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MAR 20 2023

WITHDRAWAL

Department of Water Resources
Eastern Region

OF

APPLICATION FOR TRANSFER OF WATER RIGHT(S)

I/We, Russell Schwendiman and Malissa Schwendiman,
(Applicant's Printed Name) (Applicant's Printed Name)

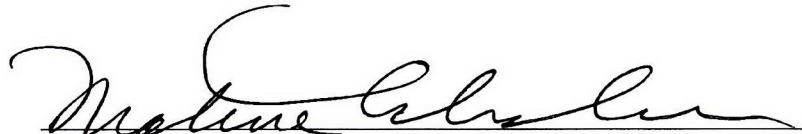
_____, and _____,
(Applicant's Printed Name) (Applicant's Printed Name)

hereby withdraw our Application for Transfer No. 87297 of Water Right

No(s). 25-7545 & 25-7546.

Signed this 10 day of March, 20 23.


(Signature/Title of Applicant)


(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

SCANNED

MAR 20 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 87297

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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DEC 01 2022

Department of Water Resources
Eastern Region

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2B forms and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Russell Schwendiman and Malissa Schwendiman

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☒ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Russell Schwendiman and Malissa Schwendiman Phone 208-709-7493
Mailing address 30 Meadow Creek Rd, Ririe, ID 83443 Email rjsfarms@gmail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

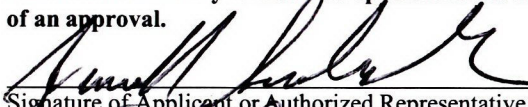
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

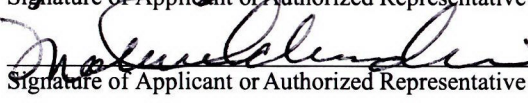
☐ No Representative

Name of Representative Rocky Mountain Environmental Associates, Inc. Phone 208-524-2353
Mailing address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Email kristin.rmea@gmail.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative _____
Print Name and Title if applicable Russell Schwendiman


Signature of Applicant or Authorized Representative _____
Print Name and Title if applicable Malissa Schwendiman

Nov 3 2022
Date

Nov 3 2022
Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use
 ☒ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to [Idaho Code § 42-221.O.8](#)?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Applicant proposes to reconfigure current water rights into a permissible place of use. Existing pivots will be reduced through removal of spans or adjustment of pivots stops. New pivots will be added to utilize the water rights from the reduced pivots. All pivots will be connected to the existing wells through mainline and all will be tied together.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☒ ☐	25-7545	7.54 cfs	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	25-7546	6.62 cfs	Irrigation	4/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 14.16 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 14.16 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☒ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N			SE	SW	22	3N	39E	BONNEVILLE	GROUND WATER	
N			NE	NW	28	3N	39E	BONNEVILLE	GROUND WATER	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	39E	10		30	31		31			30	40	35	4	23		20	26		270
3N	39E	21															12	20	32
		22											15	16			23	14	68
		27	38	40	30	18	38	37	40	40	28	34	4			1			348
		28	40	38	21	36	35	33	33	35	1	1			40	25	14	29	381
		34	22			7													29
Total Acres (for irrigation use)																			1128

Acre Limit: 797 ac

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Two existing wells connected to mainline that feeds the existing 6 pivots and can accommodate the proposed new pivots also. Wells do not have measuring devices but applicant is currently pursuing installation of them.
- b. Who owns the property at the point(s) of diversion? Applicant
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☒ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6. List the name of the entity and type of lien:** Rabo Agrifinance LLC holds a loan on all of the property. See Attachment #6
- It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Land now irrigated will be dry farmed only. New pivot stops will be installed at the pivot ends to prevent over-irrigation of acres removed.
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Existing POD/POU: no other rights. Proposed POU: no existing rights. All lands are within Progressive Irrigation District but are not irrigated with Progressive water rights.
- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
- | Yes | No | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

10/18/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 25-7545

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MALISSA SCHWENDIMAN
Current Owner	RUSSELL SCHWENDIMAN PO BOX 608 RIRIE, ID 83443-0608 2085387493
Original Owner	JERRY L PARKER PO BOX 358 RIRIE, ID 83443 2085387242
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017

