

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

AMENDED**TRANSFER OF WATER RIGHT****AMENDED****TRANSFER NO. 74650**

This is to certify that: VAL E SCHWENDIMAN FARMS INC

9633 E HWY 33

NEWDALE ID 83436

(208)458-4261

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
22-7210	AJC/License	02/15/1977	15.5 cfs	5656.9 af	2,560.0	3,887.8	GROUND WATER
22-7313A	AJC/License	01/15/1980	5.37 cfs	1970.82 af	719.0	3,887.8	GROUND WATER
22-7313B	AJC/License	01/15/1980	3.63 cfs	1313.88 af	2,560.0	3,887.8	GROUND WATER

Associated Water Rights Also Included in Transfer Approval (Update Conditions)

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
22-7205	AJC/License	01/18/1977	11.0 cfs	4014.6 af	2,200.0	2,740.2	GROUND WATER
22-7265A	AJC/License	11/16/1977	3.41 cfs	1447.44 af	620.0	2,740.2	GROUND WATER
22-7265B	AJC/License	11/16/1977	1.09 cfs	194.86 af	2,200.0	2,740.2	GROUND WATER
22-7314	AJC/License	01/15/1980	9.0 cfs	3284.7 af	N/A	2,740.2	GROUND WATER
22-7287	AJC/License	01/16/1979	5.12 cfs	2100 af	600.0	644.5	GROUND WATER
22-12656	AJC/Beneficial Use	01/17/1979	0.38 cfs	73.3 af	60.0	644.5	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>
22-7210	NO	NO	YES	NO	NO	NO
22-7313A	NO	NO	YES	NO	NO	NO
22-7313B	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>
22-7210	22-7210	15.5 cfs	5656.9 af	2,560.0	3,934.2		N/A	N/A	N/A	N/A
22-7313A	22-7313A	5.37 cfs	1970.82af	719.0	3,934.2		N/A	N/A	N/A	N/A
22-7313B	22-7313B	3.63 cfs	1313.88af	2,560.0	3,934.2		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		24.5 cfs	7692 af	N/A	3934.2		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 22-7210

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74650

Detailed Water Right Description(s) attached

Dated this _____ 13th _____ day of _____ October _____, 2009 _____

for  _____
Chief, Water Allocation Bureau

WATER RIGHT NO. 22-7210
As Modified by Transfer No. 74650

In accordance with the approval of Transfer No. 74650, Water Right No. 22-7210 is now described as follows.

Right Holder: VAL E SCHWENDIMAN FARMS INC
 9633 E HWY 33
 NEWDALE ID 83436

Priority Date: February 15, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	15.50 CFS	5,656.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWNE	Sec. 29 Twp 07N	Rge 41E	FREMONT County
GROUND WATER	NWNESE	Sec. 29 Twp 07N	Rge 41E	FREMONT County
(Injection)				
GROUND WATER	SESWSE	Sec. 23 Twp 07N	Rge 42E	FREMONT 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	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	624.0
			L 1	L 2			L 3	L 4											
06N	42E	3				3.2									31.0	13.0			47.2
06N	42E	10	40.0	40.0	36.0	31.0					40.0	40.0			40.0	40.0			307.0
06N	42E	11	39.0	39.0	39.0		39.0	39.0	39.0	39.0									273.0
07N	42E	21	7.0			32.0									38.0				77.0
07N	42E	22	14.5	14.0	39.2	39.3	31.0	31.0	40.0	40.0	17.0	36.0			39.0	39.0			380.0
07N	42E	23						2.8	29.0	3.1	24.0	39.2	40.0	38.0			12.0		188.1
07N	42E	26		23.3	35.0	2.2	40.0	40.0	40.0	40.0	36.1	40.0	40.0	40.0	1.6	11.8	7.1		397.1
07N	42E	27	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
07N	42E	28	38.0		40.0	40.0							40.0	40.0	40.0	40.0	40.0	40.0	358.0
07N	42E	33					40.0												40.0
07N	42E	35		27.0	39.0	15.6	40.0	40.0	40.0	39.0	39.0	39.0	39.0	39.0	37.4	39.0	39.0	39.0	551.0
07N	42E	36									12.8	39.0							51.8

