

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 86043

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

APR 13 2022

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Department of Water Resources
Eastern Region

Name of Applicant(s) Kirt and Kaelyne Schwieder

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☒ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED

APR 13 2022

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Department of W
Eastern
Resources
ion

Name of Applicant(s) Kirt and Kaelyne Schwieder Phone _____
Mailing address PO BOX 1662 IDAHO FALLS, ID 83403-1662 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Kirt Schwieder
Signature of Applicant or Authorized Representative

Kirt Schwieder
Print Name and Title if applicable

4-13-22
Date

Kaelyne Schwieder
Signature of Applicant or Authorized Representative

Kaelyne Schwieder
Print Name and Title if applicable

4/13-22
Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code §42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Currently there are acres being irrigated outside the place of use boundary associated with water rights 35-13866 and 35-13872.
This application proposes to move a 10 acre portion under water rights 35-7324 and 35-7536 and adjust the place of use boundary under water rights 35-13866 and 35-13872. Total combined place of use will be 368.0 acres.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	35-13866	6.0 cfs/1432 af	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	35-13872	1.64 cfs/699.4af	Irrigation	04/01 to 11/01	Ground Water
☐ ☒	35-7324	0.08 cfs /22.8 af	Irrigation	04/01 to 11/01	Ground Water
☐ ☒	35-7536	0.09 cfs/38.4 af	Irrigation	04/01 to 11/01	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 7.33 cfs and/or 1472.0 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.49 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
NO			SW	SW	5	04N	36E	Jefferson	Ground Water	WMIS # 200749

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	36E	5											39.0	37.0					76.0
04N	36E	8					39.0	40.0	37.0	33.0	39.0	37.0	29.0	38.0					292.0
Total Acres (for irrigation use)																			368.0

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Pump to several pivots. Diversion system is equipped with a magnetic flow meter. Power panel can be locked.

- b. Who owns the property at the point(s) of diversion? Applicant
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Land will not be irrigated.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

4/4/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-13866

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KAELYNE SCHWIEDER
Current Owner	KIRT SCHWIEDER PO BOX 1662 IDAHO FALLS, ID 83403-1662 2086810602
Directors Report Owner	BERRETTE BUTTE FARMS PO BOX 1204 BURLEY, ID 83318 2086788313
Original Owner	WALKER LAND & CATTLE CO 1070 RIVERWALK DR STE 252 IDAHO FALLS, ID 83402 2087544696

Priority Date: 03/13/1974

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	6 CFS	
Total Diversion			6 CFS	

Location of Point(s) of Diversion:

GROUND WATER | SESWSW | Sec. 05 | Township 04N | Range 36E | JEFFERSON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON 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>
04N	36E	5		SWSW	36		SESW	31						
		8		NENW	39		NWNW	40		SWNW	39		SENW	36
				NESW	39		NWSW	35		SWSW	30		SESW	33

Total Acres: 358

Conditions of Approval:

1. Use of this right with right no. 35-13872 is limited to the irrigation of a combined total of 358 acres in a single irrigation season.
2. Use of this right with right no. 35-13872 is limited to a total combined diversion rate of 7.16 cfs, a total combined annual diversion volume of 1432 af.
3. Right no. 35-13872 is also diverted through point of diversion described above.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 03/04/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND/OR

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 358

Combined Volume Limit: 1432

Combined Rate Limit: 7.16

Civil Case Number:

86043

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

4/4/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-13872

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KAELYNE SCHWIEDER
Current Owner	KIRT SCHWIEDER PO BOX 1662 IDAHO FALLS, ID 83403-1662 2086810602
Directors Report Owner	BERRETTE BUTTE FARMS PO BOX 1204 BURLEY, ID 83318 2086788313
Original Owner	WALKER LAND & CATTLE CO 1070 RIVERWALK DR STE 252 IDAHO FALLS, ID 83402 2087544696

Priority Date: 06/20/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	1.64 CFS	
Total Diversion			1.64 CFS	

