

06/16/2011

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

RIGHT NUMBER: 22-13466

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

DIANE P SCHWENDIMAN
9633 E HWY 33
NEWDALE ID 83436

SOURCE: GROUND WATER

QUANTITY: 3.700 CFS
1,570.500 AFY

TRIBUTARY:

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 place of use.

The rights listed below are limited to a total combined annual diversion volume of 7185.5 af. Combined Right Nos.: 22-13466, 22-13467, 22-13468, 22-13469, 22-13470, 22-13471, and 22-13472.

PRIORITY DATE: 02/25/1961

POINT OF DIVERSION:

T06N R41E S1 SENE Within MADISON County
T06N R41E S1 NWNW Lot 4 Within MADISON County
T06N R41E S12 NWSW Within MADISON County
T06N R41E S14 SESE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.700 CFS 1,570.50 AFY

PLACE OF USE: IRRIGATION in FREMONT County and MADISON County

T06N R41E S01	SWNE	39.00	T06N R41E S01	SENE	39.00
T06N R41E S01 Lot 3	NENW	38.00	T06N R41E S01 Lot 4	NWNW	38.00
T06N R41E S01	SWNW	40.00	T06N R41E S01	SENW	40.00
T06N R41E S01	NESW	40.00	T06N R41E S01	NWSW	40.00
T06N R41E S01	SWSW	40.00	T06N R41E S01	SESW	40.00
T06N R41E S01	NESE	32.00	T06N R41E S01	NWSE	39.00
T06N R41E S01	SWSE	11.00	T06N R41E S02 Lot 1	NENE	39.00
T06N R41E S02 Lot 2	NWNE	33.00	T06N R41E S02	SWNE	39.00
T06N R41E S02	SENE	38.00	T06N R41E S02 Lot 3	NENW	15.00
T06N R41E S02	SENW	16.00	T06N R41E S02	NESW	16.00
T06N R41E S02	SESW	16.00	T06N R41E S02	NESE	39.00

T06N R41E S02	NWSE	39.00	T06N R41E S02	SWSE	39.00
T06N R41E S02	SESE	39.00	T06N R41E S11	NENE	40.00
T06N R41E S11	NWNE	40.00	T06N R41E S11	SWNE	40.00
T06N R41E S11	SENE	40.00	T06N R41E S11	NENW	16.00
T06N R41E S11	NESE	40.00	T06N R41E S11	SESE	40.00
T06N R41E S12	NENW	39.00	T06N R41E S12	NWNW	39.00
T06N R41E S12	SWNW	40.00	T06N R41E S12	SENW	40.00
T06N R41E S12	NESW	40.00	T06N R41E S12	NWSW	40.00
T06N R41E S12	SWSW	39.00	T06N R41E S12	SESW	40.00
T06N R41E S12	NWSE	40.00	T06N R41E S12	SWSE	40.00
T06N R41E S13	NENE	39.00	T06N R41E S13	NWNE	40.00
T06N R41E S13	SWNE	40.00	T06N R41E S13	SENE	39.00
T06N R41E S13	NESW	40.00	T06N R41E S13	NWSW	40.00
T06N R41E S13	SWSW	40.00	T06N R41E S13	SESW	40.00
T06N R41E S13	NESE	40.00	T06N R41E S13	NWSE	40.00
T06N R41E S13	SWSE	40.00	T06N R41E S13	SESE	40.00
T07N R41E S36	NESW	4.70	T07N R41E S36	NWSW	8.30
T07N R41E S36	SWSW	38.00	T07N R41E S36	SESW	27.00

2053 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 2053 acres in a single irrigation season. Combined Right Nos.: 22-13466, 22-13467, 22-13468, 22-13469, 22-13470, 22-13471, 22-13472

This right is limited to the irrigation of 665 acres within the place of use described above in a single irrigation season.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is based on former license 22-2196

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

The following rights are diverted through points of diversion described above: 22-13466, 22-13467, 22-13468, 22-13469, 22-13470, 22-13471, and 22-13472.

