T07N R42E S35	NESW	39.00	T07N R42E S35	NWSW	39.00
T07N R42E S35	SWSW	39.00	T07N R42E S35	SESW	39.00
T07N R42E S35	NESE	37.40	T07N R42E S35	NWSE	39.00
T07N R42E S35	SWSE	39.00	T07N R42E S35	SESE	39.00
T07N R42E S36	NWSW	12.80	T07N R42E S36	SWSW	39.00

3934.2 ACRES TOTAL

Place of use does not include federal public lands unless authorized in writing by the managing federal agency.

The rights listed below are limited to the irrigation of a combined total of 3,933.5 acres in a single irrigation season. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

This right is limited to the irrigation of 2,560 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the diversion pump and the exchange wells will be allowed even if the exchange wells are pumping water into the Teton River.

Totalizing measuring devices shall be maintained at the exchange wells and redirection pumps from the Teton River.

The exchange wells must inject water into the Teton River whenever water is being diverted from the river under this water right, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.

The right holder shall accomplish the change authorized by transfer 74650 within one year of the date of February 20, 2009

Failure of the right holder to comply with the conditions of transfer 74650 is cause for the Director to rescind approval of the transfer.

The rate of diversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.

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.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. As of February 20, 2009, this water right is within State Water District No. 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Exchange well diversion capacity is owned half by Schwendiman Farms and half by M & B Enterprises for a total capacity of 56.36 cfs.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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

In Re SRBA

Water Rights: 22-7210, 22-7313A &
22-7313B

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☒ I.C. § 42-222 transfer 74650-Amended
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership
 - ☒ conditions

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: November 4, 2009

Ernest Carlson

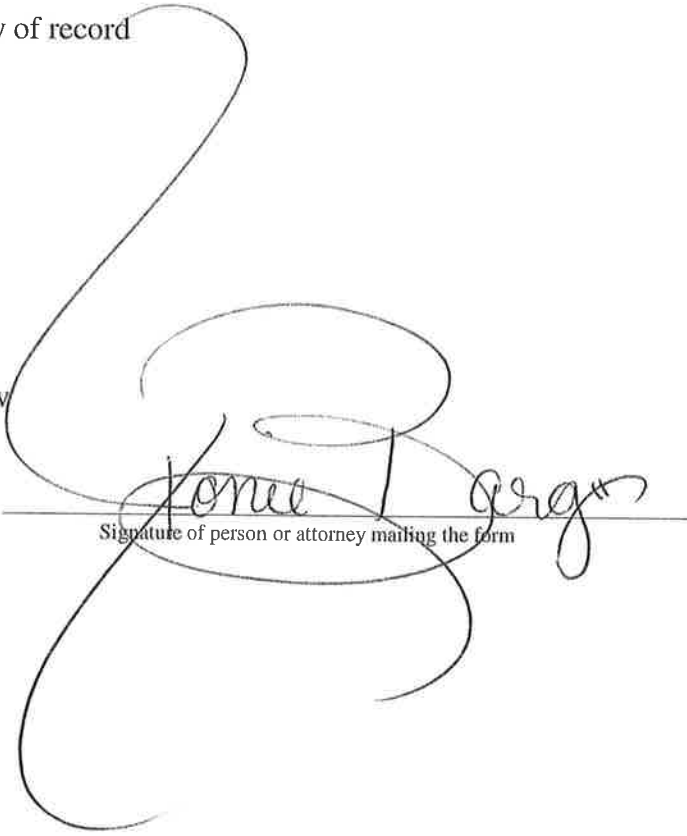
Signature of IDWR Representative

SCANNED
NOV 04 2009

CERTIFICATE OF MAILING

I certify that on Nov. 4, 2009, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Val E Schwendiman Farms Inc
9633 E Hwy 33
Newdale ID 83436
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7210

NAME AND ADDRESS: VAL E SCHWENDIMAN FARMS INC
9633 E HWY 33
NEWDALE ID 83436

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PRIORITY DATE: 02/15/1977

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DIVERSION:

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T07N R41E S29 NWNESE Injection Within FREMONT County
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SCANNED

NOV 04 2009

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

15.500 CFS
5,656.90 AFY

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PLACE OF USE:

IRRIGATION in MADISON County

T06N R42E S02 Lot 1 NENE	39.00	T06N R42E S02 Lot 2 NWNE	39.00
T06N R42E S02 SWNE	39.00	T06N R42E S02 SENE	39.00
T06N R42E S02 Lot 3 NENW	39.00	T06N R42E S02 Lot 4 NWNW	39.00
T06N R42E S02 SWNW	39.00	T06N R42E S02 SENW	39.00
T06N R42E S02 NESW	39.00	T06N R42E S02 NWSW	39.00
T06N R42E S02 SWSW	39.00	T06N R42E S02 SESW	39.00
T06N R42E S02 NESE	39.00	T06N R42E S02 NWSE	39.00
T06N R42E S02 SWSE	39.00	T06N R42E S02 SESE	39.00
T06N R42E S03 SENE	3.20	T06N R42E S03 NESE	31.00
T06N R42E S03 NWSE	13.00	T06N R42E S10 NENE	40.00
T06N R42E S10 NWNE	40.00	T06N R42E S10 SWNE	36.00
T06N R42E S10 SENE	31.00	T06N R42E S10 NESW	40.00
T06N R42E S10 NWSW	40.00	T06N R42E S10 NESE	40.00
T06N R42E S10 NWSE	40.00	T06N R42E S11 NENE	39.00
T06N R42E S11 NWNE	39.00	T06N R42E S11 SWNE	39.00
T06N R42E S11 NENW	39.00	T06N R42E S11 NWNW	39.00
T06N R42E S11 SWNW	39.00	T06N R42E S11 SENW	39.00
T07N R42E S21 NENE	7.00	T07N R42E S21 SENE	32.00
T07N R42E S21 NESE	38.00	T07N R42E S22 NENE	14.50
T07N R42E S22 NWNE	14.00	T07N R42E S22 SWNE	39.20
T07N R42E S22 SENE	39.30	T07N R42E S22 NENW	31.00
T07N R42E S22 NWNW	31.00	T07N R42E S22 SWNW	40.00
T07N R42E S22 SENW	40.00	T07N R42E S22 NESW	17.00
T07N R42E S22 NWSW	36.00	T07N R42E S22 NESE	39.00
T07N R42E S22 NWSE	39.00	T07N R42E S23 NWNW	2.80
T07N R42E S23 SWNW	29.00	T07N R42E S23 SENW	3.10
T07N R42E S23 NESW	24.00	T07N R42E S23 NWSW	39.20
T07N R42E S23 SWSW	40.00	T07N R42E S23 SESW	38.00
T07N R42E S23 SWSE	12.00	T07N R42E S26 NWNW	23.30

SCANNED
NOV 04 2009

T07N R42E S26	SWNE	35.00	T07N R42E S26	SENE	2.20
T07N R42E S26	NENW	40.00	T07N R42E S26	NWNW	40.00
T07N R42E S26	SWNW	40.00	T07N R42E S26	SENW	40.00
T07N R42E S26	NESW	36.10	T07N R42E S26	NWSW	40.00
T07N R42E S26	SWSW	40.00	T07N R42E S26	SESW	40.00
T07N R42E S26	NESE	1.60	T07N R42E S26	NWSE	11.80
T07N R42E S26	SWSE	7.10	T07N R42E S27	NENE	40.00
T07N R42E S27	NWNE	40.00	T07N R42E S27	SWNE	40.00
T07N R42E S27	SENE	40.00	T07N R42E S27	NENW	40.00
T07N R42E S27	NWNW	40.00	T07N R42E S27	SWNW	40.00
T07N R42E S27	SENW	40.00	T07N R42E S27	NESW	40.00
T07N R42E S27	NWSW	40.00	T07N R42E S27	SWSW	40.00
T07N R42E S27	SESW	40.00	T07N R42E S27	NESE	40.00
T07N R42E S27	NWSE	40.00	T07N R42E S27	SWSE	40.00
T07N R42E S27	SESE	40.00	T07N R42E S28	NENE	38.00
T07N R42E S28	SWNE	40.00	T07N R42E S28	SENE	40.00
~~T07N R42E S28~~	~~SWSW~~	~~40.00~~	~~T07N R42E S28~~	~~SESW~~	~~40.00~~
T07N R42E S28	NESE	40.00	T07N R42E S28	NWSE	40.00
T07N R42E S28	SWSE	40.00	T07N R42E S28	SESE	40.00
T07N R42E S33	NENW	40.00	T07N R42E S35	NWNE	27.00
T07N R42E S35	SWNE	39.00	T07N R42E S35	SENE	15.60
T07N R42E S35	NENW	40.00	T07N R42E S35	NWNW	40.00
T07N R42E S35	SWNW	40.00	T07N R42E S35	SENW	39.00
T07N R42E S35	NESW	39.00	T07N R42E S35	NWSW	39.00
T07N R42E S35	SWSW	39.00	T07N R42E S35	SESW	39.00
T07N R42E S35	NESE	37.40	T07N R42E S35	NWSE	39.00
T07N R42E S35	SWSE	39.00	T07N R42E S35	SESE	39.00
T07N R42E S36	NWSW	12.80	T07N R42E S36	SWSW	39.00

3934.2 ACRES TOTAL

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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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Totalizing measuring devices shall be maintained at the exchange wells and redirection pumps from the Teton River.

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The right holder shall accomplish the change authorized by transfer 74650 within one year of the date of February 20, 2009

Failure of the right holder to comply with the conditions of transfer 74650 is cause for the Director to rescind approval of the transfer.

The rate of diversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7313A

NAME AND ADDRESS: VAL E SCHWENDIMAN FARMS INC
9633 E HWY 33
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 5.370 CFS
1,970.82 AFY

The rights listed below are limited to a total combined diversion rate of 33.22 cfs. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

The rights listed below are limited to a total combined diversion rate of 28.10 cfs. Combined Right Nos.: 22-7210, 22-7271, 22-7313A & 22-7313B

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PRIORITY DATE: 01/15/1980

POINT OF
DIVERSION:

T07N R41E S29 SESWNE Within FREMONT County
T07N R41E S29 NWNSE Injection Within FREMONT County
T07N R42E S23 SENWSE Rediversion Within FREMONT County

The following rights are diverted through point(s) of diversion described above: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A & 22-7313B

Three exchange wells are located at or near the point of diversion described above.