Location of Point(s) of Diversion:

GROUND WATER | SESWSW | Sec. 05 | Township 04N | Range 36E | JEFFERSON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

86043

<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>
04N	36E	5		SWSW	36		SESW	31						
		8		NENW	39		NWNW	40		SWNW	39		SENW	36
				NESW	39		NWSW	35		SWSW	30		SESW	33

Total Acres: 358

Conditions of Approval:

1. Use of this right with right no. 35-13866 is limited to the irrigation of a combined total of 358 acres in a single irrigation season.
2. Use of this right with right no. 35-13866 is limited to a total combined diversion rate of 7.16 cfs, a total combined annual diversion volume of 1432 af.
3. Right no. 35-13866 is also diverted through point of diversion described above.
4. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
5. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND/OR

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 358

86043

Combined Volume Limit: 1432

Combined Rate Limit: 7.16

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

86043

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

4/4/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-7324

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KAELYNE SCHWIEDER
Current Owner	KIRT SCHWIEDER PO BOX 1662 IDAHO FALLS, ID 83403-1662 2086810602
Original Owner	VIRGINIA M HILLS 85 ELLIOT CT VENTURA, CA 93003
Original Owner	ROBERT W BERRETT BOX 71 ROBERTS, ID 83444

Priority Date: 08/31/1973

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	6.46 CFS	1920 AFA
Total Diversion			6.46 CFS	1920 AFA

Location of Point(s) of Diversion:

GROUND WATER	NWNWNE Lt 2	Sec. 05	Township 04N	Range 36E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 32	Township 05N	Range 36E	JEFFERSON County

IRRIGATION Use:

Acre Limit: 480

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON 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>
04N	36E	5	1	NENE	44	2	NWNE	46		SWNE	40		SENE	39
			3	NENW	47		SENE	40						
				NESW	40									
				NESE	39		NWSE	40						
05N		32		NENE	38		NWNE	39		SWNE	40		SENE	39
				NENW	39		SENE	40						
				NESW	40		SESW	40						
				NESE	39		NWSE	40		SWSE	40		SESE	39

Total Acres: 848

Conditions of Approval:

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. USE OF THIS RIGHT WITH RIGHT NO. 35-07536 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.46 CFS. USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3392 AF.
3. USE OF THIS RIGHT WITH RIGHT NO. 35-07536 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 848 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 480 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. RIGHT NO. 35-07536 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted: 86043

Water Supply Bank Enrollment Date: Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 848

Combined Volume Limit: 3392

Combined Rate Limit: 14.46

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

86043

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

4/4/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-7536

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KAELYNE SCHWIEDER
Current Owner	KIRT SCHWIEDER PO BOX 1662 IDAHO FALLS, ID 83403-1662 2086810602
Original Owner	VIRGINIA M HILLS 85 ELLIOT CT VENTURA, CA 93003
Original Owner	ROBERT W BERRETT PO BOX 108 ROBERTS, ID 83444

Priority Date: 10/14/1975

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	8 CFS	
Total Diversion			8 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWNWNE Lt 2	Sec. 05	Township 04N	Range 36E	JEFFERSON County
GROUND WATER	NWNWSE	Sec. 32	Township 05N	Range 36E	JEFFERSON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

86043

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	36E	5	1	NENE	44	2	NWNE	46		SWNE	40		SENE	39
			3	NENW	47		SENE	40						
				NESW	40									
				NESE	39		NWSE	40						
05N		32		NENE	38		NWNE	39		SWNE	40		SENE	39
				NENW	39		SENE	40						
				NESW	40		SESW	40						
				NESE	39		NWSE	40		SWSE	40		SESE	39

Total Acres: 848

Conditions of Approval:

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. USE OF THIS RIGHT WITH RIGHT NO. 35-07324 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.46 CFS AND IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3392 AF.
3. USE OF THIS RIGHT WITH RIGHT NO. 35-07324 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 848 ACRES IN A SINGLE IRRIGATION SEASON.
4. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. RIGHT NO. 35-07324 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Permit Proof Due Date: 12/1/1980

