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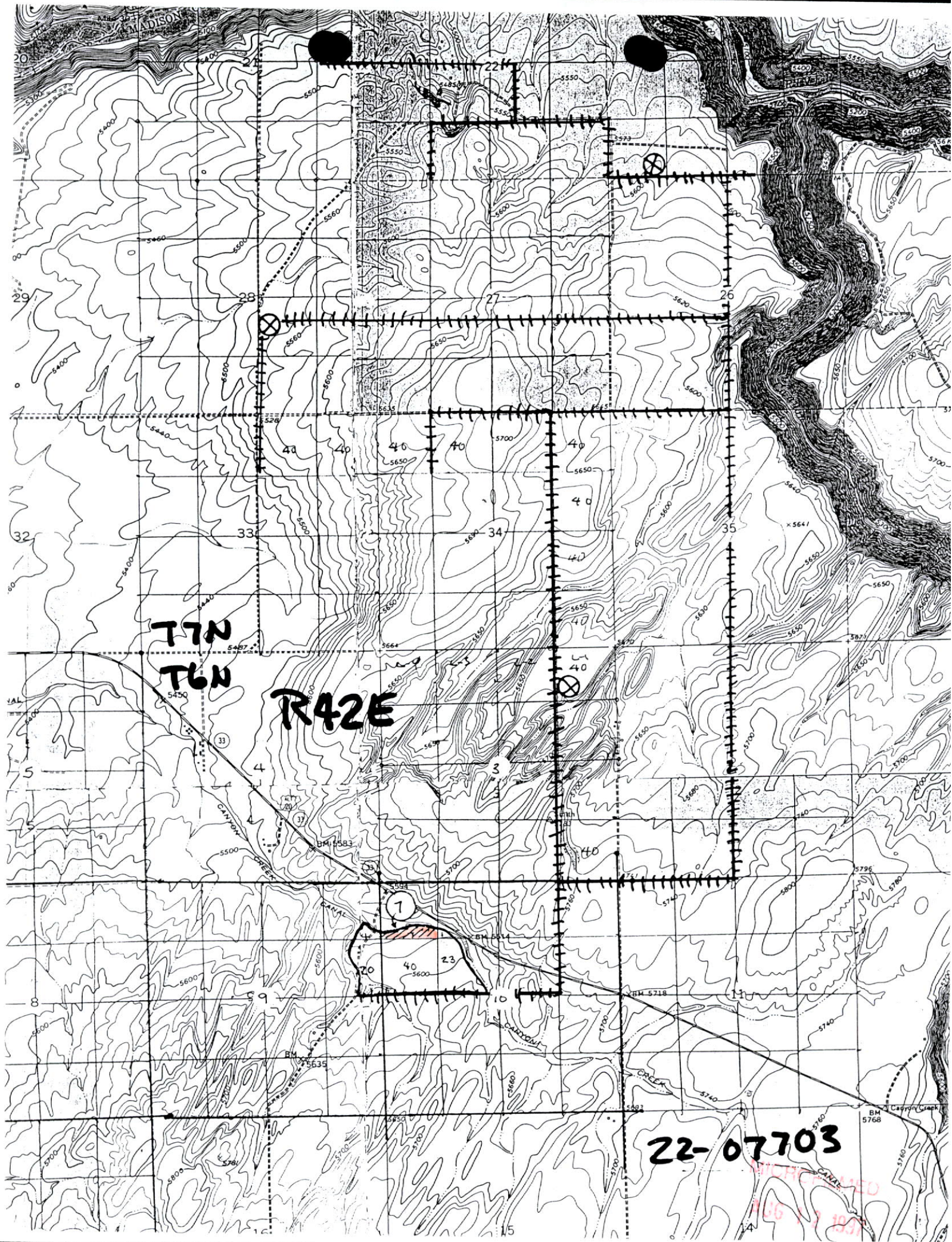
L-2

L-3

L-4

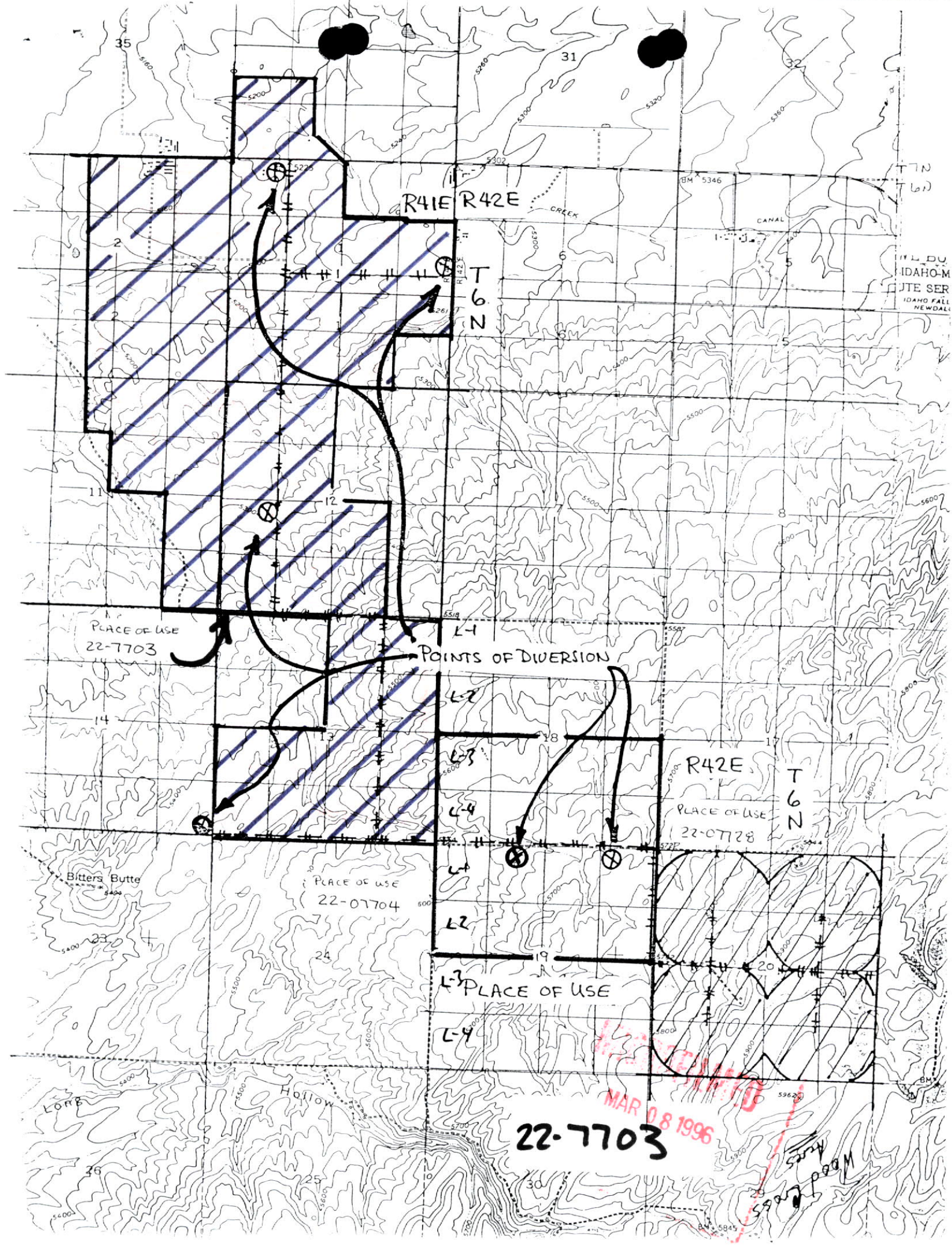
22-0703

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22-07703

RECEIVED
JUN 17 1957



IDAHO-MONTANA
BORDER
SERIES
NEWDALE

PLACE OF USE
22-7703

POINTS OF DIVERSION

R 42 E
T 6 N
PLACE OF USE
22-07728

PLACE OF USE
22-07704

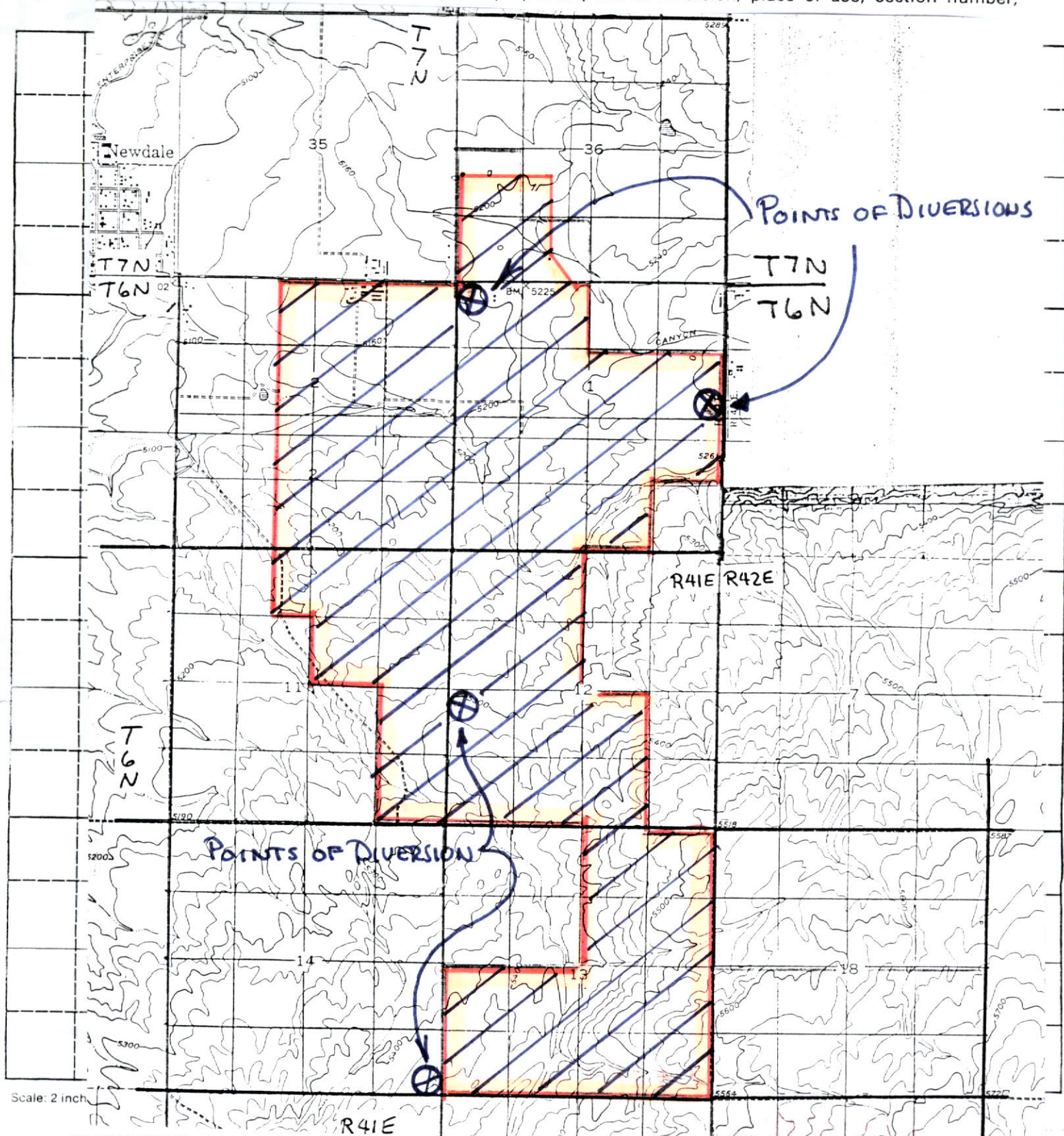
PLACE OF USE

22-7703

MAR 08 1996

W. J. K. 1996

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number,



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Paul Schumacher
DEC 09 1991
(Applicant)

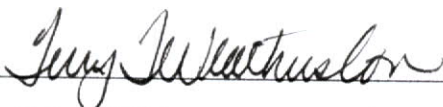
THE STANDARD JOURNAL
Rexburg, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Madison

I, TERRY T. WEATHERSTON being first duly sworn, depose and say, that I am the printer of THE STANDARD-JOURNAL, a semi-weekly newspaper printed and published semi-weekly at Rexburg, Madison County, Idaho; and I do solemnly swear that the NOTICE OF PROPOSED RIGHTS -NO. 22-07703 a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for TWO consecutive issues, the first publication having been made on MAY 1, 1997 and the last publication having been made on MAY 8, 1997

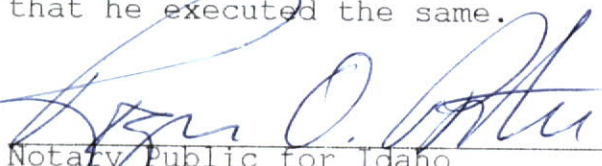
Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.



STATE OF IDAHO)

COUNTY OF MADISON)

On this 9TH day of MAY in the year of 1997, before me, a Notary Public, Personally appeared Terry Weatherston, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.


Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: May 21, 1999

RECEIVED

JUN 09 1997

Department of Water Resources
Eastern Region

RECEIVED

JUN 13 1997

Department of Water Resources

NOTICE OF PROPOSED
AMENDING OF WATER RIGHT
NO. 22-07703

Notice is hereby given that Permit No. 22-07703 in the name of Val or David or Diane Schwendiman, 9633 E. Hwy 33, Newdale, ID 83436, was issued for the diversion of 6.79 cfs of water from a groundwater source with the points of diversion being within the SENE NWNW (Lot 4) SEC 1 NWSW SEC 12 SESE SEC 14 T06N R41E, NENW SEC 19 T06N R42E, B.M. MADISON COUNTY; to be used for the irrigation of 2,129 acres from 04/15 to 10/15 within SEC 1, 2, 11, 12, 13 T06N R41E & SEC 36 T7N R41E, B.M.

The permit holder now proposes to amend Permit No. 22-07703, changing the place of use and adding points of diversion. The applicant intends to add two existing wells and rearrange the acres under this permit. The new points of diversion will be in the SWSW SEC 23 NWSE SEC 28 T07N R42E. Also, 7 acres from the NESW SEC 13 T06N R41E will be moved to the NWNW SEC 10 T06N R42E, B.M.

Any protest to the proposed amending of the permit must be filed with a \$25 filing fee to the Idaho Department of Water Resources, 900 N. Skyline Drive, Idaho Falls, ID 83402, on or before May 19 1997.

KARL J. DREHER
Director

Publ. May 1 and 8, 1997J.

MICROFILMED
JUN 17 1997

THE STANDARD JOURNAL
Rexburg, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Madison

I, TERRY T. WEATHERSTON being first duly sworn, depose and say, that I am the printer of THE STANDARD-JOURNAL, a semi-weekly newspaper printed and published semi-weekly at Rexburg, Madison County, Idaho; and I do solemnly swear that the NOTICE OF PURPOSED WATER PERMIT a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for TWO consecutive issues, the first publication having been made on DECEMBER 21, 1995 and the last publication having been made on DECEMBER 28, 1995.

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.