Total Acres: 3934.2

**WATER RIGHT NO. 22-7210
As Modified by Transfer No. 74650**

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2,560 acres within the place of use described above in a single irrigation season.
2. Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B and 22-7314 when combined shall not exceed a total diversion rate of 56.36 cfs.
3. Right Nos. 22-7210, 22-7271, 22-7313A, and 22-7313B when combined shall not exceed a total diversion rate of 28.1 cfs and a total annual maximum diversion volume of 11,476.5 af at the field headgate.
4. Right Nos. 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B and 22-12656 when combined shall not exceed a total diversion rate of 33.22 cfs, a total annual maximum diversion volume of 13,767.25 af at the field headgate, and the irrigation of 3,933.5 acres.
5. Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B and 22-7314 are also diverted through points of diversion and injection described above.
6. Right Nos. 22-7210, 22-7270, 22-7313A and 22-7313B are diverted through point(s) of rediversion described above.
7. 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.
8. 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. 01.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
10. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
11. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
12. The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

WATER RIGHT NO. 22-7210
As Modified by Transfer No. 74650

CONDITIONS OF APPROVAL

13. Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the points of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above.
14. Exchange well diversion capacity is owned half by Schwendiman Farms and half by M and B Enterprises for a total capacity of 56.36 cfs.
15. Totalizing measuring devices shall be maintained at the exchange wells and rediversion pumps from the Teton River.
16. 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.
17. The exchange wells must inject water into the Teton River whenever water is being diverted from the river under this water right, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.
18. Three exchange wells are located at or near the point of diversion described above.
19. The rate of diversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.
20. Place of use does not include federal public lands unless authorized in writing by the managing federal agency.
21. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
22. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
23. 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.

This water right 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.

Dated this _____ 13th _____ day of _____ October _____, 2009 _____

Ernest Carlson
for _____
Chief, Water Allocation Bureau

WATER RIGHT NO. 22-7313A
As Modified by Transfer No. 74650

In accordance with the approval of Transfer No. 74650, Water Right No. 22-7313A is now described as follows.

Right Holder: VAL E SCHWENDIMAN FARMS INC
 9633 E HWY 33
 NEWDALE ID 83436

Priority Date: January 15, 1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	5.37 CFS	1,970.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWNE	Sec. 29 Twp 07N	Rge 41E	FREMONT County
GROUND WATER	NWNESE	Sec. 29 Twp 07N	Rge 41E	FREMONT County
(Injection)				
GROUND WATER	SESWSE	Sec. 23 Twp 07N	Rge 42E	FREMONT 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	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	624.0
			L 1	L 2			L 3	L 4											
06N	42E	3				3.2									31.0	13.0			47.2
06N	42E	10	40.0	40.0	36.0	31.0					40.0	40.0			40.0	40.0			307.0
06N	42E	11	39.0	39.0	39.0		39.0	39.0	39.0	39.0									273.0
07N	42E	21	7.0			32.0									38.0				77.0
07N	42E	22	14.5	14.0	39.2	39.3	31.0	31.0	40.0	40.0	17.0	36.0			39.0	39.0			380.0
07N	42E	23						2.8	29.0	3.1	24.0	39.2	40.0	38.0			12.0		188.1
07N	42E	26		23.3	35.0	2.2	40.0	40.0	40.0	40.0	36.1	40.0	40.0	40.0	1.6	11.8	7.1		397.1
07N	42E	27	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
07N	42E	28	38.0		40.0	40.0							40.0	40.0	40.0	40.0	40.0	40.0	358.0
07N	42E	33					40.0												40.0
07N	42E	35		27.0	39.0	15.6	40.0	40.0	40.0	39.0	39.0	39.0	39.0	39.0	37.4	39.0	39.0	39.0	551.0
07N	42E	36									12.8	39.0							51.8