Permit Proof Made Date: 1/1/1900

Permit Approved Date: 12/23/1975

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

86043

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 848

Combined Volume Limit: 3392

Combined Rate Limit: 14.46

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

86043

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (WaterBalance)

- ### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

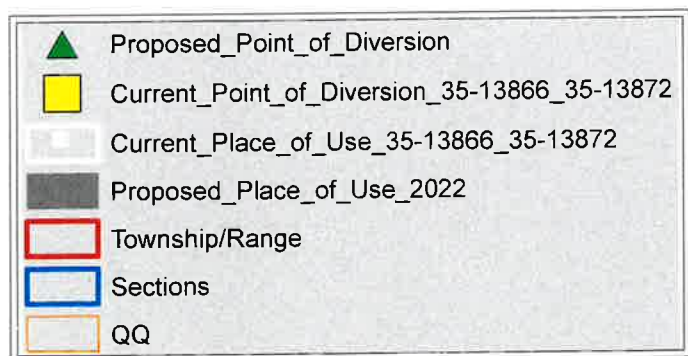
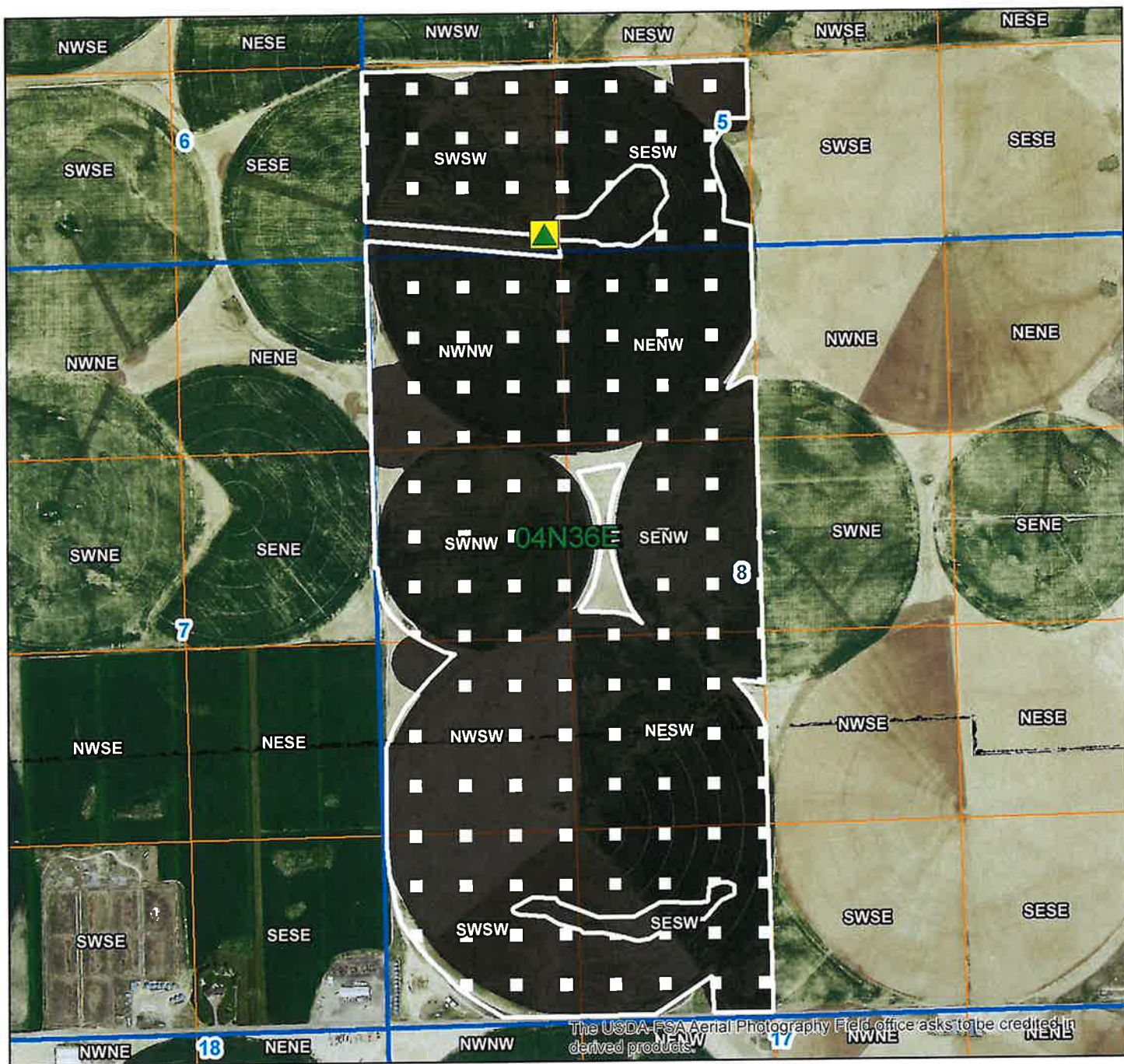
Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid 500.00 Date 4-13-22 Received by M. Pettis Receipt # E048012

