

12/13/2006

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

RIGHT NUMBER: 22-12543

NAME AND ADDRESS: DEAN SCHWENDIMAN & SONS INC
PO BOX 57
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.000 CFS
1,697.900 AFY

The rights listed below are limited to a total combined diversion rate of 4.11 cfs and to a total combined annual diversion volume of 1697.9 AF. Combined Right Nos.: 22-2193, 22-7020, 22-12543

PRIORITY DATE: 06/27/1977

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T07N R42E S7 SWSENE Within FREMONT County

T07N R42E S8 NWNWSE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	4.000 CFS 1,697.90 AFY

PLACE OF USE: IRRIGATION in FREMONT County

T07N R41E S12	NENE	38.00	T07N R41E S12	NWNE	40.00
T07N R41E S12	SWNE	40.00	T07N R41E S12	SENE	40.00
T07N R41E S12	SENW	37.00	T07N R41E S12	NESW	40.00
T07N R41E S12	SESW	39.00	T07N R41E S12	NESE	40.00
T07N R41E S12	NWSE	40.00	T07N R41E S12	SWSE	39.00
T07N R41E S12	SESE	39.00	T07N R42E S07	NENE	39.00
T07N R42E S07	NWNE	40.00	T07N R42E S07	SWNE	40.00
T07N R42E S07	SENE	40.00	T07N R42E S07	NENW	40.00
T07N R42E S07 Lot 1 NWNW		36.00	T07N R42E S07 Lot 2 SWNW		36.00
T07N R42E S07	SENW	40.00	T07N R42E S07	NESW	40.00
T07N R42E S07 Lot 3 NWSW		37.00	T07N R42E S07	SESW	0.20
T07N R42E S07	NESE	36.00	T07N R42E S07	NWSE	40.00
T07N R42E S07	SWSE	0.40	T07N R42E S07	SESE	0.40
T07N R42E S08	SWNE	40.00	T07N R42E S08	SENE	40.00
T07N R42E S08	NENW	40.00	T07N R42E S08	NWNW	39.00

T07N R42E S08	SWNW	40.00	T07N R42E S08	SEnw	40.00
T07N R42E S08	NESW	40.00	T07N R42E S08	NWSW	37.00
T07N R42E S08	SWSW	0.40	T07N R42E S08	SESW	0.30
T07N R42E S08	NESE	40.00	T07N R42E S08	NWSE	40.00
T07N R42E S08	SWSE	0.20	T07N R42E S09	SWNW	40.00
T07N R42E S09	SEnw	33.00	T07N R42E S09	NESW	40.00
T07N R42E S09	NWSW	40.00			

1446.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1446.9 acres in a single irrigation season. Combined Right Nos.:22-2193, 22-7020, 22-12543

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.

This right is based upon an enlargement of Right No. 22-2193 and 22-7020 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 1066 acres within the place of use described for this right.

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

RIGHT NUMBER: 22-12543
NAME AND ADDRESS: DEAN SCHWENDIMAN & SONS INC
PO BOX 57
NEWDALE ID 83436

SOURCE: GROUND WATER
QUANTITY: 4.000 CFS
1744.6 AFY

TRIBUTARY:

The rights listed below are limited to a total combined diversion rate of 4.11 cfs and to a total combined annual diversion volume of 1744.6 ~~1697.9~~ AF. Combined Right Nos.: 22-2193, 22-7020, 22-12543.

The rights listed below are limited to a total combined diversion rate of 10.11 cfs and to a total combined annual diversion volume of 2849.6 AF. Combined Right Nos.: 21-7084, 22-2193, 22-7020, and 22-12543.

PRIORITY DATE: 06/27/1977

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T07N R42E S7 SWSENE Within FREMONT County
T07N R42E S8 NWNWE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	4.000 CFS 1,697.90 AFY

PLACE OF USE: IRRIGATION in FREMONT County

T07N R41E S12	NENE	38.00	T07N R41E S12	NWNE	40.00
T07N R41E S12	SWNE	40.00	T07N R41E S12	SENE	40.00
T07N R41E S12	SENW	37.00	T07N R41E S12	NESW	40.00
T07N R41E S12	SESW	39.00	T07N R41E S12	NESE	40.00
T07N R41E S12	NWSE	40.00	T07N R41E S12	SWSE	39.00
T07N R41E S12	SESE	39.00	T07N R42E S07	NENE	39.00
T07N R42E S07	NWNE	40.00	T07N R42E S07	SWNE	40.00
T07N R42E S07	SENE	40.00	T07N R42E S07	NENW	40.00
T07N R42E S07 Lot 1	NWNW	36.00	T07N R42E S07 Lot 2	SWNW	36.00
T07N R42E S07	SENW	40.00	T07N R42E S07	NESW	40.00
T07N R42E S07 Lot 3	NWSW	37.00	T07N R42E S07	NESE	36.00
T07N R42E S07	NWSE	40.00	T07N R42E S08	SWNE	40.00
T07N R42E S08	SENE	40.00	T07N R42E S08	NENW	40.00
T07N R42E S08	NWNW	39.00	T07N R42E S08	SWNW	40.00

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

T07N R42E S08	SESW	40.00	T07N R42E S08	NESW	40.00
T07N R42E S08	NWSW	37.00	T07N R42E S08	NESE	40.00
T07N R42E S08	NWSE	40.00	T07N R42E S09	SWNW	40.00
T07N R42E S09	SESW	33.00	T07N R42E S09	NESW	40.00
T07N R42E S09	NWSW	40.00	~~T07N R42E S08~~	~~SESW~~	~~0.4~~
~~T07N R42E S07~~	~~SESW~~	~~0.2~~	~~T07N R42E S08~~	~~SESW~~	~~0.3~~
~~T07N R42E S07~~	~~SWSE~~	~~0.4~~	~~T07N R42E S08~~	~~SWSE~~	~~0.2~~
~~T07N R42E S07~~	~~SESE~~	~~0.4~~			

1455.0 ~~1446.9~~ ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1445.0 ~~1446.9~~ acres in a single irrigation season. Combined Right Nos.: 22-2193, 22-7020, 22-12543.