01/23/2006

**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: 22-13466

VAL E SCHWENDIMAN

9633 E HWY 33

NEWDALE ID 83436

Telephone Number: (208)458-4261

DIANE P SCHWENDIMAN

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:

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

DATE: 2-8-06

SIGNATURE: Val E. Schwendiman

Please print your name: Val E. Schwendiman

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

SCANNED
AUG 22 2007

WATER LICENSE

Water License No. G-29213 Priority February 25, 1961 Amount 3.7 c.f.s.
(late proof)

THIS IS TO CERTIFY, that ELMER R. SCHWENDIMAN
of Newdale, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated December 14, 1960; that Permit G-29213 was issued pursuant
to said application; that the proposed works were completed on or about 1954
with a storage or carrying capacity of 3.7 c.f.s., said works consisting of well, pump,
motor and sprinkler; and that on March 2, 1966,

proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 2324
when used in conjunction with all other permits appurtenant to the same land
acre feet per season/with a maximum rate of diversion of 3.7 cubic feet per second of the waters
of ground water, tributary of _____,

for the purpose of irrigation from April 1 to October 31
and for _____ from _____ to _____; and for

_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in NW 1/4 NW 1/4, Sec. 1, T. 6 N., R. 41 E., B.M., and
other additional points _____, in the County of

Madison; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 2324 acre feet per year. when used in conjunction with all
other permits appurtenant to the same land.
Description and location of place of use:

TWP.	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>6 N</u>	<u>41 E</u>	<u>1</u>					<u>38</u>	<u>38</u>	<u>38</u>	<u>38</u>	<u>39.5</u>	<u>32</u>	<u>34</u>	<u>39</u>					<u>296.5</u>
		<u>2</u>	<u>39</u>	<u>38</u>	<u>39</u>	<u>36</u>	<u>16</u>			<u>16</u>	<u>16</u>		<u>16</u>	<u>37</u>	<u>39</u>	<u>38</u>	<u>38</u>		<u>368</u>

Total number of acres irrigated 664.5 or 665

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

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

17th day of March, 1969

[Signature]
State Reclamation Engineer

22-2196

29213

MAX Vol -
1570, 5 AF

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 22-13466

Date Received:
Receipt Nos:
Received By:

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

Name of Claimant DIANE P SCHWENDIMAN
VAL E SCHWENDIMAN
9633 E HWY 33
NEWDALE, ID 83436
(208)458-4261

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

<u>Source</u>	<u>Tributary</u>
Ground Water	
Teton River	Snake River

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.7 CFS	1570.5 AFA
Total Diversion			3.7 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESENE	Sec. 01	Township 06N	Range 41E	MADISON County
GROUND WATER	NENWNW	Sec. 01	Township 06N	Range 41E	MADISON County
GROUND WATER	SENWSW	Sec. 12	Township 06N	Range 41E	MADISON County
GROUND WATER	SESESE	Sec. 14	Township 06N	Range 41E	MADISON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION MADISON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	41E	1		SWNE 40		SENE	39							
			3	NENW 39	4	NWN W	39		SWNW40		SENE	40		
				NESW 40		NWSW39			SWSW 39		SESW	40		
				NESE 30		NWSE 39			SWSE 13					
		2	1	NENE 39	2	NWNE 36			SWNE 39		SENE	39		
			3	NENW 17		SENE	16							
				NESW 17		SESW	17							
				NESE 40		NWSE 40			SWSE 40		SESE	40		
		11		NENE 40		NWNE 40			SWNE 40		SENE	40		
				NESE 40		NWSE 1			SESE 40					
		12		NENW 39		NWN W	39		SWNW40		SENE	40		
				NESW 40		NWSW40			SWSW 39		SESW	40		
				NWSE 40		SWSE 40								
		13		NENE 39		NWNE 40			SWNE 40		SENE	39		
				NESW 40		NWSW40			SWSW 40		SESW	40		
				NESE 40		NWSE 40			SWSE 40		SESE	40		
07N		36		NESW 5		NWSW10			SWSW 38		SESW	27		

Total Acres: 2053

Remarks: This water right includes the right to divert water which is recovered ground water

resulting from recharge for irrigation and/or water resulting from irrigation under the Canyon Creek Canal Company irrigation works for use on lands within said irrigation entity's authorized place of use. Diversion of this right for the purpose of irrigation is authorized for a maximum acreage equivalent to the authorized place of use for this right. This right includes an accomplished change in place of use pursuant to Section 42-1425, Idaho Code. § I.C. 42-1425 and/or I.C. 42-228. This right includes an accomplished change in point of diversion pursuant to Sections 42-1425 and/or 42-228, Idaho Code. In the event recharge or recovered water is not available, the priority date shall revert to the previously licensed priority date.