Priority Date: 12/21/1989

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	7.54 CFS	1508 AFA
Total Diversion			7.54 CFS	1508 AFA

Location of Point(s) of Diversion:

GROUND WATER|SESW|Sec. 22|Township 03N|Range 39E|BONNEVILLE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

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<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	39E	22		SWSW	13		SESW	16						
				SWSE	21.5		SESE	13						
		27		NENE	38		NWNE	40		SWNE	29		SENE	18
				NENW	37		NWNW	23		SWNW	36		SENE	40
				NESW	28		NWSW	24						
				NWSE	0.5									

Total Acres: 377

Conditions of Approval:

1. 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, equitable estoppel, estoppel by laches or customary preference.
2. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. X35 Rights 25-7545 and 25-7546 when combined shall not exceed a total annual maximum diversion volume of 3188 af at the field headgate, and the irrigation of 797 acres.

Dates:

Licensed Date: 05/17/2005

Decreed Date:

Permit Proof Due Date: 7/1/1994

Permit Proof Made Date: 8/19/1994

Permit Approved Date: 6/28/1990

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 11/02/1989

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector: AND

Water District Number: TBD

Generic Max Rate per Acre: 0.02

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Generic Max Volume per Acre: 4

Combined Acres Limit: 797

Combined Volume Limit: 3188

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust: N

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

10/18/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 25-7546

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MALISSA SCHWENDIMAN
Current Owner	RUSSELL SCHWENDIMAN
	PO BOX 608
	RIRIE, ID 83443-0608
	2085387493
Original Owner	JERRY L PARKER
	PO BOX 358
	RIRIE, ID 83443
	2085387242
Security Interest	RABO AGRIFINANCE LLC
	14767 N OUTER 40 RD STE 400
	CHESTERFIELD, MO 63017

Priority Date: 11/02/1989

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	6.62 CFS	1696 AFA
Total Diversion			6.62 CFS	1696 AFA

Location of Point(s) of Diversion:

GROUND WATER|NENW|Sec. 28|Township 03N|Range 39E|BONNEVILLE County

Licensed Diversion Capacity: 6.62

Place(s) of use:

87297

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 DEC 07 2022

Place of Use Legal Description: IRRIGATION BONNEVILLE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	39E	21		SWSE	8		SESE	15.5						
		22		SWSW	1									
		27		NWNW	15.5		SWNW	8						
				NWSW	13		SWSW	9						
		28		NENE	40		NWNE	34		SWNE	19		SENE	36
				NENW	29		NWNW	26		SWNW	33		SENE	37
				NESW	1		NWSW	1						
				NESE	40		NWSE	14.5		SWSE	9.5		SESE	34

Total Acres: 424

Conditions of Approval:

1. 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.
2. 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, equitable estoppel, estoppel by laches or customary preference.
3. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

Dates:

Licensed Date: 04/04/1995

Decreed Date:

Permit Proof Due Date: 4/1/1992

Permit Proof Made Date: 8/29/1990

Permit Approved Date: 3/19/1990

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 11/02/1989

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

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Owner Name Connector: AND/OR

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 797

Combined Volume Limit: 3188

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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DEC 07 2022