The rights listed below are limited to the irrigation of a combined total of 1887.0 acres in a single irrigation season. Combined Right Nos.: 21-7084, 22-2193, 22-7020, and 22-12543.

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

This right is based upon an enlargement of Right No. 22-2193 and 22-7020 pursuant to Section 42-1426, Idaho Code.

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

This right is for an enlargement of 1064.1 acres within the place of use described for this right.

Dean Schwendiman & Sons Inc.

Claim Recommendations:

22-2193

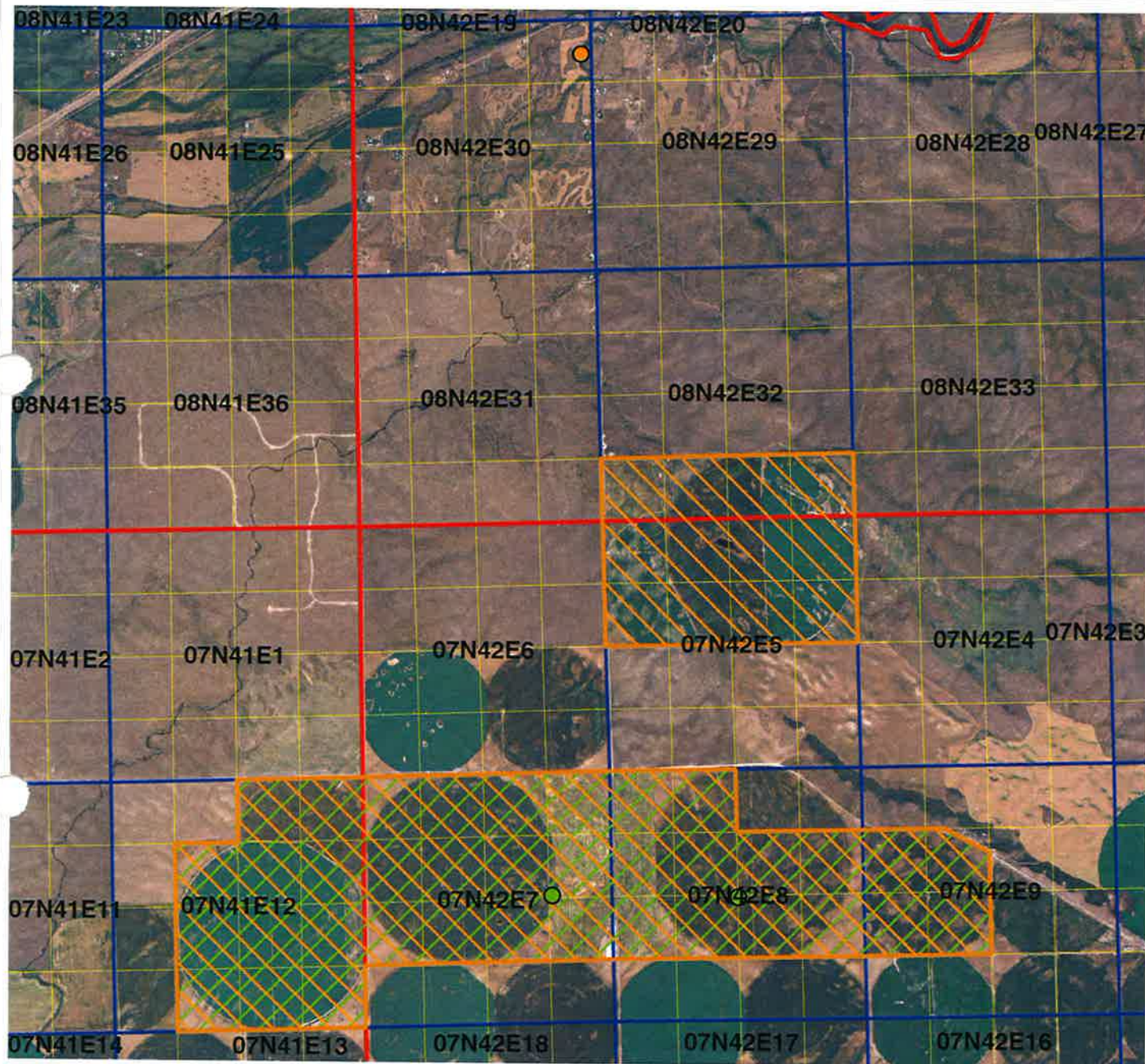
22-7020

22-12543

21-7084

Legend

-  Basin_21_POD
-  Basin_22_PODs
-  21-7084_POU
-  Basin_22_POU



Place Of Use Worksheet

Project: Dean Schwendiman 22-2193, 22-7020, and 22-12543

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Total Acres per Section
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
07N	42E	7	39.0	40.0	40.0	40.0	40.0	36.0	36.0	40.0	40.0	37.0			36.0	40.0			464.0
		8			40.0	40.0	39.0	40.0	40.0	40.0	40.0	37.0			40.0	40.0			396.0
		9							40.0	33.0	40.0	40.0							153.0
	41E	12	38.0	40.0	40.0	40.0				37.0	40.0			39.0	40.0	40.0	39.0	39.0	432.0
																			0.0
																			0.0
																			0.0
																			0.0
																			0.0
																			0.0
																			0.0
																			0.0
Total Acres for POU																			1445.0

