

12/05/2006

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: December 13, 2006

Water right number: 67-4306

SCHWENKFELDER RANCHES INC
3381 SCHWENKFELDER RD
CAMBRIDGE ID 83610
Telephone Number: (208)257-3591

ROYCE A SCHWENKFELDER
3381 SCHWENKFELDER RD
CAMBRIDGE ID 83610
Telephone Number: (208)257-3591

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

ch

2. Describe the changes you wish to make in the proposed recommendation:

Changed P.O.U. per map

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:

12/14/06

SIGNATURE:

Royce A. Schwenkfelder

Please print your name:

ROYCE A. SCHWENKFELDER

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

changed POU

MVB 12-19-06

SCANNED

DEC 18 2006



Idaho Department of Water Resources

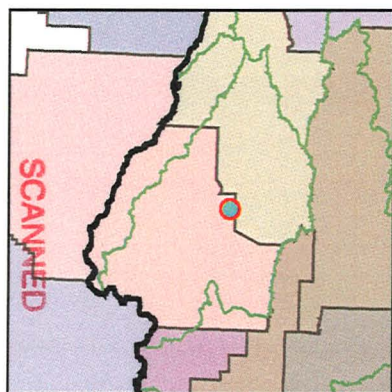
SRBA Recommendation:

67-4306

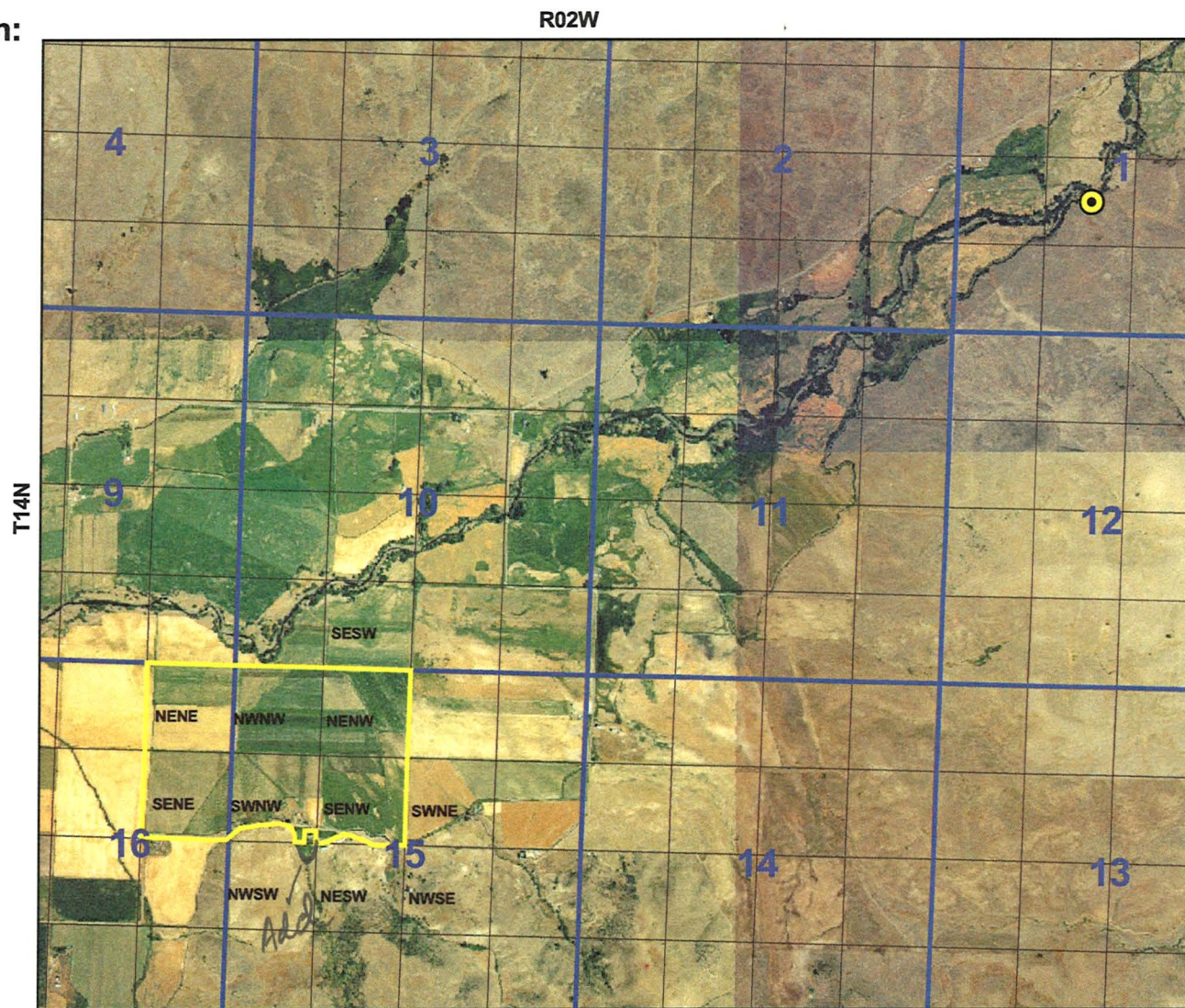
(Irrigation)