Terry T. Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

On this 29TH day of DECEMBER in the year of 1995, before me, a Notary Public, Personally appeared Terry Weatherston, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

John O. Porter

Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: May 21, 1999

NOTICE OF PROPOSED
AMENDING OF WATER PERMIT
NO. 22-07703

Notice is hereby given that Permit No. 22-07703 in the name of Val, Diane, or David Schwendiman, 9633 E. Hwy. 33, Newdale, ID, was issued for the diversion of 6.790.00 cfs of water from a ground-water source with the point(s) of diversion within the SENE, NWNW (LOT 4), SEC 1, NWSW, SEC 12, SESE, SEC 14, T06N, R41E, Madison County; to be used for the irrigation of 2,129 acres from April 1 to October 31 within the S $\frac{1}{2}$ NE, W $\frac{1}{2}$, N $\frac{1}{2}$ SE, SWSE, SEC 1, NE, E $\frac{1}{2}$ W $\frac{1}{2}$, SE, SEC 2, NE, NENW, E $\frac{1}{2}$ SE, SEC 11, W $\frac{1}{2}$, W $\frac{1}{2}$ SE, SEC 12, NE, S $\frac{1}{2}$, SEC 13, T06N, R41E; SW, SEC 36, T07N, R41E, B.M.

The permit holder now proposes to amend Permit No. 22-07703, adding a point of diversion in the NENW, SEC 19, T06N, R42E, B.M. MADISON COUNTY.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before January 8, 1996. The protestant must also send a copy of the protest to the

applicant.

KARL J. DREHER
Director
Publ. Dec. 21 and 28, 1995J.

MICROFILMED

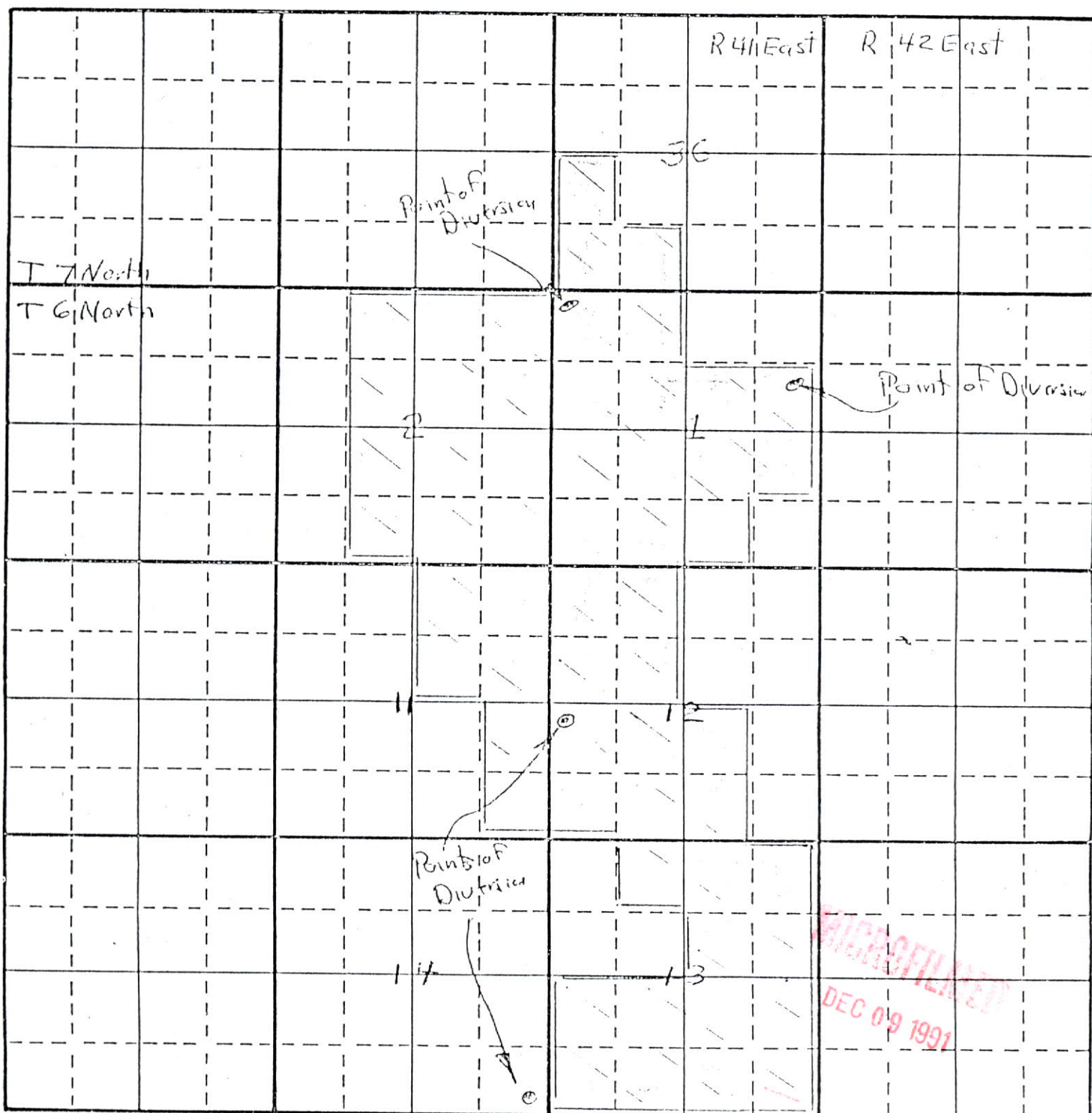
MAR 08 1996

c. Describe the lands and place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	41E	1			40	39	39	39	40	40	40	40	39	40	32	40	15		483
		2	39	38	39	36	17			17	17			17	38	40	40	40	378
		11	40	40	40	40									40			40	240
		12					39	39	40	40	40	40	40	40		40	40		398
		13	39	37.5	37.5	40	38				32	39	39	32	40	40	40	28	482
7N	41E	36										15	37	20					72

Total number of acres to be irrigated 2053

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDMENT OF PERMIT
PERMIT NO. 22-07703

This is to certify, that DAVID SCHWENDIMAN
DIANE SCHWENDIMAN
VAL SCHWENDIMAN
9633 E HWY 33
NEWDALE ID 83436

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-211, Idaho Code. The approved amendment of permit is described as follows:

SOURCE

GROUNDWATER

Priority: March 25, 1991

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/15 to 10/15

6.79 CFS

LOCATION OF POINT(S) OF DIVERSION:

Lot 4 (SENE , Sec. 1, Township 06N, Range 41E
NWNW), Sec. 1, Township 06N, Range 41E
NWSW , Sec. 12, Township 06N, Range 41E
SESE , Sec. 14, Township 06N, Range 41E
NENE , Sec. 3, Township 06N, Range 42E
NENE , Sec. 19, Township 06N, Range 42E
NENW , Sec. 19, Township 06N, Range 42E
SWSW , Sec. 23, Township 07N, Range 42E
NWSE , Sec. 28, Township 07N, Range 42E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	41E	1	SWNE 40	SENE 40	Lot 3(NENW) 40	
		Lot 4(NWNW)	40	SWNW 40	SENE 40	
		NESW	40	NWSW 40	SWSW 40	
		SESW	40	NESE 40	NWSE 40	
		SWSE	40			520
		2 Lot 1(NENE)	40	Lot 2(NWNE)	40	
		SENE	40	Lot 3(NENW)	16	
		NESW	16	SESW	16	
		NWSE	40	SWSE	40	
11		NENE	40	NWNE	40	
		SENE	40	NENW	16	
		SESE	40			384
		12 NENW	40	NWNW	40	
		SENE	40	NESW	40	
		SWSW	40	SESW	40	
						256

MICROFILMED
AUG 12 1997

PERMIT NO. 22-07703

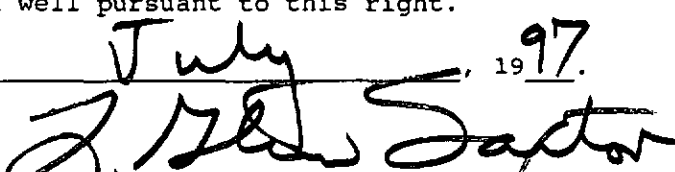
PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
			SWSE 40			400
	13		NENE 40	NWNE 40	SWNE 40	
			SENE 40	NESW 33	NWSW 40	
			SWSW 40	SESW 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	473
42E	10		NWNW 7			7
07N	41E	36	NESW 8	NWSW 15	SWSW 39	
			SESW 27			89

Total number of acres irrigated: 2129

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
3. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
4. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
7. A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.
8. The right holder shall comply with Idaho well construction standards when constructing a well pursuant to this right.

Witness my hand this 8th day of July, 1997.

 Chief, Water Allocation Bureau

MICROFILMED

AUG 12 1997

RECEIVED

APR 11 1997

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

Applicant Val or Diane or David Schwendiman Phone (208) 458-4261Address 9633 E Hwy 33 Newdale Id 83436I am the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 22-07703, and request that the permit and permit map be amended and/or changed as follows:Purpose of Amendment: Change point of diversion ☒ Add point of diversion
☒ Change place of use Change nature of use Change period of use Other1. Point of diversion: 1/4 NE 1/4 NE 1/4, Section 3, Township 6N, Range 42E, B.M.,
County of Madison. Other points of diversion NENE/NENW/Sec 19, T6N, R42E; SENE, NWNW
Sec 1, NWSW/Sec 12, SESE/Sec 14 T6N R41E; SWSW Sec 23, NWSE Sec 28 T7N R42E

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 6.79 cfs for IRRIGATION purposes from 4/1 to 10/31 (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

3. Place of use or land to be irrigated:

T w p	R g e	S e c	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	41E	1			40	40	40	40	40	40	40	40	40	40	40	40	40	40	520
		2	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	384
		11	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	256
		12					40	40	40	40	40	40	40	40	40	40	40	40	406
		13	40	40	40	40					33	40	40	40	40	40	40	40	473
7N	41E	36									8	15	39	27					89
6N	42E	10						7											7

Total number of acres to be irrigated = 2129

4. a. Who owns the property at the point of diversion? APPLICANTS
- b. Who owns the land to be irrigated at the place of use? APPLICANTS
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

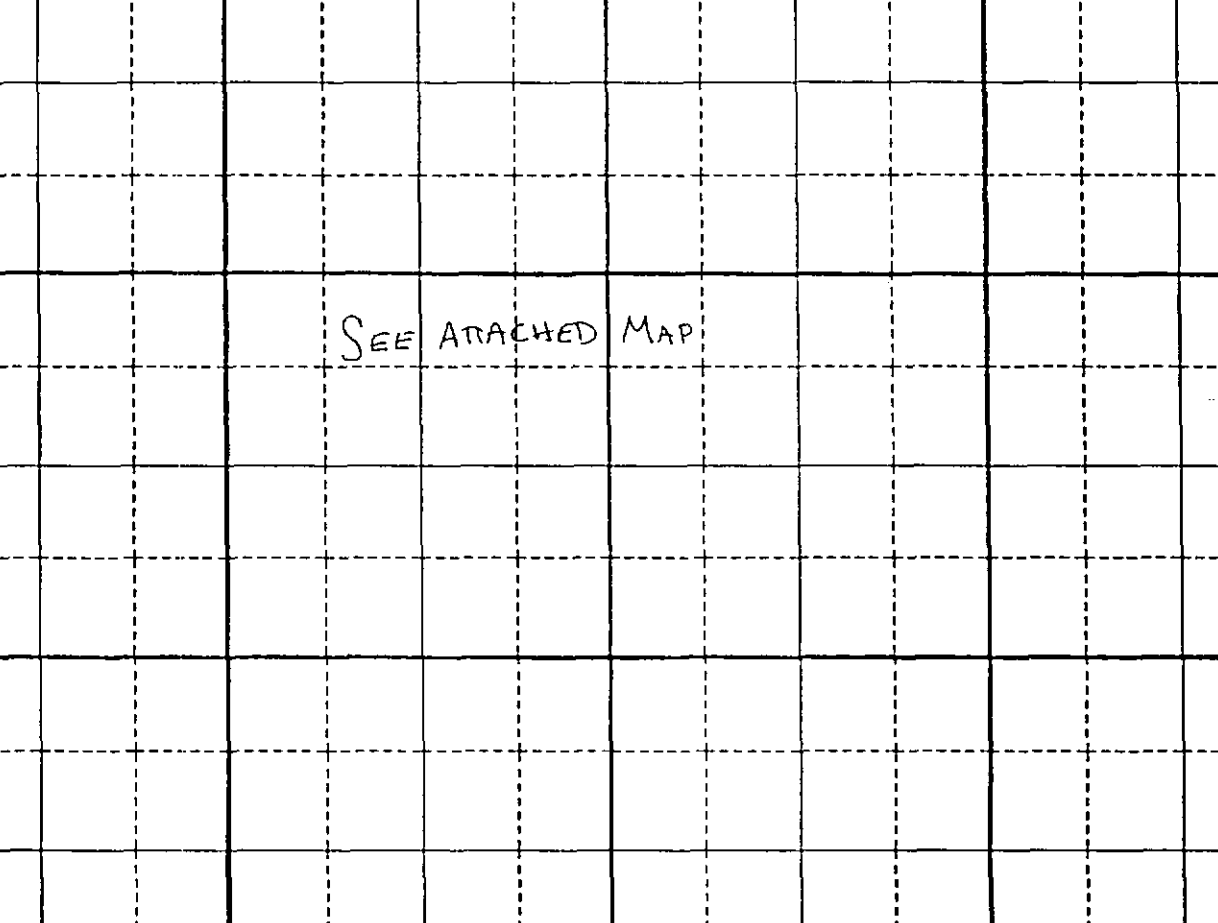
MICROFILMED

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AUG 12 1997

JUN 13 1997

Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)