CREATED BY

JUN 30 2008

J LARSEN



Idaho Department of Water Resources

SRBA Recommendation:

22-2193

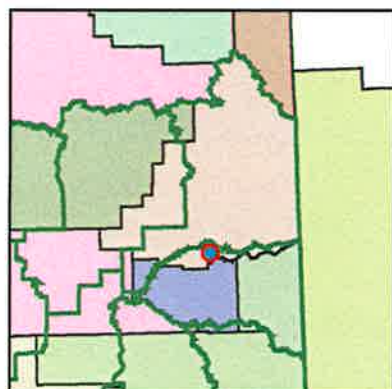
22-7020

22-12543

(Irrigation)

Legend

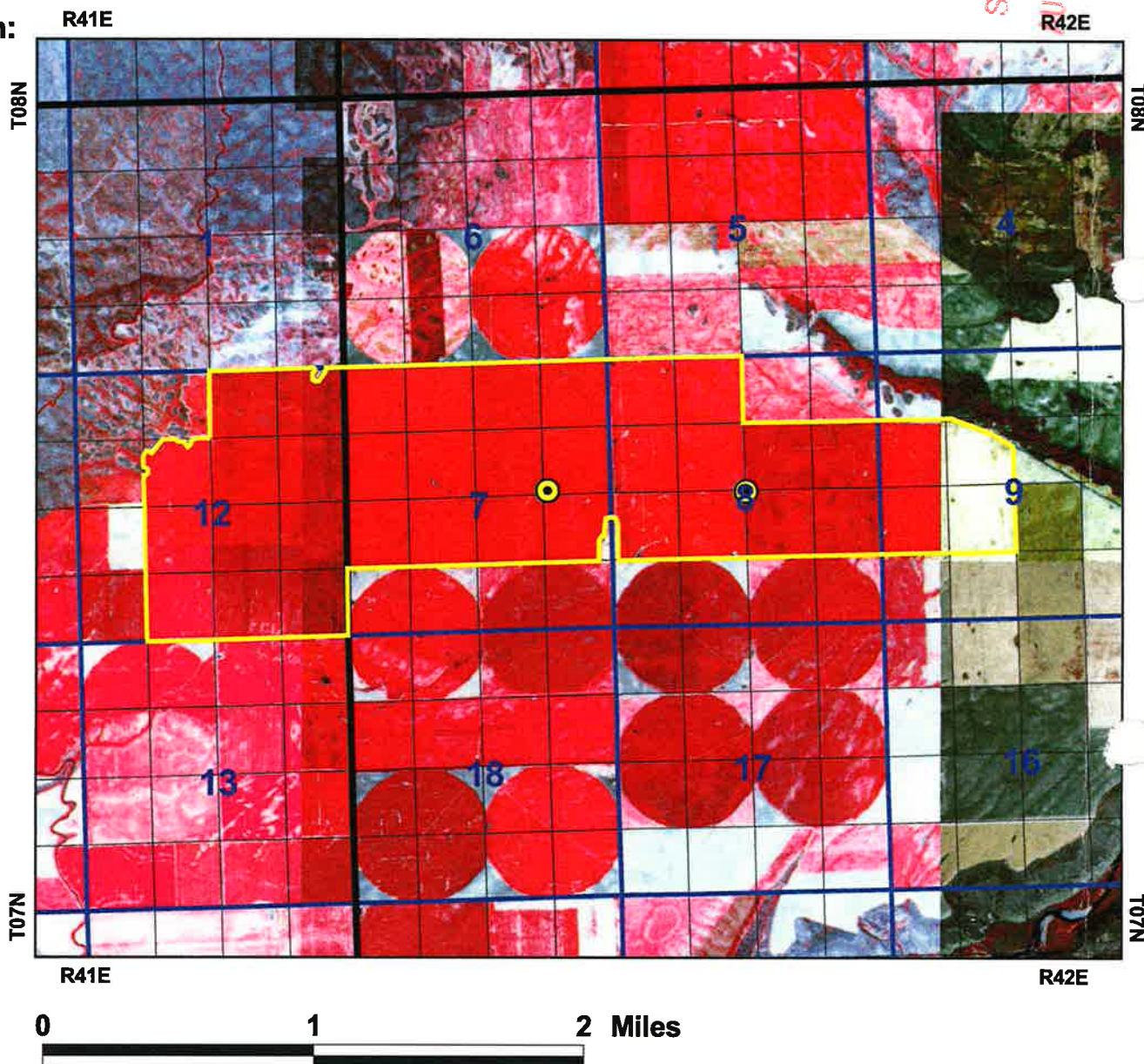
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Fremont County
IDWR Basin 22



SCANNED
AUG 20 2007



SCANNED
AUG 20 2007

Prepared by T. Galbraith
On Monday, October 16, 2006
1987/88 Aerial Photography

RECEIVED

FEB 09 2007

DEPARTMENT OF
WATER RESOURCES

COPY

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

A. Subcase 22-12543

Case No. 35976

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Dean Schwendiman & Sons, Inc.