Legend

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



Washington County
IDWR Basin 67



Prepared by IDWR State Office
On Tuesday, December 5, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

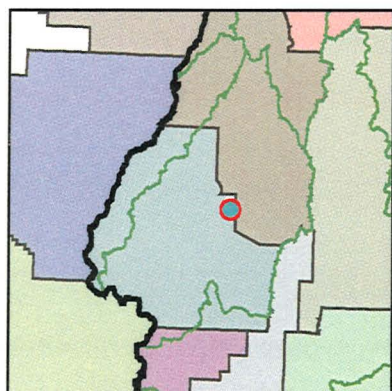
SRBA Recommendation:

67-4306

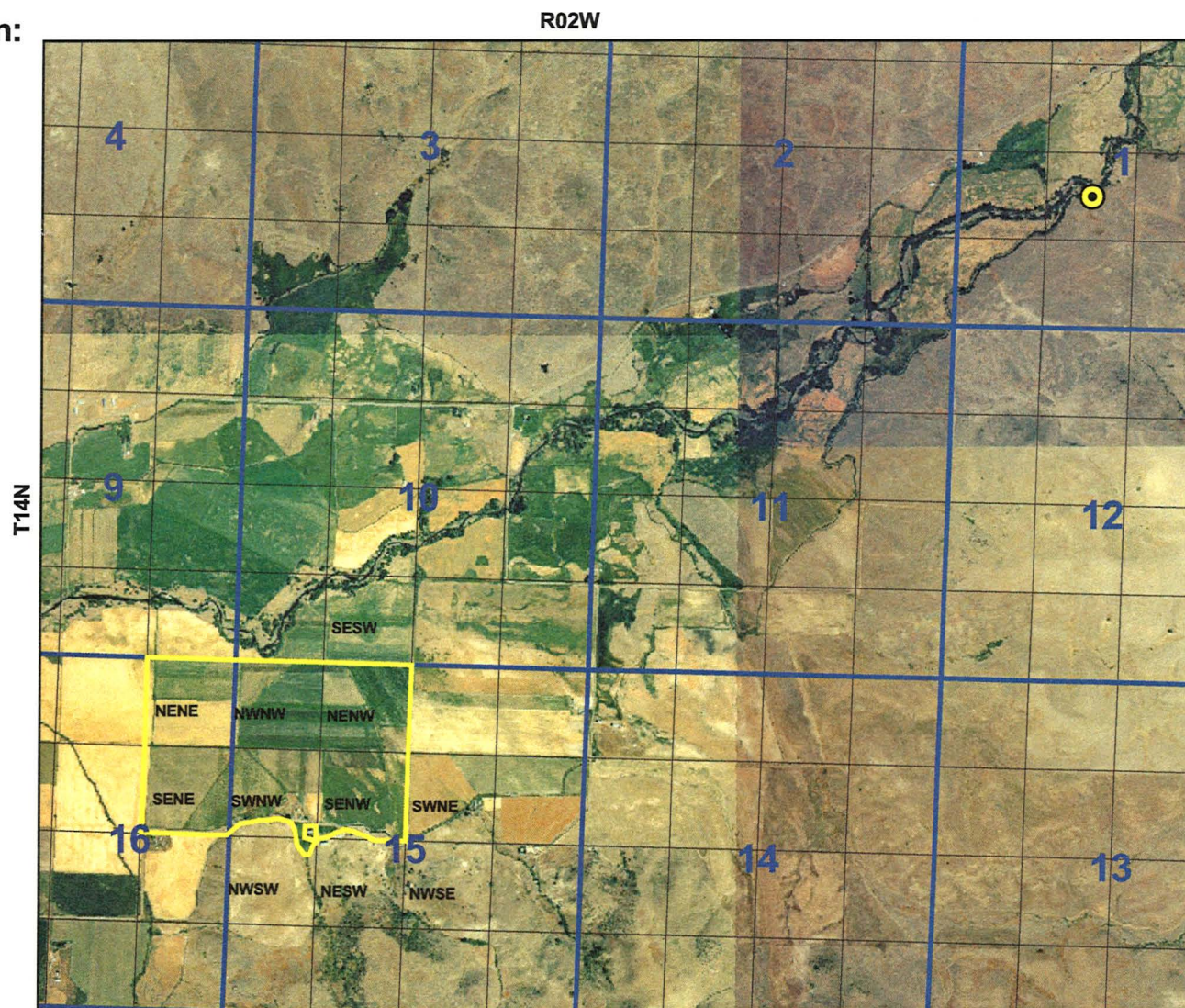
(Irrigation)

