

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84683**

This is to certify that: **KAELYNE SCHWIEDER AND
KIRT SCHWIEDER
PO BOX 1662
IDAHO FALLS, ID 83403-1662**

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-13865	WR/DECREED	1/10/1966	0.450 cfs	128.0 af	32.0	538.8	GROUND WATER
35-13867	WR/DECREED	3/13/1974	0.250 cfs	60.0 af	15.0	538.8	GROUND WATER
35-13869	WR/DECREED	2/28/1955	0.330 cfs	104.0 af	26.0	538.8	GROUND WATER
35-13870	WR/DECREED	4/11/1972	7.410 cfs	2272.0 af	568.0	578.2	GROUND WATER
35-13873	WR/DECREED	6/20/1961	0.070 cfs	29.9 af	15.0	538.8	GROUND WATER
35-13875	WR/DECREED	6/20/1961	0.280 cfs	104.0 af	26.0	538.8	GROUND WATER
35-14130	WR/DECREED	4/11/1972	0.080 cfs	23.2 af	5.8	538.8	GROUND WATER
35-14131	WR/DECREED	4/11/1972	0.130 cfs	40.8 af	10.2	578.2	GROUND WATER
35-7009	WR/DECREED	1/8/1968	4.000 cfs	1044.0 af	261.0	538.8	GROUND WATER
35-7157	WR/DECREED	11/27/1970	3.740 cfs	1840.0 af	460.0	538.8	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-13865	NO	NO	YES	NO	NO	NO
35-13867	NO	NO	YES	NO	NO	NO
35-13869	NO	NO	YES	NO	NO	NO
35-13870	YES	YES	YES	NO	NO	NO
35-13873	NO	NO	YES	NO	NO	NO
35-13875	NO	NO	YES	NO	NO	NO
35-14130	NO	NO	YES	NO	NO	NO
35-14131	NO	YES	YES	NO	NO	NO
35-7009	NO	NO	YES	NO	NO	NO
35-7157	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-13865	35-13865	0.450 cfs	128.0 af	32.0	556.8	N/A	N/A	N/A	N/A	N/A
35-13867	35-13867	0.250 cfs	60.0 af	15.0	556.8	N/A	N/A	N/A	N/A	N/A
35-13869	35-13869	0.330 cfs	104.0 af	26.0	556.8	N/A	N/A	N/A	N/A	N/A
35-13870	35-14732	0.100 cfs	31.2 af	7.8	556.8	35-13870	7.310 cfs	2240.8 af	N/A	560.2

Transfer No. 84683

**Support Data
In File # 35-7009**

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84683**

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-13873	35-13873	0.070 cfs	29.9 af	15.0	556.8	N/A	N/A	N/A	N/A	N/A
35-13875	35-13875	0.280 cfs	104.0 af	26.0	556.8	N/A	N/A	N/A	N/A	N/A
35-14130	35-14130	0.080 cfs	23.2 af	5.8	556.8	N/A	N/A	N/A	N/A	N/A
35-14131	35-14131	0.130 cfs	40.8 af	10.2	556.8	N/A	N/A	N/A	N/A	N/A
35-7009	35-7009	4.000 cfs	1044.0 af	261.0	556.8	N/A	N/A	N/A	N/A	N/A
35-7157	35-7157	3.740 cfs	1840.0 af	460.0	556.8	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		9.320 cfs	2227.2 af	556.8	556.8		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 29th day of March, 2021.



