

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

22-7210	2/15/1977	15.50 cfs	Irrigation	4/15 to 10/15
22-7313A	1/15/1980	5.37 cfs	Irrigation	4/15 to 10/15
22-7313B	1/15/1980	3.63 cfs	Irrigation	4/15 to 10/15

2. Total amount of water being transferred 0.31 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Ground water tributary to NA

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local Name for Diversion
	SE	SW	NE	29	7N	41E	FREMONT	
	NW	NE	SE	29	7N	41E	FREMONT	INJECTION
	SE	NW	SE	23	7N	42E	FREMONT	REDIVERSION

RECEIVED
MAR 13 2008
Department of Water Resources
Eastern Region

74650

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: well to 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 rights being represented in this transfer are based on the Version 1 Recommendation made in the SRBA. 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 Version 2 Recommendation found on the IDWR database reflects the changes made after the objection is processed. This version, however, does not include the acres that are proposed to be transferred. There is one accompanying transfer for the surface water right 22-7271 that shares 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

02/08/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7210

NAME AND ADDRESS: VAL E SCHWENDIMAN FARMS INC
9633 E HWY 33
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 15.500 CFS
5,656.900 AFY

The rights listed below are limited to a total combined diversion rate of 56.36 cfs. Combined Right Nos.: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B, and 22-7314.

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 13,767.25 AF.

PRIORITY DATE: 02/15/1977

POINT OF DIVERSION:

T07N R41E S29 SESWNE Within FREMONT County

T07N R41E S29 NWNSE Injection Within FREMONT County

T07N R42E S23 SENWSE Rediversion Within FREMONT County

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.

Three exchange wells are located at or near the point of diversion described above.

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/15 10/15

15.500 CFS
5,656.90 AFY

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.

PLACE OF USE:

IRRIGATION Within MADISON County

T06N R42E S02 Lot 1 NENE	39.00	T06N R42E S02 Lot 2 NWNE	39.00
T06N R42E S02 SWNE	39.00	T06N R42E S02 SENE	39.00
T06N R42E S02 Lot 3 NENW	39.00	T06N R42E S02 Lot 4 NWNW	39.00
T06N R42E S02 SWNW	39.00	T06N R42E S02 SENW	39.00
T06N R42E S02 NESW	39.00	T06N R42E S02 NWSW	39.00
T06N R42E S02 SWSW	39.00	T06N R42E S02 SESW	39.00
T06N R42E S02 NESE	39.00	T06N R42E S02 NWSE	39.00