SEE ATTACHED MAP

Scale: 2 inches equal 1 mile

Signed this 10 day of April, 19 97. Val Schukendeman
Permit Holder

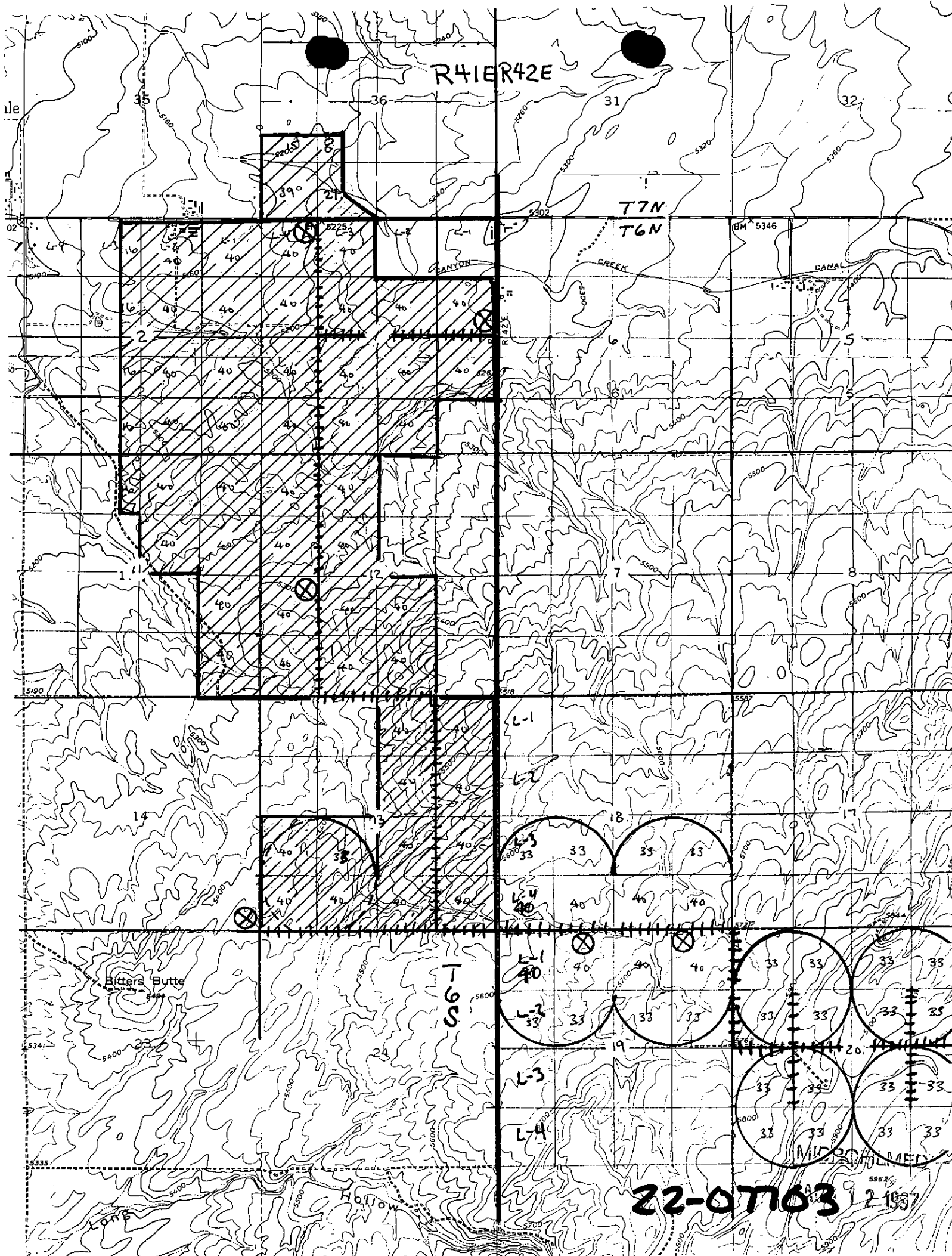
ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by _____ Publication prepared by _____ Date _____
Published in Lexington Standard Journal Publication dates May 1 and 8, 1997
I, _____, of the Department of Water Resources hereby

I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 19 2005

EXAMPLING



R41ER42E

T7N

T6N

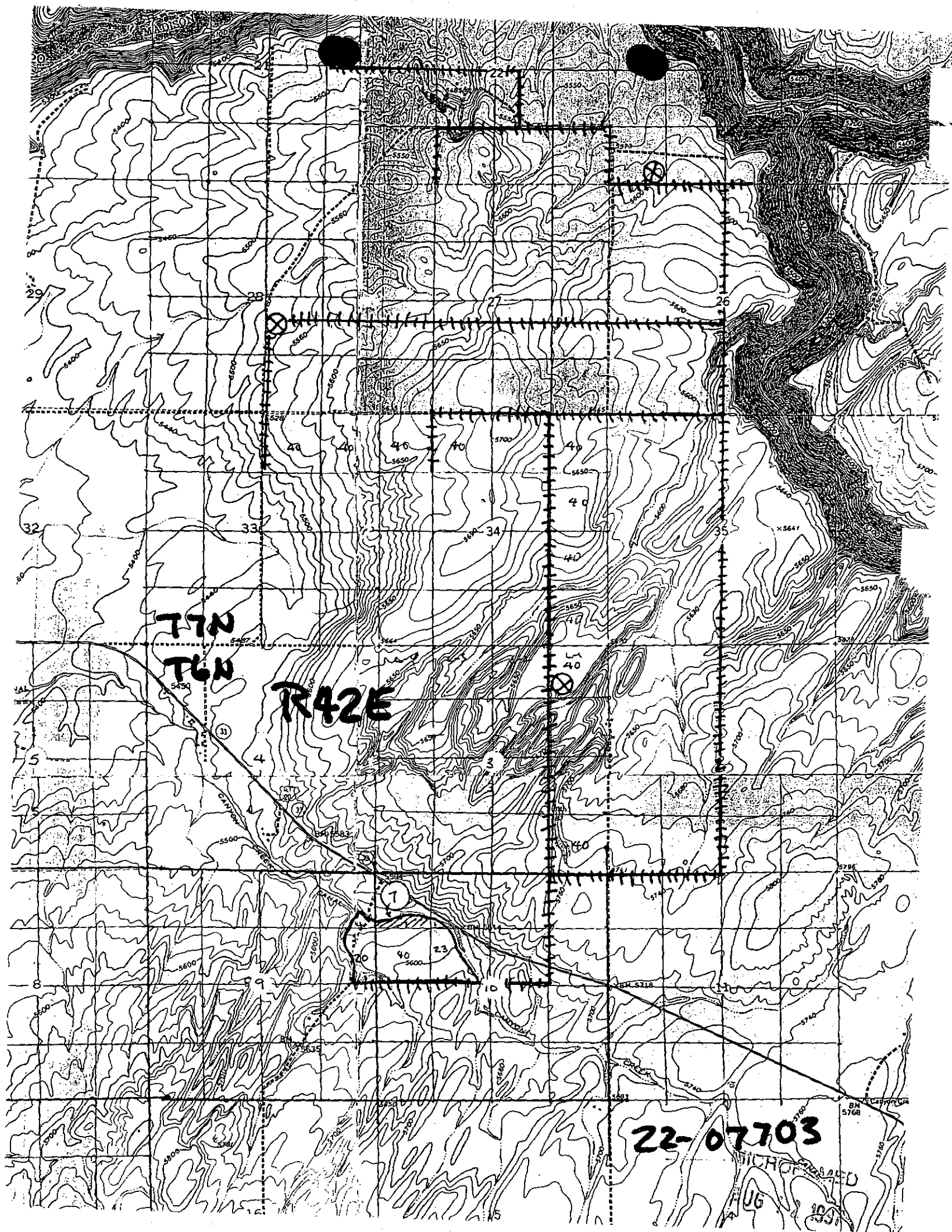
S6T

Bitters Butte

Hollow

22-07103 2-1937

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDMENT OF PERMIT
PERMIT NO. 22-07703

This is to certify, that VAL SCHWENDIMAN
DAVID SCHWENDIMAN
9633 E HWY 33
NEWDALE ID 83436

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-211, Idaho Code. The approved amendment of permit is described as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/15 to 10/15	6.79 CFS

SOURCE

GROUNDWATER

Priority: 12/11/1991

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 1, Township 06N, Range 41E
Lot 4 (NWNW), Sec. 1, Township 06N, Range 41E
NWSW , Sec. 12, Township 06N, Range 41E
SESE , Sec. 14, Township 06N, Range 41E
NENE , Sec. 19, Township 06N, Range 42E
NENW , Sec. 19, Township 06N, Range 42E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	41E	1	SWNE 40	SENE 40	Lot 3 (NENW) 40	
		Lot 4 (NWNW)	40	SWNW 40	SENE 40	
		NESW	40	NWSW 40	SWSW 40	
		SESW	40	NESE 40	NWSE 40	
		SWSE	40			520
		2 Lot 1 (NENE)	40	Lot 2 (NWNE)	40	
		SENE	40	Lot 3 (NENW)	16	
		NESW	16	SESW	16	
		NWSE	40	SWSE	40	384
11		NENE	40	NWNE	40	
		SENE	40	NENW	16	
		SESE	40			256
12		NENW	40	NWNW	40	
		SENE	40	NESW	40	
		SWSW	40	SESW	40	
		SWSE	40			400
13		NENE	40	NWNE	40	
		SENE	40	NESW	40	
		SWSW	40	SESW	40	
		NWSE	40	SWSE	40	

MAR 08 1996

**AMENDMENT OF PERMIT
PERMIT NO. 22-07703**

PLACE OF USE: IRRIGATION

<u>TWN</u> <u>RGE</u> <u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N 41E 36	NESW 8	NWSW 15	SWSW 39	89
	SESW 27			

Total number of acres irrigated: 2129

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
3. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
4. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
7. A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.
8. Construction of the well must comply with Idaho well construction standards.

Dated this 5th day of March, 1996.

[Signature]
Chief, Water Alloc. Bureau

MICROFILMED

MAR 08 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR AMENDMENT OF A PERMITApplicant Val, Diane, or David Schwendiman Phone 458-4261
Address 9633 E Hwy 33, Newdale Id 83436I am the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 22-07703, and request that the permit and permit map be amended and/or changed as follows:Purpose of Amendment: Change point of diversion ☒ Add point of diversion
Change place of use Change nature of use Change period of use Other1. Point of diversion: 1/4 NE 1/4 NW 1/4, Section 19, Township 6N, Range 42E, B.M.,
County of Madison. Other points of diversion NW NW (Lot 4) Sec 1, NWSW Sec 12,
SESE Sec 14, T6N R41E; NENE Sec 19, T6N R42E; SENE Sec 1, T6N, R41E

2. Period and nature of use: (Irrigation, domestic, stockwatering, industrial, etc.)

Amount 6.79 for IRRIGATION purposes from 4/1 to 10/31 (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

3. Place of use or land to be irrigated:

T w p	R g e	S e c	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	41E	1			40	40	43 40	44 40	40	40	40	40	40	40	40	40	40		520
		2	41 40	42 40	40	40	43 16			16	16			16	40	40	40	40	384
		11	40	40	40	40	16								40			40	256
		12					40	40	40	40	40	40	40	40		40	40		400
		13	40	40	40	40					40	40	40	40	40	40	40	40	480
7N	41E	36									8	15	39	27					89

Total number of acres to be irrigated = 2129

4. a. Who owns the property at the point of diversion? Applicants
b. Who owns the land to be irrigated at the place of use? Applicants
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: MICROFILMED

MAR 08 1996

Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)

A grid of 10 columns and 10 rows. The text "SEE ATTACHED MAP" is written in the center of the grid, spanning approximately 4 columns and 2 rows. The grid is composed of solid black lines forming the outer border and dashed lines forming the internal grid structure.

Scale: 2 inches equal 1 mile

I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 22 day of Nov, 19 95.

Joe Schurderman
Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by _____ Publication prepared by *LB* Date _____

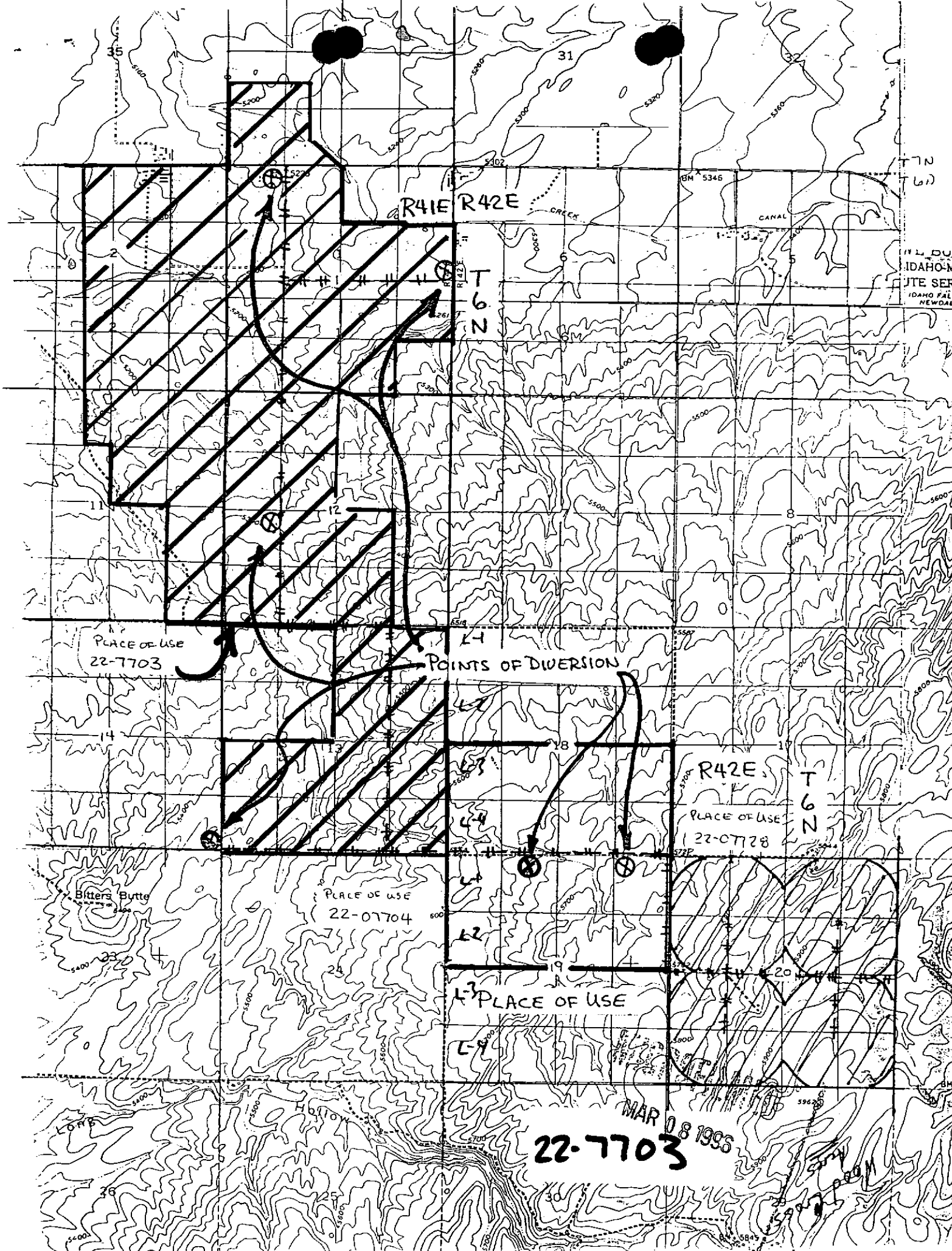
Published in Leisure Standard Journal Publication dates 12-21 & 28-95

of the Department of Water Resources hereby

MAR 08 1996

Witness my hand this _____ day of _____, 19____

SIGNATURE



R41E R42E

T
6
N

PLACE OF USE
22-7703

POINTS OF DIVERSION

R42E

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PLACE OF USE
22-07728

PLACE OF USE
22-07704

PLACE OF USE

Bitters Butte

Hollow

LONG

MAR 08 1996
22-7703

IDAHO-M
ITE SER
IDAHO FALL
NEWDALE

RECEIVED
Form 217
11/91

OCT 29 1993

Department of Water Resources
Eastern District Office

RECEIVED

NOV 01 1993

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 10 1993

Department of Water Resources

OFFICE USE ONLY

Amt. of Fee \$ 250.00

Date 9-8-93

Receipt No. EO/9120

Receipt by LB

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 22-07703 Telephone No. 458-4261

2. Name(s) of Permit Holder(s): Val or Diane or David Schwendiman

3. Mailing Address: 9633 E. Hwy 33 Newdale, Idaho 83436

4. Source of Water: Ground water

If GROUNDWATER, Well Driller's Name: all 4 wells drilled prior to 7/1/84 Date Drilled: 7/1/84

OPTIONAL:

added additional Horsepower & Capacity
Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 2129 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 27.48 + 6.72 = 34.27 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes _____ No Installed? _____ Yes _____ No

Flow Measurement Port: Required? X Yes OR X No Installed? _____ Yes X No

will add to systems

8. Fee Enclosed: \$ 250.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Val Schwendiman 458-4261
Name Telephone No.

9633 E. Hwy 33 Newdale, Idaho 83436
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

RECEIVED

NOV 22 1993

Sept 8-93 Val Schwendiman
Date Signature (and title, if on behalf of a company or organization)

NO. 22-07703

DIANE SCHWENDIMAN
DAVID SCHWENDIMAN
9633 E HWY 33
NEWDALE ID 83436

BENEFICIAL USE

RATE OF DIVERSION

6.79 CFS

SESE Sec. 14, Township 06N, Range 41E
SENE Sec. 1, Township 06N, Range 41E
NWNW), Sec. 1, Township 06N, Range 41E
NWSW Sec. 12, Township 06N, Range 41E
MADISON County

TWN RGE SEC

ACRES

TOTAL

Total number of acres irrigated

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **November 1, 1993.** DEC 09 1991

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 22-07703

CONDITIONS/REMARKS:

2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. The Director retains jurisdiction of the right and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
8. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

15th day of November, 1991.

