

Form 1-222
12-92STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

1. Name of Applicant Val E. Schwendiman Farms Inc Phone (208) 458-4261Mailing Address 9633 E Hwy 33, Newdale, ID 83436c/o Rocky Mountain Environmental Associates, Inc.482 Constitution, Ste 303(208) 524-2353Idaho Falls, ID 83402Fax (208) 524-1795

A. PURPOSE OF TRANSFER

1. ☐ Change Point of Diversion ☐ Add diversion point(s) ☒ Change Place of use☐ Change Nature of Use ☐ Change Period of Use ☐ Other _____2. Describe the reason for the proposed changes: Due to an objection filed by the BOR, applicant proposes to move acres under objection to another location within the system.

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

1. Right Number Priority Amount Nature of Use Period of Use

22-7271	02/03/1978	18.00 cfs	Irrigation	4/01 to 7/15
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2. Total amount of water being transferred 0.23 cubic feet per second and/or _____ acre-feet per annum.3. Source of water TETON RIVER tributary to HENRYS FORK

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local Name for Diversion
	SE	NW	SE	23	7N	42E	FREMONT	

RECEIVED

MAR 13 2008

Department of Water Resources
Eastern Region

74651

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
6N	42E	2	39	39	39	39	39	39	39	39	39	39	39	39	39	39	39	39	624
			L1	L2			L3	L4											
		3				3.2									31	13			47.2
		10	40	40	36	31					40	40			40	40			307
		11	39	39	39		39	39	39	39									273
7N	42E	21	7			32									38				77
		22	14.5	14	35	30	31	31	20	40	17	36			39	39			380
					4.2	9.3			20										
		23						2.8	29	3.1	13	39	40	3			12		188.1
											11	0.2		35					
		26		15	14	2.2	40	40	40	40	27	40	40	20	1.6	11	7.1		397.1
				8.3	21						9.1			20		0.8			
		27	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		28	38		40	40							40	40	40	40	40	40	358
		33					40												40
		35		27	39	15.6	40	40	40	39	39	39	39	39	37.4	39	39	39	551
		36										12.8	39						51.8

Total Acres 3934.2

PART 1

8. General Information:

- a. Description of diversion system: pump to mainline to pivots or sprinklers
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☐ Yes ☒ No If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
49.2 acres of the original place of use objected to by the BOR will be dried up
- d. Remarks: The water right being represented in this transfer is based on the original Version 1 Recommendation made in the SRBA. Other rights within the same POU (22-7210, 22-7313A, and 22-7313B) have been objected to by the Bureau of Reclamation. Schwendiman Farms and the BOR have an agreement that the objected acres being irrigated may be transferred off government land before the objection is processed. This transfer proposes to move 49.2 acres to a new place of use that is currently under the same system but not currently covered by these water rights. The acres that are being removed were determined by using shapefiles provided by the BOR. Maps are enclosed which indicate the acres to be dried up as well as the new place of use. The original Version 1 Recommendation has been changed by the IDWR and is no longer available on the database. However, the place of use should have been consistent with that found on the rights under objection. The version 1 that is available on the database and included in this transfer does not include the acres that are proposed to be transferred. There is one accompanying transfer for the ground water rights 22-7210, 22-7313A, and 22-7313B that share the same place of use. Changes to conditions will be necessary for associated ground water rights 22-7287 and 22-12656 that overlap a portion of the place of use.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Right No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 20__

for the Director



Part 2WATER RIGHT NO. **22-7271****Owner Type Name and Address**

Current Owner VAL E SCHWENDIMAN FARMS INC

Priority Date: 02/03/1978

Basis: License

Status: Active

Source Tributary

TETON RIVER HENRYS FORK

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/01 07/15 18 CFS 3784.5 AFA

Total Diversion 18 CFS

Location of Point(s) of Diversion:

TETON RIVER SENWSE Sec. 23 Township 07N Range 42E FREMONT County

IRRIGATION Use: Acre Limit: 2600

Place of Use Legal Description: IRRIGATION MADISON 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>	
06N	42E	2	1	NENE	39	2	NWNE	39		SWNE	39		SENE	39	
			3	NENW	39	4	NWNW	39		SWNW	39		SENE	39	
				NESW	39		NWSW	39		SWSW	39		SESW	39	
				NESE	39		NWSE	39		SWSE	39		SESE	39	
		10		NENE	40		NWNE	40		SWNE	36		SENE	31	
				NESW	40		NWSW	40							
				NESE	40		NWSE	40							
		11		NENE	39		NWNE	39		SWNE	39				
				NENW	39		NWNW	39		SWNW	39		SENE	39	
		07N	21		NENE	7		SENE	32						
					NESE	38									
22			NENE	14		NWNE	14		SWNE	4.2		SWNE	35		
			SENE	30		SENE	9.2								
			NENW	31		NWNW	31		SWNW	20		SWNW	20		
			SENE	40											
			NESW	17		NWSW	36								
			NESE	39		NWSE	39								
23			NWNW	2.8		SWNW	29		SENE	3.1					
			NESW	13		NESW	11		NWSW	0.2		NWSW	39		
			SWSW	40		SESE	3		SESE	35					
			SWSE	12											