The following rights are diverted through point of rediversion described above: 22-7210, 22-7270, 22-7313A & 22-7313B.

Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the points of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

5.370 CFS
1,970.82 AFY

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

SCANNED

PLACE OF USE:

IRRIGATION in MADISON County

T06N R42E S02 Lot 1 NENE	39.00	T06N R42E S02 Lot 2 NWNE	39.00
T06N R42E S02 SWNE	39.00	T06N R42E S02 SENE	39.00
T06N R42E S02 Lot 3 NENW	39.00	T06N R42E S02 Lot 4 NWNW	39.00
T06N R42E S02 SWNW	39.00	T06N R42E S02 SENW	39.00
T06N R42E S02 NESW	39.00	T06N R42E S02 NWSW	39.00
T06N R42E S02 SWSW	39.00	T06N R42E S02 SESW	39.00
T06N R42E S02 NESE	39.00	T06N R42E S02 NWSE	39.00
T06N R42E S02 SWSE	39.00	T06N R42E S02 SESE	39.00
T06N R42E S03 SENE	3.20	T06N R42E S03 NESE	31.00
T06N R42E S03 NWSE	13.00	T06N R42E S10 NENE	40.00
T06N R42E S10 NWNE	40.00	T06N R42E S10 SWNE	36.00
T06N R42E S10 SENE	31.00	T06N R42E S10 NESW	40.00
T06N R42E S10 NWSW	40.00	T06N R42E S10 NESE	40.00
T06N R42E S10 NWSE	40.00	T06N R42E S11 NENE	39.00
T06N R42E S11 NWNE	39.00	T06N R42E S11 SWNE	39.00
T06N R42E S11 NENW	39.00	T06N R42E S11 NWNW	39.00
T06N R42E S11 SWNW	39.00	T06N R42E S11 SENW	39.00
T07N R42E S21 NENE	7.00	T07N R42E S21 SENE	32.00
T07N R42E S21 NESE	38.00	T07N R42E S22 NENE	14.50
T07N R42E S22 NWNE	14.00	T07N R42E S22 SWNE	39.20
T07N R42E S22 SENE	39.30	T07N R42E S22 NENW	31.00
T07N R42E S22 NWNW	31.00	T07N R42E S22 SWNW	40.00
T07N R42E S22 SENW	40.00	T07N R42E S22 NESW	17.00
T07N R42E S22 NWSW	36.00	T07N R42E S22 NESE	39.00
T07N R42E S22 NWSE	39.00	T07N R42E S23 NWNW	2.80
T07N R42E S23 SWNW	29.00	T07N R42E S23 SENW	3.10
T07N R42E S23 NESW	24.00	T07N R42E S23 NWSW	39.20
T07N R42E S23 SWSW	40.00	T07N R42E S23 SESW	38.00
T07N R42E S23 SWSE	12.00	T07N R42E S26 NWNE	23.30
T07N R42E S26 SWNE	35.00	T07N R42E S26 SENE	2.20
T07N R42E S26 NENW	40.00	T07N R42E S26 NWNW	40.00
T07N R42E S26 SWNW	40.00	T07N R42E S26 SENW	40.00
T07N R42E S26 NESW	36.10	T07N R42E S26 NWSW	40.00
T07N R42E S26 SWSW	40.00	T07N R42E S26 SESW	40.00
T07N R42E S26 NESE	1.60	T07N R42E S26 NWSE	11.80
T07N R42E S26 SWSE	7.10	T07N R42E S27 NENE	40.00
T07N R42E S27 NWNE	40.00	T07N R42E S27 SWNE	40.00
T07N R42E S27 SENE	40.00	T07N R42E S27 NENW	40.00
T07N R42E S27 NWNW	40.00	T07N R42E S27 SWNW	40.00

T07N R42E S27	SESW	40.00	T07N R42E S27	NESW	40.00
T07N R42E S27	NWSW	40.00	T07N R42E S27	SWSW	40.00
T07N R42E S27	SESW	40.00	T07N R42E S27	NESE	40.00
T07N R42E S27	NWSE	40.00	T07N R42E S27	SWSE	40.00
T07N R42E S27	SESE	40.00	T07N R42E S28	NENE	38.00
T07N R42E S28	SWNE	40.00	T07N R42E S28	SENE	40.00
T07N R42E S28	SWSW	40.00	T07N R42E S28	SESW	40.00
T07N R42E S28	NESE	40.00	T07N R42E S28	NWSE	40.00
T07N R42E S28	SWSE	40.00	T07N R42E S28	SESE	40.00
T07N R42E S33	NENW	40.00	T07N R42E S35	NWNE	27.00
T07N R42E S35	SWNE	39.00	T07N R42E S35	SENE	15.60
T07N R42E S35	NENW	40.00	T07N R42E S35	NWNW	40.00
T07N R42E S35	SWNW	40.00	T07N R42E S35	SESW	39.00
T07N R42E S35	NESW	39.00	T07N R42E S35	NWSW	39.00
T07N R42E S35	SWSW	39.00	T07N R42E S35	SESW	39.00
T07N R42E S35	NESE	37.40	T07N R42E S35	NWSE	39.00
T07N R42E S35	SWSE	39.00	T07N R42E S35	SESE	39.00
T07N R42E S36	NWSW	12.80	T07N R42E S36	SWSW	39.00

3934.2 ACRES TOTAL

Place of use does not include federal public lands unless authorized in writing by the managing federal agency.

The rights listed below are limited to the irrigation of a combined total of 3,933.5 acres in a single irrigation season. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

This right is limited to the irrigation of 719 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.

The right holder shall accomplish the change authorized by transfer 74650 within one year of the date of February 20, 2009

The rate of diversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.

Failure of the right holder to comply with the conditions of transfer 74650 is cause for the Director to rescind approval of the transfer.

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the rediversion pump and the exchange wells will be allowed even if the exchange wells are pumping water into the Teton River.

Totalizing measuring devices shall be maintained at the exchange wells and rediversion pumps from the Teton River.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. As of February 20, 2009, this water right is within State Water District No. 01.

The exchange wells must inject water into the Teton River whenever water is being diverted from the river under this license, and the injection

must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Exchange well diversion capacity is owned half by Schwendiman Farms and half by M & B Enterprises for a total capacity of 56.36 cfs.

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7313B

NAME AND ADDRESS: VAL E SCHWENDIMAN FARMS INC
9633 E HWY 33
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 3.630 CFS
1,313.88 AFY

The rights listed below are limited to a total combined diversion rate of 28.10 cfs. Combined Right Nos.: 22-7210, 22-7271, 22-7313A & 22-7313B

The rights listed below are limited to a total combined annual diversion volume of 13,767.25 af. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

The rights listed below are limited to a total combined diversion rate of 33.22 cfs. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

The rights listed below are limited to a total combined annual diversion volume of 11,476.5 af. Combined Right Nos.: 22-7210, 22-7271, 22-7313A & 22-7313B

The rights listed below are limited to a total combined diversion rate of 56.36 cfs. Combined Right Nos.: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B & 22-7314.

PRIORITY DATE: 01/15/1980

POINT OF
DIVERSION:

T07N R41E S29 SESWNE Within FREMONT County

T07N R41E S29 NWNESE Injection Within FREMONT County

T07N R42E S23 SENWSE Rediversion Within FREMONT County

Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the points of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above.

Three exchange wells are located at or near the point of diversion described above.

The following rights are diverted through point of rediversion described above: 22-7210, 22-7270, 22-7313A & 22-7313B.

The following rights are diverted through point(s) of diversion described above: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B & 22-7314

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

3.630 CFS
1,313.88 AFY

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in MADISON County

T06N R42E S02 Lot 1 NENE	39.00	T06N R42E S02 Lot 2 NWNE	39.00
T06N R42E S02 SWNE	39.00	T06N R42E S02 SENE	39.00
T06N R42E S02 Lot 3 NENW	39.00	T06N R42E S02 Lot 4 NWNW	39.00
T06N R42E S02 SWNW	39.00	T06N R42E S02 SENW	39.00
T06N R42E S02 NESW	39.00	T06N R42E S02 NWSW	39.00
T06N R42E S02 SWSW	39.00	T06N R42E S02 SESW	39.00
T06N R42E S02 NESE	39.00	T06N R42E S02 NWSE	39.00
T06N R42E S02 SWSE	39.00	T06N R42E S02 SESE	39.00
T06N R42E S03 SENE	3.20	T06N R42E S03 NESE	31.00
T06N R42E S03 NWSE	13.00	T06N R42E S10 NENE	40.00
T06N R42E S10 NWNE	40.00	T06N R42E S10 SWNE	36.00
T06N R42E S10 SENE	31.00	T06N R42E S10 NESW	40.00
T06N R42E S10 NWSW	40.00	T06N R42E S10 NESE	40.00
T06N R42E S10 NWSE	40.00	T06N R42E S11 NENE	39.00
T06N R42E S11 NWNE	39.00	T06N R42E S11 SWNE	39.00
T06N R42E S11 NENW	39.00	T06N R42E S11 NWNW	39.00
T06N R42E S11 SWNW	39.00	T06N R42E S11 SENW	39.00
T07N R42E S21 NENE	7.00	T07N R42E S21 SENE	32.00
T07N R42E S21 NESE	38.00	T07N R42E S22 NENE	14.50
T07N R42E S22 NWNE	14.00	T07N R42E S22 SWNE	39.20
T07N R42E S22 SENE	39.30	T07N R42E S22 NENW	31.00
T07N R42E S22 NWNW	31.00	T07N R42E S22 SWNW	40.00
T07N R42E S22 SENW	40.00	T07N R42E S22 NESW	17.00
T07N R42E S22 NWSW	36.00	T07N R42E S22 NESE	39.00
T07N R42E S22 NWSE	39.00	T07N R42E S23 NWNW	2.80
T07N R42E S23 SWNW	29.00	T07N R42E S23 SENW	3.10
T07N R42E S23 NESW	24.00	T07N R42E S23 NWSW	39.20
T07N R42E S23 SWSW	40.00	T07N R42E S23 SESW	38.00
T07N R42E S23 SWSE	12.00	T07N R42E S26 NWNE	23.30
T07N R42E S26 SWNE	35.00	T07N R42E S26 SENE	2.20
T07N R42E S26 NENW	40.00	T07N R42E S26 NWNW	40.00
T07N R42E S26 SWNW	40.00	T07N R42E S26 SENW	40.00
T07N R42E S26 NESW	36.10	T07N R42E S26 NWSW	40.00
T07N R42E S26 SWSW	40.00	T07N R42E S26 SESW	40.00
T07N R42E S26 NESE	1.60	T07N R42E S26 NWSE	11.80
T07N R42E S26 SWSE	7.10	T07N R42E S27 NENE	40.00