Regional Manager

Transfer No. 84683

Support Data
In File # 35-7009

WATER RIGHT NO. 35-13870**As Modified by Transfer No. 84683**

In accordance with the approval of Transfer No. 84683, Water Right No. 35-13870 is now described as follows:

Right Holder: KIRT SCHWIEDER AND
KAELYNE SCHWIEDER
PO BOX 1662
IDAHO FALLS, ID 83403-1662

Priority Date: 4/11/1972

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

to

To

11/01

Diversion Rate

7.310 cfs

7.310 cfs

Diversion Volume

2240.8 af

2240.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NENESW

Sec 6 Twp 04N Rge 36E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	36E	5						44.5	40.0			40.0							124.5
								L 4											
04N	36E	6	48.0	46.0	39.0	40.0	49.0	32.0	26.0	40.0	21.0	17.0			40.0	37.7			435.7
			L 1	L 2			L 3	L 4	L 5			L 6							

POU Total Acres: 560.2

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 120.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. Prior to the diversion and use of water under Transfer approval 79811, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

Transfer No. 84683

WATER RIGHT NO. 35-13870
As Modified by Transfer No. 84683

CONDITIONS OF APPROVAL

4. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-7009
As Modified by Transfer No. 84683

In accordance with the approval of Transfer No. 84683, Water Right No. 35-7009 is now described as follows:

Right Holder: KIRT SCHWIEDER AND
 KAELYNE SCHWIEDER
 PO BOX 1662
 IDAHO FALLS, ID 83403-1662

Priority Date: 1/8/1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	05/01	to 09/30	4.000 cfs	1044.0 af
			4.000 cfs	1044.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESWNE Sec 1 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	35E	1	51.0	52.0	40.0	37.0	49.0	40.0	29.0	38.0	29.0			33.0	32.4	40.0	37.0	31.4	538.8
			L 1	L 2			L 3	L 4											
04N	36E	6						10.0	8.0										18.0
								L 4	L 5										

Right Acre Limit: 261.0

POU Total Acres: 556.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 261 acres within the authorized place of use described above in a single irrigation season.
2. Rights 35-7009 and 35-7157 when combined shall not exceed a total annual maximum diversion volume of 1840 af at the field headgate, and the irrigation of 460 acres.
3. Rights 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, 35-14130, 35-14131 and 35-14732 when combined shall not exceed a total diversion rate of 9.32 cfs, a total annual maximum diversion volume of 2227.2 af at the field headgate, and the irrigation of 556.8 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.

Transfer No. 84683

WATER RIGHT NO. 35-7009
As Modified by Transfer No. 84683

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 84683, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 9/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/25/2002.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-14732**As Modified by Transfer No. 84683**

In accordance with the approval of Transfer No. 84683, Water Right No. 35-14732 is now described as follows:

Right Holder: KIRT SCHWIEDER And
KAELYNE SCHWIEDER
PO BOX 1662
IDAHO FALLS, ID 83403-1662

Priority Date: 4/11/1972

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

to

To

11/01

Diversion Rate

0.100 cfs

0.100 cfs

Diversion Volume

31.2 af

31.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SWNE

Sec 1 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	35E	1	51.0	52.0	40.0	37.0	49.0	40.0	29.0	38.0	29.0			33.0	32.4	40.0	37.0	31.4	538.8
			L 1	L 2			L 3	L 4											
04N	36E	6						10.0	8.0										18.0
								L 4	L 5										

Right Acre Limit: 7.8

POU Total Acres: 556.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 7.8 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, 35-14130, 35-14131 and 35-14732 when combined shall not exceed a total diversion rate of 9.32 cfs, a total annual maximum diversion volume of 2227.2 af at the field headgate, and the irrigation of 556.8 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 120.

Transfer No. 84683

WATER RIGHT NO. 35-14732

As Modified by Transfer No. 84683

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under Transfer approval 84683, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-14130**As Modified by Transfer No. 84683**

In accordance with the approval of Transfer No. 84683, Water Right No. 35-14130 is now described as follows:

Right Holder: KIRT SCHWIEDER AND
KAELYNE SCHWIEDER
PO BOX 1662
IDAHO FALLS, ID 83403-1662

Priority Date: 4/11/1972

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

to

To

11/01

Diversion Rate

0.080 cfs

0.080 cfs

Diversion Volume

23.2 af

23.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SESWNE

Sec 1 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	35E	1	51.0	52.0	40.0	37.0	49.0	40.0	29.0	38.0	29.0			33.0	32.4	40.0	37.0	31.4	538.8
			L 1	L 2			L 3	L 4											
04N	36E	6						10.0	8.0										18.0
								L 4	L 5										

Right Acre Limit: 5.8

POU Total Acres: 556.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 5.8 acres within the authorized place of use described above in a single irrigation season.
2. Rights 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, 35-14130, 35-14131 and 35-14732 when combined shall not exceed a total diversion rate of 9.32 cfs, a total annual maximum diversion volume of 2227.2 af at the field headgate, and the irrigation of 556.8 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.