26	NWNE 15	NWNE 8.3	SWNE 14	SWNE 21
	SENE 2.2			
	NENW 40	NWNW 40	SWNW 40	SENE 40
	NESW 27	NESW 9.3	NWSW 40	SWSW 40
	SESW 20	SESW 20		
	NESE 1.6	NWSE 12	NWSE 0.8	SWSE 7.1
27	NENE 40	NWNE 40	SWNE 40	SENE 40
	NENW 40	NWNW 40	SWNW 40	SENE 40
	NESW 40	NWSW 40	SWSW 40	SESE 40
	NESE 40	NWSE 40	SWSE 40	SESE 40
28	NENE 38	SWNE 40	SENE 40	
	SWSW 40	SESW 40		
	NESE 40	NWSE 40	SWSE 40	SESE 40
33	NENW 40			
35	NWNE 27	SWNE 39	SENE 16	
	NENW 40	NWNW 40	SWNW 40	SENE 39
	NESW 39	NWSW 39	SWSW 39	SESE 39
	NESE 38	NWSE 39	SWSE 39	SESE 39
36	NWSW 12	SWSW 39		

Total Acres: 3887.8

Conditions of Approval:

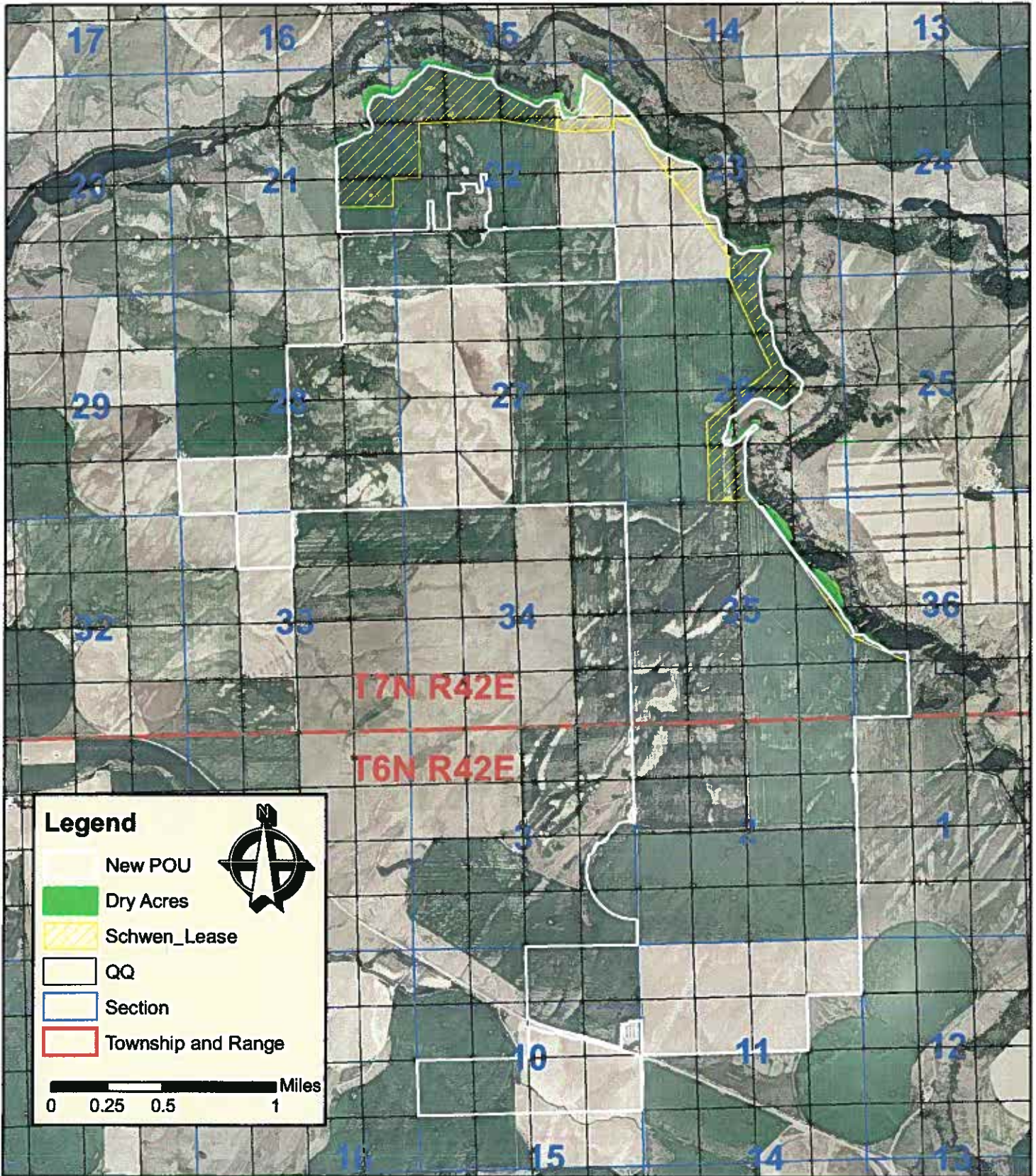
- C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
- C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
- K06 This right is limited to the irrigation of 2600 acres within the place of use described above in a single irrigation season.
The combined annual volume of water under this right and right 22-7210 shall not exceed 9100 AFA.
- B09 This right is subject to regulation by the watermaster of Water District No 01.
The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water and after July 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.
- S35 Totalizing measuring devices shall be maintained at the point of diversion.
- F05 Right Nos. 22-7210, 22-7313A, and 22-7313B are rediverted through point of diversion described above.
- 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 3,887.5 acres in a single irrigation season.
Use of this right with Right Nos. 22-7210, 22-7271, 22-7313A, and 22-7313B is limited to a total combined diversion rate of 28.1 cfs and to a total combined annual diversion volume of 11,476.5 AF. The combined rights listed above with Right No 22-7287 and 22-12656 are limited to a total combined diversion rate of 33.22 cfs and to a total annual diversion volume of 13,607.3 AF.
- E60
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe



Application for Transfer of Water Rights

Val E Schwendiman Farms Inc

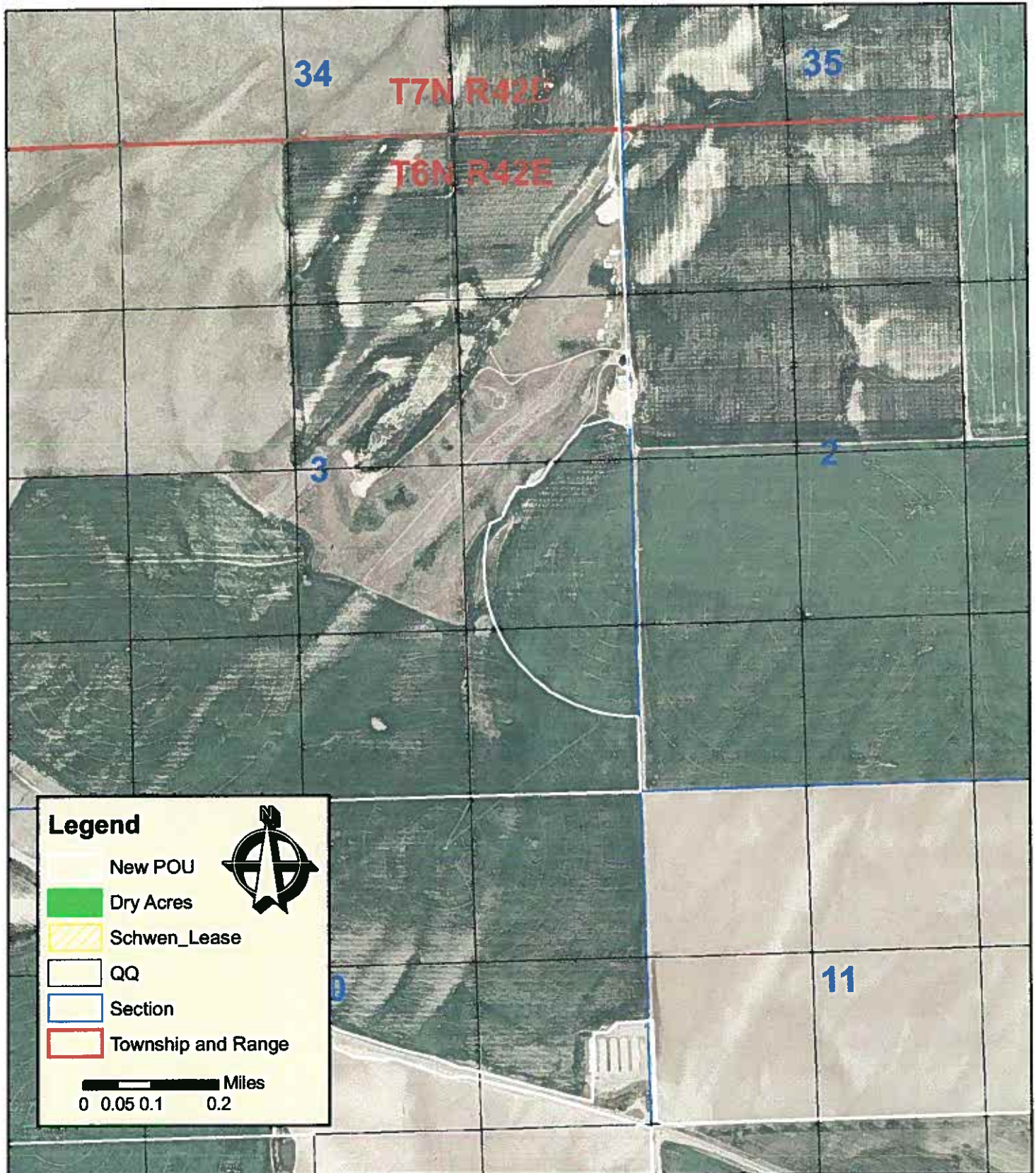
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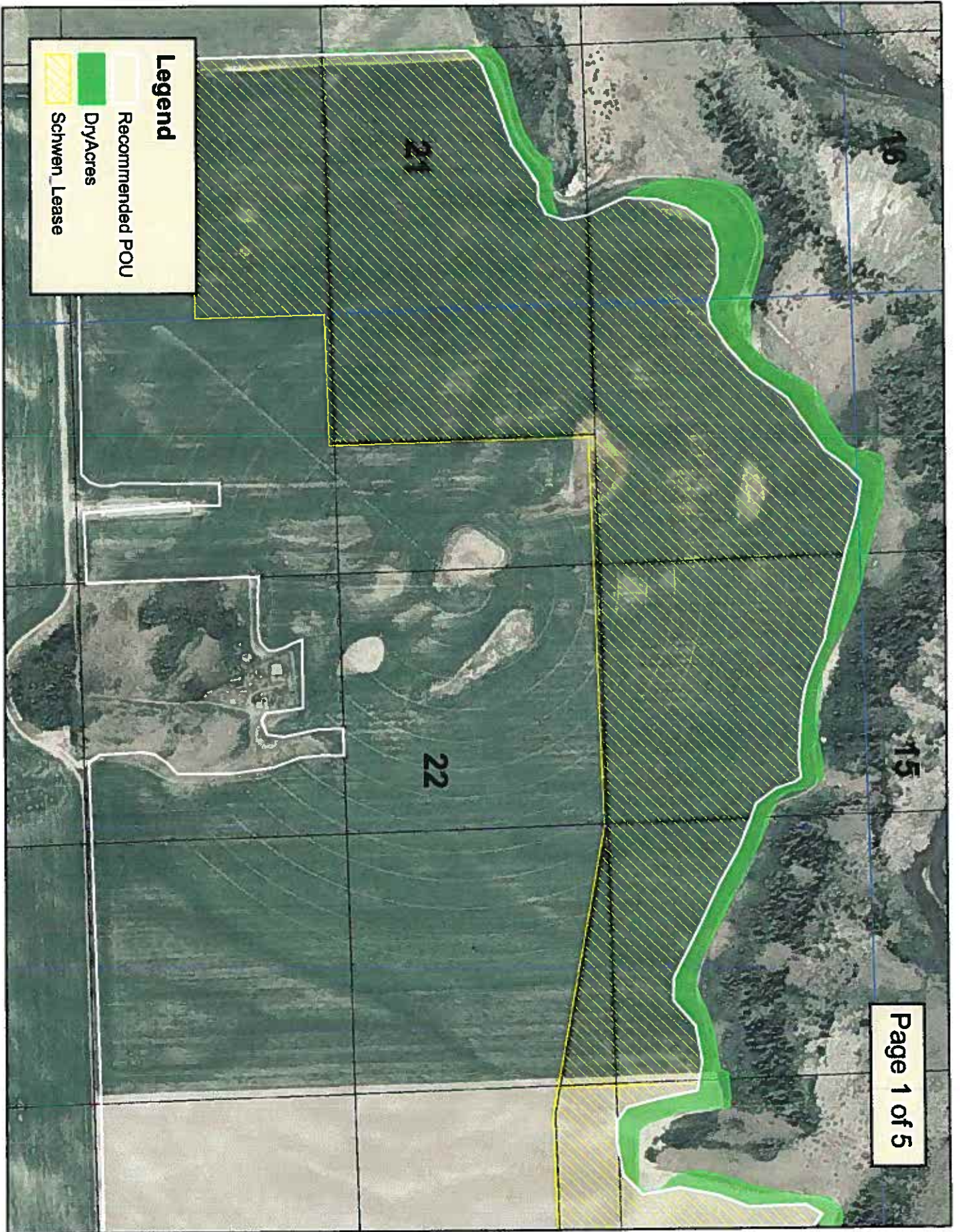
The New Place of Use represented on this map reflects the shape contained in the IDWR database with the addition of approximately 47 acres in Section 3 of T6N R42E. These acres have been included in the place of use as a result of the application for transfer. Total area does not exceed the originally recommended acreage of 3934.2 acres.

