

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 84683

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED
FEB 03 2021

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.

Name of Applicant(s) KIRT SCHWIEDER 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 idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #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**

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

Name of Applicant(s) KIRT SCHWIEDER AND KAELYNE SCHWIEDER Phone 208-523-1202
Mailing address PO BOX 1662 IDAHO FALLS ID 83401 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.


Signature of Applicant or Authorized Representative

Print Name and Title if applicable

2-3-2021
Date


Signature of Applicant or Authorized Representative

Print Name and Title if applicable

2/3/2021
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**.
 Change point of diversion and change the place of use to cover two new mini pivots that have recently been installed. This transfer will also clean up the water rights to reflect how the current irrigation system operates.
 Existing well will be utilized. Points of diversion are within adjacent ESPA model grid cells. No analysis required.

**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 ☒ ☐	35-7009	4.0/1044	Irrigation	05/01 to 09/30	Ground Water
☒ ☐	35-7157	3.74/1840	Irrigation	05/01 to 09/30	Ground Water
☒ ☐	35-13867	0.25/60	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	35-13869	0.33/104	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	35-13873	0.07/29.9	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	35-13875	0.28/104	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	35-14130	0.08/23.2	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	35-13865	0.45/128	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	35-14131	0.13/40.8	Irrigation	04/01 to 11/01	Ground Water

Total authorized under rights 9.32 cfs and/or 2227.2 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.85 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 #
			SW	NE	1	04N	35E	Jefferson	Ground Water	

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	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
			L1	L2			L3	L4											
04N	36E	6						10.0	8.0										18.0
								L4	L5										
Total Acres (for irrigation use)																			556.8

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:

One point of diversion and several pivots. Diversion is equipped with a magnetic flow meter. Power meter can be locked.

- b. Who owns the property at the point(s) of diversion? Applicants

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:
It will be dry.

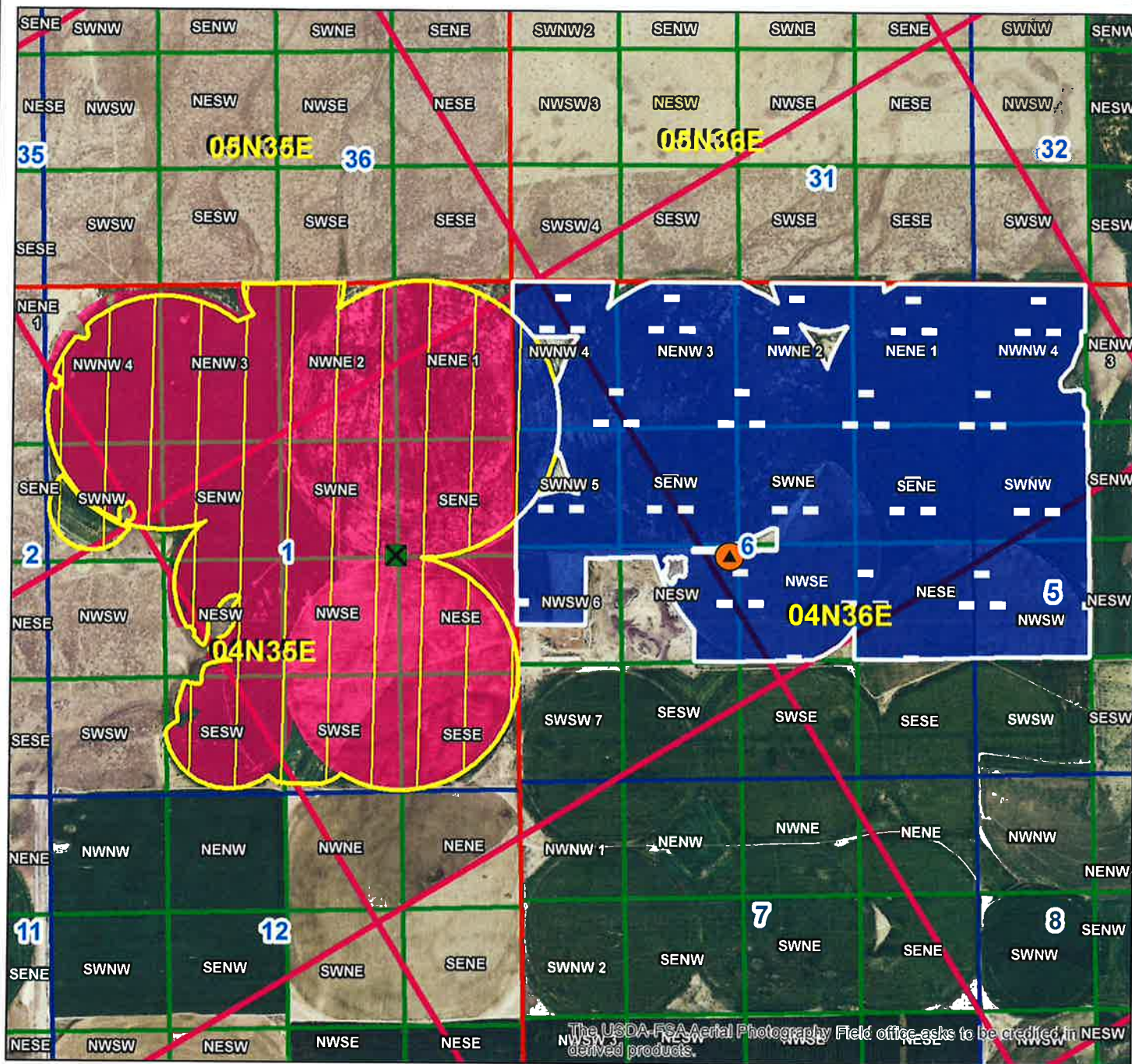
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- 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:



The USDA-FSA Aerial Photography Field office asks to be credited in NESW derived products.

- ✕ Proposed_Point_of_Diversion_35-7009_35-13875_35-13873_35-13869_35-13865_35-7157_35-13867_35-14130_35-13870_35-14131
- Current_Point_of_Diversion_35-7009_35-13875_35-13873_35-13869_35-13865_35-7157_35-13867_35-14130
- ▲ Current_Point_of_Diversion_35-13870_35-14131
- Remaining_Place_of_Use_35-13870_35-14131
- Proposed Place of Use_35-7009_35-13875_35-13873_35-13869_35-13865_35-7157_35-13867_35-14130_35-13870_35-14131
- Current_Place_of_Use_35-7009_35-7157_35-13865_35-13867_35-13869_35-13873_35-13875_35-14130
- Current_Place_of_Use_35-13870_35-14131
- Township/Range
- Sections
- QQ
- ESPAM2_ModelGrid_06092011

0 843.5 1,687 3,374 Feet
1 inch = 1,687 feet



IDAHO Department of Water Resources



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WATER RIGHT REPORT

12/16/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-13870

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KAELYNE SCHWIEDER
Current Owner	KIRT SCHWIEDER PO BOX 1662 IDAHO FALLS, ID 83401 2085231202
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: 04/11/1972

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	7.41 CFS	2272 AFA
Total Diversion			7.41 CFS	2272 AFA

Location of Point(s) of Diversion:

GROUND WATER|NENESW|Sec. 06|Township 04N|Range 36E|JEFFERSON County

IRRIGATION Use:

Acre Limit: 568

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	36E	5	4	NWNW	44.5		SWNW	40						
				NWSW	40									
		6	1	NENE	48	2	NWNE	46		SWNE	39		SENE	40
			3	NENW	49	4	NWNW	42	5	SWNW	34		SENE	40
				NESW	21	6	NWSW	17						
				NESE	40		NWSE	37.7						

Total Acres: 578.2

Conditions of Approval:

1. X27 This right is limited to the irrigation of 568.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-13870 and 35-14131 when combined shall not exceed the irrigation of 578.2 acres.
3. R05 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.
4. R02 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.
5. 214 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.
6. 213 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. R64 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.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. T08 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. 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: 05/20/2002
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
Water District Number: 120
Generic Max Rate per Acre: 0.02
Generic Max Volume per Acre: 4
Combined Acres Limit: 578.2
Combined Volume Limit:
Combined Rate Limit:
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

IDAHO Department of Water Resources



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WATER RIGHT REPORT

12/16/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-14131

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KAELYNE SCHWIEDER
Current Owner	KIRT SCHWIEDER PO BOX 1662 IDAHO FALLS, ID 83401 2085231202
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: 04/11/1972

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	0.13 CFS	40.8 AFA
Total Diversion			0.13 CFS	40.8 AFA

Location of Point(s) of Diversion:

GROUND WATER|NENESW|Sec. 06|Township 04N|Range 36E|JEFFERSON County

IRRIGATION Use:

Acre Limit: 10.2

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	36E	5	4	NWNW	44.5		SWNW	40						
				NWSW	40									
		6	1	NENE	48	2	NWNE	46		SWNE	39		SENE	40
			3	NENW	49	4	NWNW	42	5	SWNW	34		SENE	40
				NESW	21	6	NWSW	17						
				NESE	40		NWSE	37.7						

Total Acres: 578.2

Conditions of Approval:

1. X27 This right is limited to the irrigation of 10.2 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-13870 and 35-14131 when combined shall not exceed the irrigation of 578.2 acres.
3. R05 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.
4. R02 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.
5. 214 Prior to the diversion and use of water under Transfer approval 77108, 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. 213 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. R64 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.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. T08 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. 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: 05/20/2002

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

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 578.2

Combined Volume Limit:

Combined Rate Limit:

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

IDAHO Department of Water Resources



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WATER RIGHT REPORT

12/17/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-7009

Owner Type

Current Owner

Current Owner

Name and Address

KAELYNE SCHWIEDER

KIRT SCHWIEDER

PO BOX 1662

IDAHO FALLS, ID 83401

2085231202

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: 01/08/1968

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

Total Diversion

From

05/01

To

09/30

Diversion Rate

4 CFS

4 CFS

Volume

1044 AFA

1044 AFA

Location of Point(s) of Diversion:

GROUND WATER|SESWNE|Sec. 01|Township 04N|Range 35E|JEFFERSON County

IRRIGATION Use:

Acre Limit: 261

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	35E	1	1	NENE	50	2	NWNE	50.8		SWNE	40		SENE	40
			3	NENW	51	4	NWNW	45		SWNW	20		SENW	38
				NESW	30		SESW	31						
				NESE	40		NWSE	40		SWSE	32		SESE	31

Total Acres: 538.8

Conditions of Approval:

1. X27 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. X35 Rights 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, and 35-14130 when combined shall not exceed a total diversion rate of 9.09 cfs, a total annual maximum diversion volume of 2155.2 af at the field headgate, and the irrigation of 538.8 acres.
4. R05 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. R02 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.
6. 214 Prior to the diversion and use of water under Transfer approval 79812, 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.
7. 213 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.
8. R64 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.
9. F06 The following rights are diverted through point of diversion described above: 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, and 35-14130.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. X61 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.
13. 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: 02/25/2002

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:

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: 0.02

Generic Max Volume per Acre: 4

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

IDAHO Department of Water Resources



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WATER RIGHT REPORT

12/17/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-7157

Owner Type

Current Owner

Current Owner

Name and Address

KAELYNE SCHWIEDER

KIRT SCHWIEDER

PO BOX 1662

IDAHO FALLS, ID 83401

2085231202

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: 11/27/1970

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

Total Diversion

From

05/01

09/30

To

Diversion Rate

3.74 CFS

3.74 CFS

Volume

1840 AFA

1840 AFA

Location of Point(s) of Diversion:

GROUND WATER|SESWNE|Sec. 01|Township 04N|Range 35E|JEFFERSON County

IRRIGATION Use:

Acre Limit: 460

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	35E	1	1	NENE	50	2	NWNE	50.8		SWNE	40		SENE	40
			3	NENW	51	4	NWNW	45		SWNW	20		SENW	38
				NESW	30		SESW	31						
				NESE	40		NWSE	40		SWSE	32		SESE	31

Total Acres: 538.8

Conditions of Approval:

1. X27 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. X35 Rights 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, and 35-14130 when combined shall not exceed a total diversion rate of 9.09 cfs, a total annual maximum diversion volume of 2155.2 af at the field headgate, and the irrigation of 538.8 acres.
4. R05 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. R02 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.
6. 214 Prior to the diversion and use of water under Transfer approval 79812, 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.
7. 213 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.
8. R64 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.
9. F06 The following rights are diverted through point of diversion described above: 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, and 35-14130.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. X61 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.
13. 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: 02/25/2002

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:

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: 0.02

Generic Max Volume per Acre: 4

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

IDAHO Department of Water Resources



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WATER RIGHT REPORT

12/17/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-13867

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KAELYNE SCHWIEDER
Current Owner	KIRT SCHWIEDER PO BOX 1662 IDAHO FALLS, ID 83401 2085231202
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 0.25 CFS 60 AFA
Total Diversion	0.25 CFS 60 AFA

Location of Point(s) of Diversion:

GROUND WATER|SESWNE|Sec. 01|Township 04N|Range 35E|JEFFERSON County

IRRIGATION Use:

Acre Limit: 15

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	35E	1	1	NENE	50	2	NWNE	50.8		SWNE	40		SENE	40
			3	NENW	51	4	NWNW	45		SWNW	20		SENW	38
				NESW	30		SESW	31						
				NESE	40		NWSE	40		SWSE	32		SESE	31

Total Acres: 538.8

Conditions of Approval:

1. X27 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. X35 Rights 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, and 35-14130 when combined shall not exceed a total diversion rate of 9.09 cfs, a total annual maximum diversion volume of 2155.2 af at the field headgate, and the irrigation of 538.8 acres.
4. R05 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. R02 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.
6. 214 Prior to the diversion and use of water under Transfer approval 79812, 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.
7. 213 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.
8. R64 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.
9. F06 The following rights are diverted through point of diversion described above: 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, and 35-14130.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

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

IDAHO Department of Water Resources



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WATER RIGHT REPORT

12/17/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-13869

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KAELYNE SCHWIEDER
Current Owner	KIRT SCHWIEDER PO BOX 1662 IDAHO FALLS, ID 83401 2085231202
Original Owner	GEORGE W WATKINS IDAHO FALLS, ID

Priority Date: 02/28/1955

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	10/31	0.33 CFS	104 AFA
Total Diversion			0.33 CFS	104 AFA

Location of Point(s) of Diversion:

GROUND WATER|SESWNE|Sec. 01|Township 04N|Range 35E|JEFFERSON County

IRRIGATION Use:

Acre Limit: 26

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	35E	1	1	NENE	50	2	NWNE	50.8		SWNE	40		SENE	40
			3	NENW	51	4	NWNW	45		SWNW	20		SENW	38
				NESW	30		SESW	31						
				NESE	40		NWSE	40		SWSE	32		SESE	31

Total Acres: 538.8

Conditions of Approval:

1. X27 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. X35 Rights 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, and 35-14130 when combined shall not exceed a total diversion rate of 9.09 cfs, a total annual maximum diversion volume of 2155.2 af at the field headgate, and the irrigation of 538.8 acres.
4. R05 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. R02 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.
6. 214 Prior to the diversion and use of water under Transfer approval 79812, 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.
7. 213 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.
8. R64 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.
9. F06 The following rights are diverted through point of diversion described above: 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, and 35-14130.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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: 02/15/2002

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

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

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

IDAHO Department of Water Resources



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WATER RIGHT REPORT

12/17/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-13873

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KAELYNE SCHWIEDER
Current Owner	KIRT SCHWIEDER PO BOX 1662 IDAHO FALLS, ID 83401 2085231202
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	0.07 CFS	29.9 AFA
Total Diversion			0.07 CFS	29.9 AFA

Location of Point(s) of Diversion:

GROUND WATER|SESWNE|Sec. 01|Township 04N|Range 35E|JEFFERSON County

IRRIGATION Use:

Acre Limit: 15

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	35E	1	1	NENE	50	2	NWNE	50.8		SWNE	40		SENE	40
			3	NENW	51	4	NWNW	45		SWNW	20		SENW	38
				NESW	30		SESW	31						
				NESE	40		NWSE	40		SWSE	32		SESE	31

Total Acres: 538.8

Conditions of Approval:

1. X27 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. X35 Rights 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, and 35-14130 when combined shall not exceed a total diversion rate of 9.09 cfs, a total annual maximum diversion volume of 2155.2 af at the field headgate, and the irrigation of 538.8 acres.
4. R05 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. R02 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.
6. 214 Prior to the diversion and use of water under Transfer approval 79812, 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.
7. 213 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.
8. R64 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.
9. F06 The following rights are diverted through point of diversion described above: 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, and 35-14130.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

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

IDAHO Department of Water Resources



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WATER RIGHT REPORT

12/17/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-13875

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KAELYNE SCHWIEDER
Current Owner	KIRT SCHWIEDER PO BOX 1662 IDAHO FALLS, ID 83401 2085231202
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	0.28 CFS	104 AFA
Total Diversion			0.28 CFS	104 AFA

Location of Point(s) of Diversion:

GROUND WATER|SESWNE|Sec. 01|Township 04N|Range 35E|JEFFERSON County

IRRIGATION Use:

Acre Limit: 26

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	35E	1	1	NENE	50	2	NWNE	50.8		SWNE	40		SENE	40
			3	NENW	51	4	NWNW	45		SWNW	20		SENW	38
				NESW	30		SESW	31						
				NESE	40		NWSE	40		SWSE	32		SESE	31

Total Acres: 538.8

Conditions of Approval:

1. X27 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. X35 Rights 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, and 35-14130 when combined shall not exceed a total diversion rate of 9.09 cfs, a total annual maximum diversion volume of 2155.2 af at the field headgate, and the irrigation of 538.8 acres.
4. R05 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. R02 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.
6. 214 Prior to the diversion and use of water under Transfer approval 79812, 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.
7. 213 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.
8. R64 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.
9. F06 The following rights are diverted through point of diversion described above: 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, and 35-14130.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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: 02/15/2002