Address: PO Box 57

Newdale, ID 83436

Daytime Phone: 208-458-4314

Name & Address of Attorney, if any:

Robert L. Harris

Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405-0130

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Dean Schwendiman & Sons, Inc.

Address: PO Box 57

Newdale, ID 83436

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: With combined rights 22-2193, 22-7020 & 22-12543, the total combined annual diversion volume should be 1,744.6 acre feet
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Points of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: As currently recommended, except no acres in the S½ of the S½ of Sections 7 & 8, T7N., R42 E., should be included within the authorized place of use. It appears that these small number of acres were included because of an error with the GIS shapefile.

10. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

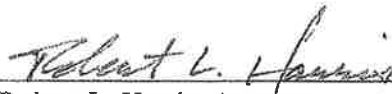
E. **REASONS SUPPORTING OBJECTION(S):** The Preliminary Recommendations for these water rights listed a total combined diversion rate of 4.0 cfs. Before the final recommendations were issued, the total combined diversion rate was increased to 4.11 cfs. However, in making that change, no similar change was made to the annual diversion volume amount. Thus, the total combined annual diversion volume should be increased to 1,744.6 acre feet. As to the place of use objection, it appears that these acres were inadvertently included within the place of use because of a likely GIS error. We would like to have this cleaned up, in addition to cleaning up the total combined annual diversion volume issue discussed above.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Bonneville)

Robert L. Harris, duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


Robert L. Harris, Attorney

Subscribed and sworn to before me this 7th day of February, 2007.




Notary Public for Idaho
Residing at: Idaho Falls, ID
My Commission Expires: July 7, 2009

G.

CERTIFICATE OF MAILING

I hereby certify that on this 7th day of February, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

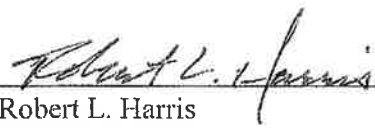
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Robert L. Harris

G:\WPDATA\RLH\13809 Schwendiman, Dean\Objection, 22-12543.wpd

09/27/2006

**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: 22-12543
DEAN SCHWENDIMAN & SONS INC
PO BOX 57
NEWDALE ID 83436
Telephone Number: (208)458-4314

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. 16, 2006 SIGNATURE: Dean Schwendiman
Please print your name: Dean Schwendiman

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

SCANNED

AUG 20 2007

KMO
10/20

June 4, 2004

**DEAN SCHWENDIMAN & SONS INC
PO BOX 57
NEWDALE ID 83436**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-12543

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of MAY 25 1977, from GROUNDWATER.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

SCANNED

AUG 20 2007

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,



Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

SCANNED

AUG 20 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 10, 2005

D SCHWENDIMAN & SON INC
PO BOX 57
NEWDALE ID 83436

FINAL NOTICE

PLEASE READ

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-12543

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of MAY 25, 1977, from a WELL.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

9/28/05 No Response to Request ⇒ Disallowed → No BU found.

I Dirk Parkinson

Do testify that all the acreages on exhibits A, B, C, and D has been irrigated by Dean Schwendiman, or Dean Schwendiman and Sons, Inc. since June 27, 1977. The water was from IDWR permit No. 22-1253, from 3 wells.

One exception is tracts NE4, NW4 Sec. 8, Tsp. 7 N, Rge. 42 E. NW4, NE4, Sec. 8, Tsp. 7N, Rge. 42 E. These two 40 acre tracts, containing approximately 80 acres, were irrigated beginning in 1991.

I was in the area and farm next to Schwendiman's, so have knowledge of the above.



Signed

6-22-06

Date

SCANNED
AUG 20 2007

tract. No

Exhibit A

#1	SE 1/4, SW 1/4	sec. 12	T. 7 N	Rge 41 E
#2	NE 1/4, SW 1/4	sec. 12	T. 7 N	Rge 41 E
#3	SW 1/4, SE 1/4	sec. 12	T. 7 N	Rge 41 E
#4	NW 1/4, SE 1/4	sec. 12	T. 7 N	Rge 41 E
#5	SW 1/4, NE 1/4	sec. 12	T. 7 N	Rge 41 E
#6	NW 1/4, NE 1/4	sec. 12	T. 7 N	Rge 41 E
#7	SE 1/4, SE 1/4	sec. 12	T. 7 N	Rge 41 E
#8	NE 1/4, SE 1/4	sec. 12	T. 7 N	Rge 41 E
#9	SE 1/4, NE 1/4	sec. 12	T. 7 N	Rge 41 E
#10	NE 1/4, NE 1/4	sec. 12	T. 7 N	Rge 41 E
#11	NW 1/4, SE 1/4	sec. 7	T. 7 N	Rge 41 E
#12	SW 1/4, NW 1/4	sec. 7	T. 7 N	Rge 42 E
#13	NW 1/4, NW 1/4	sec. 7	T. 7 N	Rge 42 E
#14	NE 1/4, SE 1/4	sec. 7	T. 7 N	Rge 42 E
#15	SE 1/4, NW 1/4	sec. 7	T. 7 N	Rge 42 E
#16	NE 1/4, NW 1/4	sec. 7	T. 7 N	Rge 42 E
#17	NW 1/4, SE 1/4	sec. 7	T. 7 N	Rge 42 E
#18	SW 1/4, NE 1/4	sec. 7	T. 7 N	Rge 42 E
#19	NW 1/4, NE 1/4	sec. 7	T. 7 N	Rge 42 E
#20	NE 1/4, SE 1/4	sec. 7	T. 7 N	Rge 42 E
#21	SE 1/4, NE 1/4	sec. 7	T. 7 N	Rge 42 E
#22	NE 1/4, NE 1/4	sec. 7	T. 7 N	Rge 42 E
#23	NW 1/4, SW 1/4	sec. 8	T. 7 N	Rge 42 E
#24	SW 1/4, NW 1/4	sec. 8	T. 7 N	Rge 42 E
#25	NW 1/4, NW 1/4	sec. 8	T. 7 N	Rge 42 E
#26	NE 1/4, SW 1/4	sec. 8	T. 7 N	Rge 42 E
#27	SE 1/4, NW 1/4	sec. 8	T. 7 N	Rge 42 E
#28	NE 1/4, NW 1/4	sec. 8	T. 7 N	Rge 42 E