T07N R42E S27	NWNE	40.00	T07N R42E S27	SWNE	40.00
T07N R42E S27	SENE	40.00	T07N R42E S27	NENW	40.00
T07N R42E S27	NWNW	40.00	T07N R42E S27	SWNW	40.00
T07N R42E S27	SENW	40.00	T07N R42E S27	NESW	40.00
T07N R42E S27	NWSW	40.00	T07N R42E S27	SWSW	40.00
T07N R42E S27	SESW	40.00	T07N R42E S27	NESE	40.00
T07N R42E S27	NWSE	40.00	T07N R42E S27	SWSE	40.00
T07N R42E S27	SESE	40.00	T07N R42E S28	NENE	38.00
T07N R42E S28	SWNE	40.00	T07N R42E S28	SENE	40.00
T07N R42E S28	SWSW	40.00	T07N R42E S28	SESW	40.00
T07N R42E S28	NESE	40.00	T07N R42E S28	NWSE	40.00
T07N R42E S28	SWSE	40.00	T07N R42E S28	SESE	40.00
T07N R42E S33	NENW	40.00	T07N R42E S35	NWNE	27.00
T07N R42E S35	SWNE	39.00	T07N R42E S35	SENE	15.60
T07N R42E S35	NENW	40.00	T07N R42E S35	NWNW	40.00
T07N R42E S35	SWNW	40.00	T07N R42E S35	SENW	39.00
T07N R42E S35	NESW	39.00	T07N R42E S35	NWSW	39.00
T07N R42E S35	SWSW	39.00	T07N R42E S35	SESW	39.00
T07N R42E S35	NESE	37.40	T07N R42E S35	NWSE	39.00
T07N R42E S35	SWSE	39.00	T07N R42E S35	SESE	39.00
T07N R42E S36	NWSW	12.80	T07N R42E S36	SWSW	39.00

3934.2 ACRES TOTAL

Place of use does not include federal public lands unless authorized in writing by the managing federal agency.

The rights listed below are limited to the irrigation of a combined total of 3,933.5 acres in a single irrigation season. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

This right is limited to the irrigation of 2560 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Totalizing measuring devices shall be maintained at the exchange wells and redirection pumps from the Teton River.

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.

The right holder shall accomplish the change authorized by transfer 74650 within one year of the date of February 20, 2009

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the redirection pump and the exchange wells will be allowed even if the exchange wells are pumping water into the Teton River.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.

NOV 04 2009

Failure of the right holder to comply with the conditions of transfer 74650 is cause for the Director to rescind approval of the transfer.

The exchange wells must inject water into the Teton River whenever water is being diverted from the river under this license, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.

The rate of diversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Exchange well diversion capacity is owned half by Schwendiman Farms and half by M & B Enterprises for a total capacity of 56.36 cfs.

SCANNED

NOV 04 2009

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

In Re SRBA)

Water Rights: 22-7210, 22-7313A
& 22-7313B

Case No. 39576)

NOTICE OF ADMINISTRATIVE
PROCEEDING

IDWR has received an application for an Administrative proceeding for the above
mentioned water right(s):

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer

☐ point of diversion ☒ place of use

☐ period of use ☐ nature of use

☐ split of water right ☒ change in conditions

IDWR projects the Administrative Proceeding shall be completed no later than: ~~Insert Date~~ *24 April 2010*

DATED: *24 April 2009*

Ernest Carlson

Signature of IDWR Representative

SCANNED

MAY 12 2009

CERTIFICATE OF MAILING

I certify that on April 24, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
VAL E SCHWENDIMAN FARMS INC
9633 E HWY 33
NEWDALE ID 83436

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

Each party in the subcase, or attorney of record
VAL E SCHWENDIMAN FARMS INC
Represented by:
JERRY R RIGBY
25 N 2ND E
PO BOX 250
REXBURG ID 83440-0250

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

SCANNED

MAY 12 2008

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

In Re SRBA

)

Water Rights: 22-7210, 22-7313A
and 22-7313B

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer 74650

☐ point of diversion ☒ place of use

☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 3/3/2009



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 10, 2009, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Val E Schwendiman Farms Inc
9633 E Hwy 33
Newdale ID 83436

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

Each party in the subcase, or attorney of record
Jerry Rigby
25 N 2nd E
PO Box 250
Rexburg ID 83440-0250

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

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

RIGHT NUMBER: 22-7210

NAME AND ADDRESS: VAL E SCHWENDIMAN FARMS INC
9633 E HWY 33
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 15.500 CFS
5,656.900 AFY

The rights listed below are limited to a total combined diversion rate of 33.22 cfs.
Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

The rights listed below are limited to a total combined annual diversion volume of 13, 767.25 af. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

The rights listed below are limited to a total combined diversion rate of 28.10 cfs.
Combined Right Nos.: 22-7210, 22-7271, 22-7313A & 22-7313B

The rights listed below are limited to a total combined diversion rate of 56.36 cfs.
Combined Right Nos.: 22-7205, 22-7210, 22-7265A, 22-7265B & 22-7314

The rights listed below are limited to a total combined annual diversion volume of 11,476.5 af. Combined Right Nos.: 22-7210, 22-7271, 22-7313A & 22-7313B
02/15/1977

PRIORITY DATE:

POINT OF DIVERSION:

T07N R41E S29 SESWNE Within FREMONT County

T07N R41E S29 NWNSE Within FREMONT County

T07N R42E S23 SENWSE Within FREMONT County

The following rights are diverted through point(s) of redirection described above: 22-7210, 22-7270, 22-7313A & 22-7313

Three exchange wells are located at or near the point of diversion described above.

The following rights are diverted through point(s) of diversion described above: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B & 22-7314

Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the points of injection described above, and diverting an equal amount from Teton River at the point of redirection described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	15.500 CFS 5,656.90 AFY

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in MADISON County

T06N R42E S02 Lot 1 NENE	39.00	T06N R42E S02 Lot 2 NWNE	39.00
T06N R42E S02 SWNE	39.00	T06N R42E S02 SENE	39.00
T06N R42E S02 Lot 3 NENW	39.00	T06N R42E S02 Lot 4 NWNW	39.00
T06N R42E S02 SWNW	39.00	T06N R42E S02 SENW	39.00
T06N R42E S02 NESW	39.00	T06N R42E S02 NWSW	39.00
T06N R42E S02 SWSW	39.00	T06N R42E S02 SESW	39.00
T06N R42E S02 NESE	39.00	T06N R42E S02 NWSE	39.00
T06N R42E S02 SWSE	39.00	T06N R42E S02 SESE	39.00
T06N R42E S03 SENE	3.20	T06N R42E S03 NESE	31.00
T06N R42E S03 NWSE	13.00	T06N R42E S10 NENE	40.00
T06N R42E S10 NWNE	40.00	T06N R42E S10 SWNE	36.00
T06N R42E S10 SENE	31.00	T06N R42E S10 NESW	40.00
T06N R42E S10 NWSW	40.00	T06N R42E S10 NESE	40.00
T06N R42E S10 NWSE	40.00	T06N R42E S11 NENE	39.00
T06N R42E S11 NWNE	39.00	T06N R42E S11 SWNE	39.00
T06N R42E S11 NENW	39.00	T06N R42E S11 NWNW	39.00
T06N R42E S11 SWNW	39.00	T06N R42E S11 SENW	39.00
T07N R42E S21 NENE	7.00	T07N R42E S21 SENE	32.00
T07N R42E S21 NESE	38.00	T07N R42E S22 NENE	14.50
T07N R42E S22 NWNE	14.00	T07N R42E S22 SWNE	39.20
T07N R42E S22 SENE	39.30	T07N R42E S22 NENW	31.00
T07N R42E S22 NWNW	31.00	T07N R42E S22 SWNW	40.00
T07N R42E S22 SENW	40.00	T07N R42E S22 NESW	17.00
T07N R42E S22 NWSW	36.00	T07N R42E S22 NESE	39.00
T07N R42E S22 NWSE	39.00	T07N R42E S23 NWNW	2.80
T07N R42E S23 SWNW	29.00	T07N R42E S23 SENW	3.10
T07N R42E S23 NESW	24.00	T07N R42E S23 NWSW	39.20
T07N R42E S23 SWSW	40.00	T07N R42E S23 SESW	38.00
T07N R42E S23 SWSE	12.00	T07N R42E S26 NWNE	23.30
T07N R42E S26 SWNE	35.00	T07N R42E S26 SENE	2.20
T07N R42E S26 NENW	40.00	T07N R42E S26 NWNW	40.00
T07N R42E S26 SWNW	40.00	T07N R42E S26 SENW	40.00

T07N R42E S26	NESW	36.10	T07N R42E S26	NWSW	40.00
T07N R42E S26	SWSW	40.00	T07N R42E S26	SESW	40.00
T07N R42E S26	NESE	1.60	T07N R42E S26	NWSE	11.80
T07N R42E S26	SWSE	7.10	T07N R42E S27	NENE	40.00
T07N R42E S27	NWNE	40.00	T07N R42E S27	SWNE	40.00
T07N R42E S27	SENE	40.00	T07N R42E S27	NENW	40.00
T07N R42E S27	NWNW	40.00	T07N R42E S27	SWNW	40.00
T07N R42E S27	SENW	40.00	T07N R42E S27	NESW	40.00
T07N R42E S27	NWSW	40.00	T07N R42E S27	SWSW	40.00
T07N R42E S27	SESW	40.00	T07N R42E S27	NESE	40.00
T07N R42E S27	NWSE	40.00	T07N R42E S27	SWSE	40.00
T07N R42E S27	SESE	40.00	T07N R42E S28	NENE	38.00
T07N R42E S28	SWNE	40.00	T07N R42E S28	SENE	40.00
T07N R42E S28	SWSW	40.00	T07N R42E S28	SESW	40.00
T07N R42E S28	NESE	40.00	T07N R42E S28	NWSE	40.00
T07N R42E S28	SWSE	40.00	T07N R42E S28	SESE	40.00
T07N R42E S33	NENW	40.00	T07N R42E S35	NWNE	27.00
T07N R42E S35	SWNE	39.00	T07N R42E S35	SENE	15.60
T07N R42E S35	NENW	40.00	T07N R42E S35	NWNW	40.00
T07N R42E S35	SWNW	40.00	T07N R42E S35	SENW	39.00
T07N R42E S35	NESW	39.00	T07N R42E S35	NWSW	39.00
T07N R42E S35	SWSW	39.00	T07N R42E S35	SESW	39.00
T07N R42E S35	NESE	37.40	T07N R42E S35	NWSE	39.00
T07N R42E S35	SWSE	39.00	T07N R42E S35	SESE	39.00
T07N R42E S36	NWSW	12.80	T07N R42E S36	SWSW	39.00

3934.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 3,933.5 acres in a single irrigation season. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

Place of use does not include federal public lands unless authorized in writing by the managing federal agency.