R. Keith Higginson
for R. Keith Higginson, Director

DEC 09 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Val or Diane, or David Schwendiman Phone 458-4261
Post office address 9633 E Hwy 33, Newdale, Idaho 83436
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of NW 1/4 of NW 1/4, Govt. Lot 4
Sec. 1 Township 6N Range 41E B.M. Madison County; additional
points of diversion if any: NWSW Sec 12, SESE Sec 14, SENE Sec 1, T6N, R41E
4. Water will be used for the following purposes:
Amount 6.79 for IRRIGATION purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 6.79 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. four wells, mainline to laterals
with sprinklers

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years (minimum 1 year).

DEC 09 1991

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	41E	1			40	40	40	40	40	40	40	40	40	40	40	40	40	40	520
		2	40	40	40	40	16			16	16			16	40	40	40	40	384
		11	40	40	40	40	16							40				40	256
		12					40	40	40	40	40	40	40			40	40		400
		13	40	40	40	40					40	40	40	40	40	40	40	40	480
7N	41E	36									8	15	39	27					89

Total number of acres to be irrigated 2129

10. Describe any other water rights used for the same purposes as described above.

T 2728 [22-2196/2257/22713/7016/70528/71673/7234]

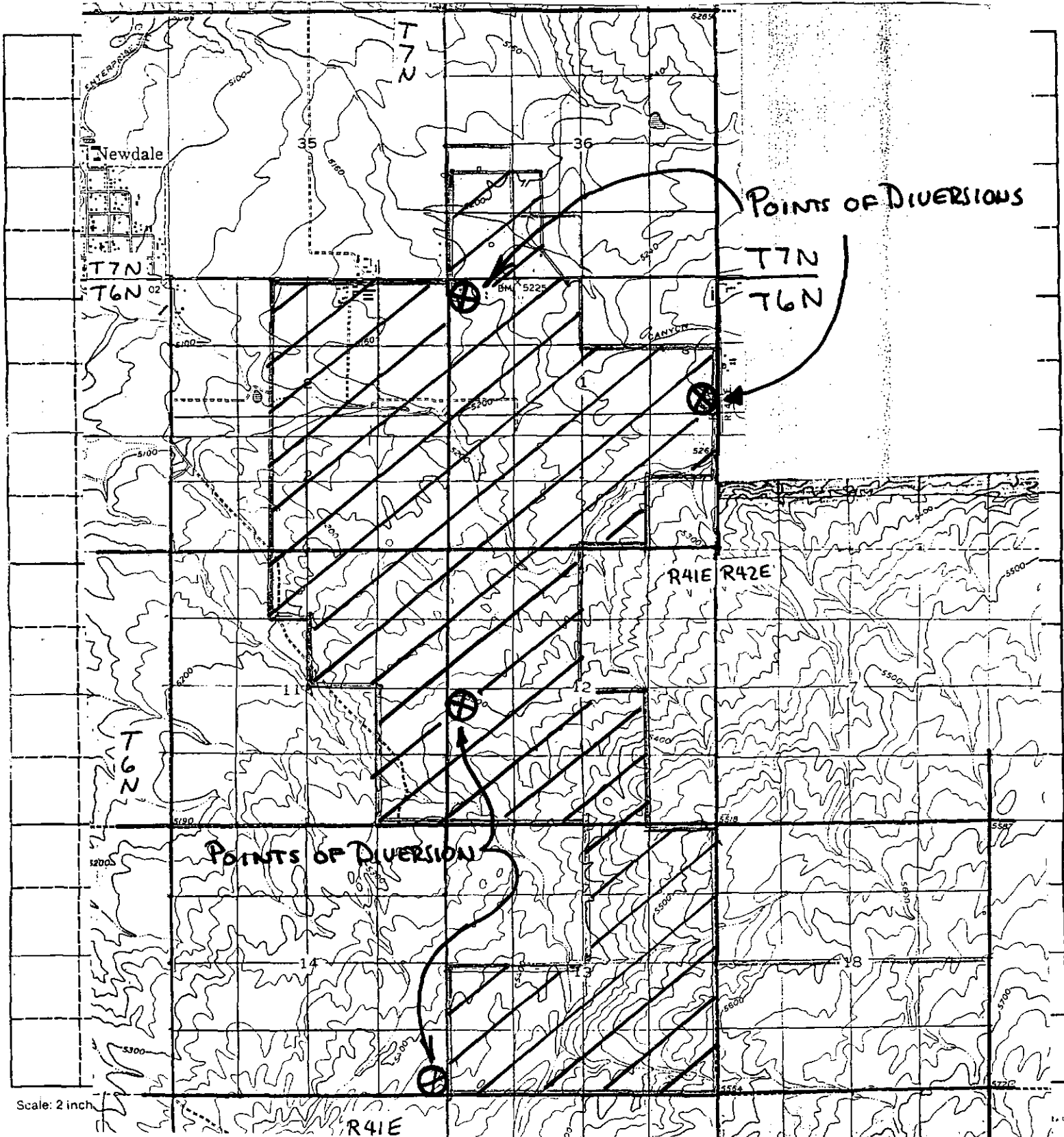
11. a. Who owns the property at the point of diversion? Applicants
- b. Who owns the land to be irrigated or place of use? "
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Application is to bring all lands under system to 0.012 cfs/ac and to reflect the actual diversion rate of the system

RECORDED

DEC 09 1991

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number,



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Paul Schulz
(Applicant)

Assisted by Kcy 20 Mar 91

Received by CW Date 3-25-91 Time 12:25p Preliminary check by _____

Fee \$ 165.45 Received by HUT # E015854 Date 3-25-91

Publication prepared by RB Date 4-18-91 Published in Rexburg Standard Journal
6-6-91

Publication approved RB Date 7-26-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

NOT RECORDED

DEC 09 1991

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Madison

TERRY WEATHERSTON being
first duly sworn, depose and say, that I
am the printer of THE STANDARD-JOURNAL,
a semi-weekly newspaper printed and
published semi-weekly at Rexburg,
Madison County, Idaho; and I do solemnly
swear that the
NOTICE OF CORRECTION #22-7703 a copy
of which notice appears attached hereto,
is published in the regular and entire
issue of said newspaper, and not in any
supplement issue thereof for

TWO consecutive issues, the
first publication having been made on
JUNE 6, 1991 and the last
publication having been made on
JUNE 13, 1991

Further, that said newspaper is one
of general circulation in said county;
that it is a legal newspaper, conforming
to legal specifications under the Idaho
statutes; that it has at least two
hundred bona fide subscribers living
within the county of publication; and
that it has been continuously and
uninterruptedly published in said county
during a period of seventy eight
consecutive weeks prior to the first
publication of the said notice.

Terry Weatherston
STATE OF IDAHO)
COUNTY OF MADISON)

On this 14TH day of JUNE in
the year of 1991, before me, a Notary
Public, personally appeared Terry
Weatherston, known or identified to me
to be the person whose name subscribed
to the within instrument, and being by
him first duly sworn, declared that the
statements therein are true, and
acknowledged to me that he executed the
same.

Lynda M. Jones
Notary Public for Idaho

Residing at Rexburg, Idaho
My commission expires: June 8, 1993.

NOTICE OF CORRECTION
No. 22-7703

NOTICE IS HEREBY GIVEN, that application No. 22-7703 in the name of Val, Diane, and David Schwendiman was advertised incorrectly on April 18 and 25, 1991. The Place of Use was advertised as being in T06N R41E S01 S1/2NE, (Lot 3)NENW, (Lot 4)NWNW, S1/2NW, SW, N1/2SE, SWSE S03 (Lot 1)NENE, (Lot 2)NWNW, S1/2NE, (Lot 3)NENW, SENW, E1/2SW, SE S11 NE, NENW, E1/2SE S12 W1/2, W1/2SE S13 NE, S1/2 T07N R41E S36 SW 2089.0 ACRES TOTAL.

Whereas, the actual Place of Use is in T06N R41E S01 S1/2NE, (Lot 3)NENW, (Lot 4)NWNW, S1/2NW, SW, N1/2SE, SWSE S02 (Lot 1)NENE, (Lot 2)NWNW, S1/2NE, (Lot 3)NENW, SENW, E1/2SW, SE S11 NE, NENW, E1/2SE S13 NE, S1/2 T07N R41E S36 SW 2129.0 ACRES TOTAL.

Any protests against the granting of this application as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before June 24, 1991.

R. KEITH HIGGINSON
Director
Publ. June 6 and 13, 1991J.

RECEIVED

JUL 2 - 1991

Department of Water Resources
Eastern District Office

DEC 09 1991

Rexburg, Idaho
AFFIDAVIT OF PUBLICATIONSTATE OF IDAHO
County of Madison

RECEIVED

MAY - 2 1991

TERRY WEATHERSTON being
first duly sworn, depose and say, that I
am the printer of THE STANDARD-JOURNAL, Department of Water Resources
semi-weekly newspaper printed and Eastern District Office
published semi-weekly at Rexburg,
Madison County, Idaho; and I do solemnly
swear that the

NOTICE OF APPLICATION a copy
of which notice appears attached hereto,
published in the regular and entire
issue of said newspaper, and not in any
supplement issue thereof for

TWO consecutive issues, the
first publication having been made on
APRIL 18, 1991 and the last
publication having been made on
APRIL 25, 1991

Further, that said newspaper is one
of general circulation in said county;
that it is a legal newspaper, conforming
to legal specifications under the Idaho
statutes; that it has at least two
hundred bona fide subscribers living
within the county of publication; and
that it has been continuously and
uninterruptedly published in said county
during a period of seventy eight
consecutive weeks prior to the first
publication of the said notice.

Terry Weatherston
STATE OF IDAHO)
COUNTY OF MADISON)

On this 26TH day of APRIL in
the year of 1991, before me, a Notary
Public, personally appeared Terry
Weatherston, known or identified to me
to be the person whose name subscribed
to the within instrument, and being by
first duly sworn, declared that the
statements therein are true, and
acknowledged to me that he executed the
same.

Charles H. Reed
Notary Public for Idaho

Residing at Rexburg, Idaho
My commission expires: June 8, 1993.

NOTICE OF APPLICATION
FOR WATER RIGHT

22-07706
BYRNE, J.R.
8747 S. 1600 E.
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: NWSW Sec 3 T 04N R
40E
Use: IRRIGATION (1.720 CFS) Total
Diversion: (1.720 CFS)
Date Filed: 3/22/1991
In: T04N R40E S03 NWNW SWNW
SENW NESW NWSW S04 NENE T05N
R40E S33 SESE 86.0 ACRES TOTAL

22-07703
SCHWENDIMAN, VAL
SCHWENDIMAN, DIANE
SCHWENDIMAN, DAVID
9633 E. HWY 33
NEWDALE, ID 83436
Source: GROUNDWATER
Diversion Pt: SENE Sec 1 T 06N R 41E
LOT 4 (NWNW) Sec 1 T 06N R 41E
NWSW Sec 12 T 06N R 41E SESE Sec 14
T 06N R 41E

Use: IRRIGATION (6.79 CFS) Total
Diversion (6.79 CFS)
Date Filed: 3/25/1991
In: T06N R41E S01 S1/2NE, (Lot 3)
NENW, (Lot 4) NWNW, S1/2 NW, SW,
N1/2SE, SWSE (S03) (Lot 1) NENE, (Lot 2)
NWNE, S1/2NE, (Lot 3) NENW, SENW,
E1/2SW, SE S11 NE, NENW, E1/2 SE S12
W1/2, W1/2SE S13 NE, S1/2 T07N R41E
S36 SW 2089.0 ACRES TOTAL

22-07704
SCHWENDIMAN, VAL
SCHWENDIMAN, DIANE
SCHWENDIMAN, DAVID
9633 E. HWY 33
NEWDALE, ID 83436
Source: GROUNDWATER
Diversion Pt: Lot 4 (NWNW) Sec 1 T
06N R 41E NWSW Sec 12 T 06N R 41E
SESE Sec 14 T 06N R 41E SENW Sec 24
T 06N R 41E SESW Sec 24 T 06N R 41E
Use: IRRIGATION (7.680 CFS) Total
Diversion: (7.680 CFS)
Date Filed: 3/25/1991

In: T06N R42E S18 NESW Lot 3
(NWSW) Lot 4 (SWSW) SESW NESE
NWSE SWSE SESE S19 NENE NWNE
SWNE SENE NENW Lot 1 (NWNW) Lot 2
(SWNW) SENW 640.0 ACRES TOTAL

The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code and/or the new public interest
criteria of Sec. 42-203C, Idaho Code. Pro-
tests must be filed with the Director, Dept.
of Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on or
before May 6, 1991.