Transfer No. 84683

WATER RIGHT NO. 35-14130

As Modified by Transfer No. 84683

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under Transfer approval 84683, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-14131
As Modified by Transfer No. 84683

In accordance with the approval of Transfer No. 84683, Water Right No. 35-14131 is now described as follows:

Right Holder: KIRT SCHWIEDER And
 KAELYNE SCHWIEDER
 PO BOX 1662
 IDAHO FALLS, ID 83403-1662

Priority Date: 4/11/1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	0.130 cfs	40.8 af
			0.130 cfs	40.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNE Sec 1 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	35E	1	51.0	52.0	40.0	37.0	49.0	40.0	29.0	38.0	29.0			33.0	32.4	40.0	37.0	31.4	538.8
			L 1	L 2			L 3	L 4											
04N	36E	6						10.0	8.0										18.0
								L 4	L 5										

Right Acre Limit: 10.2
 POU Total Acres: 556.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 10.2 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, 35-14130, 35-14131 and 35-14732 when combined shall not exceed a total diversion rate of 9.32 cfs, a total annual maximum diversion volume of 2227.2 af at the field headgate, and the irrigation of 556.8 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 120.

WATER RIGHT NO. 35-14131

As Modified by Transfer No. 84683

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under Transfer approval 84683, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13867**As Modified by Transfer No. 84683**

In accordance with the approval of Transfer No. 84683, Water Right No. 35-13867 is now described as follows:

Right Holder: KIRT SCHWIEDER AND
KAELYNE SCHWIEDER
PO BOX 1662
IDAHO FALLS, ID 83403-1662

Priority Date: 3/13/1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	0.250 cfs	60.0 af
			0.250 cfs	60.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESWNE Sec 1 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	35E	1	51.0	52.0	40.0	37.0	49.0	40.0	29.0	38.0	29.0			33.0	32.4	40.0	37.0	31.4	538.8
			L 1	L 2			L 3	L 4											
04N	36E	6						10.0	8.0										18.0
								L 4	L 5										

Right Acre Limit: 15.0
POU Total Acres: 556.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 15 acres within the authorized place of use described above in a single irrigation season.
2. Rights 35-13867 and 35-13873 when combined shall not exceed a total diversion rate of 0.3 cfs, a total annual maximum diversion volume of 60 af at the field headgate, and the irrigation of 15 acres.
3. Rights 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, 35-14130, 35-14131 and 35-14732 when combined shall not exceed a total diversion rate of 9.32 cfs, a total annual maximum diversion volume of 2227.2 af at the field headgate, and the irrigation of 556.8 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.

Transfer No. 84683

WATER RIGHT NO. 35-13867
As Modified by Transfer No. 84683

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 84683, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-7157**As Modified by Transfer No. 84683**

In accordance with the approval of Transfer No. 84683, Water Right No. 35-7157 is now described as follows:

Right Holder: KIRT SCHWIEDER And
KAELYNE SCHWIEDER
PO BOX 1662
IDAHO FALLS, ID 83403-1662

Priority Date: 11/27/1970

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

05/01

To

to 09/30

Diversion Rate

3.740 cfs

3.740 cfs

Diversion Volume

1840.0 af

1840.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SESWNE

Sec 1 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	35E	1	51.0	52.0	40.0	37.0	49.0	40.0	29.0	38.0	29.0			33.0	32.4	40.0	37.0	31.4	538.8
			L 1	L 2			L 3	L 4											
04N	36E	6						10.0	8.0										18.0
								L 4	L 5										