Legend

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

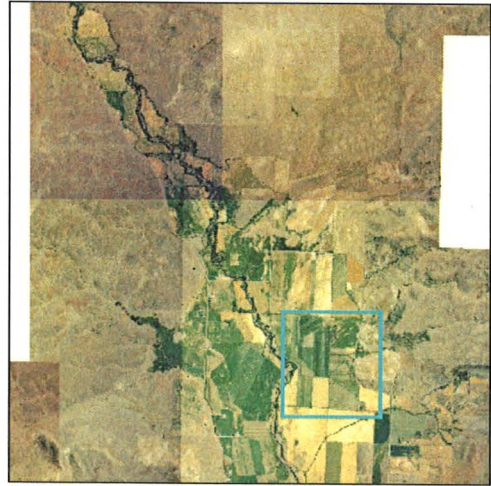


Washington County
IDWR Basin 67



Prepared by IDWR State Office
On Tuesday, December 19, 2006
1987/88 Aerial Photography

67-4306



12/04/2006

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

RIGHT NUMBER: 67-4306

NAME AND ADDRESS: SCHWENKFELDER RANCHES INC
3381 SCHWENDFELDER RD
CAMBRIDGE ID 83610

ROYCE A SCHWENKFELDER
3381 SCHWENKFELDER RD
CAMBRIDGE ID 83610

SOURCE: LITTLE WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 1.740 CFS

The quantity of water under this right for stockwater use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION:

T14N R02W S1 SENESW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.160 CFS
IRRIGATION	03/15 10/31	1.740 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T14N R02W S15	NENW	40.00	T14N R02W S15	NWNW	40.00
T14N R02W S15	SWNW	34.00	T14N R02W S15	SENW	38.00
T14N R02W S16	NENE	40.00	T14N R02W S16	SENE	40.00

STOCKWATER same as IRRIGATION

232 ACRES TOTAL

Right Nos. 67-479 and 67-4306 are limited to the irrigation of a combined total
of 232 acres in a single irrigation season.

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

The quantity of water decreed for this water right for stockwater use is
not a determination of historical beneficial use.

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

Use of this right is combined with water from Little Weiser Irrigation District.