R. KEITH HIGGINSON
Director
Publ. April 18 and 25, 1991J.

RECEIVED
DEC 09 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

July 9, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

VAL SCHWENDIMAN
DAVID SCHWENDIMAN
9633 E HWY 33
NEWDALE ID 83436

RE: Permit No. 22-07703/22-07704

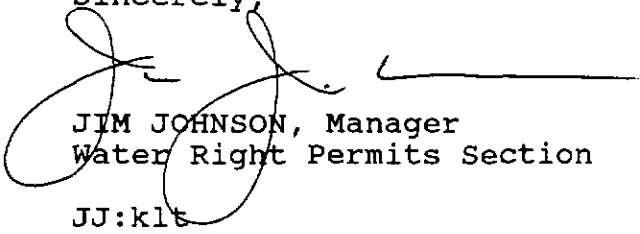
Dear Water Right Holder(s):

Enclosed are copies of your Amendments of Permits No. 22-07703 and 22-07704 adding points of diversion and changing the places of use. If you have any questions concerning this document, please contact me at (208) 327-7946.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address **PRIOR** TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klb

Enclosures

MICROFILMED

AUG 12 1997

WR0749NP
No. B22-07703

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/07/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID SCHWENDIMAN	03/25/1991	IRRIGATION	04/15 10/15	6.790 CFS	
C	DIANE SCHWENDIMAN					
C	VAL SCHWENDIMAN					
	9633 E HWY 33					
	NEWDALE ID 83436					
	(208) 458-4261					
				TOTAL DIVERSION:	6.790 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion:	T06N R41E S01	SENE Lot 04(NWNW)	MADISON County
	S12	NWSW	MADISON County
	S14	SESE	MADISON County
	R42E S03	NENE	MADISON County
	S19	NENE NENW	MADISON County
	T07N R42E S23	SWSW	MADISON County
	S28	NWSE	MADISON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM			
06N	41E	1	:			40	40	:	03-40	04-40	40	40	:	40	40	40	40	:	40	40	40	:	520.0	
06N	41E	2	:	01-40	02-40	40	40	:	03-16			16	:	16			16	:	40	40	40	40	:	384.0
06N	41E	11	:	40	40	40	40	:	16				:				40	:	40			40	:	256.0
06N	41E	12	:					:	40	40	40	40	:	40	40	40	40	:		40	40		:	400.0
06N	41E	13	:	40	40	40	40	:					:	33	40	40	40	:	40	40	40	40	:	473.0
06N	42E	10	:					:		07			:					:					:	7.0
07N	41E	36	:					:					:	08	15	39	27	:					:	89.0
																			TOTAL ACRES		2129.0			

Pou County: MADISON

Other Rights: T2728(22-2196, -2257, -2271B, -7016, -7052B, -7167B, -7234

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

22-02196	22-02257	22-02271B	22-07016	22-07052B	22-07167B	22-07234	22-07287	22-07700	22-07703
22-07704	22-07728	22-07704	22-07728						

Other Water Rights Listing Overlapping Place(s) of use:

22-00195	22-00196	22-02180	22-02196	22-02222	22-02257	22-02271B	22-07015	22-07016	22-07052B
22-07167B	22-07234	22-07253	22-07276	22-07703	22-07707				

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 048 - The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver,

Conditions of Approval:

- equitable estoppel, estoppel by laches or customary preference.
- 049 - The Director retains jurisdiction of the right to incorporate
 - the use into a water district, require streamflow augmentation
 - or other action needed to protect prior surface water and
 - groundwater rights.
- 03A - The rate of diversion of water for irrigation under this right
 - and all other water rights on the same land shall not exceed 0.02
 - cubic feet per second for each acre of land.
- 117 - Prior to diversion of water under this approval, the right holder
 - shall provide a means of measurement acceptable to the Department
 - from all authorized points of diversion which will allow
 - determination of the total rate of diversion.
- 028 - After specific notification by the department, the right holder
 - shall annually report the amount of water diverted to the
 - department.
- 46A - A well drilled pursuant to this permit must be located at least
 - 500 feet from any existing well. Well spacing closer than 500
 - feet must be approved by the Department of Water Resources.
- 46B - The right holder shall comply with Idaho well construction
 - standards when constructing a well pursuant to this right.

Dates: App. Received: 03/25/1991 Priority Date: 03/25/1991
Proof Due Date: 11/01/1993 Proof Made Date: 11/01/1993
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 01/25/1996 User-ID: SCURTIS Subject: AMENDED PERMIT
An application for amendment of permit was filed on 11/22/95 to
add a point of diversion to this right. Amendments were also
filed for Permits 22-07704 and 22-07728.

Date: 07/07/1997 User-ID: SCURTIS Subject: AMENDMENT OF PERMIT
An application for amendment of permit was submitted on 4/11/97
to add three points of diversion and rearrange acres.

Audit: 07/07/97 SCURTIS

AMENDMENT OF PERMIT REVIEW

Review Date 7/7/97

PERMIT NO. 22-07703 NAME Schwendinger

TYPE: A = AMENDED E = CHANGE N/U I = CHANGE P/D & P/U
B = CHANGE P/D F = CHANGE Per/U (J) = ADD P/D & CHANGE P/U
C = ADD P/D G = OTHER
D = CHANGE P/U H = CHANGE P/D & + P/D

AREA OF CONCERN: ESPA Mor ____ GWMA Trust/Non-trust

PROOF OF B/U RECEIVED? (Yes/No Due <6 months? Yes/No

GROUNDWATER:

NDWATER:
Drilling Permit No. 22-95-E-0207-200 (NENE, S3) cancelled 6/16/97
Drilled _____ 206 (NWSE, S28) well not drilled yet, too late
↓ for extension
drilled 3/96
Falls Flag 1 4/15-10/15 season
no well dp
for SWSW, S23

Swan Falls Flag 1

Conditions of Approval: permit conditions

Remarks/Comments _____

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: HWT

Right Number 22-7703 Applicant Schwendiman

Purpose of Amendment: ☐ Change point of diversion. ☒ Add diversion point(s).

☐ Increase amount. ☒ Change place of use. ☐ Other _____

CHECK:

- ☒ Description of amended point(s) of diversion.
- ☒ Amount, nature and period of use. If increased, delay date of priority.
- ☒ Description of amended places of use. If expanded, delay date of priority.
- ☒ Ownership of point of diversion and place of use.
- ☒ Map.
- ☒ Signature (must be permit holder).
- ☒ Fee.
- ☒ Existing water rights from the same source, amended place of use.
- ☒ Right number(s) NA
- ☒ Yes ☐ No Should amendment be advertised?
- ☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Amendment published correctly.
- ☐ Protests processed.
- ☒ Approve. See Keith Wilson Memo
- ☐ Deny.

Conditions _____

By [Signature] Date 6-10-97

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete. By _____ Date _____
- ☐ Approved copy sent to applicant and to Region. By _____ Date _____

THE STANDARD JOURNAL
Rexburg, Idaho

AFFIDAVIT OF PUBLICATION

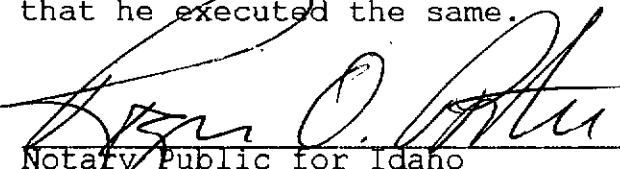
STATE OF IDAHO
County of Madison

I, TERRY T. WEATHERSTON being first duly sworn, depose and say, that I am the printer of THE STANDARD-JOURNAL, a semi-weekly newspaper printed and published semi-weekly at Rexburg, Madison County, Idaho; and I do solemnly swear that the NOTICE OF PROPOSED RIGHTS -NO. 22-07703 a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for TWO consecutive issues, the first publication having been made on MAY 1, 1997 and the last publication having been made on MAY 8, 1997

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.


STATE OF IDAHO)
COUNTY OF MADISON)

On this 9TH day of MAY in the year of 1997, before me, a Notary Public, Personally appeared Terry Weatherston, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.


Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: May 21, 1999

RECEIVED

JUN 09 1997

Department of Water Resources
Eastern Region

RECEIVED

JUN 13 1997

Department of Water Resources

NOTICE OF PROPOSED
AMENDING OF WATER RIGHT
NO. 22-07703

Notice is hereby given that Permit No. 22-07703 in the name of Val or David or Diane Schwendiman, 9633 E. Hwy 33, Newdale, ID 83436, was issued for the diversion of 6.79 cfs of water from a groundwater source with the points of diversion being within the SENE NWNW (Lot 4) SEC 1 NWSW SEC 12 SESE SEC 14 T06N R41E, NENW SEC 19 T06N R42E, B.M. MADISON COUNTY; to be used for the irrigation of 2,129 acres from 04/15 to 10/15 within SEC 1, 2, 11, 12, 13 T06N R41E & SEC 36 T7N R41E, B.M.

The permit holder now proposes to amend Permit No. 22-07703, changing the place of use and adding points of diversion. The applicant intends to add two existing wells and rearrange the acres under this permit. The new points of diversion will be in the SWSW SEC 23 NWSE SEC 28 T07N R42E. Also, 7 acres from the NESW SEC 13 T06N R41E will be moved to the NWNW SEC 10 T06N R42E, B.M.

Any protest to the proposed amending of the permit must be filed with a \$25 filing fee to the Idaho Department of Water Resources, 900 N. Skyline Drive, Idaho Falls, ID 83402, on or before May 19 1997.

KARL J. DREHER
Director

Publ. May 1 and 8, 1997J.

MICROFILMED

AUG 12 1997

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Karl J. Dreher

Director

Published in the Rexburg Standard Journal on May 1 & 8, 1997.

MICROFILMED

AUG 12 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 30, 1997

VAL, DIANE, OR DAVID SCHWENDIMAN
9633 E HWY 33
NEWDALE ID 83436

RE: Notice of Applications for Amendment No.'s 22-07728, 22-07703,
& 22-07704

Dear Applicant:

The Department of Water Resources acknowledges receipt of your applications for amendment of water rights. This office is currently in the process of advertising the applications in the Rexburg Standard Journal May 1 & 8, 1997. The advertisements will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the applications are protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a transfer is issued, you will be sent a copy. A typical processing time for an unprotested application is about twelve weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,


Harold W. Jones
Water Right Supervisor

HWJ/rb

MICROFILMED

AUG 12 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

April 23, 1997

REXBURG STANDARD JOURNAL
PO BOX 10
REXBURG ID 83440

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Dear Publisher:

Enclosed you will find a legal notice which we wish to have on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before May 19, 1997.

Yours truly,


Rita Bodell
Secretary

Enc.

MICROFILMED

AUG 12 1997

1

FROM: Keith C. Wilson

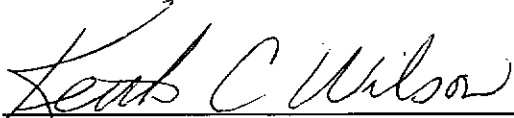
April 8, 1997

TO: Water Allocations

RE: Amendment to Permits: 22-07703/22-07704/22-07728
By Val, Diane, & David Schwendiman

I have worked on water right examinations on the Schwendiman Farm which includes well measurements, verification of the places of use, and points of diversion. I am, therefore, very familiar with the Schwendiman Farm, irrigation system, and places of use.

Based on my knowledge of the Schwendiman Farms, and on site examinations, I can state that the proposed amendments are removing water off of land that has previously been irrigated. There will be no expansions of these permits.



Keith C. Wilson
Senior Resource Agent

MICROFILMED

AUG 12 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 5, 1996

DIANE SCHWENDIMAN
VAL SCHWENDIMAN
DAVID SCHWENDIMAN
9633 E HWY 33
NEWDALE ID 83436

RE: PERMIT NOS. 22-07703/22-07704/22-07728

Dear Water Right Holders:

Enclosed are copies of your Amendments of Permit submitted in connection with the above referenced permits.

If you have any questions concerning these documents, please contact me at (208) 327-7947.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', is written over a horizontal line.

JIM JOHNSON, Manager
Water Permits Section

JJ:rl

Enclosures

MICROFILMED

MAR 08 1996

MEMORANDUM

TO: Files 22-07703, 22-07704 and 22-07728

FROM: Sharla

DATE: January 27, 1996

RE: Amendment Review

The applications for amendment for all three of the referenced files have been reviewed together and prepared for signature. There were minor discrepancies in the points of diversion listed on a couple of the applications vs. what was depicted in their attached maps vs. what was advertised. These discrepancies do not require re-advertising, however, and the approval documents reflect the correct descriptions.

Previous conditions placed on the permits concerning the installation of flow measurement ports, etc. have been removed and replaced with the conditions requiring acceptable means of measurement and measurement reporting.

Permit No. 22-07728 originally had a condition concerning the right-of-way across the land of another because the original application identified additional owners of the place of use. The last two amendments of this permit have identified only the applicants as the owners of the place of use, therefore, this condition was also removed.

Proof of beneficial use was submitted in 1993 for Permits 22-07703 and 22-07704. Amendments could have been solicited at the time of licensing. However, Skip Jones indicates in a memo dated 1/17/96 that since the system is tied together and an amendment was being filed for their other permit (under which proof isn't due until 1997), amendments were filed for these two also.

APPROVED
MAR 08 1996

WR0749NP
No. B22-07703

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/27/96
PAGE: 1

OWNER		PRIORITY	USE PERIOD	DIVERSION	DIVERSION
CODE	NAME & ADDRESS	DATE	WATER USE	FROM TO	RATE VOLUME
C	VAL SCHWENDIMAN	03/25/1991	IRRIGATION	04-15 10-15	6.790 CFS
C	DAVID SCHWENDIMAN				
C	DIANE SCHWENDIMAN				
	9633 E HWY 33				
	NEWDALE ID 83436				
	(208) 458-4261				
				TOTAL DIVERSION:	6.790 CFS

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion:	T06N R41E S01	SENE Lot 04(NWNW)	MADISON County
	S12	NWSW	MADISON County
	S14	SESE	MADISON County
	R42E S19	NENE NENW	MADISON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				SUM
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	
06N	41E	1	:		40	40	:	03-40	04-40	40	40	:	40	40	40	: 520.0
06N	41E	2	:	01-40	02-40	40	40	:	03-16		16	:	16		16	: 384.0
06N	41E	11	:	40	40	40	40	:	16			:		40		: 256.0
06N	41E	12	:					:	40	40	40	40	:		40	: 400.0
06N	41E	13	:	40	40	40	40	:		40	40	40	40	:	40	: 480.0
07N	41E	36	:					:		08	15	39	27	:		: 89.0
															TOTAL ACRES	2129.0

Pou County: MADISON

Other Rights: 12728(22-2196, -2257, -2271B, -7016, -7052B, -7167B, -7234

Other Water Rights with Same Point(s) of Diversion and Source:

22-02196	22-02257	22-02271B	22-07016	22-07052B	22-07167B	22-07234	~~22-07703~~	~~22-07704~~	~~22-07728~~
~~22-07704~~	~~22-07728~~								

Other Water Rights Listing Overlapping Place(s) of use:

22-00195	22-00196	22-02180	22-02196	22-02222	22-02257	22-02271B	22-07015	22-07016	22-07052B
22-07167B	22-07234	22-07253	22-07276	22-07703	22-07707				

Conditions of Approval:

- 26A - Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 048 - The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the

Conditions of Approval:

- theories of forfeiture, abandonment, adverse possession, waiver,
- equitable estoppel, estoppel by laches or customary preference.
- 049 - The Director retains jurisdiction of the right to incorporate
 - the use into a water district, require streamflow augmentation
 - or other action needed to protect prior surface water and
 - groundwater rights.
- 03A - The rate of diversion of water for irrigation under this right
 - and all other water rights on the same land shall not exceed 0.02
 - cubic feet per second for each acre of land.
- 117 - Prior to diversion of water under this approval, the right holder
 - shall provide a means of measurement acceptable to the Department
 - from all authorized points of diversion which will allow
 - determination of the total rate of diversion.
- 028 - After specific notification by the department, the right holder
 - shall annually report the amount of water diverted to the
 - department.
- 46A - A well drilled pursuant to this permit must be located at least
 - 500 feet from any existing well. Well spacing closer than 500
 - feet must be approved by the Department of Water Resources.
- 46B - Construction of the well must comply with Idaho well
 - construction standards.

Dates: App. Received: 03/25/1991 Priority Date: 03/25/1991
Proof Due Date: 11/01/1993 Proof Made Date: 11/01/1993
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 01/25/1996 User-ID: SCURTIS Subject: AMENDED PERMIT
An application for amendment of permit was filed on 11/22/95 to
add a point of diversion to this right. Amendments were also
filed for Permits 22-07704 and 22-07728.