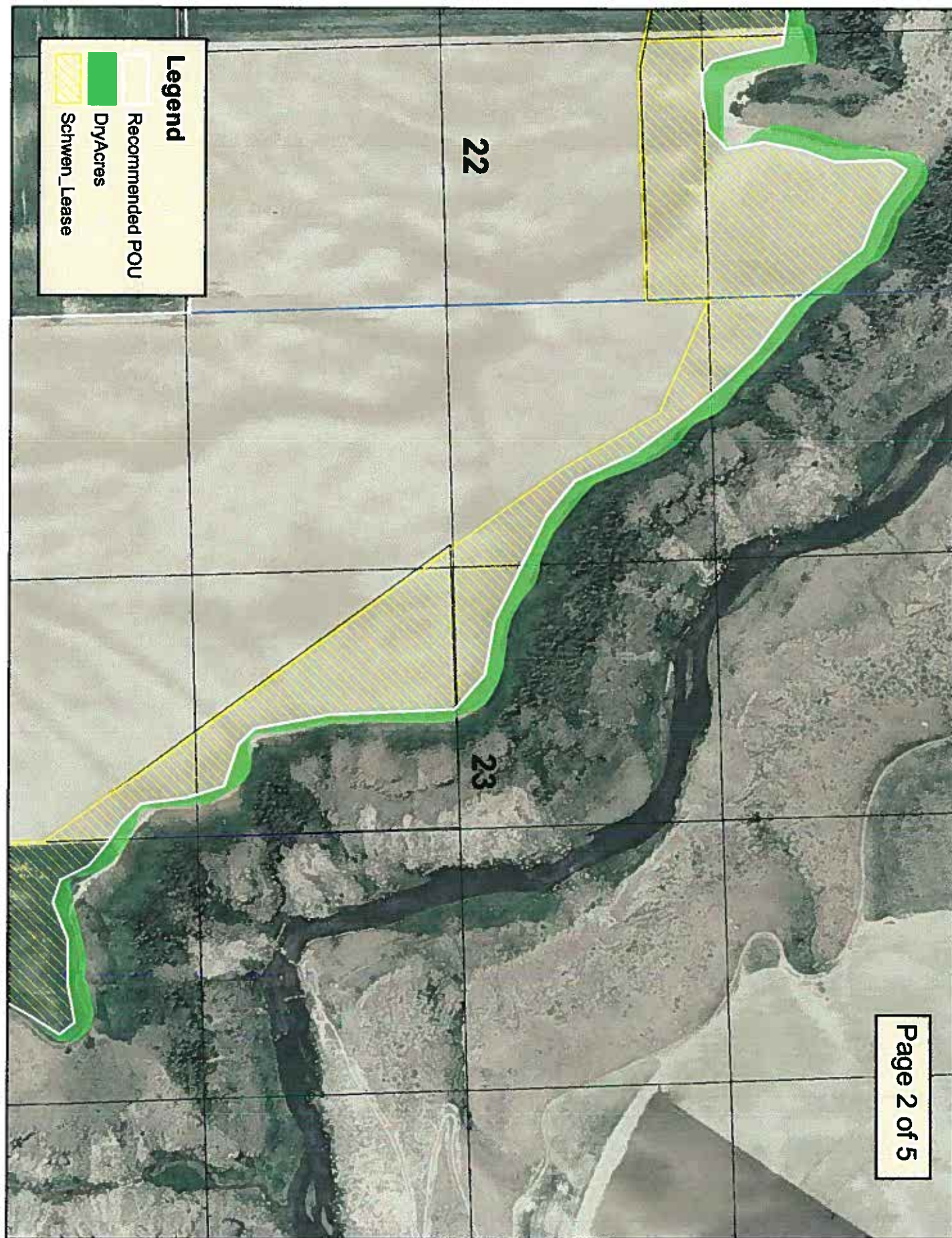
Application for Transfer of Water Rights Val E Schwendiman Farms Inc