Idaho Department of Water Resources

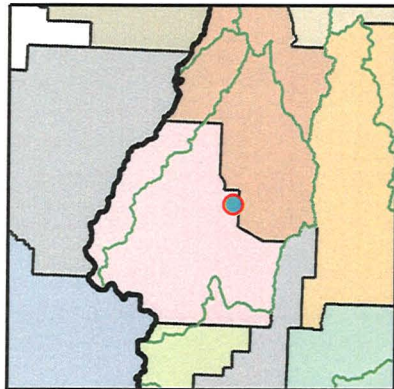
SRBA Recommendation:

67-4306

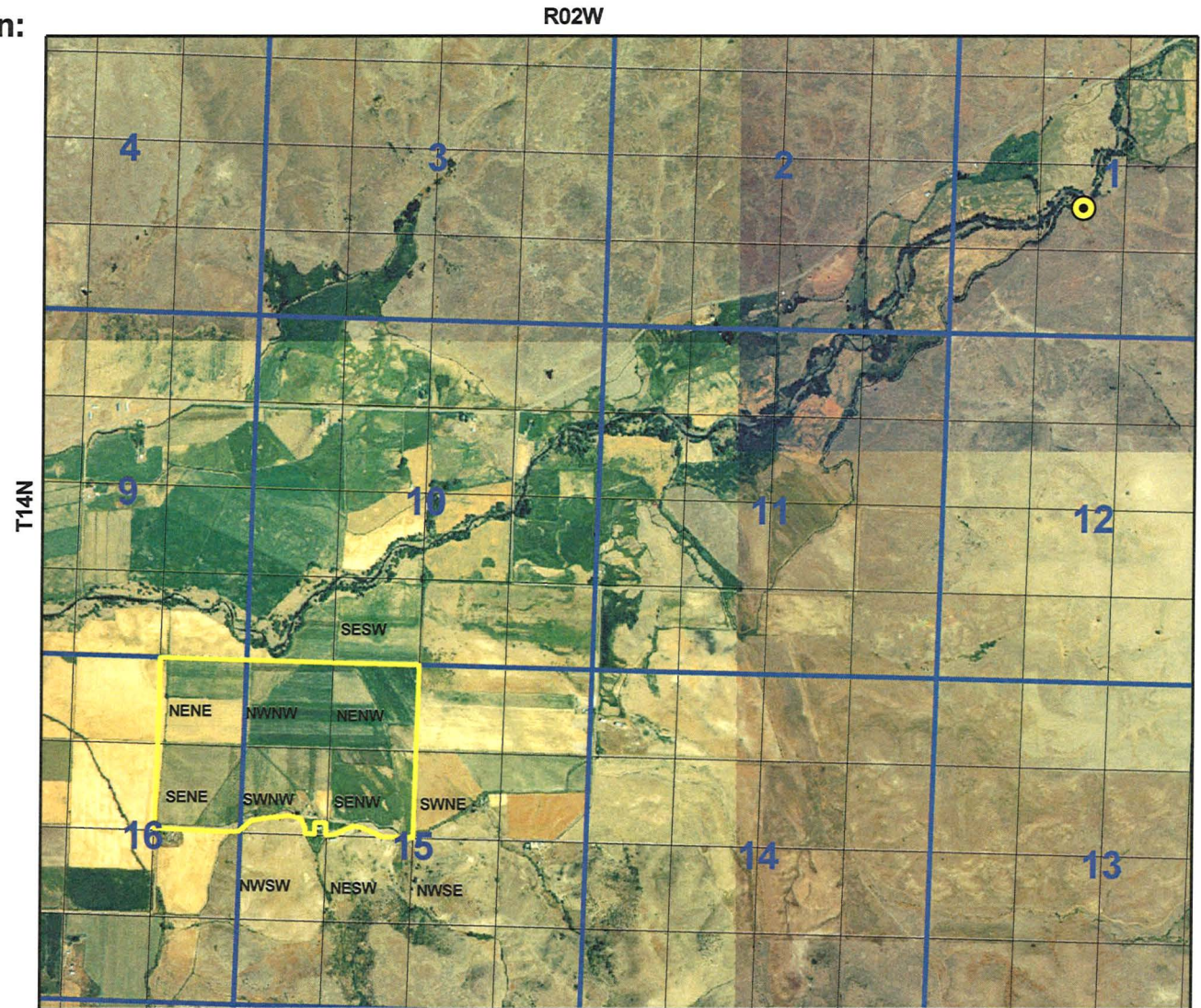
(Irrigation)