Eastern Snake Plain Aquifer Modeling Analysis

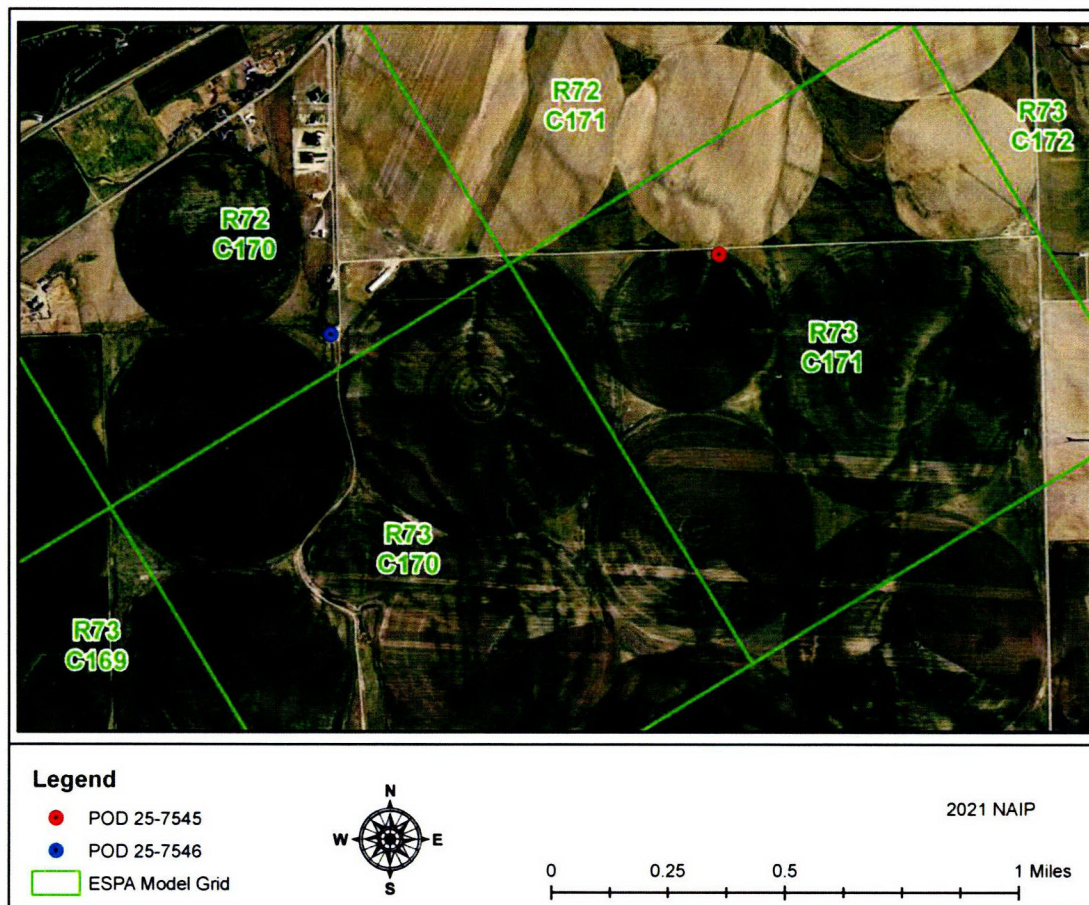
Russell and Malissa Schwendiman

The Applicant proposes to combine two water rights together into a permissible place of use that can receive water from either of the two existing wells. The two wells are located in the following grid cells:

25-7545	R73 C171
25-7546	R72 C170

Figure 1 below shows the geographic representation of these two wells. They are located within adjacent model grid cells and **no modeling is required**.