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T06N R42E S02	SWSE	39.00	T06N R42E S02	SESE	39.00
T06N R42E S10	NENE	40.00	T06N R42E S10	NWNE	40.00
T06N R42E S10	SWNE	35.00	T06N R42E S10	SENE	31.00
T06N R42E S10	NESW	40.00	T06N R42E S10	NWSW	40.00
T06N R42E S10	NESE	40.00	T06N R42E S10	NWSE	40.00
T06N R42E S11	NENE	39.00	T06N R42E S11	NWNE	39.00
T06N R42E S11	SWNE	39.00	T06N R42E S11	NENW	39.00
T06N R42E S11	NWNW	39.00	T06N R42E S11	SWNW	39.00
T06N R42E S11	SENW	39.00	T07N R42E S15	SWSW	1.20
T07N R42E S21	NENE	11.00	T07N R42E S21	SENE	34.00
T07N R42E S21	NESE	38.00	T07N R42E S22	NENE	20.00
T07N R42E S22	NWNE	17.00	T07N R42E S22	SWNE	4.20
T07N R42E S22	SWNE	35.00	T07N R42E S22	SENE	30.00
T07N R42E S22	SENE	9.30	T07N R42E S22	NENW	34.00
T07N R42E S22	NWNW	34.00	T07N R42E S22	SWNW	20.00
T07N R42E S22	SWNW	20.00	T07N R42E S22	SENW	40.00
T07N R42E S22	NESW	17.00	T07N R42E S22	NWSW	36.00
T07N R42E S22	NESE	39.00	T07N R42E S22	NWSE	39.00
T07N R42E S23	NWNW	3.90	T07N R42E S23	SWNW	31.00
T07N R42E S23	SENW	4.50	T07N R42E S23	NESW	15.00
T07N R42E S23	NESW	11.00	T07N R42E S23	NWSW	0.20
T07N R42E S23	NWSW	39.00	T07N R42E S23	SWSW	40.00
T07N R42E S23	SESW	3.40	T07N R42E S23	SESW	35.00
T07N R42E S23	SWSE	14.00	T07N R42E S26	NWNE	16.00
T07N R42E S26	NWNE	8.30	T07N R42E S26	SWNE	15.00
T07N R42E S26	SWNE	21.00	T07N R42E S26	SENE	2.90
T07N R42E S26	NENW	40.00	T07N R42E S26	NWNW	40.00
T07N R42E S26	SWNW	40.00	T07N R42E S26	SENW	40.00
T07N R42E S26	NESW	27.00	T07N R42E S26	NESW	9.80
T07N R42E S26	NWSW	40.00	T07N R42E S26	SWSW	40.00
T07N R42E S26	SESW	19.00	T07N R42E S26	SESW	20.00
T07N R42E S26	NESE	1.60	T07N R42E S26	NWSE	13.00
T07N R42E S26	NWSE	0.80	T07N R42E S26	SWSE	0.20
T07N R42E S26	SWSE	8.10	T07N R42E S27	NENE	40.00
T07N R42E S27	NWNE	40.00	T07N R42E S27	SWNE	40.00
T07N R42E S27	SENE	40.00	T07N R42E S27	NENW	40.00
T07N R42E S27	NWNW	40.00	T07N R42E S27	SWNW	40.00
T07N R42E S27	SENW	40.00	T07N R42E S27	NESW	40.00
T07N R42E S27	NWSW	40.00	T07N R42E S27	SWSW	40.00
T07N R42E S27	SESW	40.00	T07N R42E S27	NESE	40.00
T07N R42E S27	NWSE	40.00	T07N R42E S27	SWSE	40.00
T07N R42E S27	SESE	40.00	T07N R42E S28	NENE	38.00
T07N R42E S28	SWNE	40.00	T07N R42E S28	SENE	40.00
T07N R42E S28	SWSW	40.00	T07N R42E S28	SESW	40.00
T07N R42E S28	NESE	40.00	T07N R42E S28	NWSE	40.00
T07N R42E S28	SWSE	40.00	T07N R42E S28	SESE	40.00
T07N R42E S33	NENW	40.00	T07N R42E S35	NWNE	0.20

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T07N R42E S35	NWNE	31.00	T07N R42E S35	SWNE	39.00
T07N R42E S35	SENE	0.60	T07N R42E S35	SENE	21.00
T07N R42E S35	NENW	40.00	T07N R42E S35	NWNW	40.00
T07N R42E S35	SWNW	40.00	T07N R42E S35	SENW	39.00
T07N R42E S35	NESW	39.00	T07N R42E S35	NWSW	39.00
T07N R42E S35	SWSW	39.00	T07N R42E S35	SESW	39.00
T07N R42E S35	NESE	38.00	T07N R42E S35	NWSE	39.00
T07N R42E S35	SWSE	39.00	T07N R42E S35	SESE	39.00
T07N R42E S36	NWSW	14.00	T07N R42E S36	SWSW	39.00

3934.2 ACRES TOTAL

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 3,933.5 acres in a single irrigation season.

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

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is subject to regulation by the watermaster of Water District No 01.

The rate of diversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.

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.

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.

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.

Totalizing measuring devices shall be maintained at the exchange wells and redirection pumps from the Teton River.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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. 22-7210, 22-7270, 22-7313A, and 22-7313B are also diverted through point of redirection described above.

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

Exchange well diversion capacity is owned half by Schwendiman Farms and half by M & B Enterprises for a total capacity of 56.36 cfs.

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

02/08/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7313A
NAME AND ADDRESS: VAL E SCHWENDIMAN FARMS INC
9633 E HWY 33
NEWDALE ID 83436

SOURCE: GROUND WATER
QUANTITY: 5.370 CFS
1,970.82 AFY

TRIBUTARY:

The rights listed below are limited to a total combined diversion rate of 56.36 cfs. Combined Right Nos.: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B, and 22-7314.

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 13,767.25 AF.

PRIORITY DATE: 01/15/1980

POINT OF DIVERSION:

T07N R41E S29 SESWNE Within FREMONT County
T07N R41E S29 NWNESE Injection Within FREMONT County
T07N R42E S23 SENWSE Rediversion Within FREMONT County

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.

Three exchange wells are located at or near the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	5.370 CFS 1,970.82 AFY

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.