Total Acres: 3934.2

**WATER RIGHT NO. 22-7313A
As Modified by Transfer No. 74650**

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 719 acres within the place of use described above in a single irrigation season.
2. Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B and 22-7314 when combined shall not exceed a total diversion rate of 56.36 cfs.
3. Right Nos. 22-7210, 22-7271, 22-7313A and 22-7313B when combined shall not exceed a total diversion rate of 28.1 cfs and a total annual maximum diversion volume of 11,476.5 af at the field headgate.
4. Right Nos. 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B and 22-12656 when combined shall not exceed a total diversion rate of 33.22 cfs, a total annual maximum diversion volume of 13,767.25 af at the field headgate, and the irrigation of 3,933.5 acres.
5. Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B and 22-7314 are also diverted through points of diversion and injection described above.
6. Right Nos. 22-7210, 22-7270, 22-7313A and 22-7313B are diverted through point(s) of rediversion described above.
7. 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.
8. 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. 01.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
10. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
11. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
12. The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

WATER RIGHT NO. 22-7313A
As Modified by Transfer No. 74650

CONDITIONS OF APPROVAL

13. Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the points of injection described above, and diverting an equal amount from Teton River at the point of redirection described above.
14. The rate of diversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.
15. Totalizing measuring devices shall be maintained at the exchange wells and redirection pumps from the Teton River.
16. No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the redirection pump and the exchange wells will be allowed even if the exchange wells are pumping water into the Teton River.
17. 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.
18. Exchange well diversion capacity is owned half by Schwendiman Farms and half by M and B Enterprises for a total capacity of 56.36 cfs.
19. Three exchange wells are located at or near the point of diversion described above.
20. Place of use does not include federal public lands unless authorized in writing by the managing federal agency.
21. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
22. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
23. 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.

This water right 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.

Dated this _____ 13th _____ day of _____ October _____, 2009 _____

Ernest Carlson
for _____
Chief, Water Allocation Bureau

WATER RIGHT NO. 22-7313B
As Modified by Transfer No. 74650

In accordance with the approval of Transfer No. 74650, Water Right No. 22-7313B is now described as follows.

Right Holder: VAL E SCHWENDIMAN FARMS INC
 9633 E HWY 33
 NEWDALE ID 83436

Priority Date: January 15, 1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	3.63 CFS	1,313.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWNE	Sec. 29 Twp 07N	Rge 41E	FREMONT County
GROUND WATER	NWNESE	Sec. 29 Twp 07N	Rge 41E	FREMONT County
(Injection)				
GROUND WATER	SESWSE	Sec. 23 Twp 07N	Rge 42E	FREMONT 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	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	624.0
			L 1	L 2			L 3	L 4											
06N	42E	3				3.2									31.0	13.0			47.2
06N	42E	10	40.0	40.0	36.0	31.0					40.0	40.0			40.0	40.0			307.0
06N	42E	11	39.0	39.0	39.0		39.0	39.0	39.0	39.0									273.0
07N	42E	21	7.0			32.0									38.0				77.0
07N	42E	22	14.5	14.0	39.2	39.3	31.0	31.0	40.0	40.0	17.0	36.0			39.0	39.0			380.0
07N	42E	23						2.8	29.0	3.1	24.0	39.2	40.0	38.0			12.0		188.1
07N	42E	26		23.3	35.0	2.2	40.0	40.0	40.0	40.0	36.1	40.0	40.0	40.0	1.6	11.8	7.1		397.1
07N	42E	27	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
07N	42E	28	38.0		40.0	40.0							40.0	40.0	40.0	40.0	40.0	40.0	358.0
07N	42E	33					40.0												40.0
07N	42E	35		27.0	39.0	15.6	40.0	40.0	40.0	39.0	39.0	39.0	39.0	39.0	37.4	39.0	39.0	39.0	551.0
07N	42E	36									12.8	39.0							51.8