1. This right is a split from former right 22-10129.

2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

3. E56 The rights listed below are limited to the irrigation of a combined total of 2053 acres in a single irrigation season. Combined Right Nos.: 22-13466, 22-13467, 22-13468, 22-13469, 22-13470, 22-13471, 22-13472

4. E54 The rights listed below are limited to a total combined annual diversion volume of 7178.5 af. Combined Right Nos.: 22-13466, 22-13467, 22-13468, 22-13469, 22-13470, 22-13471, 22-13472

5. K06 This right is limited to the irrigation of 665 acres within the place of use described above in a single irrigation season.

6. This right is based on former license 22-2196

7. F06 The following rights are all diverted through point of diversion described above: 22-13466 through 22-13472.

8. 129 Place of use is within the area served by Canyon Creek Canal Company.

Describe any other water rights used at the same place and for the same purposes as describe above: Those water rights recommended as of the date of this amended claim.

Basis of Claim: Decreed/License

Signature(s)

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

Number of attachments: Previously submitted and on file with IDWR

For Individuals/Organizations:

I do solemnly swear or affirm under penalty of perjury that I am the attorney for the above

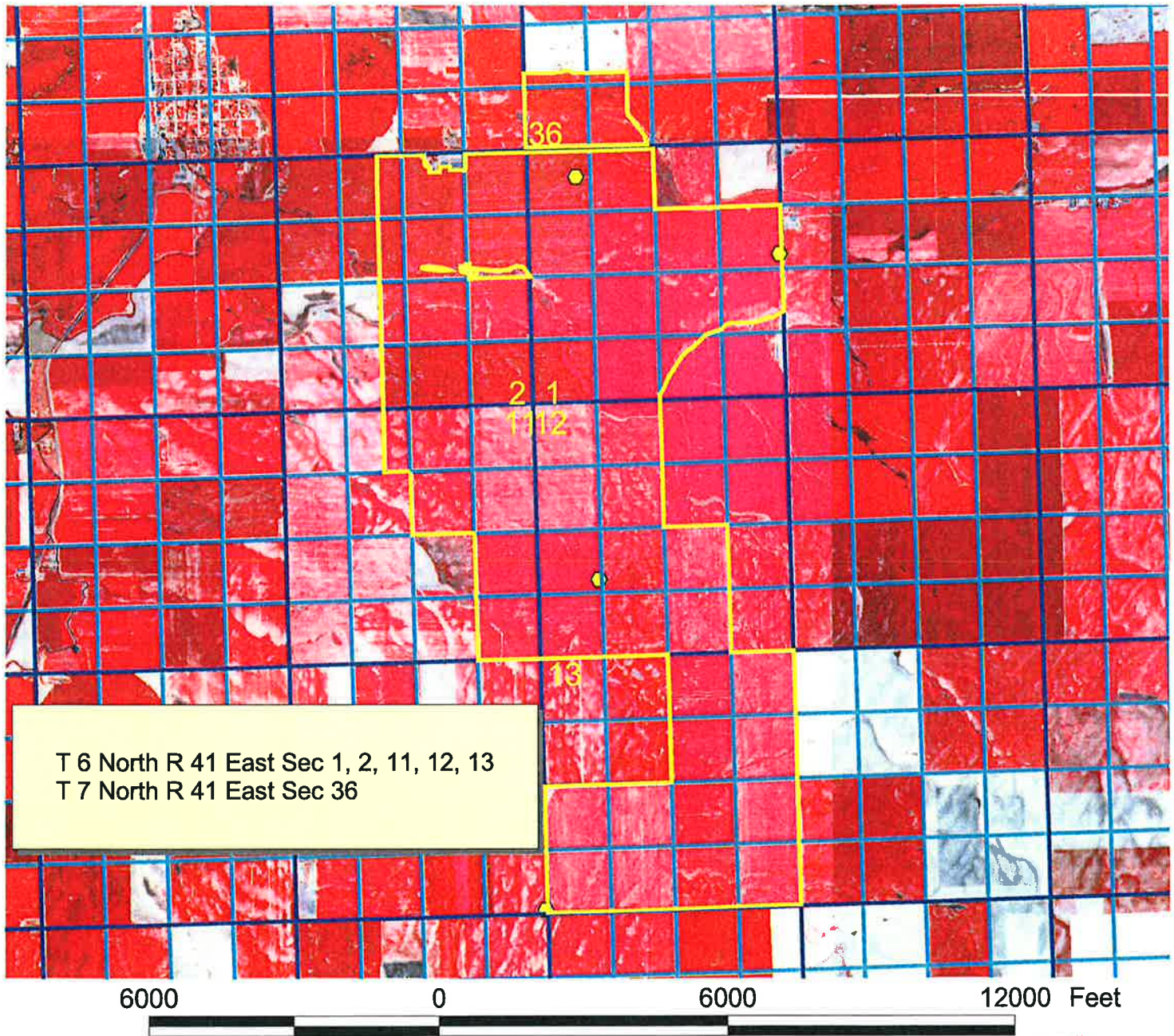




State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 22-13466, 22-13467, 22-13468, 22-13469, 22-13470, 22-13471, 22-13472