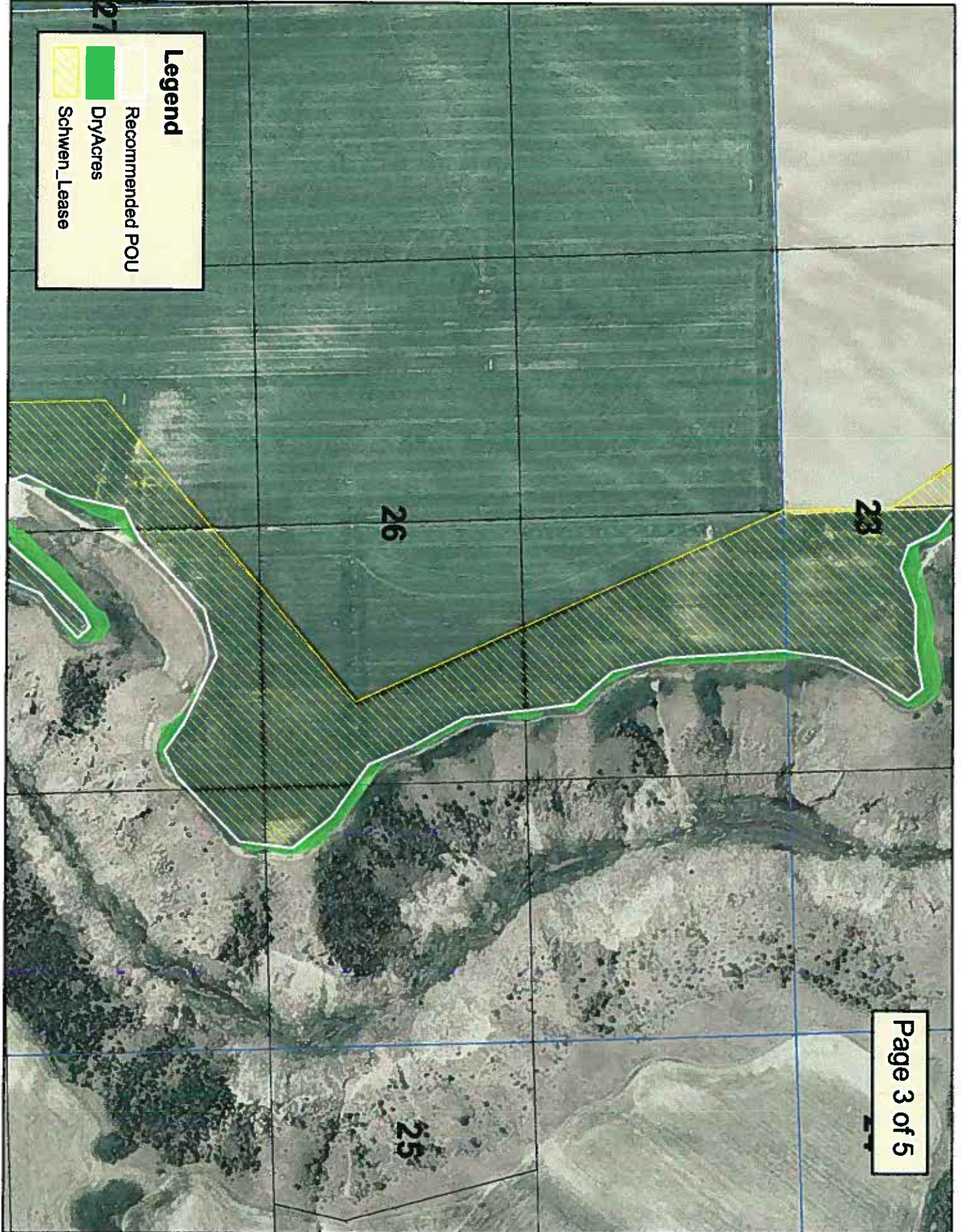
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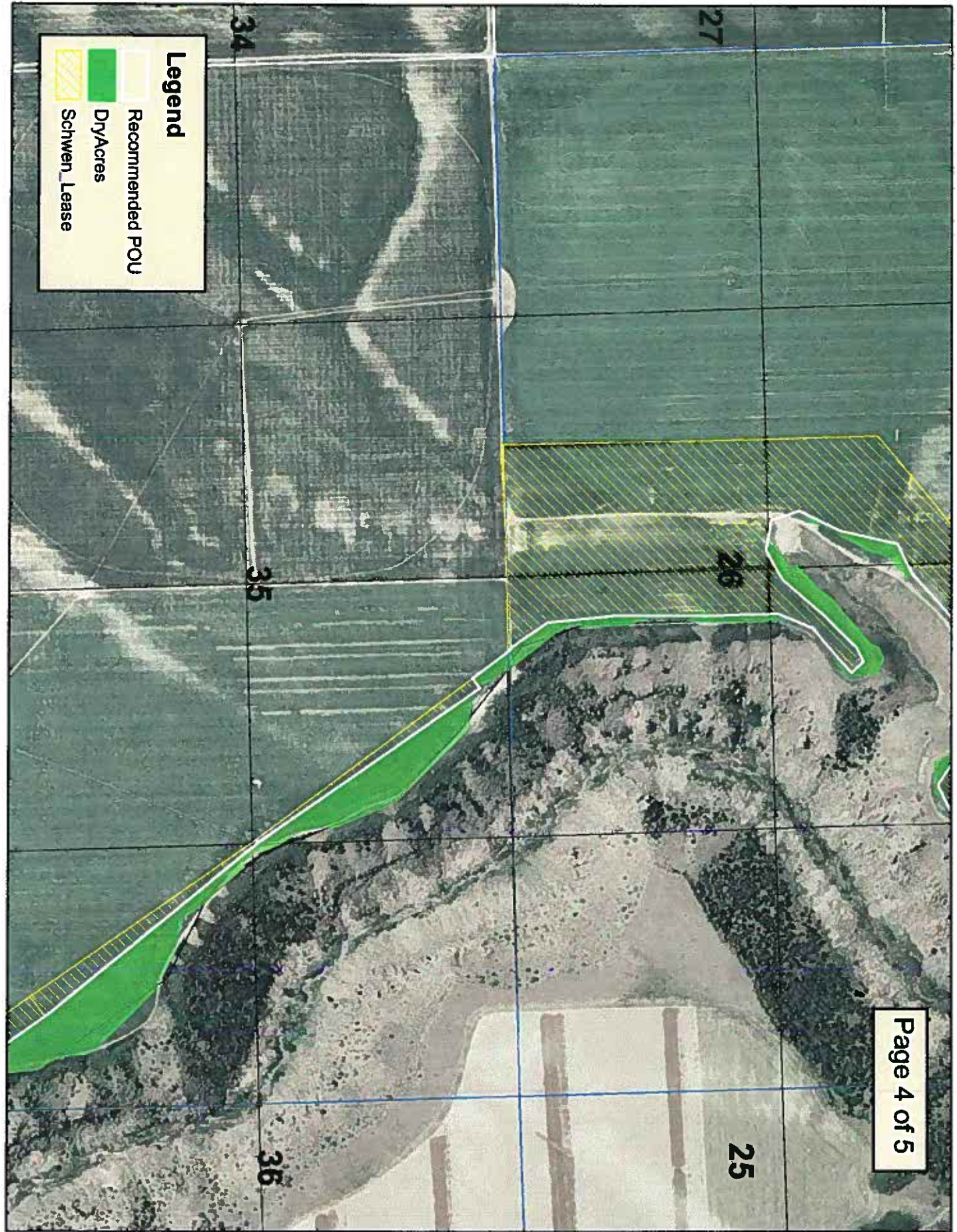