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

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

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

IDAHO Department of Water Resources



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WATER RIGHT REPORT

12/17/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-14130

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KAELYNE SCHWIEDER
Current Owner	KIRT SCHWIEDER PO BOX 1662 IDAHO FALLS, ID 83401 2085231202
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: 04/11/1972

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	0.08 CFS	23.2 AFA
Total Diversion			0.08 CFS	23.2 AFA

Location of Point(s) of Diversion:

GROUND WATER|SESWNE|Sec. 01|Township 04N|Range 35E|JEFFERSON County

IRRIGATION Use:

Acre Limit: 5.8

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	35E	1	1	NENE	50	2	NWNE	50.8		SWNE	40		SENE	40
			3	NENW	51	4	NWNW	45		SWNW	20		SENW	38
				NESW	30		SESW	31						
				NESE	40		NWSE	40		SWSE	32		SESE	31

Total Acres: 538.8

Conditions of Approval:

1. X27 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. X35 Rights 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, and 35-14130 when combined shall not exceed a total diversion rate of 9.09 cfs, a total annual maximum diversion volume of 2155.2 af at the field headgate, and the irrigation of 538.8 acres.
3. R05 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.
4. R02 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.
5. 214 Prior to the diversion and use of water under Transfer approval 79812, 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. 213 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. R64 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. F06 The following rights are diverted through point of diversion described above: 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, and 35-14130.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. T08 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. 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: 05/20/2002

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

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

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

IDAHO Department of Water Resources



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to [call ahead for an appointment](#).

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WATER RIGHT REPORT

12/17/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-13865

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KAELYNE SCHWIEDER
Current Owner	KIRT SCHWIEDER PO BOX 1662 IDAHO FALLS, ID 83401 2085231202
Original Owner	GEORGE W WATKINS IDAHO FALLS, ID

Priority Date: 01/10/1966

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	0.45 CFS	128 AFA
Total Diversion			0.45 CFS	128 AFA

Location of Point(s) of Diversion:

GROUND WATER | SESWNE | Sec. 01 | Township 04N | Range 35E | JEFFERSON County

IRRIGATION Use:

Acre Limit: 32

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	35E	1	1	NENE	50	2	NWNE	50.8		SWNE	40		SENE	40
			3	NENW	51	4	NWNW	45		SWNW	20		SENW	38
				NESW	30		SESW	31						
				NESE	40		NWSE	40		SWSE	32		SESE	31

Total Acres: 538.8

Conditions of Approval:

1. X27 This right is limited to the irrigation of 32 acres within the authorized place of use described above in a single irrigation season.
2. X35 Rights 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, and 35-14130 when combined shall not exceed a total diversion rate of 9.09 cfs, a total annual maximum diversion volume of 2155.2 af at the field headgate, and the irrigation of 538.8 acres.
3. R05 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.
4. R02 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.
5. 214 Prior to the diversion and use of water under Transfer approval 79812, 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. 213 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. R64 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. F06 The following rights are diverted through point of diversion described above: 35-7009, 35-7157, 35-13865, 35-13867, 35-13869, 35-13873, 35-13875, and 35-14130.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. T08 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. 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
Water District Number: 120
Generic Max Rate per Acre: 0.02
Generic Max Volume per Acre: 4
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



Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Gary Spackman
Director

February 18, 2021

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

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

Dear Applicant(s):

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 2/24/2021 and 3/3/2021. 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: Thursday, February 18, 2021 2:37 PM
To: Jordan, Blake
Subject: Application for Transfer No. 84683
Attachments: RecommendationForm Transfer41.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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

Henman, Christina

From: Henman, Christina
Sent: Thursday, February 18, 2021 4:21 PM
To: JEFFERSON STAR (info@jeffersonstarnews.com)
Subject: Legal Notice for Jefferson Star
Attachments: 84683 Jefferson Star.docx

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

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

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 3/15/2021. Your cooperation is appreciated.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84683**

KIRT SCHWIEDER and KAELYNE SCHWIEDER, PO BOX 1662, IDAHO FALLS, ID 83403-1662 has filed Application No. 84683 for changes to the following water rights within JEFFERSON County(s): Right No(s). 35-13865, 35-13867, 35-13869, 35-13870, 35-13873, 35-13875, 35-14130, 35-14131, 35-7009, 35-7157; 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 point of diversion and place of use. The point of diversion is in SESWNE, Section 1, T04N, R35E for 9.32 cfs from ground water. The place of use is in Section 1, T04N, R35E; and in the NW 1/4 Section 6, T04N, R36E for 556.8 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 3/15/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/24/2021 and 3/3/2021