PLACE OF USE:

IRRIGATION Within MADISON County

T06N R42E S02 Lot 1 NENE	39.00	T06N R42E S02 Lot 2 NWNE	39.00
T06N R42E S02 SWNE	39.00	T06N R42E S02 SENE	39.00
T06N R42E S02 Lot 3 NENW	39.00	T06N R42E S02 Lot 4 NWNW	39.00
T06N R42E S02 SWNW	39.00	T06N R42E S02 SENW	39.00
T06N R42E S02 NESW	39.00	T06N R42E S02 NWSW	39.00
T06N R42E S02 SWSW	39.00	T06N R42E S02 SESW	39.00
T06N R42E S02 NESE	39.00	T06N R42E S02 NWSE	39.00
T06N R42E S02 SWSE	39.00	T06N R42E S02 SESE	39.00
T06N R42E S10 NENE	40.00	T06N R42E S10 NWNE	40.00
T06N R42E S10 SWNE	35.00	T06N R42E S10 SENE	31.00
T06N R42E S10 NESW	40.00	T06N R42E S10 NWSW	40.00

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T06N R42E S10	NESE	40.00	T06N R42E S10	NWSE	40.00
T06N R42E S11	NENE	39.00	T06N R42E S11	NWNE	39.00
T06N R42E S11	SWNE	39.00	T06N R42E S11	NENW	39.00
T06N R42E S11	NWNW	39.00	T06N R42E S11	SWNW	39.00
T06N R42E S11	SENW	39.00	T07N R42E S15	SWSW	1.20
T07N R42E S21	NENE	11.00	T07N R42E S21	SENE	34.00
T07N R42E S21	NESE	38.00	T07N R42E S22	NENE	20.00
T07N R42E S22	NWNE	17.00	T07N R42E S22	SWNE	4.20
T07N R42E S22	SWNE	35.00	T07N R42E S22	SENE	30.00
T07N R42E S22	SENE	9.30	T07N R42E S22	NENW	34.00
T07N R42E S22	NWNW	34.00	T07N R42E S22	SWNW	20.00
T07N R42E S22	SWNW	20.00	T07N R42E S22	SENW	40.00
T07N R42E S22	NESW	17.00	T07N R42E S22	NWSW	36.00
T07N R42E S22	NESE	39.00	T07N R42E S22	NWSE	39.00
T07N R42E S23	NWNW	3.90	T07N R42E S23	SWNW	31.00
T07N R42E S23	SENW	4.50	T07N R42E S23	NESW	15.00
T07N R42E S23	NESW	11.00	T07N R42E S23	NWSW	0.20
T07N R42E S23	NWSW	39.00	T07N R42E S23	SWSW	40.00
T07N R42E S23	SESW	3.40	T07N R42E S23	SESW	35.00
T07N R42E S23	SWSE	14.00	T07N R42E S26	NWNE	16.00
T07N R42E S26	NWNE	8.30	T07N R42E S26	SWNE	15.00
T07N R42E S26	SWNE	21.00	T07N R42E S26	SENE	2.90
T07N R42E S26	NENW	40.00	T07N R42E S26	NWNW	40.00
T07N R42E S26	SWNW	40.00	T07N R42E S26	SENW	40.00
T07N R42E S26	NESW	27.00	T07N R42E S26	NESW	9.80
T07N R42E S26	NWSW	40.00	T07N R42E S26	SWSW	40.00
T07N R42E S26	SESW	19.00	T07N R42E S26	SESW	20.00
T07N R42E S26	NESE	1.60	T07N R42E S26	NWSE	13.00
T07N R42E S26	NWSE	0.80	T07N R42E S26	SWSE	0.20
T07N R42E S26	SWSE	8.10	T07N R42E S27	NENE	40.00
T07N R42E S27	NWNE	40.00	T07N R42E S27	SWNE	40.00
T07N R42E S27	SENE	40.00	T07N R42E S27	NENW	40.00
T07N R42E S27	NWNW	40.00	T07N R42E S27	SWNW	40.00
T07N R42E S27	SENW	40.00	T07N R42E S27	NESW	40.00
T07N R42E S27	NWSW	40.00	T07N R42E S27	SWSW	40.00
T07N R42E S27	SESW	40.00	T07N R42E S27	NESE	40.00
T07N R42E S27	NWSE	40.00	T07N R42E S27	SWSE	40.00
T07N R42E S27	SESE	40.00	T07N R42E S28	NENE	38.00
T07N R42E S28	SWNE	40.00	T07N R42E S28	SENE	40.00
T07N R42E S28	SWSW	40.00	T07N R42E S28	SESW	40.00
T07N R42E S28	NESE	40.00	T07N R42E S28	NWSE	40.00
T07N R42E S28	SWSE	40.00	T07N R42E S28	SESE	40.00
T07N R42E S33	NENW	40.00	T07N R42E S35	NWNE	0.20
T07N R42E S35	NWNE	31.00	T07N R42E S35	SWNE	39.00
T07N R42E S35	SENE	0.60	T07N R42E S35	SENE	21.00
T07N R42E S35	NENW	40.00	T07N R42E S35	NWNW	40.00
T07N R42E S35	SWNW	40.00	T07N R42E S35	SENW	39.00
T07N R42E S35	NESW	39.00	T07N R42E S35	NWSW	39.00
T07N R42E S35	SWSW	39.00	T07N R42E S35	SESW	39.00
T07N R42E S35	NESE	38.00	T07N R42E S35	NWSE	39.00
T07N R42E S35	SWSE	39.00	T07N R42E S35	SESE	39.00
T07N R42E S36	NWSW	14.00	T07N R42E S36	SWSW	39.00