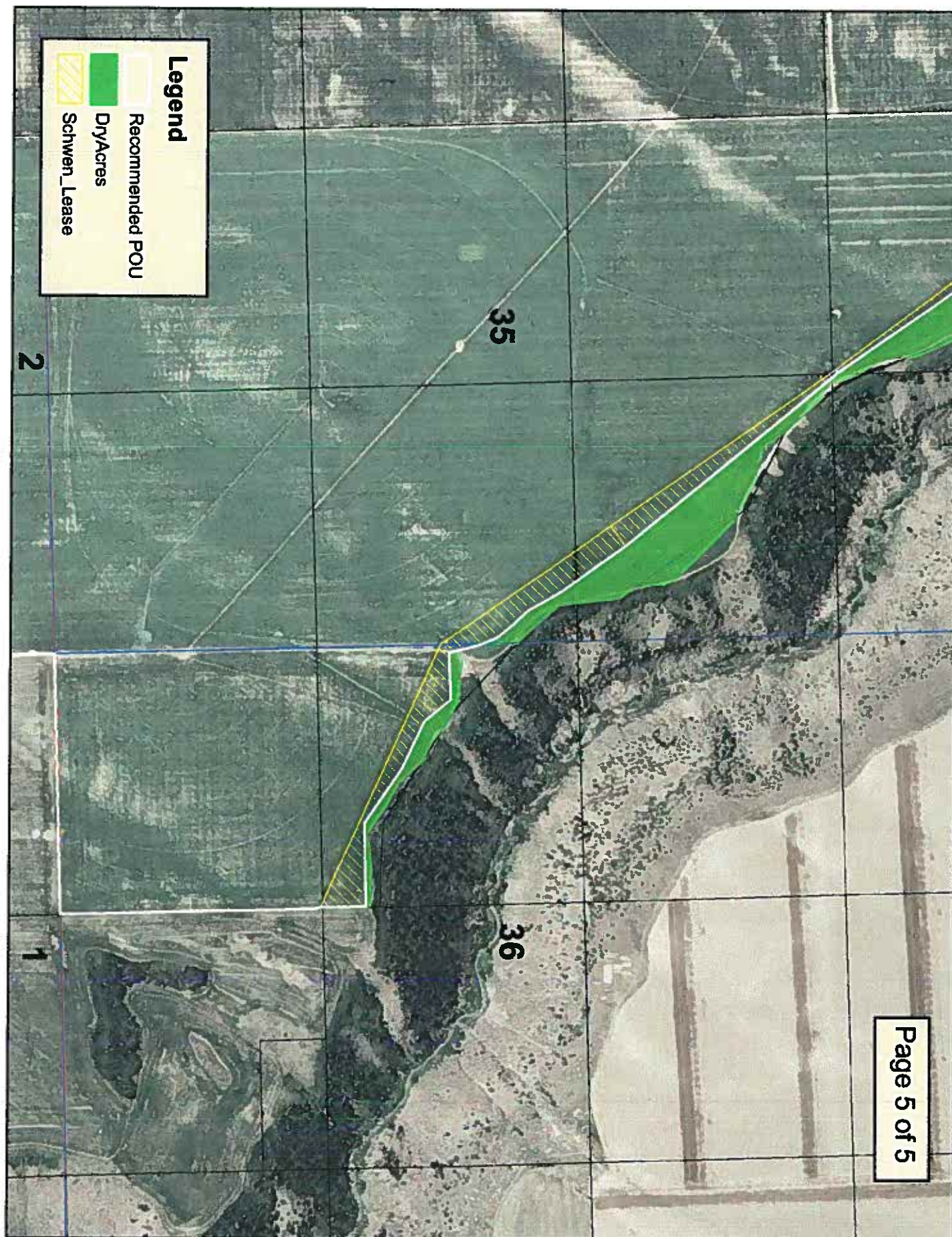
The New Place of Use represented on this map reflects the shape contained in the IDWR database with the addition of approximately 47 acres in Section 3 of T6N R42E. These acres have been included in the place of use as a result of the application for transfer. Total area does not exceed the originally recommended acreage of 3934.2 acres.











PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount (cfs/af-ac) Hours/days/year Period of use
- _____ cfs _____ to _____
- _____ cfs _____ to _____
2. Quantity and quality of return flows and location of discharge: _____
3. Describe effects on other water uses resulting from the proposed change: _____

I hereby 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 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.

Val Schwendiman

(Signature of Applicant)

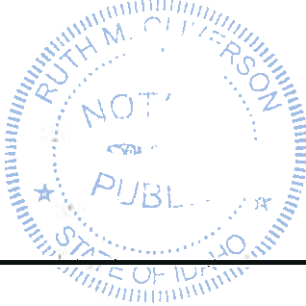
Pres.

(Office or Position of Authority)

Val Schwendiman

(Printed Name)

Subscribed and sworn to before me this 17 day of January, 2008.



Ruth M. Oliverson

Notary Public

My Commission expires: 11/30/2010

FOR DEPARTMENT USE ONLY

Transfer contains 13 pages and 5 attachments

Received by _____ Date 3/13/08 Protest filed by _____

Prelim check by _____ Fee 250

Receipted by _____ Date 3/21/08 EO338162

Published in Teton Valley News Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ By _____

Copy of transfer sent to lien holder _____

LAND FROM WHICH WATER IS BEING MOVED

Section	QQ	T and R	Acres to Move
15	SWSW	T7NR42E	1.2
21	NENE	T7NR42E	4
21	SENE	T7NR42E	2
22	NWNW	T7NR42E	3
22	NWNE	T7NR42E	3
22	NENW	T7NR42E	3
22	NENE	T7NR42E	5.5
23	NWNW	T7NR42E	1.1
23	SWNW	T7NR42E	2
23	SENW	T7NR42E	1.4
23	NESW	T7NR42E	2
23	SESW	T7NR42E	0.4
23	SWSE	T7NR42E	2
26	NWNE	T7NR42E	1
26	SWNE	T7NR42E	1
26	SENE	T7NR42E	0.7
26	NWSE	T7NR42E	2
26	NESW	T7NR42E	0.7
26	SWSE	T7NR42E	1.2
35	NWNE	T7NR42E	4.2
35	SENE	T7NR42E	6
35	NESE	T7NR42E	0.6
36	NWSW	T7NR42E	1.2
TOTAL ACRES=			49.2



WARRANTY DEED

For value received David Schwendiman and Melanie Schwendiman, husband and wife, of 2573 North 15000 East, Newdale, Idaho, referred to as "GRANTORS", and do hereby grant, bargain, sell, convey and confirm unto Val E. Schwendiman Farms, Inc. of 9633 Highway 33, Newdale, Idaho, referred hereto as "Grantees", all of the following described real estate situated in the State of Idaho, to wit:

E ½ SE 1/4 of Section 3, Township 6 North Range 42 E.B.M.;

NW 1/4 SW 1/4 of Section 3, Township 6 North Range 42 E.B.M.;

NE 1/4 SW 1/4 of Section 3, Township 6 North Range 42 E.B.M.;

Containing approximately 160 acres

TO HAVE AND TO HOLD the said premises, together with all and singular the tenements, hereditaments, easements and appurtenances thereunto belonging or in anywise appertaining; and the reversions, remainders, rents, issues, and profits thereof; and all of Grantors' estate, right, title and interest in and to said premises, in law as well as equity.

