

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-7287

Date Received:
Receipt Nos:
Received By:

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Name of Claimant
DAVID V SCHWENDIMAN
MELANIE SCHWENDIMAN
2573 N 15000 E HWY 33
NEWDALE, ID 83436
(208)458-4224

VAL E SCHWENDIMAN
9633 E HWY 33
NEWDALE, ID 83436
(208)458-4261

Priority Date: 06/01/1900
Basis: Decreed/License
Status: Active

<u>Source</u>	<u>Tributary</u>
Ground Water	
Teton River	Snake River

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	5.12 CFS	2100 AFA

Total Diversion

5.12 CFS

Location of Point(s) of Diversion:

GROUND
WATER

SESWSW

Sec. 23

Township 07N

Range 42E

MADISON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION FREMONT County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	42E	21		NENE	7		SENE	32						
				NESE	38									
		22		NENE	14		NWNE	14		SWNE	39.2		SENE	39.2
				NENW	31		NWNW	31		SWNW	40		SENW	40
				NESW	17		NWSW	36						
				NESE	39		NWSE	39						
		23		NWNW	2.8		SWNW	29		SENW	3.1			
				NESW	24		NWSW	39.2		SWSW	40		SESW	38
				SWSE	12									

Total Acres: 644.5

Remarks: This water right includes the right to divert water which is recovered ground water resulting from recharge for irrigation and/or water resulting from irrigation under the Canyon Creek Canal Company irrigation works for use on lands within said irrigation entity's authorized place of use. Diversion of this right for the purpose of irrigation is authorized for a maximum acreage equivalent to the authorized place of use for this right. This right includes an accomplished change in place of use pursuant to Section 42-1425, Idaho Code. § I.C. 42-1425 and/or I.C. 42-228. This right includes an accomplished change in point of diversion pursuant to Sections 42-1425 and/or 42-228, Idaho Code. In the event recharge or recovered water is not available, the priority date shall revert to the previously licensed priority date.

1. Totalizing measuring devices shall be maintained at the point of diversion.

2. K06 This right is limited to the irrigation of 600 acres within the place of use described above in a single irrigation season.

3. U42 Place of use does not include federal public lands unless authorized in writing by the managing federal agency.

4. E51 Right Nos. 22-7287 and 22-12656 are limited to a total combined diversion rate of 5.12 cfs.

5. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

6. E56 The rights listed below are limited to the irrigation of a combined total of 644.5 acres in a single irrigation season. Combined Right Nos.: 22-7287 and 22-12656.

7. E60 Use of this right with Right Nos. 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B, and 22-12656 is limited to a total combined diversion rate of 33.22 cfs and to a total combined annual diversion volume of 13,767.25 AF.

8. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

9. E55 Right Nos. 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B, and 22-12656 are limited to the irrigation of a combined total of 3933.5 acres in a single irrigation season.

10 K01 Right No. 22-12656 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

11 F05 Right Nos. 22-7287 and 22-12656 are also diverted through point of diversion described above.

Describe any other water rights used at the same place and for the same purposes as describe above: Those water rights recommended as of the date of this amended claim.

Basis of Claim: Decreed/License

Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: Previously submitted and on file with IDWR

For Individuals/Organizations:

I do solemnly swear or affirm under penalty of perjury that I am the attorney for the above individual or organization, that I have signed the foregoing document in the space below as attorney for the individual or organization and that the statements contained in the forgoing

document are true and correct.

DATED this 17th day of August, 2010.


Jerry R. Rigby, Attorney for Claimant

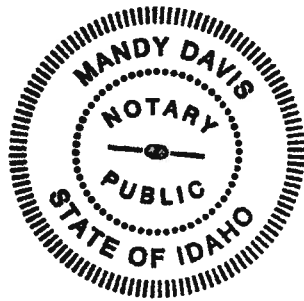
STATE OF IDAHO,)

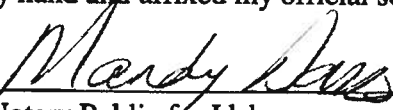
ss.

County of Madison.)

On this 17th day of August, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for Idaho

Residing at: St. Anthony

My Commission Expires: 6/24/2011