Total Acres: 3934.2

WATER RIGHT NO. 22-7313B
As Modified by Transfer No. 74650

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2,560 acres within the place of use described above in a single irrigation season.
2. Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B and 22-7314 when combined shall not exceed a total diversion rate of 56.36 cfs.
3. Right Nos. 22-7210, 22-7271, 22-7313A and 22-7313B when combined shall not exceed a total diversion rate of 28.1 cfs and a total annual maximum diversion volume of 11,476.5 af at the field headgate.
4. Right Nos. 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B and 22-12656 when combined shall not exceed a total diversion rate of 33.22 cfs, a total annual maximum diversion volume of 13,767.25 af at the field headgate, and the irrigation of 3,933.5 acres.
5. Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B and 22-7314 are also diverted through points of diversion and injection described above.
6. Right Nos. 22-7210, 22-7270, 22-7313A and 22-7313B are diverted through point(s) of rediversion described above.
6. 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.
7. 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. 01.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
9. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
10. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
11. The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

WATER RIGHT NO. 22-7313B
As Modified by Transfer No. 74650

CONDITIONS OF APPROVAL

12. Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the points of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above.
13. The rate of diversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.
14. 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.
15. 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.
16. Totalizing measuring devices shall be maintained at the exchange wells and rediversion pumps from the Teton River.
17. Exchange well diversion capacity is owned half by Schwendiman Farms and half by M and B Enterprises for a total capacity of 56.36 cfs.
18. Three exchange wells are located at or near the point of diversion described above.
19. Place of use does not include federal public lands unless authorized in writing by the managing federal agency.
20. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
21. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
22. 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.

This water right 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.

Dated this _____ 13th _____ day of _____ October _____, 2009 _____

Ernest Carlson
for _____ Chief, Water Allocation Bureau

WATER RIGHT NO. 22-7287
As Modified by Transfer No. 74650

In accordance with the approval of Transfer No. 74650, Water Right No. 22-7287 is now described as follows.

Right Holder: DAVID V SCHWENDIMAN Or
 MELANIE SCHWENDIMAN
 2573 N 15000 E HWY 33
 NEWDALE ID 83436

Or

VAL E SCHWENDIMAN
 9633 E HWY 33
 NEWDALE ID 83436

Priority Date: January 16, 1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	5.12 CFS	2,100.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESWSW Sec. 23 Twp 07N Rge 42E MADISON County

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	
07N	42E	21	7.0			32.0									38.0				77.0
07N	42E	22	14.0	14.0	4.2	30.0	31.0	31.0	20.0	40.0	17.0	36.0			39.0	39.0			315.2
07N	42E	23						2.8	29.0	3.1	13.0	.2	40.0	3.0			12.0		103.1

Total Acres: 644.5

WATER RIGHT NO. 22-7287
As Modified by Transfer No. 74650

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 600 acres within the place of use described above in a single irrigation season.
2. Right Nos. 22-7287 and 22-12656 are limited to the irrigation of a combined total of 644.5 acres in a single irrigation season.
3. 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.
4. Right Nos. 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B and 22-12656 are limited to a total combined diversion rate of 33.22 cfs and to a total combined annual diversion volume of 13,767.25 AF.
5. Right Nos. 22-7287 and 22-12656 are limited to a total combined diversion rate of 5.12 cfs.
6. Right Nos. 22-7287 and 22-12656 are diverted through point of diversion described above.
7. Right No. 22-12656 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
8. Totalizing measuring devices shall be maintained at the point of diversion.
9. Place of use does not include federal public lands unless authorized in writing by the managing federal agency.
10. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
11. 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.

This water right 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.

Dated this _____ 13th _____ day of _____ October _____, 2009 _____


for _____
Chief, Water Allocation Bureau

WATER RIGHT NO. 22-12656
As Modified by Transfer No. 74650

In accordance with the approval of Transfer No. 74650, Water Right No. 22-12656 is now described as follows.

