

06/17/2011

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

RIGHT NUMBER: 22-13472

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 7.000 CFS
2,971.300 AFY

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: 05/06/1977

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 11/01	7.000 CFS 2,971.30 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

This right is limited to the irrigation of 1485 acres within the place of use described above in a single irrigation season.

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right 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.

This right is based on former licence 22-7234

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: 22-13472

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

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 22-7234 Priority May 6, 1977 Amount 7.0 cfs

THIS IS TO CERTIFY, that Van Schwendiman Farms
of Newdale, ID, has complied with the terms and conditions of Permit
No. 22-7234 issued pursuant to Application for Permit dated May 6, 1977
and has submitted proof to the Department of Water Resources on December 9, 1977
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 7.51 cfs of water from a groundwater source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use Irrigation Period of Use from April 1 to Nov 1 Rate of Diversion 7.0 cfs Annual Volume 2971.3 acre feet

from _____ cfs and _____
from _____ to _____ at _____ cfs and _____
(both dates inclusive)

Subject, however, to the condition that no more than 7.0 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
2971.3 acre feet per year, said waters to be diverted within the SENE Section 1, Twp 6N,
Rge 41E B.M. in the County of Madison

Description and location of place of use:

Twp.	Range	Sec.	NEW				NWW				SWW				SEW				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	41E	1			40	39	39	39	40	40	40	40	39	40	32	40	15		483
		2	39	33	38	36	17		17	17		17	17	38	40	40	40		372
		11	40	40	40	40								40			40		240
		12					39	39	40	40	40	40	40	40					318
7N	41E	36									15	37	20						72

Total number of acres irrigated 1485

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.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29th day of
Jan, 19 82.

For the Director

DET

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 22-13472

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	7 CFS	2971.3 AFA
Total Diversion			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	NWNW 39			SWNW 40			SENE 40	
				NESW 40			NWSW 39			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			NWNW 39			SWNW 40			SENE 40	
				NESW 40			NWSW 40			SWSW 39			SESW 40	
				NWSE 40			SWSE 40							
		13		NENE 39			NWNE 40			SWNE 40			SENE 39	
				NESW 40			NWSW 40			SWSW 40			SESW 40	
				NESE 40			NWSE 40			SWSE 40			SESE 40	
07N		36		NESW 5			NWSW 10			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.C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. This right is a split from former right 22-10129.
- 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. This right is based on former licence 22-7234
- 6.129 Place of use is within the area served by Canyon Creek Canal Company.
- 7.F06 The following rights are all diverted through point of diversion described above: 22-13466 through 22-13472.

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

Basis of Claim: Decreed/License

Signature(s)

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

Number of attachments: Previously submitted and on file with IDWR

For Individuals/Organizations:

I do solemnly swear or affirm under penalty of perjury that I am the attorney for the above individual or organization, that I have signed the foregoing document in the space below as attorney for the individual or organization and that the statements contained in the forgoing document are true and correct.

DATED this 17th day of August, 2010.


Jerry R. Rigby, Attorney for Claimant

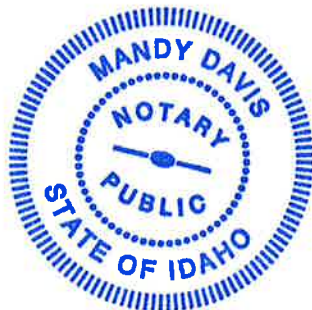
STATE OF IDAHO,)

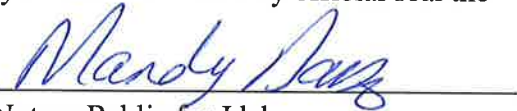
ss.

County of Madison.)