This right is limited to the irrigation of 2,560 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the redirection pump and the exchange wells will be allowed even if the exchange wells are pumping water into the Teton River.

Totalizing measuring devices shall be maintained at the exchange wells and redirection pumps from the Teton River.

The exchange wells must inject water into the Teton River whenever water is being diverted from the river under this water right, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.

The right holder shall accomplish the change authorized by transfer

74650 within one year of the date of February 20, 2009

Failure of the right holder to comply with the conditions of transfer 74650 is cause for the Director to rescind approval of the transfer.

The rate of diversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.

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.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. As of February 02, 2009, this water right is within State Water District No. 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Exchange well diversion capacity is owned half by Schwendiman Farms and half by M & B Enterprises for a total capacity of 56.36 cfs.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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

RIGHT NUMBER: 22-7313A

NAME AND ADDRESS: VAL E SCHWENDIMAN FARMS INC
9633 E HWY 33
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 5.370 CFS
1,970.820 AFY

The rights listed below are limited to a total combined diversion rate of 33.22 cfs.
Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

The rights listed below are limited to a total combined diversion rate of 28.10 cfs.
Combined Right Nos.: 22-7210, 22-7271, 22-7313A & 22-7313B

The rights listed below are limited to a total combined diversion rate of 56.36 cfs.
Combined Right Nos.: 22-7205, 22-7210, 22-7265A, 22-7265B & 22-7314

The rights listed below are limited to a total combined annual diversion volume of 13, 767.25 af. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

The rights listed below are limited to a total combined annual diversion volume of 11,476.5 af. Combined Right Nos.: 22-7210, 22-7271, 22-7313A & 22-7313B

PRIORITY DATE: 01/15/1980

POINT OF DIVERSION:

T07N R41E S29 SESWNE Within FREMONT County

T07N R41E S29 NWNESE Injection Within FREMONT County

T07N R42E S23 SENWSE Rediversion Within FREMONT County

The following rights are diverted through point(s) of diversion described above: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A & 22-7313B

Three exchange wells are located at or near the point of diversion described above.

The following rights are diverted through point(s) of rediversion described above: 22-7210, 22-7270, 22-7313A & 22-7313B

Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the points of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above.

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/15 10/15

5.370 CFS

1,970.82 AFY

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in MADISON County

T06N R42E S02 Lot 1 NENE	39.00	T06N R42E S02 Lot 2 NWNE	39.00
T06N R42E S02 SWNE	39.00	T06N R42E S02 SENE	39.00
T06N R42E S02 Lot 3 NENW	39.00	T06N R42E S02 Lot 4 NWNW	39.00
T06N R42E S02 SWNW	39.00	T06N R42E S02 SENW	39.00
T06N R42E S02 NESW	39.00	T06N R42E S02 NWSW	39.00
T06N R42E S02 SWSW	39.00	T06N R42E S02 SESW	39.00
T06N R42E S02 NESE	39.00	T06N R42E S02 NWSE	39.00
T06N R42E S02 SWSE	39.00	T06N R42E S02 SESE	39.00
T06N R42E S03 SENE	3.20	T06N R42E S03 NESE	31.00
T06N R42E S03 NWSE	13.00	T06N R42E S10 NENE	40.00
T06N R42E S10 NWNE	40.00	T06N R42E S10 SWNE	36.00
T06N R42E S10 SENE	31.00	T06N R42E S10 NESW	40.00
T06N R42E S10 NWSW	40.00	T06N R42E S10 NESE	40.00
T06N R42E S10 NWSE	40.00	T06N R42E S11 NENE	39.00
T06N R42E S11 NWNE	39.00	T06N R42E S11 SWNE	39.00
T06N R42E S11 NENW	39.00	T06N R42E S11 NWNW	39.00
T06N R42E S11 SWNW	39.00	T06N R42E S11 SENW	39.00
T07N R42E S21 NENE	7.00	T07N R42E S21 SENE	32.00
T07N R42E S21 NESE	38.00	T07N R42E S22 NENE	14.50
T07N R42E S22 NWNE	14.00	T07N R42E S22 SWNE	39.20
T07N R42E S22 SENE	39.30	T07N R42E S22 NENW	31.00
T07N R42E S22 NWNW	31.00	T07N R42E S22 SWNW	40.00
T07N R42E S22 SENW	40.00	T07N R42E S22 NESW	17.00
T07N R42E S22 NWSW	36.00	T07N R42E S22 NESE	39.00
T07N R42E S22 NWSE	39.00	T07N R42E S23 NWNW	2.80
T07N R42E S23 SWNW	29.00	T07N R42E S23 SENW	3.10
T07N R42E S23 NESW	24.00	T07N R42E S23 NWSW	39.20
T07N R42E S23 SWSW	40.00	T07N R42E S23 SESW	38.00
T07N R42E S23 SWSE	12.00	T07N R42E S26 NWNE	23.30
T07N R42E S26 SWNE	35.00	T07N R42E S26 SENE	2.20
T07N R42E S26 NENW	40.00	T07N R42E S26 NWNW	40.00
T07N R42E S26 SWNW	40.00	T07N R42E S26 SENW	40.00
T07N R42E S26 NESW	36.10	T07N R42E S26 NWSW	40.00

T07N R42E S26	SWSW	40.00	T07N R42E S26	SESW	40.00
T07N R42E S26	NESE	1.60	T07N R42E S26	NWSE	11.80
T07N R42E S26	SWSE	7.10	T07N R42E S27	NENE	40.00
T07N R42E S27	NWNE	40.00	T07N R42E S27	SWNE	40.00
T07N R42E S27	SENE	40.00	T07N R42E S27	NENW	40.00
T07N R42E S27	NWNW	40.00	T07N R42E S27	SWNW	40.00
T07N R42E S27	SENW	40.00	T07N R42E S27	NESW	40.00
T07N R42E S27	NWSW	40.00	T07N R42E S27	SWSW	40.00
T07N R42E S27	SESW	40.00	T07N R42E S27	NESE	40.00
T07N R42E S27	NWSE	40.00	T07N R42E S27	SWSE	40.00
T07N R42E S27	SESE	40.00	T07N R42E S28	NENE	38.00
T07N R42E S28	SWNE	40.00	T07N R42E S28	SENE	40.00
T07N R42E S28	SWSW	40.00	T07N R42E S28	SESW	40.00
T07N R42E S28	NESE	40.00	T07N R42E S28	NWSE	40.00
T07N R42E S28	SWSE	40.00	T07N R42E S28	SESE	40.00
T07N R42E S33	NENW	40.00	T07N R42E S35	NWNE	27.00
T07N R42E S35	SWNE	39.00	T07N R42E S35	SENE	15.60
T07N R42E S35	NENW	40.00	T07N R42E S35	NWNW	40.00
T07N R42E S35	SWNW	40.00	T07N R42E S35	SENW	39.00
T07N R42E S35	NESW	39.00	T07N R42E S35	NWSW	39.00
T07N R42E S35	SWSW	39.00	T07N R42E S35	SESW	39.00
T07N R42E S35	NESE	37.40	T07N R42E S35	NWSE	39.00
T07N R42E S35	SWSE	39.00	T07N R42E S35	SESE	39.00
T07N R42E S36	NWSW	12.80	T07N R42E S36	SWSW	39.00

3934.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 3,933.5 acres in a single irrigation season. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

Place of use does not include federal public lands unless authorized in writing by the managing federal agency.

This right is limited to the irrigation of 719 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.

The right holder shall accomplish the change authorized by transfer 74650 within one year of the date of February 20, 2009

The rate of diversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.

Failure of the right holder to comply with the conditions of transfer 74650 is cause for the Director to rescind approval of the transfer.

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the

rediversion pump and the exchange wells will be allowed even if the exchange wells are pumping water into the Teton River.

Totalizing measuring devices shall be maintained at the exchange wells and rediversion pumps from the Teton River.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. As of February 20, 2009, this water right is within State Water District No. 01.

The exchange wells must inject water into the Teton River whenever water is being diverted from the river under this license, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Exchange well diversion capacity is owned half by Schwendiman Farms and half by M & B Enterprises for a total capacity of 56.36 cfs.

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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

RIGHT NUMBER: 22-7313B

NAME AND ADDRESS: VAL E SCHWENDIMAN FARMS INC
9633 E HWY 33
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 3.630 CFS
1,313.880 AFY

The rights listed below are limited to a total combined diversion rate of 28.10 cfs.

Combined Right Nos.: 22-7210, 22-7271, 22-7313A & 22-7313B

The rights listed below are limited to a total combined annual diversion volume of 13, 767.25 af. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

The rights listed below are limited to a total combined diversion rate of 33.22 cfs.

Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

The rights listed below are limited to a total combined annual diversion volume of 11,476.5 af. Combined Right Nos.: 22-7210, 22-7271, 22-7313A & 22-7313B

The rights listed below are limited to a total combined diversion rate of 56.36 cfs.