Legend

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



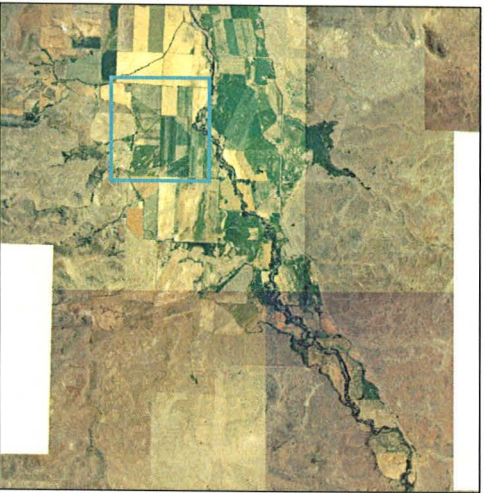
Washington County
IDWR Basin 67



0 1 2 Miles

Prepared by J. Dean
On Monday, December 4, 2006
1987/88 Aerial Photography

67-4306



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4306 V1

WATER RIGHT NUMBER: 67-4306 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SCHWENKFELDER RANCHES INC 3381 SCHWENKFELDER RD CAMBRIDGE, ID 83610 (208)257-3591
Original Owner	JOHN SCHWENKFELDER 3381 SCHWENKFELDER RD CAMBRIDGE, ID 83610
Original Owner	ROBERTA SCHWENKFELDER 3381 SCHWENKFELDER RD CAMBRIDGE, ID 83610
Current Owner	ROYCE A SCHWENKFELDER 3381 SCHWENKFELDER RD CAMBRIDGE, ID 83610 (208)257-3591

Priority Date: 05/10/1918

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WEISER RIVER	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.160 CFS	
IRRIGATION	03/15 to 10/31	1.740 CFS	
	<u>Total Diversion:</u>	1.740 CFS	

Location of Point(s) of Diversion

LITTLE WEISER RIVER	SE1/4NE1/4SW1/4	Sec. 1, Twp 14N, Rge 02W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	02W	15					40.0	40.0	34.0	38.0									152.0
14N	02W	16	40.0			40.0													80.0

Total Acres: 232

STOCKWATER same as IRRIGATIONConditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4306 V1

1. F14 Use of this right is combined with water from Little Weiser Irrigation District.
2. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
3. 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.
4. E55 Right Nos. 67-479 and 67-4306 are limited to the irrigation of a combined total of 232 acres in a single irrigation season.
5. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Remarks:Comments:

1. jdean 12/4/2006 POU

Comment: This claim was recommended for the 232 acres that directly overlap 67-479. The additional acres claimed seem to be recommended under 67-7485.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		232

Combined Water Rights: 67-479 , 67-4306

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/4/2006 3:13:56 PM	jdean			Active
Priority Date	12/4/2006 3:16:35 PM	jdean			Active
POD	12/4/2006 3:20:47 PM	jdean			Active
Source	12/4/2006 3:25:06 PM	jdean			Active
POU	12/4/2006 3:27:03 PM	jdean			Active
Use	12/4/2006 3:28:50 PM	jdean			Active
Season	12/4/2006 3:31:40 PM	jdean			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4306 V1

Quantity	12/4/2006 3:32:54 PM	jdean	Active
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Summary	12/04/2006	jdean	Active
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	12/4/2006 3:13:56 PM	jdean	(No) 1. Do you want to schedule an appointment? Comment for 1: Desk Review
POD	12/4/2006 3:19:52 PM	jdean	Updated shape
POD	12/4/2006 3:20:07 PM	jdean	Updated PLS
POD	12/4/2006 3:20:48 PM	jdean	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	12/4/2006 3:25:06 PM	jdean	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Source was verified as per decree for overlapping right 67-479.
POU	12/4/2006 3:27:03 PM	jdean	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - POU was verified as per aerial photography and decreed right 67-479.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4306 V1

