

08/26/2005

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

RIGHT NUMBER: 25-14164

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

VAL E SCHWENDIMAN
9633 E HWY 33
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.210 CFS
56.00 AFY

The rights listed below are limited to a total combined diversion rate of 9.06 cfs and to a total combined annual diversion volume of 2432 AF. Combined Right Nos.: 25-2123, 25-7068, and 25-14164.

PRIORITY DATE: 04/01/1972

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:

T03N R40E S9 NWNW Within BONNEVILLE County
T03N R40E S9 NWNW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.210 CFS 56.00 AFY

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R40E S08	NENE	38.0	T03N R40E S08	SENE	37.0
T03N R40E S08	NESE	40.0	T03N R40E S08	SESE	40.0
T03N R40E S09	NWNW	34.0	T03N R40E S09	SWNW	40.0
T03N R40E S09	SESW	40.0	T03N R40E S09	NESW	40.0
T03N R40E S09	NWSW	40.0	T03N R40E S09	SWSW	40.0
T03N R40E S09	SESW	40.0	T03N R40E S16	NENW	40.0
T03N R40E S16	NWNW	40.0	T03N R40E S16	SWNW	33.0
T03N R40E S16	SESW	26.0	T03N R40E S17	NENE	40.0

608 ACRES TOTAL

08/26/2005

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

The rights listed below are limited to the irrigation of a combined total of 608 acres in a single irrigation season. Combined Right Nos.: 25-2123, 25-7068, and 25-14164.

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

This right is based upon an enlargement of Right Nos. 25-2123 and 25-7068 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 14 acres within the place of use described for this right.

The following rights are diverted through points of diversion described above: 25-2123, 25-7068, and 25-14164.

SRBA

SUBCASE SUMMARY REPORT 25-14164

[Return to SRBA Home Page](#)

SRBA
01-16-2007

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 25-14164 FILE#: 00175
CLAIMANT: SCHWENDIMAN, DIANE P
 9633 E HWY 33

NEWDALE ID 83436
STATUS: OBJECTION DUE SPECIAL MASTER: MELANSON, JOHN M
WATER SOURCE: GROUNDWATER

****** PARTIES INVOLVED ******

DIANE P SCHWENDIMAN C PRO SE
VAL E SCHWENDIMAN C PRO SE

****** ROA ENTRIES ******

02-07-2005	MOTION TO FILE LATE/AMENDED NOTICE OF CLAIM	MG	06-23-2005
02-07-2005	HEARING SET - MOTION TO FILE LATE CLAIM	HV	05-17-2005 0130
02-07-2005	NOTICE SETTING HEARING - LATE CLAIM MOTION	HV	05-17-2005 0130
02-07-2005	ORIG NOTICE OF CLAIM TO A WATER RIGHT		
03-29-2005	NOTICE CHANGING DATE AND LOCATION OF HEARING	HS	05-16-2005 0130
	ON MOTION TO FILE LATE NOTICE OF CLAIM		
05-16-2005	HEARING HELD - CLAIMANT FAILED TO APPEAR	HH	05-16-2005 0130
05-18-2005	NOTICE RESETTING HEARING ON LATE CLAIM	HS	06-21-2005 0130
06-21-2005	HEARING HELD - MOTION TO FILE LATE CLAIM	HH	06-21-2005 0130
06-21-2005	MINUTES FILED		
06-23-2005	ORDER GRANTING MOTION FOR LATE CLAIM		
06-23-2005	LATE CLAIM FORWARDED TO IDWR		06-23-2005
09-08-2005	<u>DIRECTOR'S REPORT FILED</u>		
	ELEMENTS ADDED		

[Return to SRBA Home Page](#)



Department of Water Resources

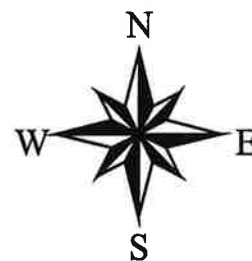
Claim No.: 25-14164



0 1 2 Miles

A horizontal scale bar with black and white segments, indicating distances of 0, 1, and 2 miles.

-  Point of diversion
-  Place of Use
-  Sections
-  QQ



SCANNED
JUN 27 2005

GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: January 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 5, 2005

VAL AND DIANE SCHWENDIMAN
9633 E HWY 33
NEWDALE ID 83436

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right #25-14164

Dear Claimants:

Your Notice of Claim to a Water Right referenced above was received from the SRBA Court recently. I have enclosed your receipt #C078376 for the filing fees you paid. Please retain the receipt for your records.

Your Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4921 if you have any questions.

Please notify us in writing if your address changes or if there is a change in ownership of your property and water right.