Right Acre Limit: 460.0

POU Total Acres: 556.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 460 acres within the authorized place of use described above in a single irrigation season.
2. Rights 35-7009 and 35-7157 when combined shall not exceed a total annual maximum diversion volume of 1840 af at the field headgate, and the irrigation of 460 acres.
3. Rights 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, 35-14130, 35-14131 and 35-14732 when combined shall not exceed a total diversion rate of 9.32 cfs, a total annual maximum diversion volume of 2227.2 af at the field headgate, and the irrigation of 556.8 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.

Transfer No. 84683

WATER RIGHT NO. 35-7157
As Modified by Transfer No. 84683

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 84683, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 9/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/25/2002.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13865
As Modified by Transfer No. 84683

In accordance with the approval of Transfer No. 84683, Water Right No. 35-13865 is now described as follows:

Right Holder: KIRT SCHWIEDER And
 KAELYNE SCHWIEDER
 PO BOX 1662
 IDAHO FALLS, ID 83403-1662

Priority Date: 1/10/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	0.450 cfs	128.0 af
			0.450 cfs	128.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESWNE Sec 1 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	35E	1	51.0	52.0	40.0	37.0	49.0	40.0	29.0	38.0	29.0			33.0	32.4	40.0	37.0	31.4	538.8
			L 1	L 2			L 3	L 4											
04N	36E	6						10.0	8.0										18.0
								L 4	L 5										

Right Acre Limit: 32.0
 POU Total Acres: 556.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 32 acres within the authorized place of use described above in a single irrigation season.
2. Rights 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, 35-14130, 35-14131 and 35-14732 when combined shall not exceed a total diversion rate of 9.32 cfs, a total annual maximum diversion volume of 2227.2 af at the field headgate, and the irrigation of 556.8 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.

Transfer No. 84683

WATER RIGHT NO. 35-13865

As Modified by Transfer No. 84683

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under Transfer approval 84683, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13869
As Modified by Transfer No. 84683

In accordance with the approval of Transfer No. 84683, Water Right No. 35-13869 is now described as follows:

Right Holder: KIRT SCHWIEDER And
 KAELYNE SCHWIEDER
 PO BOX 1662
 IDAHO FALLS, ID 83403-1662

Priority Date: 2/28/1955

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.330 cfs 0.330 cfs	104.0 af 104.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESWNE Sec 1 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	35E	1	51.0	52.0	40.0	37.0	49.0	40.0	29.0	38.0	29.0			33.0	32.4	40.0	37.0	31.4	538.8
			L 1	L 2			L 3	L 4											
04N	36E	6						10.0	8.0										18.0
								L 4	L 5										

Right Acre Limit: 26.0
 POU Total Acres: 556.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 26 acres within the authorized place of use described above in a single irrigation season.
2. Rights 35-13869 and 35-13875 when combined shall not exceed a total diversion rate of 0.52 cfs, a total annual maximum diversion volume of 104 af at the field headgate, and the irrigation of 26 acres.
3. Rights 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, 35-14130, 35-14131 and 35-14732 when combined shall not exceed a total diversion rate of 9.32 cfs, a total annual maximum diversion volume of 2227.2 af at the field headgate, and the irrigation of 556.8 acres.

Transfer No. 84683

WATER RIGHT NO. 35-13869
As Modified by Transfer No. 84683

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. Prior to the diversion and use of water under Transfer approval 84683, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13873**As Modified by Transfer No. 84683**

In accordance with the approval of Transfer No. 84683, Water Right No. 35-13873 is now described as follows:

Right Holder: KIRT SCHWIEDER And
KAELYNE SCHWIEDER
PO BOX 1662
IDAHO FALLS, ID 83403-1662

Priority Date: 6/20/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	0.070 cfs	29.9 af
			0.070 cfs	29.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESWNE Sec 1 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	35E	1	51.0	52.0	40.0	37.0	49.0	40.0	29.0	38.0	29.0			33.0	32.4	40.0	37.0	31.4	538.8
			L 1	L 2			L 3	L 4											
04N	36E	6						10.0	8.0										18.0
								L 4	L 5										