Use	12/4/2006 3:28:50 PM	jdean	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Purpose of use was verified as per decreed right 67-479 and information provided by claimant.
Season	12/4/2006 3:31:41 PM	jdean	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Summary	12/4/2006 3:38:26 PM	jdean	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4306 V1

General	12/4/2006 3:16:35 PM	jdean	(Yes) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 2. Was the owner or the owners predecessor in interest of the place of use joined in the later decree? (No) 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - This is flood water with direct overlap of a decreed right. The priority date is recommended as 1 day after the decree.
Quantity	12/4/2006 3:32:54 PM	jdean	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Flow measurment is not required to recommend a flood water right that directly overlaps a decreed right.

Water Supply Bank:

CONVERSATIONAL MEMORANDUM

Date: September 14, 2005

To: File 67-4306, 67-4592, 67-4595

From: Craig L. Saxton

Subject: Evidence of priority

Spoke with Royce Schwenkfelder. We discussed EOP for three water rights.

67-4306 – analyzed this on the phone and confirmed that there is a direct overlap with decreed water so no need for EOP. Give one day after decree.

67-4592 – despite that this claims 81 acres and the decreed water is for 56 acres, Mr. Schwenkfelder admitted that they only irrigate 60.4 acres according to the ASCS map. I told him that this was close enough that I didn't need EOP and could give one day after the decree.

67-4595 – no direct overlap with decreed water. He will need to supply IDWR with EOP. He said he will be working on it and get it to us asap.

I also sent Mr. Schewenkfelder a change of ownership form.

1-18-06 : Decreed @ 2.7 cfs or 145"

@ 5/8" per acre = 232 ac

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: A67-04306
Date Received: 10/19/1989
Receipt No: W006449
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: SCHWENKFELDER RANCHES INC
Address: 3381 SCHWENKFELDER RD
CAMBRIDGE ID 83610

208-257-3591

AND/OR

Name: ROYCE A SCHWENKFELDER
Address: 3381 SCHWENKFELDER RD
CAMBRIDGE ID 83610

208-257-3591

2. Date of Priority: APR 1, 1892

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County
14N	02W	1	SE	NE	SW		WASHINGTON

5. Description of diverting works:
DIVERSION DAM, GRAVITY DTICH, PUMP & SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/15	4.800		
STOCKWATER	01/01	12/31	0.160		

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

8. Total consumptive use is 708.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 700 HD BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14N	02W	15	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	38.0
			SE		NW		IRR	38.0
							Section Acres	156.0
		16	NE		NE		IRR	40.0
			SE		NE		IRR	40.0
							Section Acres	80.0
							Total Acres	236.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
A67-00479, 67-02385.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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: A67-04306
Date Received: 10/02/1989
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SCHWENKFELDER RANCHES INC. 208-257-3591
Address: 3381 SCHWENKFELDER RD.
CAMBRIDGE, ID 83610

AND/OR

Name: ROYCE A. SCHWENKFELDER 208-257-3591
Address: 3381 SCHWENKFELDER RD.
CAMBRIDGE, ID 83610

2. Date of Priority: APR 01, 1892

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Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
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IRRIGATION	04/01	11/15	4.800		
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4.800 C.F.S. (and/or) A.F.A.

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S/ 700 HD BEEF CATTLE

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14N	02W	15	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	38.0
			SE		NW		IRR	38.0
							Section Acres	156.0
		16	NE		NE		IRR	40.0
			SE		NE		IRR	40.0
							Section Acres	80.0
							Total Acres	236.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
A67-00479, 67-02385.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): Roger A. Schuffel Date: 10/2/89

Date: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of Franklin) SS.

Subscribed and sworn (or affirmed) before me this 2 day

of Oct 19 89

John Dale Cullen
Notary Public

Seal

Residing at Bain Id

My Commission Expires 4/2/98
Date: 10/02/89