Audit: 01/25/96 SCURTIS 02/20/96 SCURTIS

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE								NW								SW								SE								SUM
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
B2207703	T06N R41E S 1	GROUNDWATER																																
	:					40		40	:	03-40	04-40	40		40	:	40	40	40	40	:	40	40	40	40	:	40	40	40		:	520			
2200195	CANYON CRE	:	40		40		40		40	:	40		40		40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640		
A2200195	CANYON CRE	:	40		40				:					:						:					:			40		40	:	160		
2200196	CANYON CRE	:	40		40		40		40	:	40		40		40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640		
A2200196	CANYON CRE	:	40		40				:					:						:					:			40		40	:	160		
2202196	GROUNDWATE	:				40		39	:	39		39		40	:	40	40	39	40	:	32	40	15		:						:	483		
2202257	GROUNDWATE	:				40		39	:	39		39		40	:	40	40	39	40	:	32	40	15		:						:	483		
22022718	GROUNDWATE	:				40		39	:	39		39		40	:	40	40	39	40	:	32	40	15		:						:	483		
2207015	GROUNDWATE	:							:					:						:	08		25	34	:						:	67		
A2207015	GROUNDWATE	:							:					:						:	08		25	34	:						:	67		
2207016	GROUNDWATE	:				39		39	:	38				38	:					:	32	38	15		:						:	239		
2207234	GROUNDWATE	:				40		39	:	39		39		40	:	40	40	39	40	:	32	40	15		:						:	483		
2207253	GROUNDWATE	:							:					:						:	08	01	27	34	:						:	70		
A2207253	GROUNDWATE	:							:					:						:	08	01	27	34	:						:	70		
2207276	TETON RIVE	:							:					:						:	08	01	27	34	:						:	70		
A2207276	TETON RIVE	:							:					:						:	08	01	27	34	:						:	70		
~~2207703~~	~~GROUNDWATE~~	:	~~40~~		~~40~~		~~03-40~~	~~04-40~~	~~40~~	~~40~~	:	~~40~~	~~40~~	~~40~~	~~40~~	:	~~40~~	~~40~~	~~40~~	~~40~~	:	~~40~~	~~40~~	~~40~~	~~40~~	:	~~40~~	~~40~~	~~40~~	~~40~~	:	~~520~~		
2207707	GROUNDWATE	:							:					:						:	08	01	27	34	:						:	70		
A2210129	GROUNDWATE	:				40		39	:	03-39	04-39	40		40	:	40	39	39	40	:	30	39	13		:						:	477		
A2211082	TETON RIVE	:							:					:						:	08				:						:	8		
A2211185	GROUNDWATE	:	38						:					:						:					:						:	38		
--86 MAP--	C65Q-W 46	:				40		40	:			40		36	:	39	40	39	40	:	37	42	36	40	:						:	469		
NO QTRS	MAPPING	Lot01-40 Lot02-36 Lot03-39 Lot04-37																																
B2207703	T06N R41E S 2	GROUNDWATER																																
	:			01-40		02-40		40		40	:	03-16		16	:	16				:	16		40	40	40	40	:					:	384	
2200195	CANYON CRE	:	40		40		40		40	:	40		40		40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640		
2200196	CANYON CRE	:	40		40		40		40	:	40		40		40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640		
2202180	GROUNDWATE	:							:	20		35		40	:	20	35	40	20	:					:						:	227		
A2202180	GROUNDWATE	:							:	20		35		40	:	20	35	40	20	:					:						:	227		
2202196	GROUNDWATE	:	39		38		39		36	:	17			17	:	17				:	17		38	40	40	40	:					:	378	
2202257	GROUNDWATE	:	39		38		39		36	:	17			17	:	17				:	17		38	40	40	40	:					:	378	
22022718	GROUNDWATE	:	39		38		39		36	:	17			17	:	17				:	17		38	40	40	40	:					:	378	
2207234	GROUNDWATE	:	39		33		38		36	:	17			17	:	17				:	17		38	40	40	40	:					:	372	
2207703	GROUNDWATE	:	01-40		02-40		40		40	:	03-16		16	:	16					:	16		40	40	40	40	:					:	384	
A2210129	GROUNDWATE	:	01-39		02-36		39		39	:	03-17		16	:	17					:	17		40	40	40	40	:					:	380	
--86 MAP--	C65Q-W 46	:				39		38	:			39		40	:	40	37	39	40	:	39	37	39	39	:						:	466		
NO QTRS	MAPPING	Lot01-41 Lot02-39 Lot03-40 Lot04-40																																
B2207703	T06N R41E S11	GROUNDWATER																																
	:	40		40		40		40	:	16				:						:	40										:	256		
2200195	CANYON CRE	:							:			40			:					:											:	40		
2200196	CANYON CRE	:							:			40			:					:											:	40		

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WR-NUMBER	SOURCE	NE								NW								SW								SE								SUM
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
2202180	GROUNDWATE :									20	40																						60	
A2202180	GROUNDWATE :									20	40																						60	
2202186	GROUNDWATE :													38	39		39	39	38	38					20	30						281		
A2202186	GROUNDWATE :												38	39		39	39	38	38					20	30							281		
2202196	GROUNDWATE :	40	40	40	40																		40				40					240		
2202257	GROUNDWATE :	40	40	40	40																		40				40					240		
2202271B	GROUNDWATE :	40	40	40	40																		40				40					240		
2207016	GROUNDWATE :	40																														40		
2207234	GROUNDWATE :	40	40	40	40																		40				40					240		
~~2207703~~	~~GROUNDWATE :~~	~~40~~	~~40~~	~~40~~	~~40~~					~~16~~													~~40~~				~~40~~					~~256~~		
A2210129	GROUNDWATE :	40	40	40	40																		40	01			40					241		
--86 MAP--	C65Q-W 96 :	40	38	39	38			38	37	37	38			39	37	37	38					40	38	40		38						612		
B2207703	T06N R41E S12	GROUNDWATER																																
	:									40	40	40	40		40	40	40	40						40	40							400		
2200195	CANYON CRE :	40	40	40	40																		40				40					240		
A2200195	CANYON CRE :	40	40	40	40																		40				40					240		
2200196	CANYON CRE :	40	40	40	40																		40				40					240		
A2200196	CANYON CRE :	40	40	40	40																		40				40					240		
2202196	GROUNDWATE :							39	39	40	40		40	40	40	40							40	40								398		
2202257	GROUNDWATE :							39	39	40	40		40	40	40	40							40	40								398		
2202271B	GROUNDWATE :							39	39	40	40		40	40	40	40							40	40								398		
2207015	GROUNDWATE :	39	40	38	37																		39				39					232		
A2207015	GROUNDWATE :	39	40	38	37																		39				39					232		
2207016	GROUNDWATE :																							40	40							80		
2207234	GROUNDWATE :							39	39	40	40		40	40	40	40																318		
2207253	GROUNDWATE :	39	40	39	38																		38				39					233		
A2207253	GROUNDWATE :	39	40	39	38																		38				39					233		
2207276	TETON RIVE :	39	40	39	38																		38				39					233		
A2207276	TETON RIVE :	39	40	39	38																		38				39					233		
2207490	TETON RIVE :																						40									80		
~~2207703~~	~~GROUNDWATE :~~	<del></del>	<del></del>	<del></del>	<del></del>	<del></del>	<del></del>	~~40~~	~~40~~	~~40~~	~~40~~	<del></del>	~~40~~	~~40~~	~~40~~	~~40~~	<del></del>	<del></del>	<del></del>	<del></del>	<del></del>	<del></del>	~~40~~	~~40~~	<del></del>	<del></del>	<del></del>	<del></del>	<del></del>	<del></del>	<del></del>	~~400~~		
2207707	GROUNDWATE :	39	40	39	38																		38				39					233		
A2210129	GROUNDWATE :							39	39	40	40		40	40	39	40							40	40								397		
--86 MAP--	C65Q-W 96 :	42	39	37	40			39	40	40	42		41	39	41	43						40	39	40		42						644		
B2207703	T06N R41E S13	GROUNDWATER																																
	:	40	40	40	40									40	40	40	40					40	40	40	40						480			
2202196	GROUNDWATE :	39	38	38	40			38					32	39	39	32		40	40	40	28					483						483		
2202257	GROUNDWATE :	39	38	38	40			38					32	39	39	32		40	40	40	28					483						483		
A2202271A	GROUNDWATE :								39	39	28																					106		
2202271B	GROUNDWATE :	39	38	38	40			38					32	39	39	32		40	40	40	28					483						483		
2202271C	GROUNDWATE :								39	39	28																					106		
2207016	GROUNDWATE :	39	38	38	40			38										40	40	20	28					321						321		
2207050	GROUNDWATE :							38	40	38	38																					154		

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
A2207050	GROUNDWATE :					38	40	38	38									154
2207052B	GROUNDWATE :															20		20
2207167B	GROUNDWATE :															18		18
~~2207703~~	~~GROUNDWATE :~~	~~40~~	~~40~~	~~40~~	~~40~~	<del></del>	<del></del>	<del></del>	<del></del>	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~480~~
A2210129	GROUNDWATE :	39	40	40	39					40	40	40	40	40	40	40	40	478
--86 MAP--	C65Q-W 96 :	36	37	37	36	39	43	39	40	39	39	39	40	36	40	40	36	616
B2207703	T07N R41E S36 GROUNDWATER									08	15	39	27					89
	:																	
2200195	CANYON CRE :	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
A2200195	CANYON CRE :	40	40	40	40	40	40	40	40	40	40			40	40	40	40	560
2200196	CANYON CRE :	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
A2200196	CANYON CRE :	40	40	40	40	40	40	40	40	40	40			40	40	40	40	560
2202196	GROUNDWATE :										15	37	20					72
2202222	GROUNDWATE :									37	22		14	39	40	39	38	229
A2202222	GROUNDWATE :									37	22		14	39	40	39	38	229
2202257	GROUNDWATE :										15	37	20					72
2202271B	GROUNDWATE :										15	37	20					72
2202287	GROUNDWATE :	40	40	39	39	40	39	39	39									315
A2202287	GROUNDWATE :	40	40	39	39	40	39	39	39									315
2204143	GROUNDWATE :			01														1
2207234	GROUNDWATE :										15	37	20					72
~~2207703~~	~~GROUNDWATE :~~	<del></del>	<del></del>	<del></del>	<del></del>	<del></del>	<del></del>	<del></del>	<del></del>	~~08~~	~~15~~	~~39~~	~~27~~	<del></del>	<del></del>	<del></del>	<del></del>	~~89~~
A2210129	GROUNDWATE :									05	10	38	27					80
A2211185	GROUNDWATE :			01			01	01	01		13					01	01	19
--86 MAP--	C43Q-W 46 :	35	37	39	35	37	37	37	39	39	37	38	39	36	39	39	37	600
--86 MAP--	C65Q-W 46 :	35	37	39	36	39	37	39	37	39	39	37	40	36	37	40	36	603

AMENDMENT OF PERMIT REVIEW

Review Date 2/20/1996 *Sharla*

PERMIT NOS. 22-07703/07704 NAME Schwendiman

TYPE:

A = AMENDED

E = CHANGE N/U

I = CHANGE P/D & P/U

B = CHANGE P/D

F = CHANGE Per/U

J = ADD P/D & CHANGE P/U

C = ADD P/D

G = OTHER

D = CHANGE P/U

H = CHANGE P/D & + P/D

AREA OF CONCERN: ESRP Mor GWMA Trust/Non-trust

PROOF OF B/U RECEIVED? Yes No Due <6 months? Yes/No

GROUNDWATER:

Drilling Permit No. - - - ;
Drilled

Swan Falls Flag 1

Conditions of Approval: 046, 048, 049, 03A, T17, 46A, 46B, 028

Remarks/Comments The point of diversion in the NENE, S19, T6N, R42E was not shown on the advertising for Permit 22-07703, however, it was shown on the map and Item #1 on the amendment application, we will not re-advertise for this.
*Proof of beneficial use for both of these permits was filed in 1993 and although these amendments could have been sought at the time of licensing, regional personnel solicited the amendments and Skip Jones' memo of 1/17/96 explains the reason for doing so.

MAR 08 1996

Amended Files 22-07703 INTER-DEPARTMENT MEMO

TO: and 22-07704

SUBJECT: Intent

FROM: H.W. JONES

DATE: 1-17-96

The original amendment was to add a well to permit 22-07728 where proof isn't due till 1997. However, this system is unified one which also serves permits 22-07703 + 22-07704. Even though proof has been filed in 1993 we felt we should add this new well in the NENW of Sect. 19 since we would recommend it as a licensing amendment at the time of a field exam anyway.

☒ For your information

☐ Response required

H.W. Jones
signature

RECEIVED

MAR 08 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

Applicant Val, Diane, or David Schwendiman Phone 458-4261

Address 9633 E Hwy 33, Newdale Id 83436

I am the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 22-07728, and request that the permit and permit map be amended and/or changed as follows:

Purpose of Amendment: Change point of diversion ✓ Add point of diversion
Change place of use Change nature of use Change period of use Other

1. Point of diversion: 1/4 NE 1/4 NW 1/4, Section 19, Township 6N, Range 42E, B.M.,

County of Madison . Other points of diversion NW NW (Lot 4) Sec 1, NWSW Sec 12,

SESE Sec 14, T6N R41E; NENE Sec 19, T6N R42E; NWSE Sec 28, T7N, 42E
NENE Sec 3, T6N R42E

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 11.52 for IRRIGATION purposes from 4/1 to 10/31 (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

3. Place of use or land to be irrigated:

T w p	R g e	S e c	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	42E	20	35	35	35	35	35	35	35	36	35	35	35	35	35	35	35	35	560
6N	42E	3	41 40															40	80
7N	42E	33	40	40															80
		34	40			40	40	40							40			40	240

Total number of acres to be irrigated = 960

4. a. Who owns the property at the point of diversion? Applicants

b. Who owns the land to be irrigated at the place of use? Applicants

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

UNFILMED

081985

THE STANDARD JOURNAL
Rexburg, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Madison

I, TERRY T. WEATHERSTON being first duly sworn, depose and say, that I am the printer of THE STANDARD-JOURNAL, a semi-weekly newspaper printed and published semi-weekly at Rexburg, Madison County, Idaho; and I do solemnly swear that the NOTICE OF PURPOSED WATER PERMIT a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for TWO consecutive issues, the first publication having been made on DECEMBER 21, 1995 and the last publication having been made on DECEMBER 28, 1995.

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.

Terry T. Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

On this 29TH day of DECEMBER in the year of 1995, before me, a Notary Public, Personally appeared Terry Weatherston, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Logan O. Porter

Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: May 21, 1999

NOTICE OF PROPOSED
AMENDING OF WATER PERMIT
NO. 22-07703

Notice is hereby given that Permit No. 22-07703 in the name of Val, Diane, or David Schwendiman, 9633 E. Hwy. 33, Newdale, ID, was issued for the diversion of 6,790.00 cfs of water from a ground-water source with the point(s) of diversion within the SENE, NWNW (LOT 4), SEC 1, NWSW, SEC 12, SESE, SEC 14, T06N, R41E, Madison County; to be used for the irrigation of 2,129 acres from April 1 to October 31, within the S1/2NE, W1/2, N1/2SE, SWSE, SEC 1, NE, E1/2W1/2, SE, SEC 2, NE, NENW, E1/2SE, SEC 11, W1/2, W1/2SE, SEC 12, NE, S1/2, SEC 13, T06N, R41E, SW, SEC 36, T07N, R41E, B.M.

The permit holder now proposes to amend Permit No. 22-07703, adding a point of diversion in the NENW, SEC 19, T06N, R42E, B.M. MADISON COUNTY.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before January 8, 1996. The protestant must also send a copy of the protest to the

applicant.

KARL J. DREHER
Director

Publ. Dec. 21 and 28, 1995J.