Combined Right Nos.: 22-7205, 22-7210, 22-7265A, 22-7265B & 22-7314

PRIORITY DATE: 01/15/1980

POINT OF DIVERSION:

T07N R41E S29 SESWNE Within FREMONT County

T07N R41E S29 NWNESE Injection Within FREMONT County

T07N R42E S23 SENWSE Rediversion Within FREMONT County

Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the points of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above.

Three exchange wells are located at or near the point of diversion described above.

The following rights are diverted through point(s) of rediversion described above: 22-7210, 22-7270, 22-7313A & 22-7313

The following rights are diverted through point(s) of diversion described above: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B & 22-7314

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

3.630 CFS
1,313.88 AFY

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the

date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in MADISON County

T06N R42E S02 Lot 1 NENE	39.00	T06N R42E S02 Lot 2 NWNE	39.00
T06N R42E S02 SWNE	39.00	T06N R42E S02 SENE	39.00
T06N R42E S02 Lot 3 NENW	39.00	T06N R42E S02 Lot 4 NWNW	39.00
T06N R42E S02 SWNW	39.00	T06N R42E S02 SENW	39.00
T06N R42E S02 NESW	39.00	T06N R42E S02 NWSW	39.00
T06N R42E S02 SWSW	39.00	T06N R42E S02 SESW	39.00
T06N R42E S02 NESE	39.00	T06N R42E S02 NWSE	39.00
T06N R42E S02 SWSE	39.00	T06N R42E S02 SESE	39.00
T06N R42E S03 SENE	3.20	T06N R42E S03 NESE	31.00
T06N R42E S03 NWSE	13.00	T06N R42E S10 NENE	40.00
T06N R42E S10 NWNE	40.00	T06N R42E S10 SWNE	36.00
T06N R42E S10 SENE	31.00	T06N R42E S10 NESW	40.00
T06N R42E S10 NWSW	40.00	T06N R42E S10 NESE	40.00
T06N R42E S10 NWSE	40.00	T06N R42E S11 NENE	39.00
T06N R42E S11 NWNE	39.00	T06N R42E S11 SWNE	39.00
T06N R42E S11 NENW	39.00	T06N R42E S11 NWNW	39.00
T06N R42E S11 SWNW	39.00	T06N R42E S11 SENW	39.00
T07N R42E S21 NENE	7.00	T07N R42E S21 SENE	32.00
T07N R42E S21 NESE	38.00	T07N R42E S22 NENE	14.50
T07N R42E S22 NWNE	14.00	T07N R42E S22 SWNE	39.20
T07N R42E S22 SENE	39.30	T07N R42E S22 NENW	31.00
T07N R42E S22 NWNW	31.00	T07N R42E S22 SWNW	40.00
T07N R42E S22 SENW	40.00	T07N R42E S22 NESW	17.00
T07N R42E S22 NWSW	36.00	T07N R42E S22 NESE	39.00
T07N R42E S22 NWSE	39.00	T07N R42E S23 NWNW	2.80
T07N R42E S23 SWNW	29.00	T07N R42E S23 SENW	3.10
T07N R42E S23 NESW	24.00	T07N R42E S23 NWSW	39.20
T07N R42E S23 SWSW	40.00	T07N R42E S23 SESW	38.00
T07N R42E S23 SWSE	12.00	T07N R42E S26 NWNE	23.30
T07N R42E S26 SWNE	35.00	T07N R42E S26 SENE	2.20
T07N R42E S26 NENW	40.00	T07N R42E S26 NWNW	40.00
T07N R42E S26 SWNW	40.00	T07N R42E S26 SENW	40.00
T07N R42E S26 NESW	36.10	T07N R42E S26 NWSW	40.00
T07N R42E S26 SWSW	40.00	T07N R42E S26 SESW	40.00
T07N R42E S26 NESE	1.60	T07N R42E S26 NWSE	11.80
T07N R42E S26 SWSE	7.10	T07N R42E S27 NENE	40.00
T07N R42E S27 NWNE	40.00	T07N R42E S27 SWNE	40.00
T07N R42E S27 SENE	40.00	T07N R42E S27 NENW	40.00

T07N R42E S27	NWNW	40.00	T07N R42E S27	SWNW	40.00
T07N R42E S27	SENW	40.00	T07N R42E S27	NESW	40.00
T07N R42E S27	NWSW	40.00	T07N R42E S27	SWSW	40.00
T07N R42E S27	SESW	40.00	T07N R42E S27	NESE	40.00
T07N R42E S27	NWSE	40.00	T07N R42E S27	SWSE	40.00
T07N R42E S27	SESE	40.00	T07N R42E S28	NENE	38.00
T07N R42E S28	SWNE	40.00	T07N R42E S28	SENE	40.00
T07N R42E S28	SWSW	40.00	T07N R42E S28	SESW	40.00
T07N R42E S28	NESE	40.00	T07N R42E S28	NWSE	40.00
T07N R42E S28	SWSE	40.00	T07N R42E S28	SESE	40.00
T07N R42E S33	NENW	40.00	T07N R42E S35	NWNE	27.00
T07N R42E S35	SWNE	39.00	T07N R42E S35	SENE	15.60
T07N R42E S35	NENW	40.00	T07N R42E S35	NWNW	40.00
T07N R42E S35	SWNW	40.00	T07N R42E S35	SENW	39.00
T07N R42E S35	NESW	39.00	T07N R42E S35	NWSW	39.00
T07N R42E S35	SWSW	39.00	T07N R42E S35	SESW	39.00
T07N R42E S35	NESE	37.40	T07N R42E S35	NWSE	39.00
T07N R42E S35	SWSE	39.00	T07N R42E S35	SESE	39.00
T07N R42E S36	NWSW	12.80	T07N R42E S36	SWSW	39.00

3934.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 3,933.5 acres in a single irrigation season. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B & 22-12656

This right is limited to the irrigation of 2560 acres within the place of use described above in a single irrigation season.

Place of use does not include federal public lands unless authorized in writing by the managing federal agency.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Totalizing measuring devices shall be maintained at the exchange wells and redirection pumps from the Teton River.

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.

The right holder shall accomplish the change authorized by transfer 74650 within one year of the date of February 20, 2009

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the redirection pump and the exchange wells will be allowed even if the exchange wells are pumping water into the Teton River.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. As of February 20, 2009, this water right is within State Water District No. 01.

Failure of the right holder to comply with the conditions of transfer 74650 is cause for the Director to rescind approval of the transfer.

The exchange wells must inject water into the Teton River whenever water is being diverted from the river under this license, and the injection must continue after the diversion from the Teton River ceases until the

water not diverted reaches the point of injection.

The rate of diversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Exchange well diversion capacity is owned half by Schwendiman Farms and half by M & B Enterprises for a total capacity of 56.36 cfs.



Idaho Department of Water Resources

SRBA Recommendations:

22-7210

22-7271

22-7313A

22-7313B

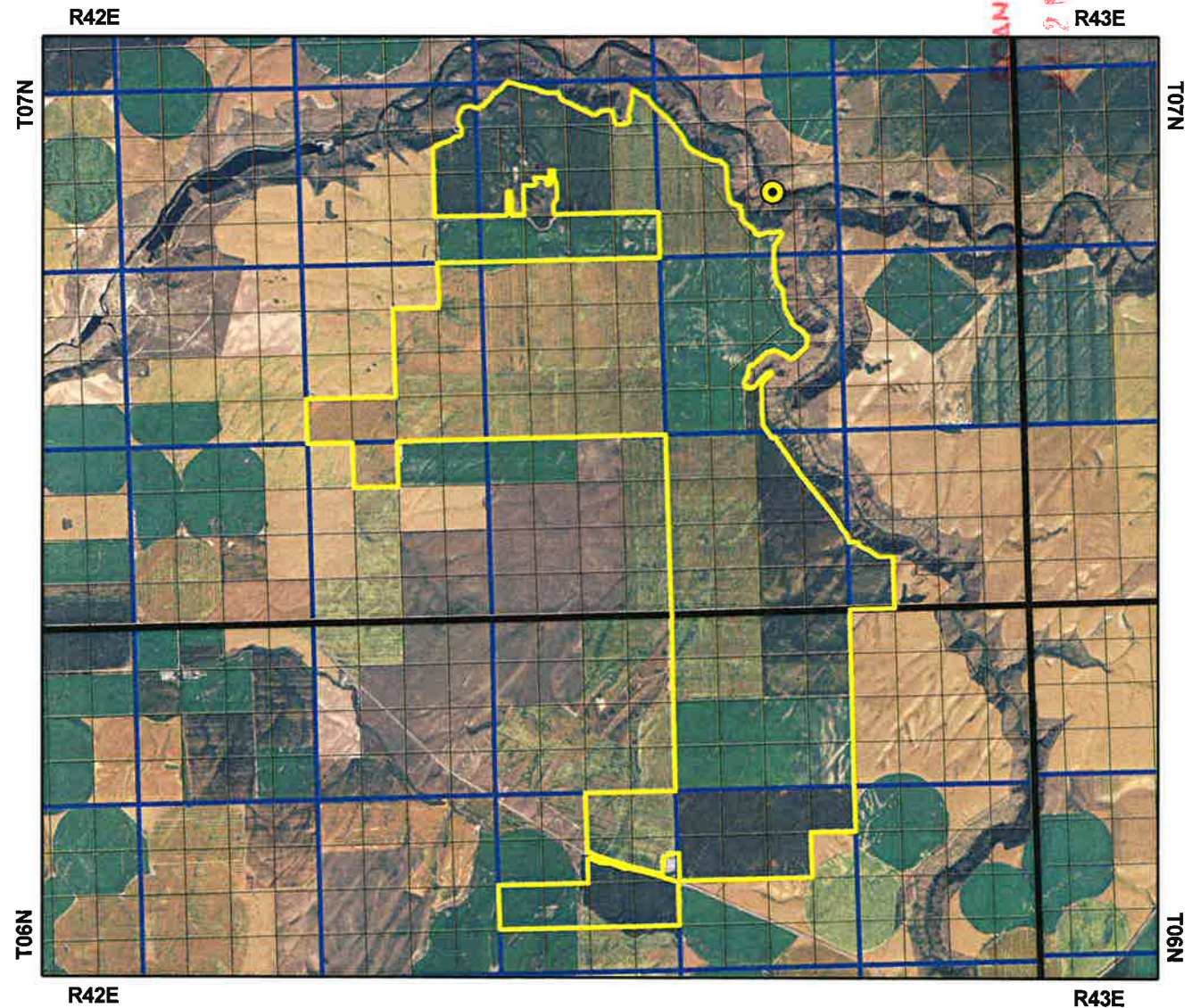
(Irrigation)

Legend

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



Madison County
IDWR Basin 22



0 2 4 Miles

Prepared by C. Moore
On Tuesday, February 27, 2007
2004 Aerial Photography

01/06/2006

**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:

Water right number: 22-7210

VAL E SCHWENDIMAN FARMS INC

9633 E HWY 33

NEWDALE ID 83436

Telephone Number: (208)458-4261

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:

Jan 12-06

SIGNATURE:

Val Schwendiman Pres.