- Place of Use
- Sections
- Quarter Quarter
- Points Of Diversion

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by T. Galbraith
Date: Jan. 2006



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

Split from 22-10129

Ident. Number 22-13466

Date Received: 7/5/1988

Receipt No:

Received By:

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

1. Name of Claimant(s)

VAL E SCHWENDIMAN Phone: (208)458-4261
9633 E HWY 33
NEWDALE ID USA 83436

DIANE P SCHWENDIMAN Phone: (208)458-4261
9633 E HWY 33
NEWDALE ID USA 83436

2. Date of Priority: 02/25/1961

3. Source: GROUND WATER , 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
06N	41E	1	NE NW NW	MADISON	
06N	41E	12	SE NW SW	MADISON	
06N	41E	1	SE SE NE	MADISON	
06N	41E	14	SE SE SE	MADISON	

5. Description of diverting works:

FOUR WELLS,PUMPS W/BOOSTERS,MAINLINE TO CENTER PIVOT,& HAND LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	3.7	2324

7. Total Quantity Appropriated is:
3.7 C.F.S. and/or 2324 A.F.A.

8. Total consumptive use:

SCANNED

AUG 22 2007

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres			
06N	41E	1	SW	NE		IRRIGATION	40			
			SE	NE		IRRIGATION	39			
			NE	NW	3	IRRIGATION	39			
			NW	NW	4	IRRIGATION	39			
			SW	NW		IRRIGATION	40			
			SE	NW		IRRIGATION	40			
			NE	SW		IRRIGATION	40			
			NW	SW		IRRIGATION	39			
			SW	SW		IRRIGATION	39			
			SE	SW		IRRIGATION	40			
			NE	SE		IRRIGATION	30			
			NW	SE		IRRIGATION	39			
			SW	SE		IRRIGATION	13			
									Section Acres	477
06N	41E	2	NE	NE	1	IRRIGATION	39			
			NW	NE	2	IRRIGATION	36			
			SW	NE		IRRIGATION	39			
			SE	NE		IRRIGATION	39			
			NE	NW	3	IRRIGATION	17			
			SE	NW		IRRIGATION	16			
			NE	SW		IRRIGATION	17			
			SE	SW		IRRIGATION	17			
			NE	SE		IRRIGATION	40			
			NW	SE		IRRIGATION	40			
			SW	SE		IRRIGATION	40			
			SE	SE		IRRIGATION	40			
									Section Acres	380
			06N	41E	11	NE	NE		IRRIGATION	40
NW	NE					IRRIGATION	40			
SW	NE					IRRIGATION	40			
SE	NE					IRRIGATION	40			
NE	SE					IRRIGATION	40			
NW	SE	1				IRRIGATION	1			
SE	SE					IRRIGATION	40			
						Section Acres	241			
06N	41E	12	NE	NW		IRRIGATION	39			
			NW	NW		IRRIGATION	39			
			SW	NW		IRRIGATION	40			
			SE	NW		IRRIGATION	40			
			NE	SW		IRRIGATION	40			
			NW	SW		IRRIGATION	40			
			SW	SW		IRRIGATION	39			
			SE	SW		IRRIGATION	40			
			NW	SE		IRRIGATION	40			
			SW	SE		IRRIGATION	40			
						Section Acres	397			
06N	41E	13	SE	NE		IRRIGATION	39			
			NE	SW		IRRIGATION	40			
			NW	SW		IRRIGATION	40			

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SW	SW	IRRIGATION	40
SE	SW	IRRIGATION	40
NE	SE	IRRIGATION	40
NW	SE	IRRIGATION	40
SW	SE	IRRIGATION	40
SE	SE	IRRIGATION	40
NE	NE	IRRIGATION	39
NW	NE	IRRIGATION	40
SW	NE	IRRIGATION	40

Section Acres 478

07N	41E	36	NE	SW	IRRIGATION	5
			NW	SW	IRRIGATION	10
			SW	SW	IRRIGATION	38
			SE	SW	IRRIGATION	27

Section Acres 80

Total Acres 2053

11. Place of use in counties: MADISON, FREMONT

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 22-10129 .

15. Basis of Claim: License

SCANNED
AUG 22 2007