RECEIVED

FEB 15 2006

SCANNED
AUG 20 2007

Tract No.

Exhibit B

#29	NW 1/4	SE 1/4	sec. 8	T. 7 N	Rge 42 E
#30	SW 1/4	NE 1/4	sec. 8	T. 7 N	Rge 42 E
#31	NW 1/4	NE 1/4	sec. 8	T. 7 N	Rge 42 E
#32	NE 1/4	SE 1/4	sec. 8	T. 7 N	Rge 42 E
#33	SE 1/4	NE 1/4	sec. 8	T. 7 N	Rge 42 E
#34	NE 1/4	NE 1/4	sec. 8	T. 7 N	Rge 42 E
#35	NW 1/4	SW 1/4	sec. 9	T. 7 N	Rge 42 E
#36	SW 1/4	NE 1/4	sec. 9	T. 7 N	Rge 42 E
#37	NE 1/4	SE 1/4	sec. 9	T. 7 N	Rge 42 E
#38	SE 1/4	NE 1/4	sec. 9	T. 7 N	Rge 42 E
#39	SW 1/4	NW 1/4	sec. 5	T. 7 N	Rge 42 E
#40	NW 1/4	NW 1/4	sec. 5	T. 7 N	Rge 42 E
#41	SW 1/4	SW 1/4	sec. 32	T. 8 N	Rge 42 E
#42	SE 1/4	NW 1/4	sec. 5	T. 7 N	Rge 42 E
#43	NE 1/4	NW 1/4	sec. 5	T. 7 N	Rge 42 E
#44	SE 1/4	NW 1/4	sec. 32	T. 8 N	Rge 42 E
#45	SW 1/4	NE 1/4	sec. 5	T. 7 N	Rge 42 E
#46	NW 1/4	NE 1/4	sec. 5	T. 7 N	Rge 42 E
#47	SW 1/4	SE 1/4	sec. 32	T. 8 N	Rge 42 E
#48	SE 1/4	NE 1/4	sec. 5	T. 7 N	Rge 42 E
#49	NE 1/4	NE 1/4	sec. 5	T. 7 N	Rge 42 E
#50	SE 1/4	SE 1/4	sec. 32	T. 8 N	Rge 42 E
#51	SE 1/4	NE 1/4	sec. 12	T. 7 N	Rge 42 E