Right Holder: DAVID V SCHWENDIMAN OR
 MELANIE SCHWENDIMAN
 2573 N 15000 E HWY 33
 NEWDALE ID 83436

Priority Date: January 17, 1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.38 CFS	73.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESWSW Sec. 23 Twp 07N Rge 42E MADISON County

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	
07N	42E	21	7.0			32.0									38.0				77.0
07N	42E	22	14.0	14.0	4.2	30.0	31.0	31.0	20.0	40.0	17.0	36.0			39.0	39.0			315.2
07N	42E	23						2.8	29.0	3.1	13.0	.2	40.0	3.0			12.0		103.1

Total Acres: 644.5

WATER RIGHT NO. 22-12656
As Modified by Transfer No. 74650

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 44.5 acres within the place of use described for this right.
2. Right Nos. 22-7287 and 22-12656 are limited to the irrigation of a combined total of 644.5 acres in a single irrigation season.
3. 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.
4. Right Nos. 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B and 22-12656 are limited to a total combined diversion rate of 33.22 cfs and to a total combined annual diversion volume of 13,767.25 AF.
5. Right Nos. 22-7287 and 22-12656 are limited to a total combined diversion rate of 5.12 cfs.
6. Right Nos. 22-7287 and 22-12656 are diverted through point of diversion described above.
7. Totalizing measuring devices shall be maintained at the point of diversion.
8. Place of use does not include federal public lands unless authorized in writing by the managing federal agency.
9. This right is based upon an enlargement of Right No. 22-7287 pursuant to Section 42-1426, Idaho Code.
10. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
11. 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.

This water right 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.

Dated this _____ 13th _____ day of _____ October _____, 2009 _____


for Chief, Water Allocation Bureau

WATER RIGHT NO. 22-7314
As Modified by Transfer No. 74650

In accordance with the approval of Transfer No. 74650, Water Right No. 22-7314 is now described as follows.

Right Holder: M and B ENTERPRISES LTD PARTNERSHIP
 PO BOX 326
 ST ANTHONY ID 83445

Priority Date: January 15, 1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	9.00 CFS	3,284.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWNE	Sec. 29 Twp 07N	Rge 41E	FREMONT County
GROUND WATER	NWNESE	Sec. 29 Twp 07N	Rge 41E	FREMONT County
(Injection)				
GROUND WATER	SESWSE	Sec. 23 Twp 07N	Rge 42E	FREMONT 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	
07N	42E	2											4.0						4.0
07N	42E	3															24.0		24.0
07N	42E	10	20.0	31.0	30.0	37.0	20.0			36.0	33.0	30.0			38.0	38.0	25.0	37.0	375.0
07N	42E	11					.3	34.0	38.0	.2	1.6	30.0	40.0	40.0			40.0	30.0	254.1
07N	42E	12											5.5	.6			2.4	1.6	10.1
07N	42E	13	37.0	39.0	33.0	36.0	34.0	38.0	34.0	29.0	40.0	39.0	38.0	39.0	35.0	40.0	39.0	39.0	589.0
07N	42E	14	35.0	40.0	30.0	28.0	34.0	35.0	40.0	37.0	40.0	37.0	2.7	29.0	26.0	39.0	40.0	40.0	532.7
07N	42E	15	23.0		19.0	39.0									19.0	18.0			118.0
07N	42E	23	40.0	26.0	1.1	25.0	3.4												95.5
07N	42E	24	40.0	40.0	39.0	40.0	40.0	39.0	36.0	37.0					20.0	8.2			339.2
07N	43E	18											.7	.4					1.1
													L 4						
07N	43E	19	40.0	40.0	40.0	40.0	40.0	41.0	41.0	35.0	2.2	21.0			27.0	27.0	3.3		397.5
								L 1	L 2			L 3							

