

BEFORE THE DEPARTMENT OF WATER RESC

2003

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 22-7210 & 22-7313)
Val E. Schwendiman Farms)

ORDER AUTHORIZING
TEMPORARY CHANGE TC-2208

WHEREAS, a drought emergency has been declared for FREMONT
County to allow administrative actions to lessen the severe impacts of the drought
conditions in the counties; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a
drought emergency, the director of the Department of Water Resources ("Department")
is authorized to allow temporary changes in the point of diversion, the place of use, and
the purpose of use for valid existing water rights when the director determines that such
changes can be accomplished in accordance with the provisions of section 42-222A,
Idaho Code; and

WHEREAS, on 9/8/03, Val E Schwendiman Farms by David Schwendiman for Fremont-Madison IRR DIST submitted the attached
Temporary Change Application TC-22-08 to the Department; and

WHEREAS, the Department has reviewed the application and has determined
the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the
following conditions:

1. Diversion and use of right no(s). 22-7210 & 22-7313 is authorized only
at the point of diversion and place of use described on the application.
2. This temporary change approval does not authorize construction of a new
well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the
diversion and use of water under the temporary change approval cause
injury to other water rights, constitute an enlargement in use of the original
right, be inconsistent with the conservation of water resources within the
state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a

**ORDER AUTHORIZING
TEMPORARY CHANGE** Tc-22-08

replacement water supply to lands or other uses which normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

5. Right(s) 22-7210 & 22-7313 are limited to the irrigation of a total of 3279 acres in a single irrigation season.
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The watermaster of Water District No. 01 is authorized to administer the temporary change approval.
11. This temporary change approval expires on 12-31-03 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 12th day of September, 2003.


**RONALD D. CARLSON
EASTERN REGION MANAGER**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

RECEIVED

SEP 08 2003

(To change point of diversion, place of use or purpose of use) Department of Water Resources
Eastern Region

Name of Applicant Val E. Schwendiman Farms Phone 458-4261

Post Office Address 9633 E Hwy 33, Newdale, ID 83436

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof Injecting well water into the Teton River to flow down the Henry's Fork. Water will be redirected by Fremont-Madison Irrigation District at their discretion throughout the District.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>22-7210</u>	<u>2-15-1977</u>	<u>15.5 cfs</u>	<u>Irrigation</u>	<u>8-1-03 to 11-1-03</u>
<u>22-7313</u>	<u>1-15-1980</u>	<u>9.0 cfs</u>	<u>Irrigation</u>	<u>8-1-03 to 11-1-03</u>
				to
				to

2. Total amount of water being transferred 24.5 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SE	SW	NE	29	7N	41E	Fremont	3 wells <u>Hankinson-Schwendiman Exchange Wells</u>

5. Lands irrigated or place of use: Lands under Fremont-Madison Irrigation District

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

6. General Information:

TC-22-08

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right District meeting held August 7, 2003
agreed to this transfer
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
These lands are now dried up
- d. Has the water right sought to be transferred been used this year? yes If yes, explain. Used on
lands described in the license
- e. Absent the changes, how would the right be used for the remainder of the year? Irrigation would
continue.
- f. Describe other water rights used for the same purpose.
- g. Remarks: The wells are co-owned by Val E. Schwendiman Farms
and M&B Enterprises. M&B Enterprises is also applying for a
transfer.

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

David Schwendiman
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by Kew Date 9/8/03 Fee 50⁰⁰
Receipted Kew # E029171 Recommend: ☒ approve ☐ deny
Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-22-08

And said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 12th day of September 2003.

[Signature]
For the Director

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-7210

WATER RIGHT NUMBER: 22-7210

Owner TypeName and Address

Current Owner

VAL SCHWENDIMAN FARMS INC, 9633 E HWY 33, NEWDALE, ID 83436

Priority Date: 02/15/1977

Basis: License

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

4/15 to 10/15

15.500 CFS

5,656.90 AF

Total Diversion:

15.500 CFS

5,656.90 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4SE1/4

Sec. 23,Twp 07N,Rge 42E, B.M.