RECEIVED
FEB 15 2006
Department of Water Resources
Eastern Region

SCANNED
AUG 20 2007

2-19-05

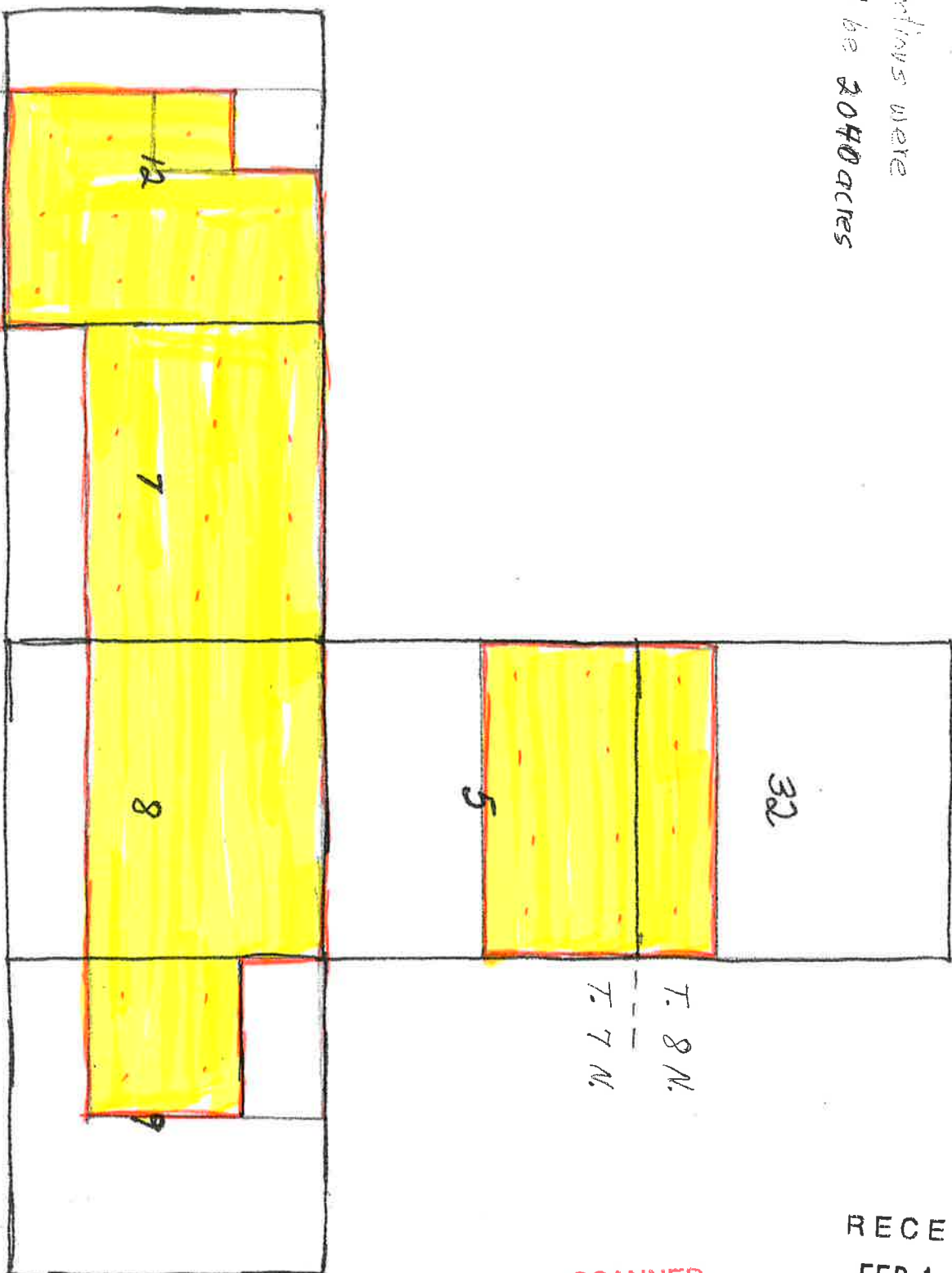
Sections —

same boundary —

if all sections were

full would be 2040 acres

Exhibit C



R. 41 E. R. 42 E.

T. 8 N.
T. 7 N.

RECEIVED

FEB 15 2006

Department of Water Resources
Eastern Region

SCANNED

AUG 20 2007

Water Quantity
under IWR claim # 22-12543

Well #1	NE 1/4 SW 1/4 Sec. 8	2000 G.P.M. <i>2.44 cfs</i>
Well #2	SE 1/4 NE 1/4 Sec. 7	1300 G.P.M. <i>2.89 cfs</i>
Chester well	NE 1/4 NE 1/4 Sec. 30	5500 G.P.M. <i>17.22</i>

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AUG 20 2007

RECEIVED
FEB 15 2006
Department of Water Resources
Eastern Region

Exhibit D

Land irrigated from water licenses -

well #1 22-2193 ; well #2 22-7020 ; Chester 21-7084
date 1960 ; date 1969 ; date 1975
water right number : 22-12543 expanded from above.

by 40 acre tracts - 51 tracts.

containing more or less - Total 2040 acres.

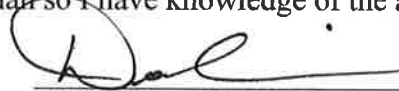
SCANNED
AUG 20 2007

RECEIVED
FEB 15 2008
Department of Water Resources
Eastern Region

22-2193
22-7020
22-17543

I Dirk Parkinson do testify that all the acreages described in exhibit A has been irrigated by Dean Schwendiman, or Dean Schwendiman & Sons, Inc., since June 27, 1977. The water was from IDWR permit No. 22-125⁴3, from 3 individual wells.

My farm borders Dean Schwendiman so I have knowledge of the above.



Signed

10-16-06

Date

SCANNED
AUG 20 2007

Exhibit A

07N42E8NENW
07N42E8NWNW
07N42E7NENE
07N42E7NWNE
07N42E7NENW
07N42E7NWNW
07N42E9SENW
07N42E9SWNW
07N42E8SENE
07N42E8SWNE
07N42E8SENW
07N42E8SWNW
07N42E7SENE
07N42E7SWNE
07N42E7SENW
07N42E7SWNW
07N42E9NESW
07N42E9NWSW
07N42E8NESE
07N42E8NWSE
07N42E8NESW
07N42E8NWSW
07N42E7NESE
07N42E7NWSE
07N42E7NESW
07N42E7NWSW
07N41E12NWNE
07N41E12NESE
07N41E12SESE
07N41E12SWSE
07N41E12SENE
07N41E12NENE
07N41E12NESW
07N41E12SWNE
07N41E12SENW
07N41E12SESW
07N41E12NWSE

SCANNED
AUG 20 2007

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-12543
Date Received: 2/15/1989
Receipt No: E005793
Received By:

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

1. Name of Claimant(s)

DEAN SCHWENDIMAN & SONS INC Phone: (208)458-4314

PO BOX 57
NEWDALE ID USA 83436

2. Date of Priority: 05/25/1977

3. Source: GROUND WATER , GROUND WATER , GROUND WATER Trib. to: , ,

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08N	42E	30	NE NE	FREMONT	
07N	42E	8	NE SW	FREMONT	
07N	42E	7	SE NE	FREMONT	