Right Acre Limit: 15.0
POU Total Acres: 556.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 15 acres within the authorized place of use described above in a single irrigation season.
2. Rights 35-13867 and 35-13873 when combined shall not exceed a total diversion rate of 0.3 cfs, a total annual maximum diversion volume of 60 af at the field headgate, and the irrigation of 15 acres.
3. Rights 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, 35-14130, 35-14131 and 35-14732 when combined shall not exceed a total diversion rate of 9.32 cfs, a total annual maximum diversion volume of 2227.2 af at the field headgate, and the irrigation of 556.8 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.

Transfer No. 84683

WATER RIGHT NO. 35-13873

As Modified by Transfer No. 84683

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 84683, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-13875**As Modified by Transfer No. 84683**

In accordance with the approval of Transfer No. 84683, Water Right No. 35-13875 is now described as follows:

Right Holder: KIRT SCHWIEDER AND
KAELYNE SCHWIEDER
PO BOX 1662
IDAHO FALLS, ID 83403-1662

Priority Date: 6/20/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	0.280 cfs	104.0 af
			0.280 cfs	104.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESWNE Sec 1 Twp 04N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	35E	1	51.0	52.0	40.0	37.0	49.0	40.0	29.0	38.0	29.0			33.0	32.4	40.0	37.0	31.4	538.8
			L 1	L 2			L 3	L 4											
04N	36E	6						10.0	8.0										18.0
								L 4	L 5										

Right Acre Limit: 26.0
POU Total Acres: 556.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 26 acres within the authorized place of use described above in a single irrigation season.
2. Rights 35-13869 and 35-13875 when combined shall not exceed a total diversion rate of 0.52 cfs, a total annual maximum diversion volume of 104 af at the field headgate, and the irrigation of 26 acres.
3. Rights 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, 35-14130, 35-14131 and 35-14732 when combined shall not exceed a total diversion rate of 9.32 cfs, a total annual maximum diversion volume of 2227.2 af at the field headgate, and the irrigation of 556.8 acres.