Figure 1. ESPA Model Grid





Rabo AgriFinance LLC

Jake Kunz

VP – Relationship Manager

Office 970 Pier View Drive, Suite B

Address Idaho Falls, ID 83402

Tel 208-552-6304

Fax 855-631-0229

Email Jake.Kunz@RaboAg.com

www.raboag.com

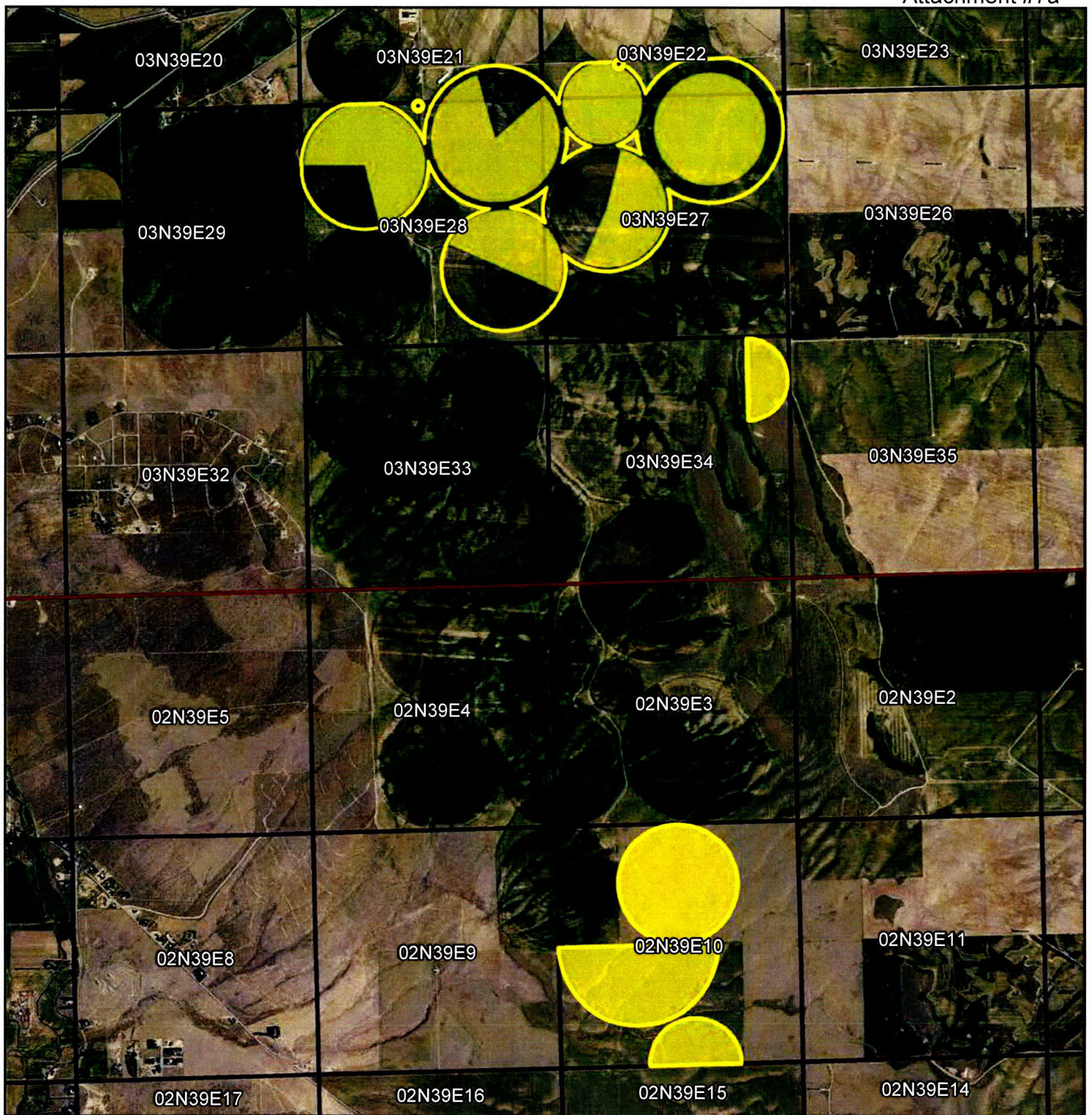
11/23/22

To Whom It May Concern:

Rabo Agrifinance agrees to the application for transfer of water right pertaining to water right number(s) 25-7545 & 25-7546.