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3934.2 ACRES TOTAL

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 3,933.5 acres in a single irrigation season.

This right is limited to the irrigation of 719 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The rate of diversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.

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.

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the diversion pump and the exchange wells will be allowed even if the exchange wells are pumping water into 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.

Totalizing measuring devices shall be maintained at the exchange wells and diversion pumps from the Teton River.

This right is subject to regulation by the watermaster of Water District No 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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. 22-7210, 22-7270, 22-7313A, and 22-7313B are also diverted through point of diversion described above.

Exchange well diversion capacity is owned half by Schwendiman Farms and half by M & B Enterprises for a total capacity of 56.36 cfs.

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

02/08/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7313B
NAME AND ADDRESS: VAL E SCHWENDIMAN FARMS INC
9633 E HWY 33
NEWDALE ID 83436

SOURCE: GROUND WATER
QUANTITY: 3.630 CFS
1,313.88 AFY

TRIBUTARY:

The rights listed below are limited to a total combined diversion rate of 56.36 cfs. Combined Right Nos.: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B, and 22-7314.

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 13,767.25 AF.

PRIORITY DATE: 01/15/1980

POINT OF DIVERSION:

T07N R41E S29 SESWNE Within FREMONT County
T07N R41E S29 NWNSE Injection Within FREMONT County
T07N R42E S23 SENWSE Rediversion Within FREMONT County

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.

Three exchange wells are located at or near the point of diversion described above.

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	3.630 CFS 1,313.88 AFY

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.

PLACE OF USE:

IRRIGATION Within MADISON County

T06N R42E S02 Lot 1 NENE	39.00	T06N R42E S02 Lot 2 NWNE	39.00
T06N R42E S02 SWNE	39.00	T06N R42E S02 SENE	39.00
T06N R42E S02 Lot 3 NENW	39.00	T06N R42E S02 Lot 4 NWNW	39.00
T06N R42E S02 SWNW	39.00	T06N R42E S02 SENW	39.00
T06N R42E S02 NESW	39.00	T06N R42E S02 NWSW	39.00
T06N R42E S02 SWSW	39.00	T06N R42E S02 SESW	39.00
T06N R42E S02 NESE	39.00	T06N R42E S02 NWSE	39.00
T06N R42E S02 SWSE	39.00	T06N R42E S02 SESE	39.00
T06N R42E S10 NENE	40.00	T06N R42E S10 NWNE	40.00
T06N R42E S10 SWNE	35.00	T06N R42E S10 SENE	31.00
T06N R42E S10 NESW	40.00	T06N R42E S10 NWSW	40.00