5. Description of diverting works:

THREE WELLS PUMPS MAINLINE TO LATERALS WITH SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	8.35	

7. Total Quantity Appropriated is:
8.35 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres			
07N	41E	12	SW	SE	IRRIGATION	40			
			SE	SE	IRRIGATION	40			
			NE	NE	IRRIGATION	40			
			NW	NE	IRRIGATION	40			
			SW	NE	IRRIGATION	40			
			SE	NE	IRRIGATION	40			
			SE	NW	IRRIGATION	40			
			NE	SW	IRRIGATION	40			
			SE	SW	IRRIGATION	40			
			NE	SE	IRRIGATION	40			
			NW	SE	IRRIGATION	40			
								Section Acres	440
			07N	42E	7	NE	NE	IRRIGATION	40
NW	NE	IRRIGATION				40			
SW	NE	IRRIGATION				40			
NE	NW	IRRIGATION				40			
NW	NW	IRRIGATION				36.4			
SE	NW	IRRIGATION				40			
NE	SW	IRRIGATION				40			
NW	SE	IRRIGATION				40			
					Section Acres	316.4			
07N	42E	8	SW	NE	IRRIGATION	40			
			SE	NE	IRRIGATION	40			
			NE	NW	IRRIGATION	40			
			NW	NW	IRRIGATION	40			
			SW	NW	IRRIGATION	40			
			SE	NW	IRRIGATION	40			
					Section Acres	240			
07N	42E	9	SE	SW	IRRIGATION	40			
			NE	SW	IRRIGATION	40			
			NW	SW	IRRIGATION	40			
			SW	NW	IRRIGATION	40			
			SE	NW	IRRIGATION	40			
					Section Acres	200			
07N	42E	16	NE	NW	IRRIGATION	40			
								Section Acres	40
						Total Acres	1236.4		

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:

14. Remarks;

THIS RIGHT REPRESENTS AN EXPANSION OF THE FOLLOWING WATER RIGHTS 22-02193/07020, & 21-07084

15. Basis of Claim: Beneficial Use

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: A22-12543
Date Received: 2/15/1989
Receipt No: E005793
Received By: Kcw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DEAN SCHWENDIMAN & SONS INC. 208-458-4314
Address: P.O. BOX 57
NEWDALE, ID 83436

2. Date of Priority: MAY 25, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	42E	7	SE	NE			FREMONT
		8	NE	SW			FREMONT
08N	42E	30	NE	NE			FREMONT

5. Description of diverting works:
THREE WELLS PUMPS MAINLINE TO LATERALS WITH SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	8.350		

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

8. Total consumptive use is 3091.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	41E	12	NE	NE		IRR	40.0

A22-12543

Page 1

Date: 02/15/89

SCANNED
AUG 20 2007

MICROFILMED

NOV 07 1992

A2212543



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	41E	12	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			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	440.0
	42E	7	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW	1	IRR	36.4
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SE		IRR	40.0
							Section Acres	316.4
		8	SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
							Section Acres	240.0
		9	SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SE		SW		IRR	40.0
							Section Acres	200.0
		16	NE		NW		IRR	40.0
							Section Acres	40.0
							Total Acres	1236.4

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS RIGHT REPRESENTS AN EXPANSION OF THE FOLLOWING WATER RIGHTS
22-02193/07020, & 21-07084

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Dean Schwendiman Date: Feb. 15, 1989

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 15 day
of Feb 19 89

Colleen May
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 5/29/99

A22-12543

R42E T8N

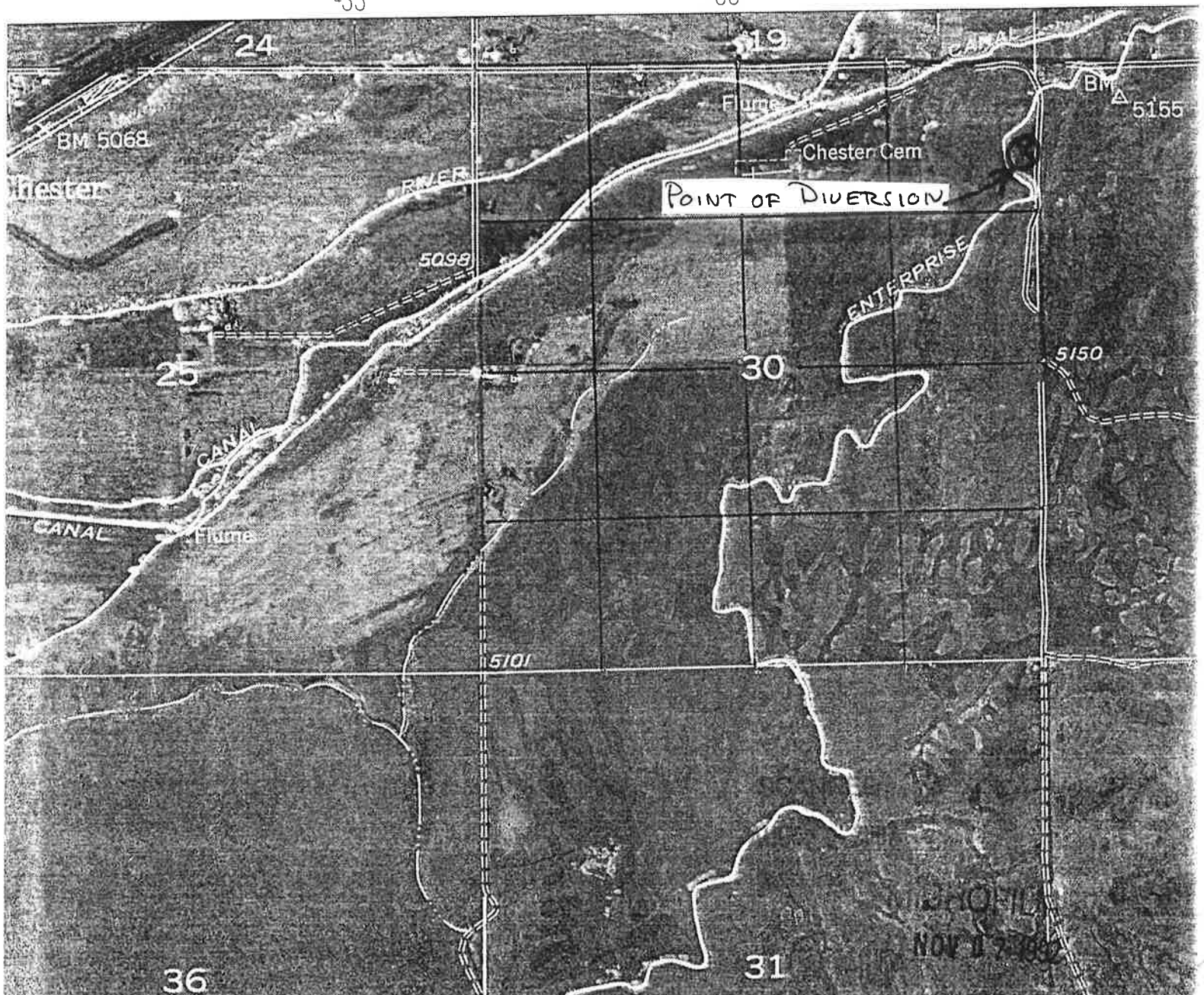
R.41E. R.42E.