Thank you

Jake Kunz
Vice President

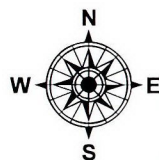


0 0.5 1 2 Miles

2021 NAIP

Legend

- Proposed POD
- Proposed PPU
- Irrigated Acres 2023
- Twp & Rng
- Section



Proposed Locations Pg 1 of 3

WRs: 25-7545 & 25-7546

Russell and Malissa Schwendiman

RMEA # 22-0163

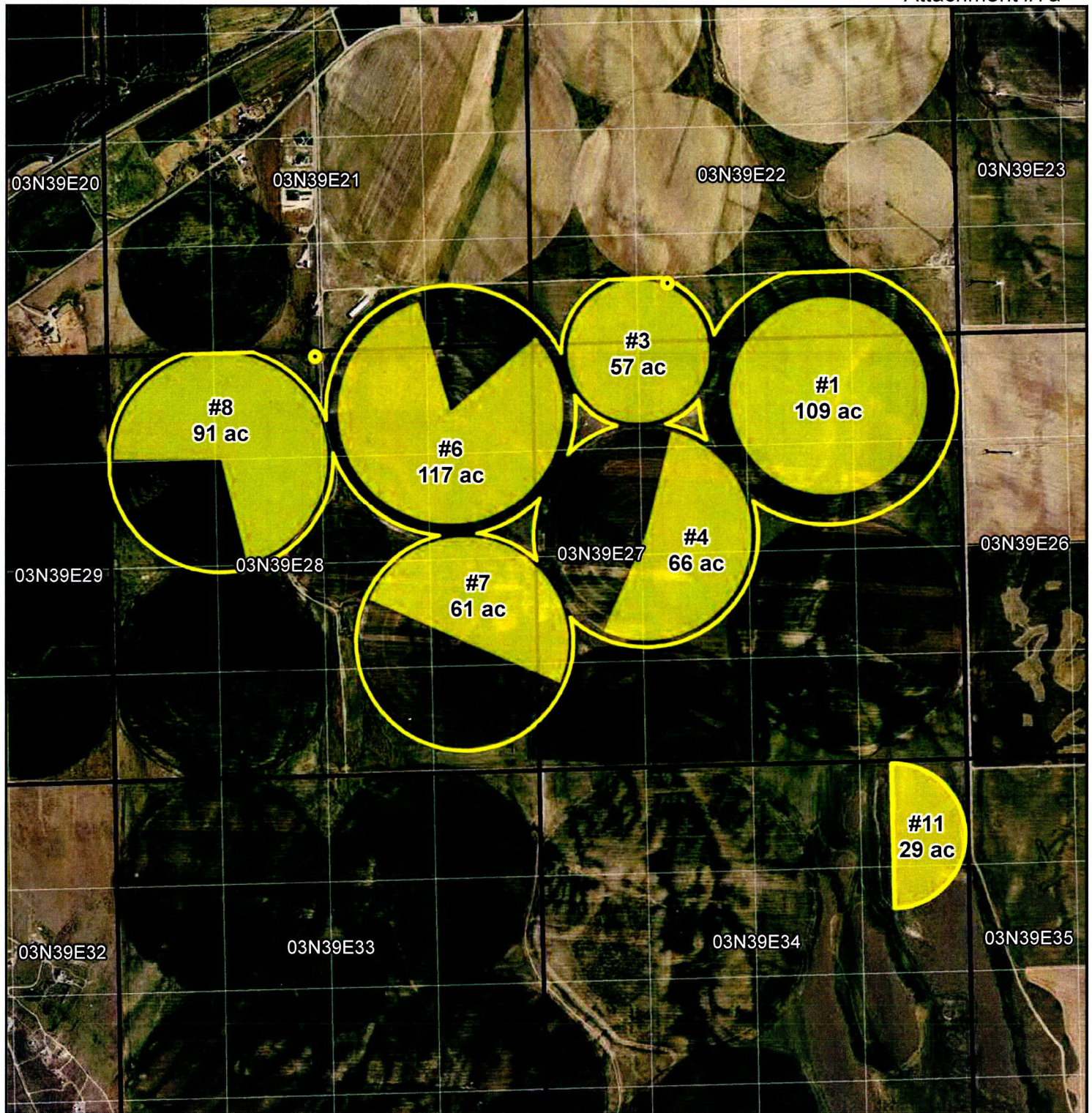
by: Kristin Moore

Date: 11/1/2022



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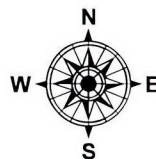