Sincerely,

Donald V. Shaff, Manager
Adjudication Technical Section

DVS:ss:region

Enclosure:

Receipt #C078376

SCANNED

JUL 01 2005

RECEIVED

JUN 24 2005

DEPARTMENT OF
WATER RESOURCES

2005 JUN 23 PM 4:56
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

)

Subcase 25-14164

)

Case No. 39576

)

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

)

On February 7, 2005, Claimant Val Schweindiman. filed a *Motion to File Late Notice of Claim*. Hearing was held on the *Motion* June 21, 2005. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* water right 25-14164 is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action.

IT IS SO ORDERED.

Dated June 22, 2005.



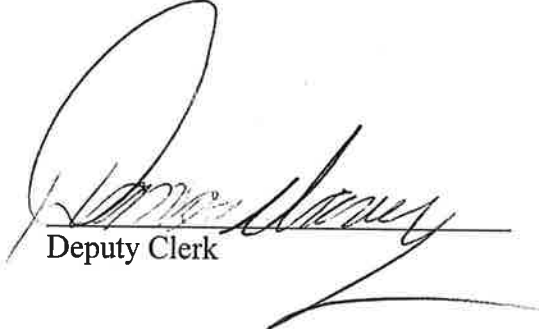
JOHN M. MELANSON
Residing Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM** was mailed on June 21, 2005, with sufficient first-class postage to the following:

Val Schwendiman
9633 E Highway 33
Newdale, ID 83436-1115

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098



Deputy Clerk

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JUN 27 2005

Claim No(s). 25-14164

Claim No(s). 25-14164

[illegible]

2

VAL SCHWENDIMAN FARMS, INC.

Specialized Grower of
Idaho Potato Seed



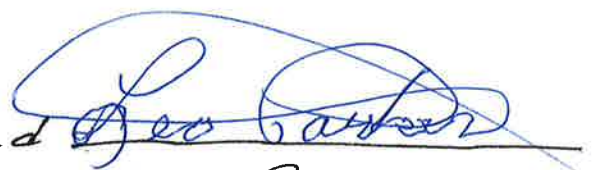
9633 East Highway 33
Newdale, Idaho 83436
Phone: (208) 458-4261, 458-4285
or 458-4224

To: Dept. of Water Resources
% Micheal Holliday

Dec 30 - 2004

This small tract of land located in the
SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 16;
T3N Range 40E in Bonneville Co. Contains
approx 14.5 acres. This lays south of the
Pivot & adjoins the Willow Creek Canyon.

This tract has been watered with handlines
from 1972 to the present time.

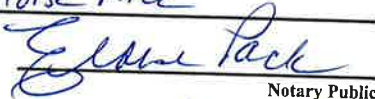
Signed 
Leo Parker



JURAT

State of Idaho
County of Bonneville

Subscribed and sworn/affirmed to before me this 7th day of Jan.
20 05, by Eloise Pack


Notary Public

My Commission Expires: 12-22-09

SCANNED

JUN 7 2005

RECEIVED

JUN 24 2005

DEPARTMENT OF
WATER RESOURCES

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 25-14164
Date Received: 1/18/2005
Receipt No: CO78546
Received By: MWH *mm*

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

1. Name of Claimant(s)

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

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

2005 FEB -7 AM 10:45
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2. Date of Priority: 04/01/1972

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	40E	9	NW NW	BONNEVILLE	
03N	40E	9	NW NW	BONNEVILLE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.23	

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

8. Total consumptive use:

9. Non-irrigation uses:

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JUN 27 2005

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	40E	8	NE	NE	IRRIGATION	38
			SE	NE	IRRIGATION	37
			NE	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
Section Acres						155
03N	40E	9	NW	NW	IRRIGATION	34
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
Section Acres						274
03N	40E	16	NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	26
			SW	NW	IRRIGATION	34
Section Acres						140
03N	40E	17	NE	NE	IRRIGATION	40
Section Acres						40
Total Acres						609

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS IN TEMPORARY STATUS BECAUSE CLAIMANT IS AWAITING THE COURTS DECISION TO ACCEPT LATE CLAIM.

THIS CLAIM IS FOR AN ENLARGEMENT OF APPROXIMATELY 15 ACRES WITHIN THE CLAIMED PLACE OF USE DESCRIBED ABOVE. THIS CLAIM IS FOR THE ENLARGEMENT OF RIGHT NOS. 25-2123 AND 25-7068.

15. Basis of Claim: Beneficial Use

16. Signature(s)

SCANNED
JUN 27 2005

(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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 4

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): X Yae E. Shwendeman Date: _____

Feb 4 - 2005 Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 4th
of February 2005 Sho L. Noff

Notary Public

Residing at Idaho Falls, Idaho

My commission Expires May 18, 2007



SCANNED

JUN 27 2005