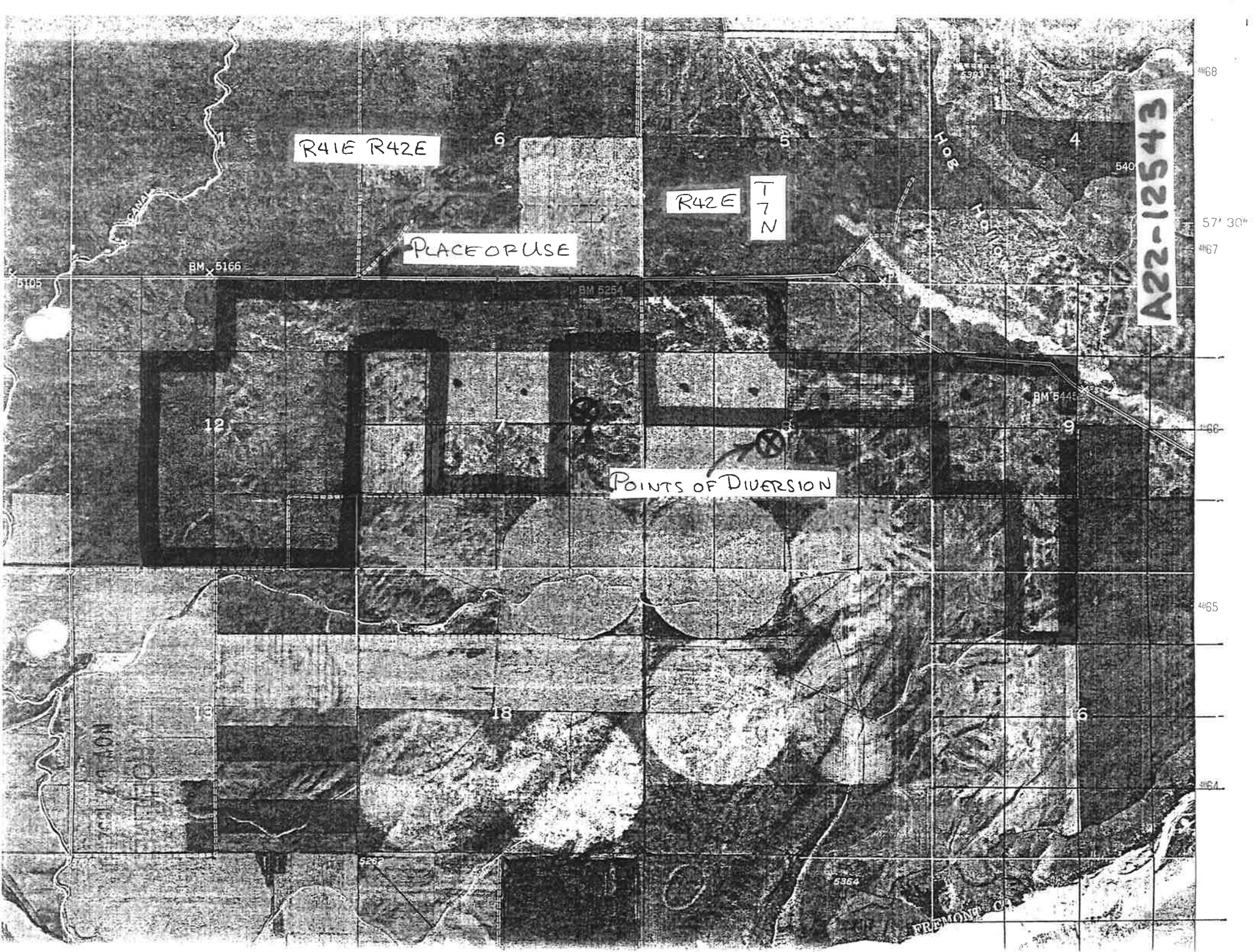
455

456

32' 30"

457





R41E R42E

PLACE OR USE

R42E

T
7
N

A22-12543

POINTS OF DIVERSION

HOB

HOL

BM 5166

BM 5254

BM 5445

NOT A TITHE

FREMONT, CA