Grantors shall, and by these presents, do hereby warrant and agree to forever defend the Grantees, their successors and assigns, in the quiet and peaceable possession of said premises and from and against all and every person lawfully claiming an interest therein.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine includes the feminine and neuter.

IN WITNESS WHEREOF, the Grantors hereunto have set their hands and seals the day and year first above written.


David Schwendiman


Melanie Schwendiman

WARRANTY DEED - 1

Instrument # 343343

REXBURG, MADISON, IDAHO

2008-02-04

11:17:00 No. of Pages: 2

Recorded for: STEVEN L WETZEL

MARILYN R. RASMUSSEN

Ex-Officio Recorder Deputy

Fee: 8.00

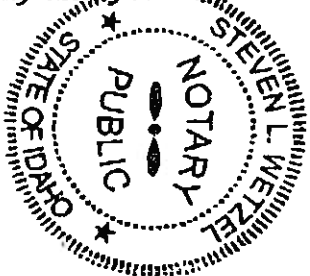
74651

STATE OF IDAHO)

COUNTY OF MADISON)

On this 30th day of January, 2008, before me, a Notary Public in and for said County and State, personally appeared David Schwendiman, 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 of Idaho

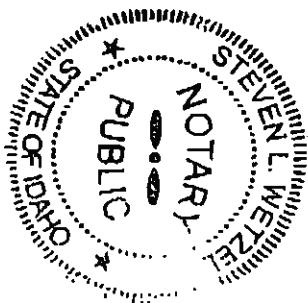
Commission Expires MAY 18, 2013

STATE OF IDAHO)

COUNTY OF MADISON)

On this 30th day of January, 2008, before me, a Notary Public in and for said County and State, personally appeared Melanie Schwendiman, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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 of Idaho

Commission Expires: MAY 18, 2013

WARRANTY DEED

For value received Val Schwendiman Farms, Inc., of 9633 Highway 33, Newdale, Idaho, referred to as GRANTOR, does hereby grant, bargain, sell, convey and confirm unto David Schwendiman and Melanie Schwendiman, husband and wife, residing at 2573 North 15000 East, Newdale, Idaho, referred hereto as "GRANTEES", all of the following described real estate situated in the State of Idaho, to wit:

All of the North Half of the Southeast Quarter (N 1/2 SE 1/4), all of the South Half of the Northeast Quarter lying south of the southerly right-of-way line of U.S. Highway No. 33, all of the North Half of the Southwest Quarter lying east of an existing irrigation mainline and the easterly bank of Canyon Creek canal, and all of the Northwest Quarter lying east of the easterly bank of Canyon Creek canal and lying south of the southerly right-of-way line of U.S. Highway No. 33 all in Section 10, Township 6 North, Range 42 East of the Boise Meridian, Madison County, Idaho and approximately 128.1 acres.

TO HAVE AND TO HOLD the said premises, together with all and singular the tenements, hereditaments, easements and appurtenances thereunto belonging or in anywise appertaining; and the reversions, remainders, rents, issues, and profits thereof; and all of Grantors' estate, right, title and interest in and to said premises, in law as well as equity.

Grantors shall, and by these presents, do hereby warrant and agree to forever defend the Grantees, their successors and assigns, in the quiet and peaceable possession of said premises and from and against all and every person lawfully claiming an interest therein.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine includes the feminine and neuter.

IN WITNESS WHEREOF, the Grantors hereunto have set their hands and seals the day and year first above written.

Val Schwendiman Farms, Inc.

Instrument # 343344

REXBURG, MADISON, IDAHO

2088-02-04

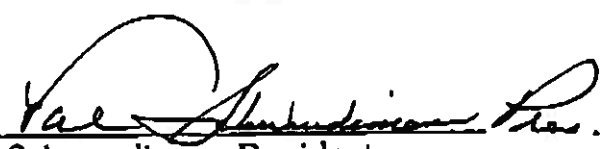
11:16:00 No. of Pages: 2

Recorded for: STEVEN L. WETZEL

MARILYN R. RASMUSSEN

Ex-Officio Recorder Deputy

Fee: 6.00

By: 
Val Schwendiman, President

74651

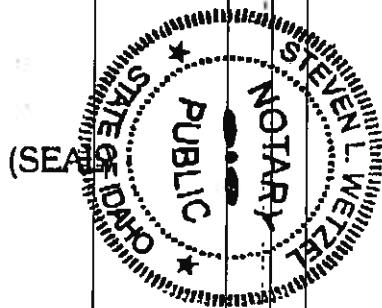
STATE OF IDAHO)

:SS.

COUNTY OF BONNEVILLE)

On this 31st day of January, 2008, before me, a Notary Public in and for said County and State, personally appeared Val Schwendiman, known or identified to me to be the President of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Notary Public of Idaho

Commission Expires: MAY 18, 2013