Please print your name:

Val Schwendiman

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

RECEIVED
JAN 12 2006
Department of Water Resources
Eastern Region

SCANNED

JUN 29 2006

PROFILED

~~FILED~~
KMY
1113

Claim no. _____

Claimant Contact Log

Date

Remarks

Agent initials

PPM w/ 22-7210, 7271, 7287, 7313A, + 7313B for a total of 3867 ac.

7210 } 3 exchange wells licensed w/ redirection on Teton River
7313A, B } wells are located fairly close together, so they only had 1 GPS point

7271 River right. POD is same as redirection for those three.
The exchange wells are shared with M + B Enterprises. Each party owns half the total capacity (half of 56.36 cfs). Schuendman is therefore limited to pump 28.18 cfs into the river. However, the diversion works are limited to a capacity of 28.1 cfs.

7287 single well w/ max capacity of 512 cfs tied into system.

Schuendman owns more land that is covered by either a license, permit, or rental shares with Canyon Creek Land Co.

WR 22-10129 covers POU not included in this system although it is still owned by Schuendman Farms.

1-6-06

David Schuendman submitted evidence of priority for the enlargement claim 22-12656 of WR 22-7287 for an additional 60 acres. Also, Val and David came in to go over the POU. We made some corrections based on some misinterpretation of the photo. Their total acres increased with all of those changes. Total water did not change.

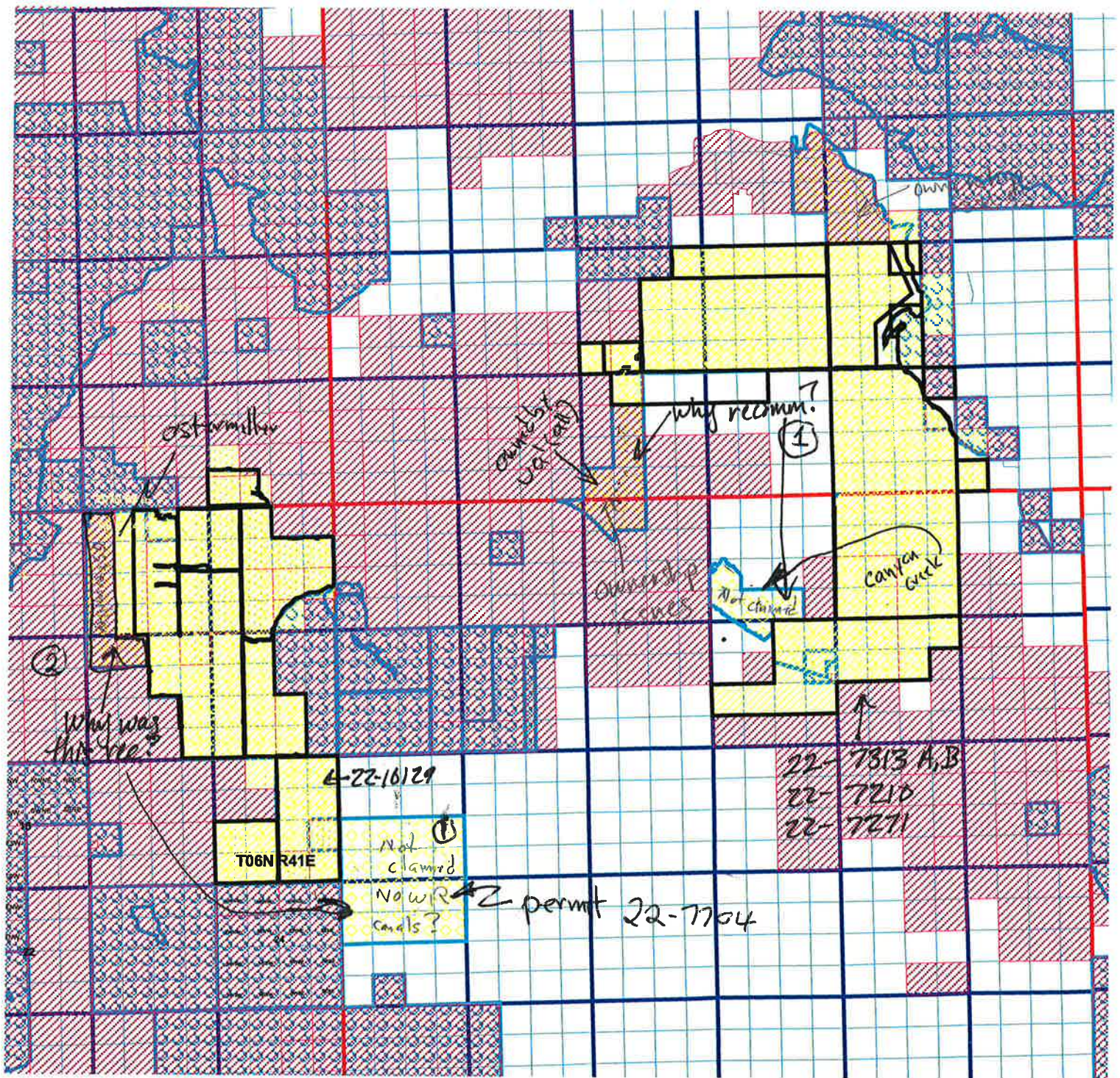
exchange G.W.	22-7210	15.5 cfs	5656.9 AFY	2560 ac.
exchange G.W.	22-7313A	5.37 cfs	1970.82 AFY	719 ac
exchange G.W.	22-7313B	3.63 cfs	1313.88 AFY	2560 ac
			8941.6	
Teton.	22-7271	18.0 cfs	3784.5 AFY	2600 ac.

3279

3319

$3279 \text{ ac} \times 3.5 = 11476.5 \text{ AF}$

SCHWENDIMAN ARMS



22-10129 claimed 2053 per TX
 ↳ combinations of many rights

- ① Sarah recommended!
ownership & issue
(Canyon Creek)
- ① Not claimed!
but recommended
- ② Ostermiller originally.

Val Schwendiman Claims

#	Cfs	AFA	POD(s)
22-7210	15.5	5656.9	Fremont/Madison
22-7271	18	3784.5	Fremont
22-7313A	5.37	1970.82	Fremont/Madison
22-7313B	3.63	1313.88	Fremont/Madison
22-10129	19.14	8853.7	Newdale
Total	61.64	21579.8	

POD List	
07N 41E Sec 29 SESWNE	Fremont
07N 42E Sec 23 SENWSE	Madison
06N 41E Sec 1 SENE	Newdale

SCANNED
JUN 10 2005

PROTECTED



A0005683

exchange well
13055013

PROTECTED

SCANNED
JUN 10 2005



A0005682

exchange wells

13055045

PROFILED

SCANNED
JUN 10 2005



Redversion on river
5 pumps

PROFILED

SCANNED
JUN 10 2005



A0005681

Exchange well

13055044 in Ryan Madison
computer

PROTECTED

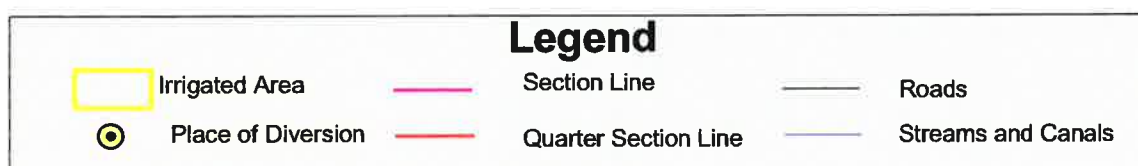
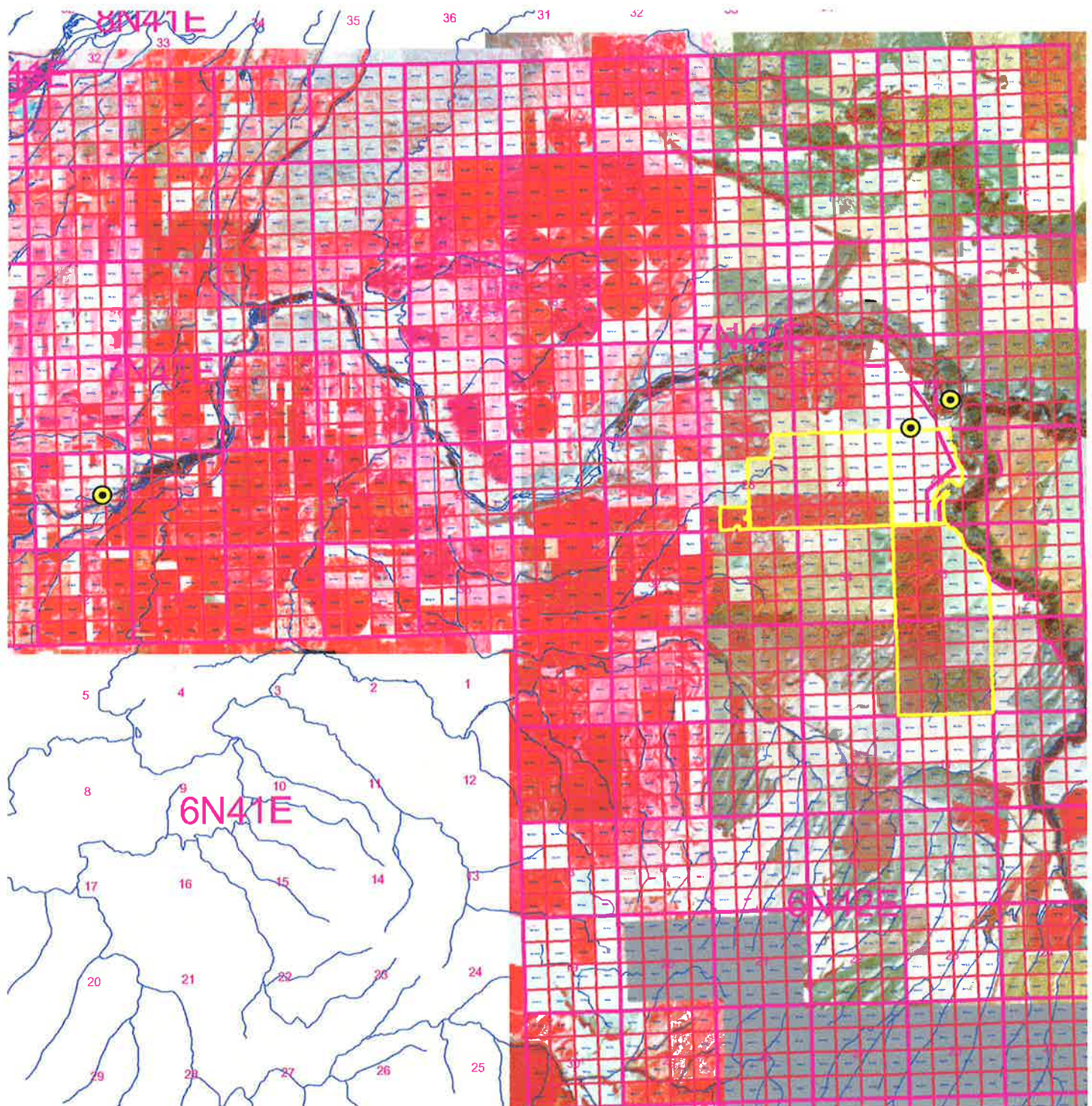
SCANNED