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T06N R42E S10	NESE	40.00	T06N R42E S10	NWSE	40.00
T06N R42E S11	NENE	39.00	T06N R42E S11	NWNE	39.00
T06N R42E S11	SWNE	39.00	T06N R42E S11	NENW	39.00
T06N R42E S11	NWNW	39.00	T06N R42E S11	SWNW	39.00
T06N R42E S11	SENW	39.00	T07N R42E S15	SWSW	1.20
T07N R42E S21	NENE	11.00	T07N R42E S21	SENE	34.00
T07N R42E S21	NESE	38.00	T07N R42E S22	NENE	20.00
T07N R42E S22	NWNE	17.00	T07N R42E S22	SWNE	4.20
T07N R42E S22	SWNE	35.00	T07N R42E S22	SENE	30.00
T07N R42E S22	SENE	9.30	T07N R42E S22	NENW	34.00
T07N R42E S22	NWNW	34.00	T07N R42E S22	SWNW	20.00
T07N R42E S22	SWNW	20.00	T07N R42E S22	SENW	40.00
T07N R42E S22	NESW	17.00	T07N R42E S22	NWSW	36.00
T07N R42E S22	NESE	39.00	T07N R42E S22	NWSE	39.00
T07N R42E S23	NWNW	3.90	T07N R42E S23	SWNW	31.00
T07N R42E S23	SENW	4.50	T07N R42E S23	NESW	15.00
T07N R42E S23	NESW	11.00	T07N R42E S23	NWSW	0.20
T07N R42E S23	NWSW	39.00	T07N R42E S23	SWSW	40.00
T07N R42E S23	SESW	3.40	T07N R42E S23	SESW	35.00
T07N R42E S23	SWSE	14.00	T07N R42E S26	NWNE	16.00
T07N R42E S26	NWNE	8.30	T07N R42E S26	SWNE	15.00
T07N R42E S26	SWNE	21.00	T07N R42E S26	SENE	2.90
T07N R42E S26	NENW	40.00	T07N R42E S26	NWNW	40.00
T07N R42E S26	SWNW	40.00	T07N R42E S26	SENW	40.00
T07N R42E S26	NESW	27.00	T07N R42E S26	NESW	9.80
T07N R42E S26	NWSW	40.00	T07N R42E S26	SWSW	40.00
T07N R42E S26	SESW	19.00	T07N R42E S26	SESW	20.00
T07N R42E S26	NESE	1.60	T07N R42E S26	NWSE	13.00
T07N R42E S26	NWSE	0.80	T07N R42E S26	SWSE	0.20
T07N R42E S26	SWSE	8.10	T07N R42E S27	NENE	40.00
T07N R42E S27	NWNE	40.00	T07N R42E S27	SWNE	40.00
T07N R42E S27	SENE	40.00	T07N R42E S27	NENW	40.00
T07N R42E S27	NWNW	40.00	T07N R42E S27	SWNW	40.00
T07N R42E S27	SENW	40.00	T07N R42E S27	NESW	40.00
T07N R42E S27	NWSW	40.00	T07N R42E S27	SWSW	40.00
T07N R42E S27	SESW	40.00	T07N R42E S27	NESE	40.00
T07N R42E S27	NWSE	40.00	T07N R42E S27	SWSE	40.00
T07N R42E S27	SESE	40.00	T07N R42E S28	NENE	38.00
T07N R42E S28	SWNE	40.00	T07N R42E S28	SENE	40.00
T07N R42E S28	SWSW	40.00	T07N R42E S28	SESW	40.00
T07N R42E S28	NESE	40.00	T07N R42E S28	NWSE	40.00
T07N R42E S28	SWSE	40.00	T07N R42E S28	SESE	40.00
T07N R42E S33	NENW	40.00	T07N R42E S35	NWNE	0.20
T07N R42E S35	NWNE	31.00	T07N R42E S35	SWNE	39.00
T07N R42E S35	SENE	0.60	T07N R42E S35	SENE	21.00
T07N R42E S35	NENW	40.00	T07N R42E S35	NWNW	40.00
T07N R42E S35	SWNW	40.00	T07N R42E S35	SENW	39.00
T07N R42E S35	NESW	39.00	T07N R42E S35	NWSW	39.00
T07N R42E S35	SWSW	39.00	T07N R42E S35	SESW	39.00
T07N R42E S35	NESE	38.00	T07N R42E S35	NWSE	39.00
T07N R42E S35	SWSE	39.00	T07N R42E S35	SESE	39.00
T07N R42E S36	NWSW	14.00	T07N R42E S36	SWSW	39.00

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3934.2 ACRES TOTAL

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

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 3,933.5 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The rate of diversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.

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.

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.

Totalizing measuring devices shall be maintained at the exchange wells and redirection pumps from the Teton River.

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.

This right is subject to regulation by the watermaster of Water District No 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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. 22-7210, 22-7270, 22-7313A, and 22-7313B are also diverted through point of redirection described above.

Exchange well diversion capacity is owned half by Schwendiman Farms and half by M & B Enterprises for a total capacity of 56.36 cfs.

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

PART 3

B. CHANGES IN NATURE OF USE N/A

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 Schwendman

(Signature of Applicant)

Pres.

(Office or Position of Authority)

Val Schwendman

(Printed Name)

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



Ruth M. Olmerson

Notary Public

My Commission expires: 11/30/2010

FOR DEPARTMENT USE ONLY

Transfer contains 13 pages and 0 attachments

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

Prelim check by _____ Fee 250-

Received by _____ Date 3/21/08 EO 33862

Published in _____ 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 _____