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

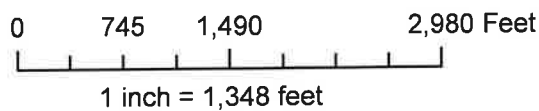
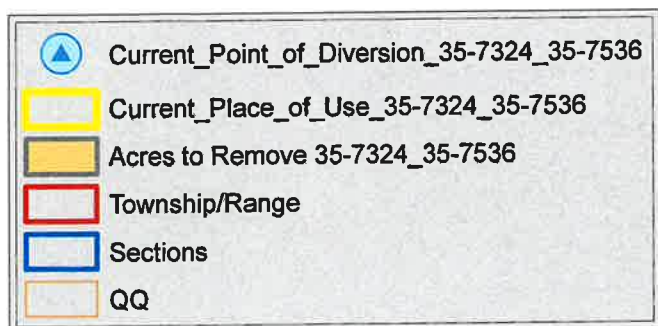
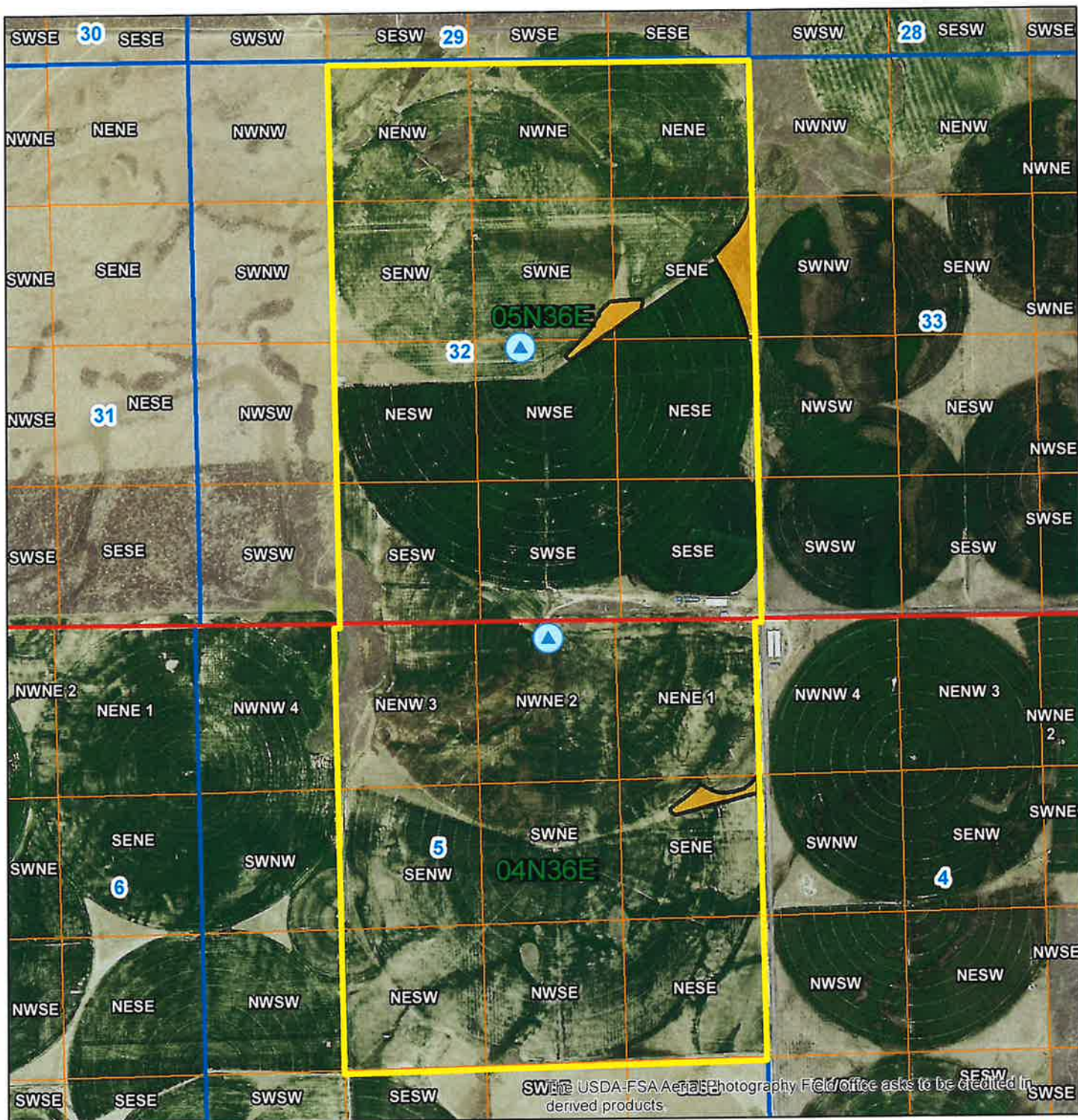
Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