MICROFILMED

MAR 08 1996

NOTICE OF PROPOSED AMENDING OF WATER PERMIT
No. 22-07703*

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KARL J. DREHER
Director

Published in the Rexburg Standard Journal on December 21 & 28, 1995.

MICROFILMED

MAR 9 1996

11-27-95

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: HWJ

Right Number 22-770.3 Applicant Schwendiman

Purpose of Amendment: ☐ Change point of diversion. ☒ Add diversion point(s).

☐ Increase amount. ☐ Change place of use. ☐ Other _____

CHECK:

☒ Description of amended point(s) of diversion.

☒ Amount, nature and period of use. If increased, delay date of priority.

☒ Description of amended places of use. If expanded, delay date of priority.

☒ Ownership of point of diversion and place of use.

☒ Map.

☒ Signature (must be permit holder).

☒ Fee.

☒ Existing water rights from the same source, amended place of use.

☒ Right number(s) _____

☒ Yes ☐ No Should amendment be advertised?

☒ Yes ☐ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

☒ Affidavit of publication received.

☒ Amendment published correctly.

☐ Protests processed.

☒ Approve.

☐ Deny.

Conditions _____

By HWJ Date 1-17-96

STATE OFFICE PROCESSING:

☐ Amendment correct and complete. By _____ Date _____

☐ Approved copy sent to applicant and to Region. By _____ Date _____

Ad 30 12-18-95
Copy 30 12-18-95



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 13, 1995

VAL DIANE OR DAVID SCHWENDIMAN
9633 E HWY 33
NEWDALE ID 83436

RE: Notice of Applications for Amendment of Permit No.'s 22-07728,
22-07704, & 22-07703

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right application. This office is currently in the process of advertising the applications in the Rexburg Standard Journal on December 21 & 28, 1995. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the applications and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Harold W. Jones
Water Right Supervisor

HWJ/rb

MAR 08 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

December 12, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

REXBURG STANDARD JOURNAL
PO BOX 10
REXBURG ID 83440

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before January 8, 1996.

Yours truly,

A handwritten signature in cursive script that reads 'Rita Bodell'.

Rita Bodell
Secretary

Enc.

RECEIVED
MAR 08 1996

MAR 08 1996

November 4, 1993

VAL SCHWENDIMAN
DIANE SCHWENDIMAN
DAVID SCHWENDIMAN
9633 E HWY 33
NEWDALE ID 83436

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07703

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

I note that the permit issued to you by the department requires the installation of a flow measurement port to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the flow measurement port must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson
Senior Secretary

RECEIVED
NOV 22 1993

NOV 22 1993

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 22-07703

Reviewed by Klg

Date 9/10/93

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?

yes Address same as permit?

yes Proof timely received?

Correct Uses? yes

If not, complete calculation below.

SOURCE OF WATER

 Surface water source

✓ Ground water source

NA Drilling permit required?

✓ Copy in the file? Drilling Permit No.

✓ Amount paid for permit Correct?

✓ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

50.00 Amount Submitted

yes Correct?

MEASURING DEVICE

yes Required?

NO Installed?

NO Waiver requested?

PRIORITY CALCULATION

Date proof received NA

Date proof due -

No. of days late =

Priority Date +

New Priority Date

DEFICIENCIES OR ACTION ITEMS

need well drilling info

proof acceptable

DATA ENTRY

New Address

Proof Made 11/1/93

needs a flow
11/4/93
Klg

RECEIVED

NOV 01 1993

Department of Water Resources

29 OCT 1993

FROM: VAL SCHWENDIMAN

TO: KAREN GUSTAFSON - WATER ALLOCATIONS

RE: WELL LOGS / WELL DRILLERS / DRILLING DATES FOR PROOF OF
BENEFICIAL USE 22-07703

WELL LOCATION:

DRILLER:

DATE DRILLED:

T06N, R41E

NWNW (L-4) SEC 1 HOWARD ANDREWS 1953

SENE SEC 1 ----- SEE ATTACHED WELL LOG -----

NWSW SEC 12 ----- SEE ATTACHED WELL LOG -----

SESE SEC 14 ----- UNKNOWN ----- DRILLED UNDER PERMIT
22-02271/22-07052
DRILLING DATE:
AROUND APRIL 1966

HOPEFULLY THIS INFORMATION WILL BE OF ASSISTANCE TO YOU.


VAL SCHWENDIMAN

NOV 22 1993

ANDREW WELL DRILLING

Contractors

Phone 522-2794

Pump and Well Drilling Equipment Installed

1268 E. 17th St., Idaho Falls, Idaho

PURE DRINKING WATER IS THE ESSENCE OF LIFE, LET US DRILL YOUR WELL, AND YOU WILL BE SATISFIED.

22-2257

22-7016

May 10, 1966

Val Schwendiman
Newdale, Idaho

\$1400 / foot

STATEMENT:	528'	drilling 20" well	\$7,392.00
	11'	20" casing	115.50
	40'	18" casing	340.00
		18" casing shoe	85.00
	16 yds	cement	267.14
		Total.....	\$8,199.64

NWSW Sec 12, T6N, R41E

According to owner

LEGAL DISCRPTION:

DEPTH TO WATER: 474'

WELL LOG:

0-2	top soil	358-360	Rought gray brown lava
2-4	Gray lava	360-370	Gray & brown lava
4-9	Gray lava	370-380	Brown lava
9-20	Gray hard lava	380-393	Brown lava with seams
20-23	Gray lava & loose cinders	393-401	Brown & black lava firm
23-44	Hard rough lava - gray	401-413	Brown gray lava firm
44-55	Loose rock - rough		
55-63	Hard lava	408-410	Brown & gray lava - very abrasive
63-75	Gray lava	410-425	Brown & gray lava rough
75-80	Loose cinders	425-428	Brown gray lava rough
80-86	Brown sandstone, clay, cinders	428-450	Lava broken
86-105	Broken lava & caly, gray	450-452	Rock crevice rough
105-125	Firm dark brown lava	452-470	Broken lava
125-170	Firm light brown sandstone	470-485	Brown rotten lava very abrasive
170-175	Light brown sandstone	485-492	Pink rotten lava ..water
175-185	Light gray sandstone	492-500	Brown rotten lava
185-215	Light brown sandstone	500-512	Brown rotten lava soft broken
215-250	Brown lava, firm	512-522	Fractured lava
250-256	Brown lava, hard	522-524	Bottom firm, hole caving, some cinders
256-260	Orange cinders, firm		
260-270	Orange sandstone, soft	524-527	Broken loose caving
270-275	Orange sandstone, firm	527-528	Roken loose caving, very rough
275-285	Orange clay, soft		
285-295	Sandstone lava firm		
295-303	Orange sand, lava & clay firm		
303-305	Firm rock		
305-310	Gray lava, firm		
310-337	ray lava very rough		
337-340	Loose rock		
340-345	Brown gray lava firm		

NOV 22 1993

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 90 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Schwendeman</u> <u>VAL SWENDEMAN FARM INC.</u> Address <u>Miscellaneous</u> Owner's Permit No. <u>22-7234</u>	7. WATER LEVEL Department of Water Resources Eastern District Office Static water level <u>410</u> feet below land surface Flowing? ☐ Yes ☐ No G.P.M. flow _____ Temperature <u>79</u> F. Quality _____ Artesian closed-in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug																																																																																																																																																																																																										
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____	8. WELL TEST DATA ☐ Pump ☐ Bailor ☐ Other <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th>Discharge G.P.M.</th><th>Draw Down</th><th>Hours Pumped</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>	Discharge G.P.M.	Draw Down	Hours Pumped																																																																																																																																																																																																							
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3. PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Test ☐ Other (specify type) _____ ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection	9. LITHOLOGIC LOG <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th rowspan="2">Hole Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>20</td><td>0</td><td>7</td><td>BROWN CLAY</td><td> </td><td> </td></tr><tr><td> </td><td>7</td><td>35</td><td>LOOSE BLACK LAVA</td><td> </td><td> </td></tr><tr><td> </td><td>35</td><td>50</td><td>11 GRAY LAVA</td><td> </td><td> </td></tr><tr><td> </td><td>50</td><td>75</td><td>FINE GRAY BASALT</td><td> </td><td> </td></tr><tr><td> </td><td>75</td><td>83</td><td>GRAY LAVA</td><td> </td><td> </td></tr><tr><td> </td><td>83</td><td>90</td><td>Red GRAY LAVA</td><td> </td><td> </td></tr><tr><td> </td><td>90</td><td>95</td><td>GRAY BASALT</td><td> </td><td> </td></tr><tr><td> </td><td>95</td><td>110</td><td>Red LAVA</td><td> </td><td> </td></tr><tr><td> </td><td>110</td><td>115</td><td>LOOSE BLACK LAVA</td><td> </td><td> </td></tr><tr><td> </td><td>115</td><td>120</td><td>BLACK & GRAY LAVA</td><td> </td><td> </td></tr><tr><td> </td><td>120</td><td>130</td><td>BLACK LAVA</td><td> </td><td> </td></tr><tr><td> </td><td>130</td><td>165</td><td>Red & BLACK LAVA LOOSE</td><td> </td><td> </td></tr><tr><td> </td><td>165</td><td>178</td><td>white SANDSTONE</td><td> </td><td> </td></tr><tr><td> </td><td>178</td><td>280</td><td>dry HARD BROWN RIOLITE</td><td> </td><td> </td></tr><tr><td> </td><td>280</td><td>300</td><td>BROWN CLAY & Red SAND</td><td> </td><td> </td></tr><tr><td> </td><td>300</td><td>315</td><td>Red RIOLITE</td><td> </td><td> </td></tr><tr><td> </td><td>315</td><td>340</td><td>BROWN RIOLITE</td><td> </td><td> </td></tr><tr><td> </td><td>340</td><td>385</td><td>white SANDSTONE & GRAVEL</td><td> </td><td> </td></tr><tr><td> </td><td>385</td><td>400</td><td>Red SHALE</td><td> </td><td> </td></tr><tr><td> </td><td>400</td><td>430</td><td>white SANDSTONE</td><td>425</td><td>X</td></tr><tr><td> </td><td>430</td><td>485</td><td>GRAY LIMESTONE & SANDSTONE</td><td> </td><td> </td></tr><tr><td> </td><td>485</td><td>550</td><td>GRAY Red 11</td><td> </td><td> </td></tr><tr><td> </td><td>550</td><td>555</td><td>PURPLE SHALE</td><td> </td><td> </td></tr><tr><td> </td><td>555</td><td>565</td><td>LIMESTONE & SANDSTONE</td><td> </td><td> </td></tr><tr><td> </td><td>565</td><td>570</td><td>Red SOFT LAVA</td><td> </td><td>X</td></tr><tr><td> </td><td>570</td><td>585</td><td>GRAY RIOLITE</td><td> </td><td> </td></tr><tr><td> </td><td>585</td><td>600</td><td>Red GRAY RIOLITE</td><td> </td><td> </td></tr><tr><td> </td><td>600</td><td>610</td><td>dry HARD GRAY RIOLITE</td><td> </td><td> </td></tr><tr><td> </td><td>610</td><td>625</td><td>GRAY & BROWN RIOLITE</td><td> </td><td> </td></tr><tr><td> </td><td>625</td><td>635</td><td>GRAY RIOLITE & BROWN CLAY HARDY</td><td> </td><td> </td></tr><tr><td> </td><td>635</td><td>655</td><td>GRAY RIOLITE</td><td> </td><td> </td></tr><tr><td> </td><td>655</td><td>660</td><td>GRAY Red & GREEN RIOLITE</td><td> </td><td>X</td></tr></tbody></table>	Hole Diam.	Depth		Material	Water		From	To	Yes	No	20	0	7	BROWN CLAY				7	35	LOOSE BLACK LAVA				35	50	11 GRAY LAVA				50	75	FINE GRAY BASALT				75	83	GRAY LAVA				83	90	Red GRAY LAVA				90	95	GRAY BASALT				95	110	Red LAVA				110	115	LOOSE BLACK LAVA				115	120	BLACK & GRAY LAVA				120	130	BLACK LAVA				130	165	Red & BLACK LAVA LOOSE				165	178	white SANDSTONE				178	280	dry HARD BROWN RIOLITE				280	300	BROWN CLAY & Red SAND				300	315	Red RIOLITE				315	340	BROWN RIOLITE				340	385	white SANDSTONE & GRAVEL				385	400	Red SHALE				400	430	white SANDSTONE	425	X		430	485	GRAY LIMESTONE & SANDSTONE				485	550	GRAY Red 11				550	555	PURPLE SHALE				555	565	LIMESTONE & SANDSTONE				565	570	Red SOFT LAVA		X		570	585	GRAY RIOLITE				585	600	Red GRAY RIOLITE				600	610	dry HARD GRAY RIOLITE				610	625	GRAY & BROWN RIOLITE				625	635	GRAY RIOLITE & BROWN CLAY HARDY				635	655	GRAY RIOLITE				655	660	GRAY Red & GREEN RIOLITE		X
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4. METHOD DRILLED ☒ Cable ☐ Rotory ☐ Dug ☐ Other	10. NOV 22 1993 Work started <u>1-21-76</u> finished <u>4-9-77</u>																																																																																																																																																																																																										
5. WELL CONSTRUCTION Diameter of hole <u>20</u> inches Total depth <u>660</u> feet Casing schedule: ☒ Steel ☐ Concrete <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr></thead><tbody><tr><td><u>250</u> inches</td><td><u>20</u> inches</td><td><u>1</u> feet</td><td><u>169</u> feet</td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr></tbody></table> Was casing drive shoe used? ☐ Yes ☒ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th>Number</th><th>From</th><th>To</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☐ No Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>56</u> Material used in seal ☐ Cement grout ☐ Puddling clay ☒ Well cuttings Sealing procedure used ☐ Shurry pit ☐ Temporary surface casing ☒ Overbore to seal depth	Thickness	Diameter	From	To	<u>250</u> inches	<u>20</u> inches	<u>1</u> feet	<u>169</u> feet																	Number	From	To																																																																																																																																																																																
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6. LOCATION OF WELL Sketch map location must agree with written location. N W E S Subdivision Name _____ Lot No. _____ Block No. _____ County <u>MADISON</u> <u>SE 1/4 NE 1/4</u> Sec. <u>1</u> T. <u>6</u> N/S, R. <u>41</u> E/W	11. DRILLERS CERTIFICATION Firm Name <u>INTEL-MT DRILLING</u> Firm No. <u>106</u> Address <u>Box 747</u> Date <u>4-25-77</u> Signed by (Firm Official) <u>Charles Frouder</u> and (Operator) <u>Charles Frouder</u>																																																																																																																																																																																																										



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 10, 1993

Val, Diane, David Schwendiman
9633 E Hwy 33
Newdale, ID 83436

Re: Permit No. 22-07703

Dear Permit Holder:

Returned is the proof of beneficial use submitted in connection with the above referenced permit. Unfortunately, it is unacceptable as filed because you failed to supply the well driller and drilling dates for the four wells drilled in connection with this permit.

I have done a data base search for all wells in your name and was able to locate several. However, none of the legal descriptions matched those associated with the legals supplied on the water right permit.

Please supply the Department with the driller and drilling dates of each well. If you have a copy of the drilling permit and/or the drillers report, please supply the Department with a copy of each for each well.

Also, please note, I have amended the rate of diversion to read 6.79 cfs, which is the maximum amount allowed under this permit and the amount for which you submitted a license examination fee of \$250.