Total Acres: 2740.2

WATER RIGHT NO. 22-7314
As Modified by Transfer No. 74650

CONDITIONS OF APPROVAL

1. Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270 and 22-7314 are limited to the irrigation of a combined total of 2740.2 acres in a single irrigation season.
2. Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B and 22-7314 are limited to a total combined diversion rate of 56.36 cfs.
3. Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270 and 22-7314 are limited to a total combined (re)diversion capacity of 24.5 cfs and to a total combined annual diversion volume of 9590.7 AF.
4. Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B and 22-7314 are diverted through points of diversion and injection described above.
5. Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270 and 22-7314 are diverted through point of rediversion described above.
6. This right is subject to regulation by the watermaster of Water District No 01.
7. Three exchange wells are located at or near the point of diversion described above.
8. Totalizing measuring devices shall be maintained at the exchange wells and rediversion pumps from the Teton River.
9. 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.
10. 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.
11. The rate of rediversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.
12. Exchange well diversion capacity is owned half by Schwendiman Farms and half by M and B Enterprises for a total capacity of 56.36 cfs.
13. Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the point of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above.
14. The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

WATER RIGHT NO. 22-7314
As Modified by Transfer No. 74650

CONDITIONS OF APPROVAL

15. Place of use does not include federal public lands unless authorized in writing by the managing federal agency.
16. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
17. 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.

This water right 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.

Dated this _____ 13th _____ day of _____ October _____, 2009 _____



for Chief, Water Allocation Bureau

WATER RIGHT NO. 22-7205
As Modified by Transfer No. 74650

In accordance with the approval of Transfer No. 74650, Water Right No. 22-7205 is now described as follows.

Right Holder: M and B ENTERPRISES LTD PARTNERSHIP
 PO BOX 326
 ST ANTHONY ID 83445

Priority Date: January 18, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/15	11.00 CFS	4,014.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWNE	Sec. 29 Twp 07N	Rge 41E	FREMONT County
GROUND WATER	NWNSE	Sec. 29 Twp 07N	Rge 41E	FREMONT County
(Injection)				
GROUND WATER	SENWSE	Sec. 23 Twp 07N	Rge 42E	FREMONT 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	
07N	42E	2											4.0						4.0
07N	42E	3															24.0		24.0
07N	42E	10	20.0	31.0	30.0	37.0	20.0			36.0	33.0	30.0			38.0	38.0	25.0	37.0	375.0
07N	42E	11					.3	34.0	38.0	.2	1.6	30.0	40.0	40.0			40.0	30.0	254.1
07N	42E	12											5.5	.6			2.4	1.6	10.1
07N	42E	13	37.0	39.0	33.0	36.0	34.0	38.0	34.0	29.0	40.0	39.0	38.0	39.0	35.0	40.0	39.0	39.0	589.0
07N	42E	14	35.0	40.0	30.0	28.0	34.0	35.0	40.0	37.0	40.0	37.0	2.7	29.0	26.0	39.0	40.0	40.0	532.7
07N	42E	15	23.0		19.0	39.0									19.0	18.0			118.0
07N	42E	23	40.0	26.0	1.1	25.0	3.4												95.5
07N	42E	24	40.0	40.0	39.0	40.0	40.0	39.0	36.0	37.0					20.0	8.2			339.2
07N	43E	18											.7	.4					1.1
07N	43E	19	40.0	40.0	40.0	40.0	40.0	41.0	41.0	35.0	2.2	21.0	L 4		27.0	27.0	3.3		397.5
								L 1	L 2			L 3							

Total Acres: 2740.2

WATER RIGHT NO. 22-7205
As Modified by Transfer No. 74650

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2200 acres within the place of use described above in a single irrigation season.
2. Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270, and 22-7314 are limited to the irrigation of a combined total of 2740.2 acres in a single irrigation season.
3. Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B and 22-7314 are limited to a total combined diversion rate of 56.36 cfs.
4. Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270 and 22-7314 are limited to a total combined (re)diversion capacity of 24.5 cfs and to a total combined annual diversion volume of 9590.7 AF.
5. Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B and 22-7314 are also diverted through points of diversion and injection described above.
6. Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270 and 22-7314 are diverted through point of rediversion described above.
7. This right is subject to regulation by the watermaster of Water District No 01.
8. Totalizing measuring devices shall be maintained at the exchange wells and rediversion pumps from the Teton River.
9. Three exchange wells are located at or near the point of diversion described above.
10. 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.
11. 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.
12. Exchange well diversion capacity is owned half by Schwendiman Farms and half by M and B Enterprises for a total capacity of 56.36 cfs.
13. The rate of rediversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.
14. The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