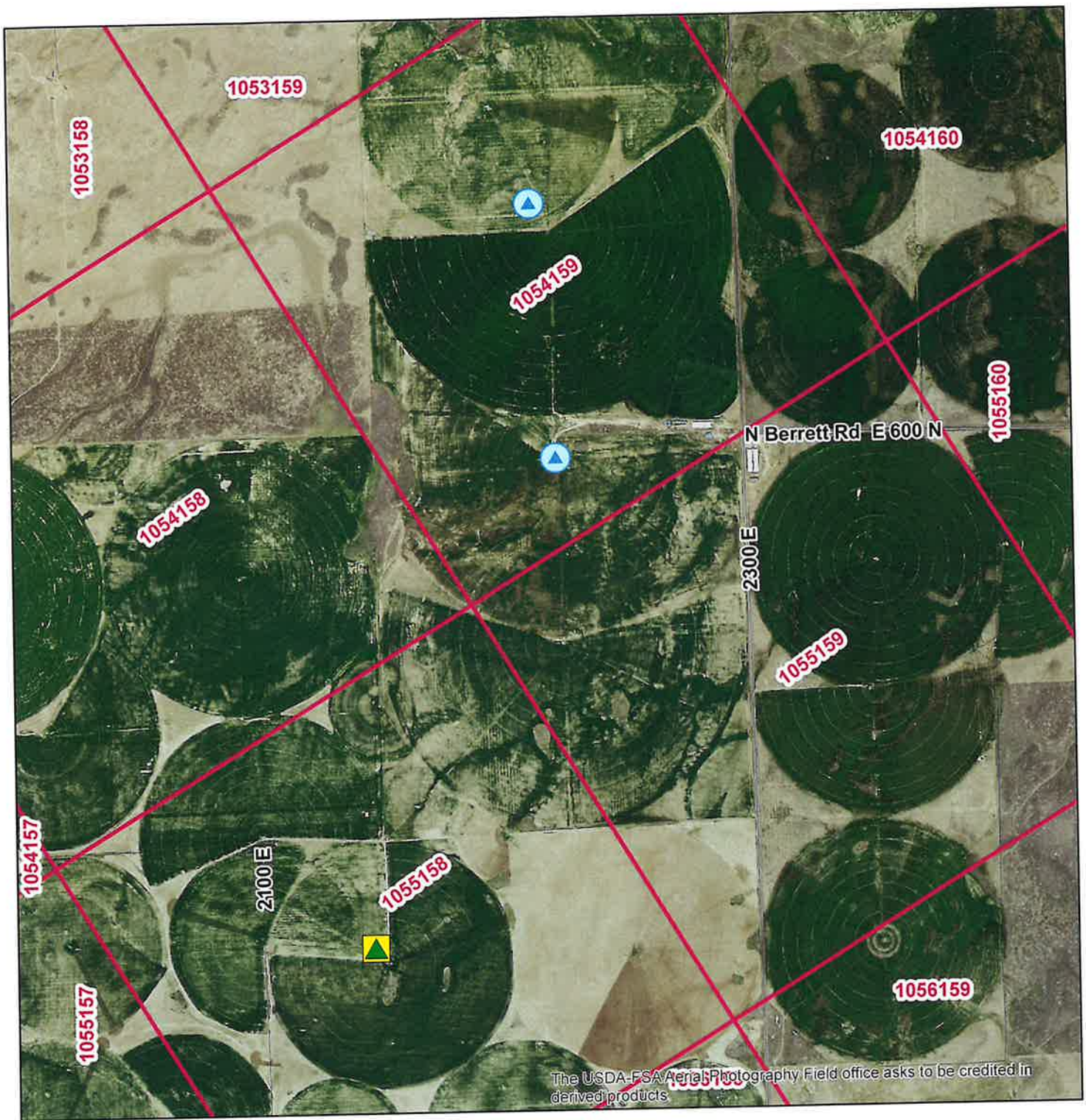
0 511.5 1,023 2,046 Feet
1 inch = 1,023 feet