0 0.325 0.65 1.3 Miles

2021 NAIP

Legend

- Proposed POD
- Proposed PPU
- Irrigated Acres 2023
- Twp & Rng
- Section
- QQ



Proposed Locations Pg 2 of 3 WRs: 25-7545 & 25-7546

Russell and Malissa Schwendiman

RMEA # 22-0163

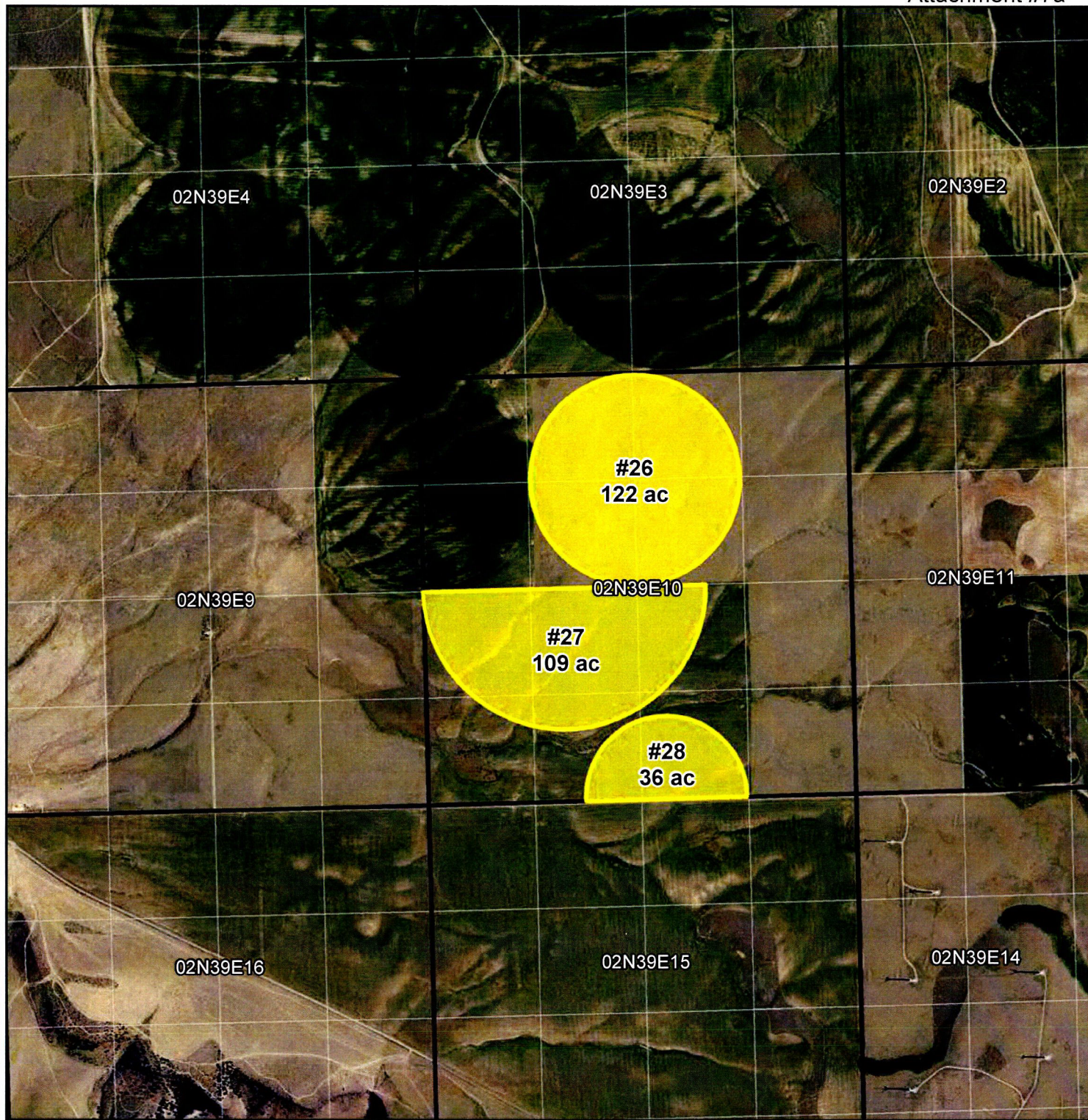
by: Kristin Moore

Date: 11/1/2022



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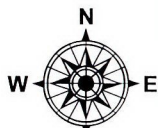