WATER RIGHT NO. 22-7205
As Modified by Transfer No. 74650

CONDITIONS OF APPROVAL

15. Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the point of injection described above, and diverting an equal amount from Teton River at the point of redirection described above.
16. Place of use does not include federal public lands unless authorized in writing by the managing federal agency.
17. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
18. 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.

This water right 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.

Dated this ____ 13th ____ day of ____ October ____, 2009 ____


for Chief, Water Allocation Bureau

WATER RIGHT NO. 22-7265A
As Modified by Transfer No. 74650

In accordance with the approval of Transfer No. 74650, Water Right No. 22-7265A is now described as follows.

Right Holder: M and B ENTERPRISES LTD PARTNERSHIP
 PO BOX 326
 ST ANTHONY ID 83445

Priority Date: November 16, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	3.41 CFS	1,447.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWNE	Sec. 29 Twp 07N	Rge 41E	FREMONT County
GROUND WATER	NWNESE	Sec. 29 Twp 07N	Rge 41E	FREMONT County
(Injection)				
GROUND WATER	SESWSE	Sec. 23 Twp 07N	Rge 42E	FREMONT 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	
07N	42E	2											4.0						4.0
07N	42E	3															24.0		24.0
07N	42E	10	20.0	31.0	30.0	37.0	20.0		36.0	33.0	30.0				38.0	38.0	25.0	37.0	375.0
07N	42E	11					.3	34.0	38.0	.2	1.6	30.0	40.0	40.0			40.0	30.0	254.1
07N	42E	12											5.5	.6			2.4	1.6	10.1
07N	42E	13	37.0	39.0	33.0	36.0	34.0	38.0	34.0	29.0	40.0	39.0	38.0	39.0	35.0	40.0	39.0	39.0	589.0
07N	42E	14	35.0	40.0	30.0	28.0	34.0	35.0	40.0	37.0	40.0	37.0	2.7	29.0	26.0	39.0	40.0	40.0	532.7
07N	42E	15	23.0		19.0	39.0									19.0	18.0			118.0
07N	42E	23	40.0	26.0	1.1	25.0	3.4												95.5
07N	42E	24	40.0	40.0	39.0	40.0	40.0	39.0	36.0	37.0					20.0	8.2			339.2
07N	43E	18											.7	.4					1.1
													L 4						
07N	43E	19	40.0	40.0	40.0	40.0	40.0	41.0	41.0	35.0	2.2	21.0			27.0	27.0	3.3		397.5
								L 1	L 2			L 3							

Total Acres: 2740.2

WATER RIGHT NO. 22-7265A
As Modified by Transfer No. 74650

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 620 acres within the place of use described above in a single irrigation season.
2. Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270 and 22-7314 are limited to the irrigation of a combined total of 2740.2 acres in a single irrigation season.
3. Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B and 22-7314 are limited to a total combined diversion rate of 56.36 cfs.
4. Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270 and 22-7314 are limited to a total combined (re)diversion capacity of 24.5 cfs and to a total combined annual diversion volume of 9590.7 AF.
5. Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B and 22-7314 are also diverted through points of diversion and injection described above.

Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270 and 22-7314 are also diverted through point of rediversion described above.
6. This right is subject to regulation by the watermaster of Water District No 01.
7. 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.
8. 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.
9. Totalizing measuring devices shall be maintained at the exchange wells and rediversion pumps from the Teton River.
10. The rate of rediversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.
11. Exchange well diversion capacity is owned half by Schwendiman Farms and half by M and B Enterprises for a total capacity of 56.36 cfs.
12. Three exchange wells are located at or near the point of diversion described above.
13. The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

WATER RIGHT NO. 22-7265A
As Modified by Transfer No. 74650

CONDITIONS OF APPROVAL

14. Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the point of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above.
15. Place of use does not include federal public lands unless authorized in writing by the managing federal agency.
16. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
17. 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.