86043



86043



-  Current_Point_of_Diversion_35-7324_35-7536
-  Proposed_Point_of_Diversion
-  Current_Point_of_Diversion_35-13866_35-13872
-  ESPAM2_ModelGrid_06092011

0 761 1,522 3,044 Feet
 1 inch = 1,522 feet



86043



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 20, 2022

KIRT SCHWIEDER
KAELYNE SCHWIEDER
PO BOX 1662
IDAHO FALLS, ID 83403-1662

RE: Transfer No. 86043
Water Right No(s). 35-13866, 35-13872, 35-7324, 35-7536

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the JEFFERSON STAR on 4/27/2022 and 5/4/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, April 20, 2022 10:45 AM
To: info@jeffersonstarnews.com
Subject: Legal Notice for Jefferson Star
Attachments: 86043 Jefferson Star.docx

LEGAL NOTICE DEPARTMENT
JEFFERSON STAR
PO BOX 37
RIGBY, ID 83442

RE: Transfer No. 86043
Water Right No(s). 35-13866, 35-13872, 35-7324, 35-7536

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 5/16/2022. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 86043**

KIRT and KAELYNE SCHWIEDER, PO BOX 1662, IDAHO FALLS, ID 83403-1662 has filed Application No. 86043 for changes to the following water rights within JEFFERSON County(s): Right No(s). 35-13866, 35-13872, 35-7324, 35-7536; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Change the point of diversion and change the place of use. The point of diversion is in the SWSW, Section 5, T04N, R36E for 7.33 cfs from ground water. The place of use is in SW 1/4, Section 5, and W 1/2, Section 8, T04N, R36E, for 368.0 acres.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 5/16/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/27/2022 and 5/4/2022