On this 17th day of August, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for Idaho

Residing at: St. Anthony

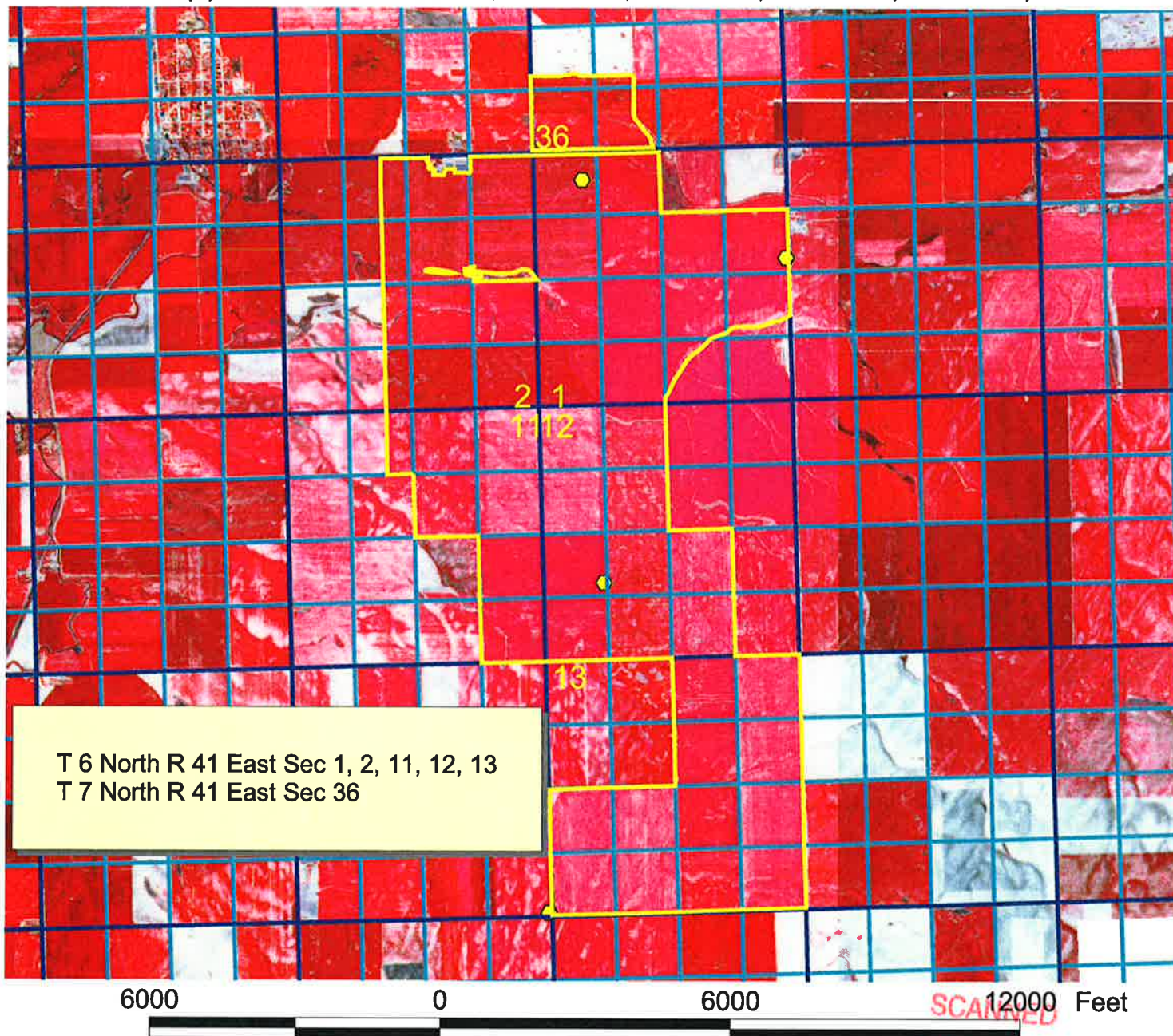
My Commission Expires: 6/24/2011



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 22-13472
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: 05/06/1977

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	7	2971.3

7. Total Quantity Appropriated is:
7 C.F.S. and/or 2971.3 A.F.A.

8. Total consumptive use:

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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
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		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		

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NW	SW	IRRIGATION	40
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

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