Transfer No. 84683

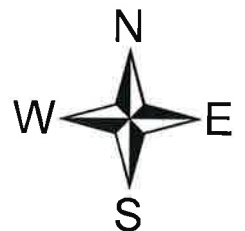
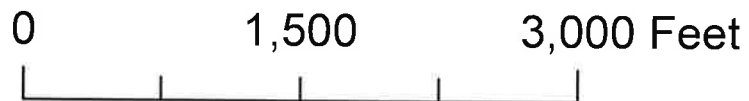
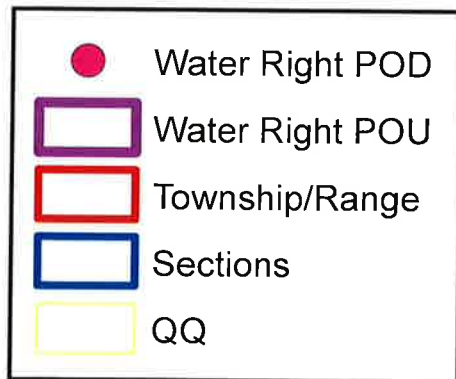
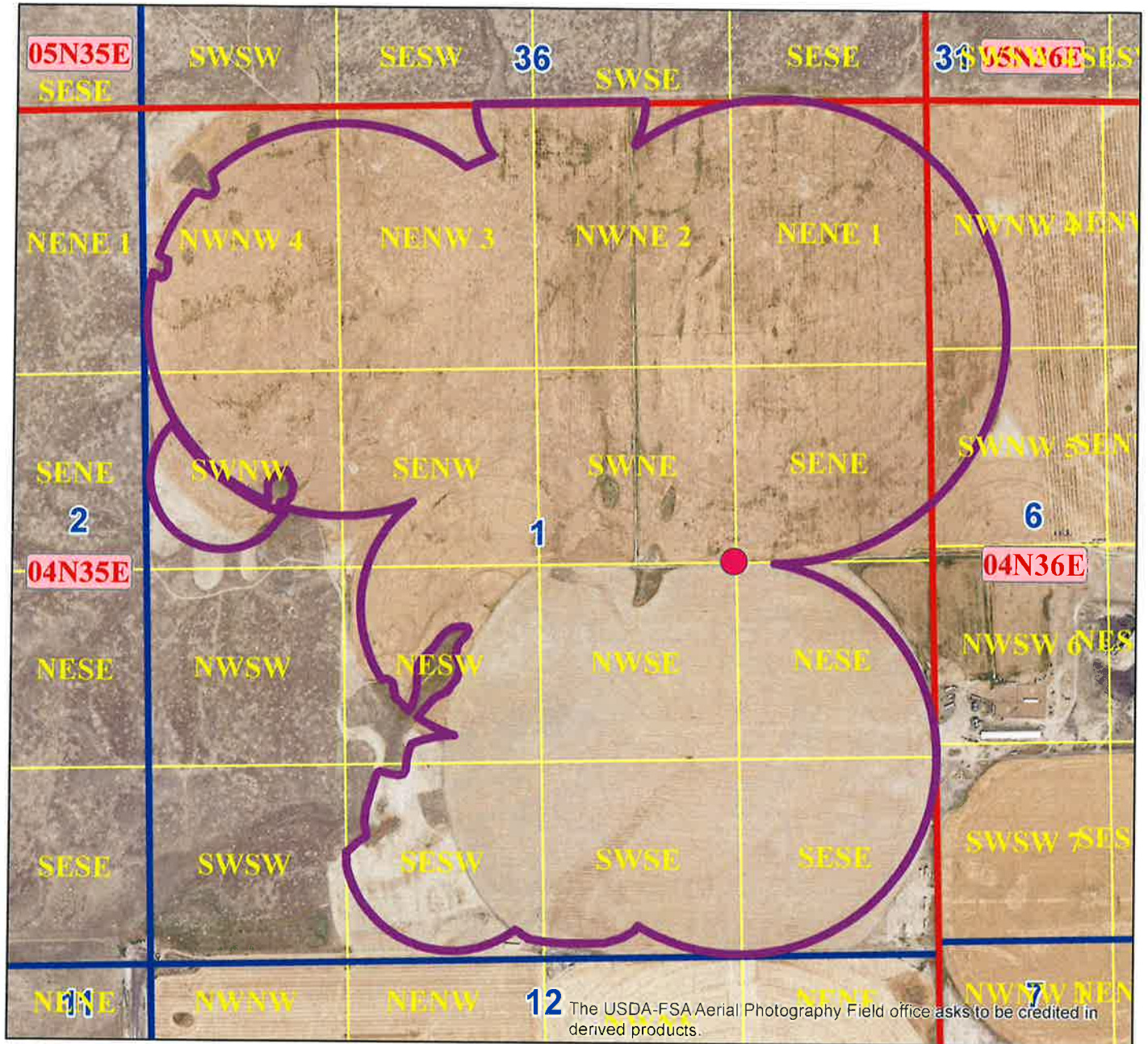
WATER RIGHT NO. 35-13875
As Modified by Transfer No. 84683

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. Prior to the diversion and use of water under Transfer approval 84683, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Attachment to Transfer Approval 84683

This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Date: 3/29/2021



State of 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

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 29, 2021

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

Re: Transfer No: 84683
Water Right No(s): 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13870, 35-13873, 35-13875, 35-14130, 35-14131

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CH', is positioned above the printed name.

Christina Henman
Administrative Assistant

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 84683

Water Right No(s): 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13870, 35-13873, 35-13875, 35-14130, 35-14131

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



**Christina Henman
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.