In order to be in compliance with all of the necessary dates, you will need to return the properly completed proof of beneficial use on or before November 1, 1993.

If you have any questions, or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

RECORDED

NOV 22 1993

August 31, 1993

VAL SCHWENDIMAN
DIANE SCHWENDIMAN
DAVID SCHWENDIMAN
9633 E HWY 33
NEWDALE ID 83436

PROOF DUE NOTICE

RE: PERMIT NO. 22-07703

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before November 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

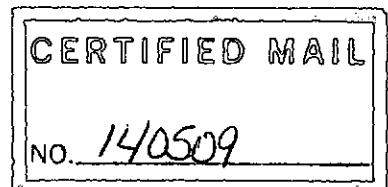
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



RECEIVED

NOV 22 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 21, 1991

VAL SCHWENDIMAN
DIANE SCHWENDIMAN
DAVID SCHWENDIMAN
9633 E HWY 33
NEWDALE ID 83436

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07703

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under Condition No. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

RECORDED

DEC 09 1991

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO. 22-7703/Rule 4,5,3. Info.

DATE: 11-14-91

The region requested Rule 4,5,3. information in July of 1991 but recently forwarded the file to the state office with a recommendation that the rule 4,5,3 information be waived.

Upon review of the application and some information compiled by the region, it appears that this application has been filed in order to appropriate and record a larger diversion rate for an existing irrigation system. A comparison of the place of use under the application and transfer no. 2728 shows that all but 88 acres under the application are covered by existing licensed rights. All of the wells listed as points of diversions are listed under the same licensed rights identified in transfer no. 2728. With this application, all of the land under the system will be irrigated at a rate of 0.012 cfs. The applicants stated on the filing that this additional rate of diversion is being appropriated in order to reflect the actual diversion rate of the system. This latter statement implies that the applicants have already developed the additional rate for the system.

Since this application represents an increased rate of diversion for an existing system and new development of only 88 acres, I agree with the region's recommendation that the rule 4,5,3. information can be waived.

MINORITIMED

DEC 09 1991

APPLICATION FOR PERMIT REVIEW

Application #: 22-7703
Date: 11-14-91

Reviewer: Pam Skaggs *CS*

Existing:

☒ No - 26A-P17
Complete in 1 year - P16

Yes

Proof not submitted - P16

Proof submitted - N/A

Groundwater:

☒ GT. 0.2 cfs - 01G-P03, 01C-P03 (existing well)

LT. 0.2 cfs - N/A

Drilling Permit:

☒ Approved w/permit - P99

☒ Not included - 046-P23 (All GW, even existing wells)

Location:

☒ Water Districts - WD No. 01
Surface water - 005, 005-01H-P01 (LT.2 w/pump)
005-01J-P08 (GT.2)

☒ Groundwater *Emitting* - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

☒ Swan Falls Flag - 1 (1, Blank or Other)

Trust - 051-052-053-P74 (Consumptive Uses)

☒ Non Trust - 048-049

River Basins:

(Surface Water) Water District Control Condition &....

Boise (63) - 05A & 11E

Payette (65) - 047-P04, 059-P71

Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042(req.), 002-P06(MD), 07A(Spec.),
044(Policy 5G)

Power - Use Power Review

Mining - 06A, 010, or 09E-P10 & 054(req.)

Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)

Rec. & Aesthetic - 027(Non-Consumptive)

Domestic - 021(restricted areas)

Ownership:

Non land owner - 004

Protested:

Agreement - 020

☒ Beneficial Use Due Date: - 11-01-1993

Other Conditions Recommended Want Rule 4,5,3 Info per L. Lube's Memo 11-14-91

MINOR FILMED
DEC 09 1991

Form No. 202a
4/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

22 7703

INITIAL REVIEW BY HWS DATE 4-2-91 APPLICATION NUMBER
KAL, OR DIANE, OR DAVID SCHUENDIMANREQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
Field check by _____
- ☐ Yes ☒ No Field report attached
- ☐ Yes ☐ No Critical groundwater area
- ☐ Yes ☐ No Groundwater management area
- ☐ Yes ☐ No Send dam safety information
- ☐ Yes ☐ No Send power requirement letter
- ☐ Yes ☐ No Send fish farm requirement letter
- ☐ Yes ☐ No Power residency affidavit
- ☐ Yes ☐ No Power efficiency form
- ☐ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☐ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

RECEIVED
NOV 8 1991

Department of Water Resources

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Leave At Rule 4, 5, (see Transf. 2728)

Date Requested _____

PROCESSING

☒ Yes ☐ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

NONE

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

Re-Ad 6-6-91 13-91

☒ Yes ☐ No Publication dates & paper, recorded on application

☐ Yes ☒ No Protests received

Final date for protest 5-6-91 6-24-91

☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application

☐ Yes ☒ No Recommendations attached

☐ Yes ☒ No Measuring device required

☒ Yes ☐ No Access port required

☐ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. _____

☒ Yes ☐ No Special conditions of approval or cover letter below. _____

☐ See below for additional information

Date of priority recommended 3-25-1991

By HWS Date 11-1-91

STATE OFFICE REVIEW

☐ See below for additional information

By _____ Date _____

ADDITIONAL INFORMATION

Conflicting OIG

LOCAL PUBLIC INTEREST

Comments received from:

- | | | |
|---------------------------------------|---|--|
| ☐ City | ☐ Idaho Fish & Game | ☐ Irrigation District |
| ☐ County | ☐ Idaho Health & Welfare | ☐ Canal Company |
| ☐ Reservations | Division of Environment | ☐ Other _____ |

Project impacts/implications report

COMMENTS

Transfer
Summary
Sheets
Attached (inside)
KW

Transfer No. 2728
22-7167
Water Right No. 22-7234
22-7016
22-2271
22-2257
22-2196
22-7052

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAR 14 1991

APPLICATION FOR TRANSFER OF WATER RIGHT

Department of Water Resources
Eastern District Office

To Change the Point of Diversion and/or the Place of Use

Name of applicant Val E. Schwendiman Phone 458-4261Post Office address Newdale, Idaho 83436

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)

b. License No. 22-7234 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Groundwater tributary to _____4. Date of priority 5-6-1977

5. Water is used for the following purposes:

amount 7.0cfs for Irrigation purposes from 4-1 to 10-31
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 7.00 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1
Township 6N Range 41E B.M. in Madison County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6N	41E	1			40	39	39	39	40	40	40	40	39	40	32	40	15		483
		2	39	33	38	36	17			17	17			17	38	40	40	40	372
		11	40	40	40	40									40			40	240
		12					39	39	40	40	40	40	40	40					318
7N	41E	36										15	37	20					72

MODIFIED
DEC 09 1991

Total number of acres to be irrigated 1485

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years _____

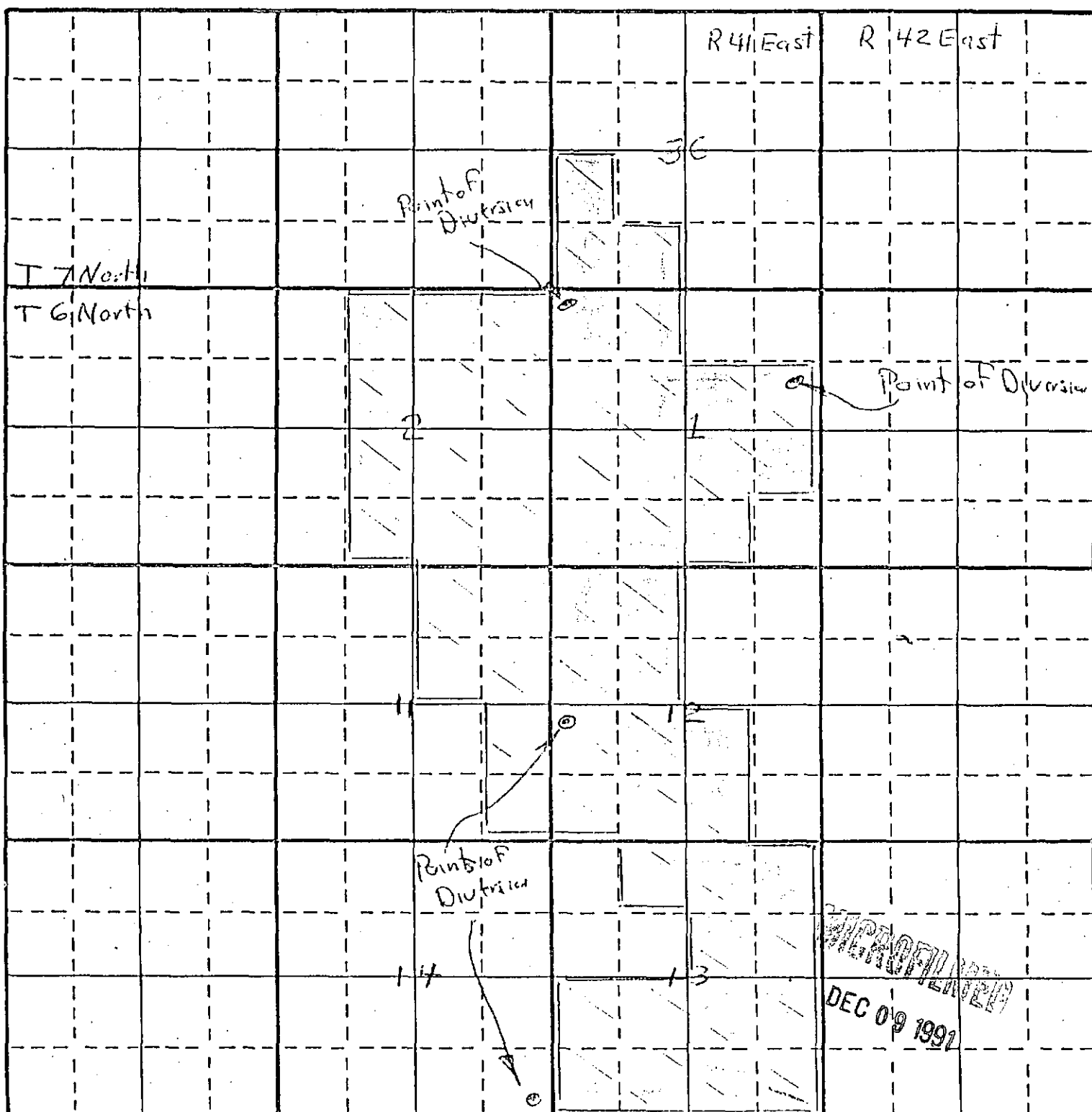
c. Describe the lands and place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
6N	41E	1			40	39	39	39	40	40	40	40	39	40	32	40	15		483
		2	39	38	39	36	17			17	17			17	38	40	40	40	378
		11	40	40	40	40									40			40	240
		12					39	39	40	40	40	40	40	40		40	40		398
		13	39	37.5		40	38				32	39	39	32	40	40	40	28	482
7N	41E	36										15	37	20					72

Total number of acres to be irrigated 2053

4. Describe any other water rights used for the same purpose as described above. None

5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

JULY 26, 1991

VAL SCHWENDIMAN
9633 E. HWY 33
NEWDALE, ID 83436

DEAR MR. SCHWENDIMAN:

WE ARE CURRENTLY PROCESSING YOUR APPLICATION 22-07703 FOR A WATER RIGHT. FOR ANY APPLICATION OR PERMIT WHICH EXCEEDS 200 ACRES OR 5.00 CFS THE INFORMATION ON THE ATTACHED SHEETS ARE REQUIRED BEFORE ANY FURTHER PROCESSING CAN TAKE PLACE. PLEASE TRY TO ANSWER THE HIGHLIGHTED QUESTIONS TO THE BEST OF YOUR ABILITY. IF YOU NEED ADDITIONAL CLARIFICATION PLEASE GIVE ME A CALL AT 525-7161. IF YOU ARE NO LONGER INTERESTED IN DEVELOPING THIS PERMIT PLEASE ADVISE ME.

I WILL NEED YOU TO RESPOND WITHIN 30 DAYS WITH THE INFORMATION REQUIRED.

SINCERELY,

HAROLD W. JONES
WATER RESOURCE SUPERVISOR

DEC 09 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

28-Jun-1991

THE REXBURG STANDARD JOURNAL
PO BOX 10
REXBURG ID 83440

RE: APPLICATION NO. 22-7703

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced applications. The legal notice was to have been published in your paper on June 6 & 13, 1991.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RITA BODELL
Secretary/Office Coordinator

RECEIVED

DEC 09 1991

NOTICE OF CORRECTION
NO. 22-7703

NOTICE IS HEREBY GIVEN, that Application No. 22-7703 in the name of Val, Diane, & David Schwendiman was advertised incorrectly on April 18 & 25, 1991. The Place of Use was advertised as being in

T06N R41E S01 S1/2NE, (LOT 3)NENW, (LOT 4)NWNW, S1/2NW, SW,
N1/2SE, SWSE
S03 (LOT 1)NENE, (LOT 2)NWNE, S1/2NE, (LOT 3)NENW, SENW,
E1/2SW, SE
S11 NE, NENW, E1/2SE
S12 W1/2, W1/2SE
S13 NE, S1/2
T07N R41E S36 SW

2089.0 ACRES TOTAL.

WHEREAS, the actual Place of Use is in

T06N R41E S01 S1/2NE, (LOT 3)NENW, (LOT 4)NWNW, S1/2NW, SW, N1/2SE,
SWSE
S02 (LOT 1)NENE, (LOT 2)NWNE, S1/2NE, (LOT 3)NENW, SENW,
E1/2SW, SE
S11 NE, NENW, E1/2SE
S12 W1/2, W1/2SE
S13 NE, S1/2
T07N R41E S36 SW

2129.0 ACRES TOTAL.

Any protests against the granting of this application as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before June 24, 1991.

R. KEITH HIGGINSON
DIRECTOR

Published in the REXBURG STANDARD JOURNAL on June 6 & 13, 1991.

DEC 09 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

24-May-1991

THE REXBURG STANDARD JOURNAL
PO BOX 10
REXBURG ID 83440

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before June 24, 1991.

Yours truly,

Rita Bodell
Secretary/Office Coordinator

Encl.

RECEIVED

DEC 09 1991

11-Apr-1991

VAL SCHWENDIMAN
9633 E. HWY 33
NEWDALE ID 83436

RE: Application No. 22-7703, & 22-7704

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in REXBURG STANDARD JOURNAL on April 18 & 25, 1991. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

DEC 09 1991

22-07703

SCHWENDIMAN, VAL
 , DIANE
 , DAVID
9633 E. HWY 33
NEWDALE, ID 83436

Source: GROUNDWATER

Diversion Pt:	SENE	Sec 1	T 06N	R 41E
LOT 4 (NWNW)		Sec 1	T 06N	R 41E
	NWSW	Sec 12	T 06N	R 41E
	SESE	Sec 14	T 06N	R 41E

Use: IRRIGATION (6.79 CFS)
Total Diversion (6.79 CFS)

Date Filed: 3/25/1991

In: T06N R41E S01 S1/2NE, (LOT 3)NENW, (LOT 4)NWNW, S1/2NW, SW, N1/2SE,
SWSE

S02 (LOT 1)NENE, (LOT 2)NWNE, S1/2NE, (LOT 3)NENW, SENW,
E1/2SW, SE

S11 NE, NENW, E1/2SE

S12 W1/2, W1/2SE

S13 NE, S1/2

T07N R41E S36 SW

2089.0 ACRES TOTAL

DEC 09 1991