JUN 10 2005

Water Right Claim Number 22-07210

Townships , 7N42E, 6N42E

08/15/2001



6000 0 6000 12000 Feet



PROFILED

SCANNED
JUN 10 2005

SPATIAL
DYNAMICS



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07210

Priority: February 15, 1977

Maximum Diversion Rate: 15.50 CFS

Maximum Diversion Volume: 5656.9 AF

This is to certify, that VAL SCHWENDIMAN FARMS INC

9633 EAST HWY 33

NEWDALE ID 83436

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 15, 1977; and has submitted Proof of Beneficial Use on September 6, 1979. An examination indicates that the works have a diversion capacity of 56.360 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	15.50 CFS	5656.9 AF

LOCATION OF POINT(S) OF DIVERSION:

Rediversion

SWNE , Sec. 29, Township 07N, Range 41E
FREMONT County

NWSE , Sec. 23, Township 07N, Range 42E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	42E	2	Lot 1(NENE) 40	Lot 2(NWNE) 40	SWNE 40	
			SENE 40	Lot 3(NENW) 40	Lot 4(NWNW) 39	
			SWNW 39	SENE 40	NESW 40	
			NWSW 39	SWSW 39	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			636
		10	NENE 39	NWNE 40	SWNE 36	
			SENE 37	NESW 35	NWSW 40	
			NESE 40	NWSE 34		301
		11	NENE 40	NWNE 40	SWNE 40	
			NENW 40	NWNW 39	SWNW 39	
			SENE 40			278
07N	42E	23	SWSE 12			12
		26	NWNE 24	SWNE 34	SENE 3	
			NENW 40	NWNW 39	SWNW 39	
			SENE 40	NESW 40	NWSW 39	
			SWSW 39	SESW 39	NESE 2	
			NWSE 17	SWSE 10		405
		27	NENE 39	NWNE 40	SWNE 40	
			SENE 39	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 39	SESW 39	
			NESE 39	NWSE 40	SWSE 39	
			SESE 39			633
		28	NENE 40	SWNE 40	SENE 40	
			SWSW 40	SESW 40	NESE 40	
			NWSE 40	SWSE 39	SESE 39	358

AUG 09 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07210

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	42E	33	NENW 39			39
		35	NWNE 32	SWNE 40	SENE 18	
			NENW 40	NWNW 39	SWNW 39	
			SENE 40	NESW 40	NWSW 39	
			SWSW 39	SESW 40	NESE 36	
			NWSE 40	SWSE 40	SESE 40	562
		36	NWSW 15	SWSW 40		55

Total number of acres irrigated: 3279

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
7. Unperforated well casing shall be retained above the first confining layer to prevent interference with shallow wells and recharge to the river.
8. No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the redirection pump and the exchange wells will be allowed even if the exchange wells are pumping water into the Teton River.
9. Totalizing measuring devices shall be maintained at the exchange wells and redirection pumps from the Teton River.

AUG 09 1994

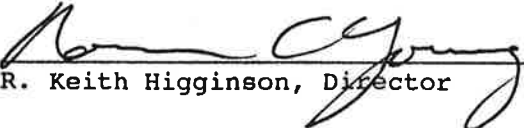
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 22-07210

CONDITIONS/REMARKS:

10. The exchange wells must inject water into the Teton River whenever water is being diverted from the river under this license, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.
11. The power supply to the exchange wells cannot be contracted under the power company's interruptable rules unless the power company agrees to notify the right holder at least 24 hours prior to the time the power service is terminated.
12. The rate of redirection from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.
13. This right is limited to the irrigation of 2560 acres in the place of use described above in a single irrigation season.
14. The director retains jurisdiction of this right to adjust the terms of the exchange if necessary to prevent injury to prior rights.
15. Three points of diversion located in SWNE, S29, T7N, R41E.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 22nd day of July, 1994.

Acting for  R. Keith Higginson, Director

AUG 09 1994

APPROVED

State of Idaho
Department of Water Resources

RECEIVED
AUG 2 1990

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07210

Department of Water Resources

Date of Priority: February 15, 1977

Maximum Diversion Rate: 15.50 CFS
Maximum Diversion Volume:¹ 6579.3 AF

Comes now
NEWDALE, ID 83436

VAL SCHWENDIMAN FARMS INC.

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 22-07210, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	15.50 CFS	6579.3 AF

LOCATION OF POINT(S) OF DIVERSION:
Rediversion

NWSE , Sec. 23, Township 07N, Range 42E
SWNE , Sec. 29, Township 07N, Range 41E
FREMONT County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
06N	42E	2	LOT 1 (NENE)	40	LOT 2 NWNE	40	SWNE	40	
			(SENE)	40	LOT 3 NENW	40	LOT 4 NWNW	39	
			SWNW	39	SENE	40	NESW	40	
			NWSW	39	SWSW	39	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					
07N	42E	26	NWNE	24	SWNE	34	NENW	40	636 ✓
			NWNW	39	SWNW	39	SENE	40	
			NESW	40	NWSW	39	SWSW	39	
			SESW	39	NWSE	17	SWSE	10	
		27	NENE	39	NWNE	40	SWNE	40	400
			SENE	39	NENW	40	NWNW	40	
			SWNW	40	SENE	40	NESW	40	

RECEIVED

AUG 09 1994

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	42E	27	NWSW 40	SWSW 39	SESW 39	
			NESE 39	NWSE 40	SWSE 39	
			SESE 39			633 ✓
		28	NENE 40 ✓	SWNE 40	SENE 40 ✓	
			SWSW 11 ✓	SESW 40	NESE 40 ✓	
			NWSE 40 ✓	SWSE 39 ✓	SESE 39 ✓	329
		35	NWNE 32	SWNE 40	SENE 18	
			NENW 40	NWNW 39	SWNW 39	
			SENW 40	NESW 40	NWSW 39	
			SWSW 39	SESW 40	NESE 36	
			NWSE 40	SWSE 40	SESE 40	562 ✓
Total number of acres irrigated:						2560

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Newdale, Idaho, this 31 day of July, 1990.

Vae Schubertman
(Signature)

AUG 09 1994

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07210

FOR DEPARTMENT USE ONLY

Preliminary check by SC Fee = \$20.00 Received by C. Wong Date 8/2/90

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 22-07210 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right is subject to control by the watermaster of State Water District No. 01
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
7. Measuring devices must be installed and maintained at the point of diversion from the Teton River and point of diversion where groundwater is diverted into the river.
8. 3 points of diversion located in SWNE, S29, T7N, R41E.
9. Point of re-diversion is from Teton River.

Witness my hand this 22nd day of July, 1994.