MADISON County (Rediversion)

GROUND WATER

SW1/4NE1/4

Sec. 29,Twp 07N,Rge 41E, B.M.

FREMONT County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
06N 42E 2	40.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	39.0	40.0	40.0	40.0	40.0	40.0	636.0
	L 1	L 2			L 3	L 4											
06N 42E 10	39.0	40.0	36.0	37.0					35.0	40.0			40.0	34.0			301.0
06N 42E 11	40.0	40.0	40.0		40.0	39.0	39.0	40.0									278.0
07N 42E 23																	12.0
07N 42E 26		24.0	34.0	3.0	40.0	39.0	39.0	40.0	40.0	39.0	39.0	39.0	2.0	17.0	10.0		405.0
07N 42E 27	39.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0	39.0	40.0	39.0	39.0	633.0
07N 42E 28	40.0		40.0	40.0						40.0	40.0	40.0	40.0	40.0	39.0	39.0	358.0
07N 42E 33					39.0												39.0
07N 42E 35		32.0	40.0	18.0	40.0	39.0	39.0	40.0	40.0	39.0	39.0	40.0	36.0	40.0	40.0	40.0	562.0
07N 42E 36									15.0	40.0							55.0

Total Acres: 3279

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
2. R30 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

Remarks:

1. Unperforated well casing shall be retained above the first confining layer to prevent interference with shallow wells and recharge to the river. No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the rediversion pump and the exchange wells will be allowed even if the exchange wells are pumping water into the Teton River. Totalizing measuring devices shall be maintained at the exchange wells and rediversion pumps from the Teton River. The exchange wells must inject water into the Teton River whenever water is being diverted from the river under this license, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection. The power supply to the exchange wells cannot be contracted under the power company's interruptable rules unless the power company agrees to notify the right holder at least 24 hours prior to the time the power service is terminated. The rate of rediversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.

This right is limited to the irrigation of 2560 acres in the place of use described above in a single irrigation season.

The director retains jurisdiction of this right to adjust the terms of the exchange if necessary to prevent injury to prior rights.

Three points of diversion located in SWNE, S29, T7N, R41E.

Dates and Other Information:

Licensed Date: 7/22/1994

Water District Number: 01

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-7313

WATER RIGHT NUMBER: 22-7313

Owner TypeName and Address

Current Owner

VAL SCHWENDIMAN FARMS INC, 9633 E HWY 33, NEWDALE, ID 83436

Priority Date: 01/15/1980

Basis: License

Status: Active

SourceTributary

GROUND WATER

Beneficial UseFrom ToDiversion RateAnnual Volume

IRRIGATION

4/15 to 10/15

9.000 CFS

3,284.70 AF

Total Diversion:

9.000 CFS

3,284.70 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4NE1/4

Sec. 29,Twp 07N,Rge 41E, B.M.

FREMONT County

GROUND WATER NW1/4SE1/4

Sec. 23,Twp 07N,Rge 42E, B.M.

MADISON County (Rediversion)

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 42E 2	40.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	39.0	40.0	40.0	40.0	40.0	40.0	636.0
	L 1	L 2			L 3	L 4											
06N 42E 10	39.0	40.0	36.0	37.0					35.0	40.0			40.0	34.0			301.0
06N 42E 11	40.0	40.0	40.0		40.0	39.0	39.0	40.0									278.0
07N 42E 23														12.0			12.0
07N 42E 26		24.0	34.0	3.0	40.0	39.0	39.0	40.0	40.0	39.0	39.0	39.0	2.0	17.0	10.0		405.0
07N 42E 27	39.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0	39.0	40.0	39.0	39.0	633.0
07N 42E 28	40.0		40.0	40.0							40.0	40.0	40.0	40.0	39.0	39.0	358.0
07N 42E 33					39.0												39.0
07N 42E 35		32.0	40.0	18.0	40.0	39.0	39.0	40.0	40.0	39.0	39.0	40.0	36.0	40.0	40.0	40.0	562.0
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Comments:Dates and Other Information:

Licensed Date: 7/22/1994

Water District Number: 01