This water right 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.

Dated this _____ 13th _____ day of _____ October _____, 2009 _____


for _____ Chief, Water Allocation Bureau

WATER RIGHT NO. 22-7265B
As Modified by Transfer No. 74650

In accordance with the approval of Transfer No. 74650, Water Right No. 22-7265B is now described as follows.

Right Holder: M and B ENTERPRISES LTD PARTNERSHIP
 PO BOX 326
 ST ANTHONY ID 83445

Priority Date: November 16, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	1.09 CFS	194.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWNE	Sec. 29 Twp 07N	Rge 41E	FREMONT County
GROUND WATER	NWNESE	Sec. 29 Twp 07N	Rge 41E	FREMONT County
(Injection)				
GROUND WATER	SESWSE	Sec. 23 Twp 07N	Rge 42E	FREMONT 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	
07N	42E	2											4.0						4.0
07N	42E	3															24.0		24.0
07N	42E	10	20.0	31.0	30.0	37.0	20.0		36.0	33.0	30.0				38.0	38.0	25.0	37.0	375.0
07N	42E	11					.3	34.0	38.0	.2	1.6	30.0	40.0	40.0			40.0	30.0	254.1
07N	42E	12											5.5	.6			2.4	1.6	10.1
07N	42E	13	37.0	39.0	33.0	36.0	34.0	38.0	34.0	29.0	40.0	39.0	38.0	39.0	35.0	40.0	39.0	39.0	589.0
07N	42E	14	35.0	40.0	30.0	28.0	34.0	35.0	40.0	37.0	40.0	37.0	2.7	29.0	26.0	39.0	40.0	40.0	532.7
07N	42E	15	23.0		19.0	39.0									19.0	18.0			118.0
07N	42E	23	40.0	26.0	1.1	25.0	3.4												95.5
07N	42E	24	40.0	40.0	39.0	40.0	40.0	39.0	36.0	37.0					20.0	8.2			339.2
07N	43E	18											.7	.4					1.1
07N	43E	19	40.0	40.0	40.0	40.0	40.0	41.0	41.0	35.0	2.2	21.0			27.0	27.0	3.3		397.5
								L 1	L 2			L 3							

Total Acres: 2740.2

WATER RIGHT NO. 22-7265B
As Modified by Transfer No. 74650

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2200 acres within the place of use described above in a single irrigation season.
2. Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270 and 22-7314 are limited to the irrigation of a combined total of 2740.2 acres in a single irrigation season.
3. Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B and 22-7314 are limited to a total combined diversion rate of 56.36 cfs.
4. Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270 and 22-7314 are limited to a total combined (re)diversion capacity of 24.5 cfs and to a total combined annual diversion volume of 9590.7 AF.
5. Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B and 22-7314 are also diverted through points of diversion and injection described above.

Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270 and 22-7314 are also diverted through point of rediversion described above.

6. This right is subject to regulation by the watermaster of Water District No 01.
7. The rate of rediversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.
8. Exchange well diversion capacity is owned half by Schwendiman Farms and half by M and B Enterprises for a total capacity of 56.36 cfs.
9. Three exchange wells are located at or near the point of diversion described above.
10. 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.
11. 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.
12. Totalizing measuring devices shall be maintained at the exchange wells and rediversion pumps from the Teton River.
13. Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the point of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above.

WATER RIGHT NO. 22-7265B
As Modified by Transfer No. 74650

CONDITIONS OF APPROVAL

14. The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
15. Place of use does not include federal public lands unless authorized in writing by the managing federal agency.
16. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
17. 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.

This water right 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.

Dated this _____ 13th _____ day of _____ October _____, 2009 _____

Ernest Carlson
for _____
Chief, Water Allocation Bureau