Acting for R. Keith Higginson, Director

AUG 09 1994

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: A22-07210
Date Received: 3/08/1989
Receipt No: E005992
Received By: KCaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VAL SCHWENDIMAN FARMS INC. 208-458-4261
Address: 9633 EAST HWY 33
NEWDALE, ID 83436

2. Date of Priority: FEB 15, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	41E	29	SE	SW	NE	I	FREMONT
	42E	23		SW	SW		MADISON
			SE	NW	SE	R	FREMONT

5. Description of diverting works:
3-EXCHANGE WELLS, REDIV. PUMPS, WELL & PUMP, MAINLINE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	15.500		

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

8. Total consumptive use is 5120.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	42E	2	NE	NE	1	IRR	40.0

A22-07210

Page

1

Date: 03/08/89

SCANNED

JUN 10 2005

MICROFILMED

OCT 29 1992

A2207210



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	42E	2	NW		NE	2	IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW	3	IRR	40.0
			NW		NW	4	IRR	39.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	39.0
			SW		SW		IRR	39.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0

Section Acres 636.0

07N	42E	26	NW		NE		IRR	24.0
			SW		NE		IRR	34.0
			NE		NW		IRR	40.0
			NW		NW		IRR	39.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	39.0
			SW		SW		IRR	39.0
			SE		SW		IRR	39.0
			NW		SE		IRR	17.0
			SW		SE		IRR	10.0

Section Acres 400.0

27	NE		NE		IRR	39.0
	NW		NE		IRR	40.0
	SW		NE		IRR	40.0
	SE		NE		IRR	39.0
	NE		NW		IRR	40.0
	NW		NW		IRR	40.0
	SW		NW		IRR	40.0
	SE		NW		IRR	40.0
	NE		SW		IRR	40.0
	NW		SW		IRR	40.0
	SW		SW		IRR	39.0
	SE		SW		IRR	39.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	42E	27	NE		SE		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	39.0
			SE		SE		IRR	39.0
							Section Acres	633.0
		28	NE		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			SW		SW		IRR	11.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	39.0
			SE		SE		IRR	39.0
							Section Acres	329.0
		35	NW		NE		IRR	32.0
			SW		NE		IRR	40.0
			SE		NE		IRR	18.0
			NE		NW		IRR	40.0
			NW		NW		IRR	39.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	39.0
			SW		SW		IRR	39.0
			SE		SW		IRR	40.0
			NE		SE		IRR	36.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	562.0
							Total Acres	2560.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
22-7271/7313B/0195/0196

14. Remarks:

REDIVERSION FORM TETON RIVER: SE1/4 NW1/4 SE1/4 SEC 23, T07N, R42E
IN EXCHANGE FOR GROUNDWATER DISCHARGED INTO THE TETON RIVER W/IN
THE SE1/4 SW1/4 NE1/4 SEC 29, T07N, R41E.
P/D IN SWSW SEC 23, R42E, T07N SAME AS 22-7287

15. Basis of Claim: PERMIT

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 Organizations:

I do solemnly swear or affirm that I am _____ of _____ Title

Fac Schuendeman Farms Inc. that I have signed the foregoing
Organization
document in the space below as _____ of _____ Title

Fac Schuendeman Farms Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

Fac Schuendeman
Signature of Authorized Agent

President of Corp.
Title and Organization

March 8 - 1989
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8 day

of Mar 19 89

Betty J. Thompson
Notary Public

BETTY J. THOMPSON, NOTARY PUBLIC

Residing at RESIDING AT IDAHO FALLS, IDAHO

My Commission Expires MY COMMISSION EXPIRES: 6-30-94

Page

4

Date: 03/08/89

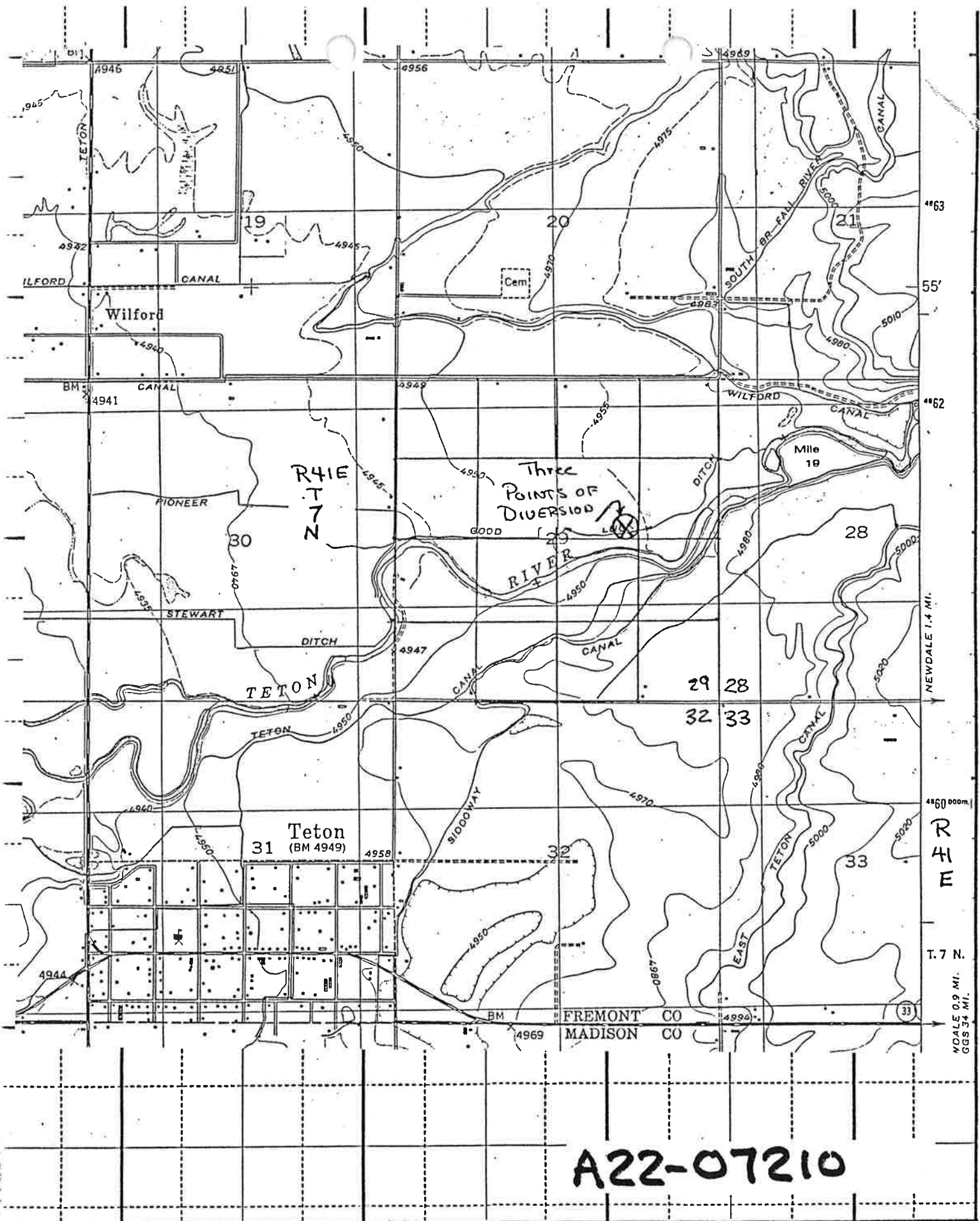


SCANNED

JUN 10 2005

MICROFILMED

OCT 29 1992



A22-07210

TETON RIVER
DIVERSION 27

ONE OF THE
DIVERSION POINTS

BOOSTER
STATION

R42 E

T7N
T6N

LOT 4 LOT 3 LOT 2 LOT 1

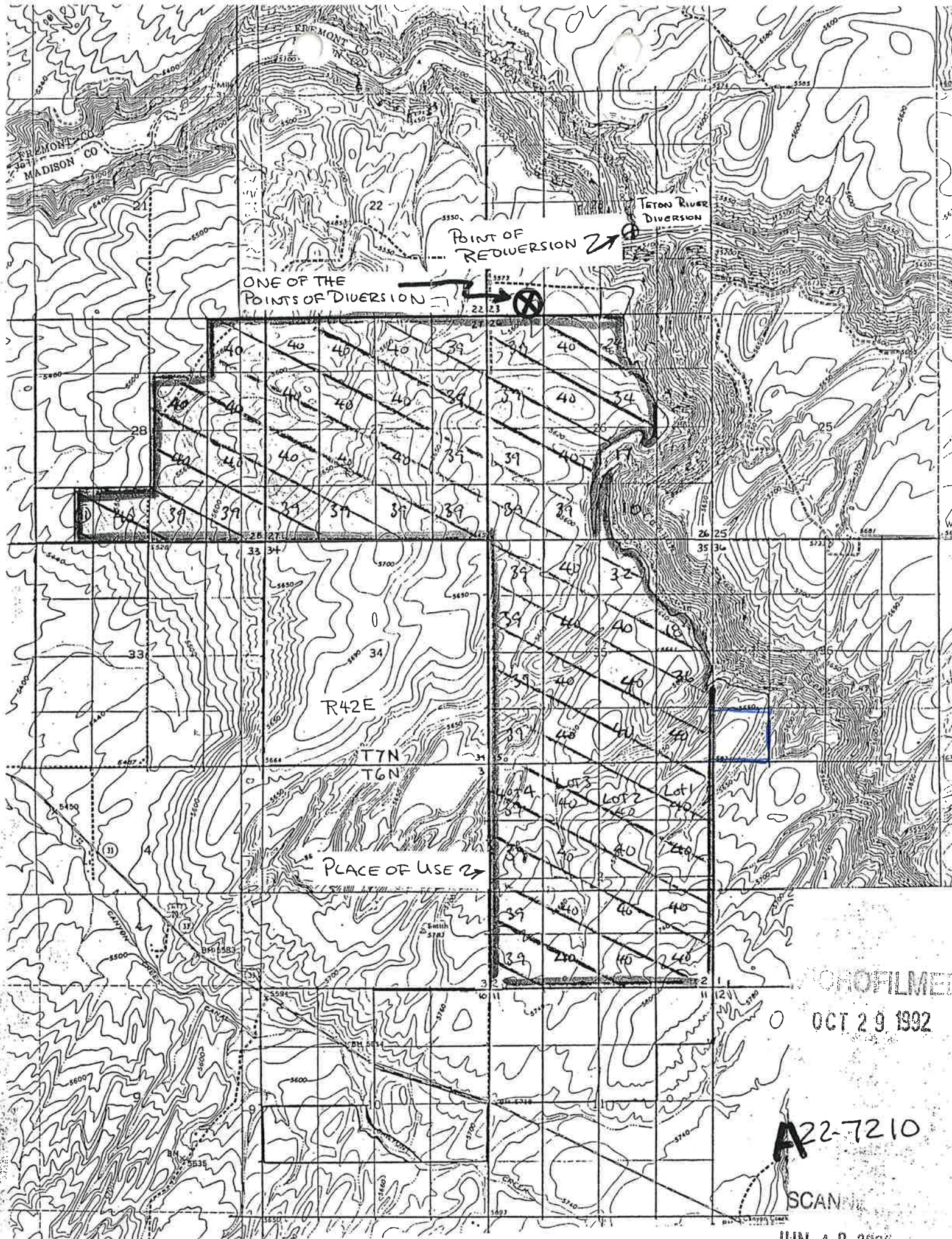
DIESEL
BOOSTER

A22-07210

SCANNED

JUN 10 2015

001-23-152



OROFILME

OCT 29 1992

A22-7210

SCAN

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