0 0.325 0.65 1.3 Miles

2021 NAIP

Legend

- Proposed POD
- Proposed PPU
- Irrigated Acres 2023
- Twp & Rng
- Section
- QQ



Proposed Locations Pg 3 of 3 WRs: 25-7545 & 25-7546

Russell and Malissa Schwendiman

RMEA # 22-0163

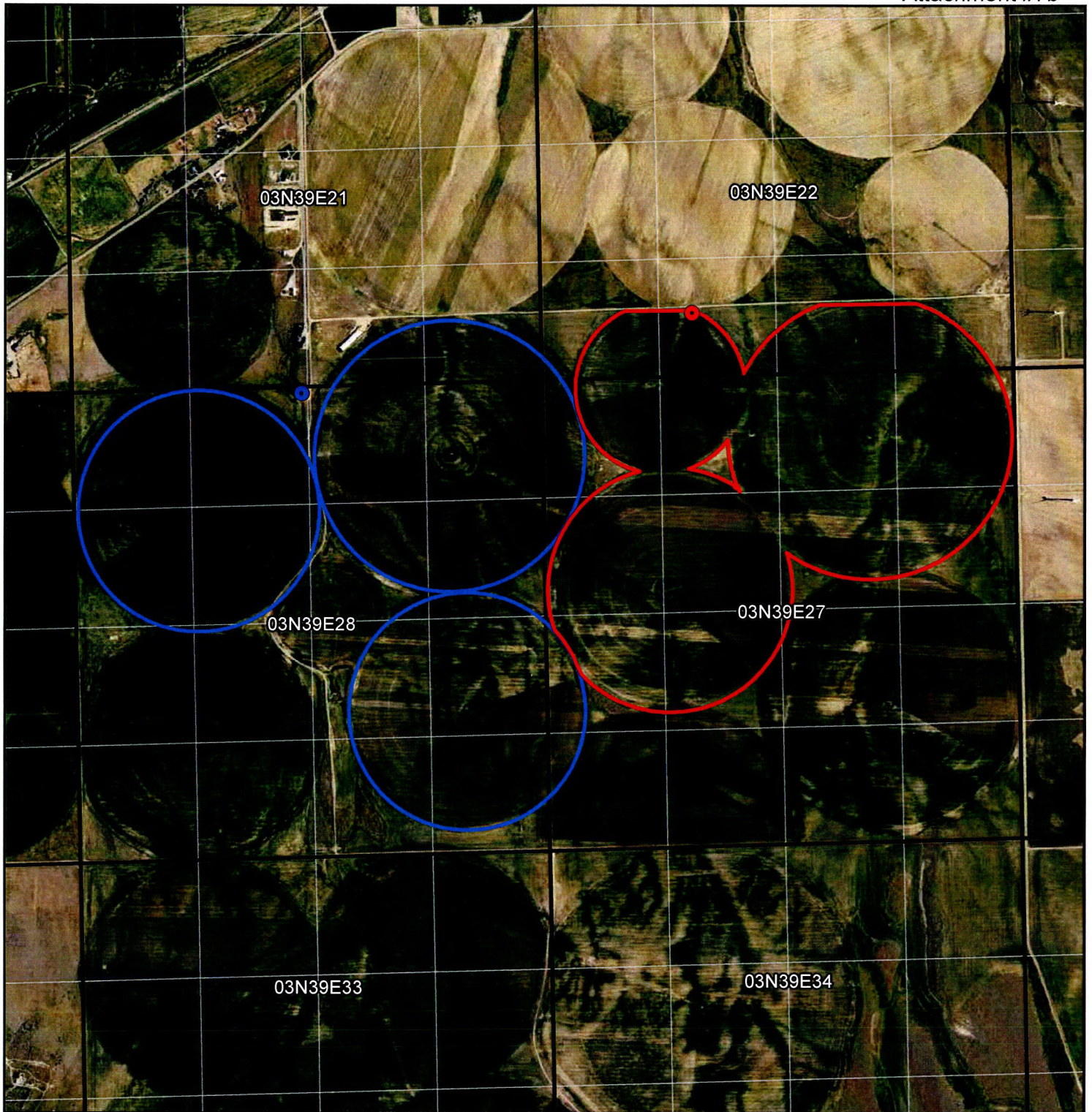
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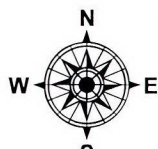


0 1,550 3,100 6,200 Feet

2021 NAIP

Legend

- POD 25-7545
- POU 25-7545
- POD 25-7546
- POU 25-7546
- Twp & Rng
- Section
- QQ



Existing Locations
WRs: 25-7545 & 25-7546
Russell and Malissa Schwendiman

RMEA # 22-0163

by: Kristin Moore

Date: 10/27/2022

