

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-10560
Date Received: 10/22/1992
Receipt No: E012362
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: KIRK SWIM 208-335-2153
Address: STAR ROUTE 3423 CRYSTAL CREEK
POCATELLO ID 83201

OR

Name: LINDA SWIM 208-335-2153
Address: STAR ROUTE 3423 CRYSTAL CREEK
POCATELLO ID 83201

2. Date of Priority: MAR 15, 1915

3. Source: CRYSTAL CREEK Trib. to: BANNOCK CREEK
RATTLESNAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	34E	30	NW	NE			POWER

5. Description of diverting works:
DIRT DAM AND PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.030		
STOCKWATER	01/01	12/31	0.030		

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 3.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 100 HEAD OF CATTLE

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NOV 16 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	34E	30	NW NE	NE NE	IRR STOCK	1.0
Section Acres						1.0
Total Acres						1.0

11. Place of use in counties: POWER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
DOMESTIC WELL

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

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State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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EO 12362 / go

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAR 14 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Kirk or Linda Swim Phone (208) 335-5153Mailing Address Star Rt. 3453 Crystal CK Pocatello Id Zip 832012. Date of Priority (Only one (1) per claim) 3/15/19153. Source of water supply (a) Crystal Creek
which is tributary to (b) Rattlesnake - Bannock Creek4. a. Location of existing point of diversion is: Township 8 S Range 34 E Section 30,
1/4 of NW 1/4 of NE 1/4, Govt. Lot, B.M., County of POWER

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____

1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. DIRT DAM & PIPE

A2910560

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 5/15 to 11/15 amount .03 or _____

For STOCK WATER purposes from 1-1 to 12-31 amount .03 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .06 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 3 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) STOCK WATER FOR 100 HD OF CATTLE

10. 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 use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>8S</u>	<u>34E</u>	<u>30</u>		<u>1</u>															<u>1</u>
		<u>30</u>		<u>5</u>															

Total number of acres irrigated 1

11. In which county (ies) are lands listed above as place of use located? _____

12. Do you own the property listed above as place of use? Yes YES No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
DOMESTIC WELL or None ()

14. Remarks:

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NOV 16 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of 256 squares. Each square contains a small crosshair pattern consisting of a central dot with four short lines extending horizontally and vertically to the edges of the square. The pattern is centered within each square.

NOV 16 1992

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Kirk Swain Date 3/12/90

Linda Swain Date 3/12/90

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Power) SS.

Subscribed and sworn (or affirmed) before me this 12th day of March 19 90

SEAL

Notary Public Carter Fritschle

Residing at _____ Carter Fritschle, Notary Public

Residing at Eagle, Idaho

My Commission Expires _____ My commission Expires March 21, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

NOV 16 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 3, 2001

Kirk Swim
Linda Swim
Star Route 3423 Crystal Creek
Pocatello, Idaho 83201

Re: Adjudication Claim 29-10560

Dear Water User:

Attached is a copy of an Adjudication Claim for a water right near American Falls or Pocatello, Idaho. This claim is based upon "beneficial use." This means that the underlying water right was perfected by the original user simply developing a diversion and using the right. This was completely legal and appropriate up until March 25, 1963, for ground water uses, or up until May 20, 1971 for surface water uses. However, this method of perfecting a water right did not result in a paper record of the water right with the department.

In order to recommend your water right to the court, I need documentation of priority date and beneficial use. The enclosed pamphlet describes some typical sources that may be used. If an affidavit is used, it must clearly show that the person making the affidavit personally observed the water use, and when this was observed. The more detail the affidavit gives, indicating dates, circumstances, amounts and details of water use, the better. As I review the documentation provided, my standard will be:

The documentation should tend to indicate that diversion works were in place and had adequate capacity for the claimed use. The documentation should also tend to indicate that water was applied to the claimed beneficial use on the claimed place of use.

Please review these documents, and provide documentation of the historical use of this right. Feel free to call me if you have questions. You should be able to reach me Thursday or Friday mornings.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

Log for claim A29-10560

Spatial Dynamics AMH

7/19/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s34e	30	NWNE	1	39	Permissible place of use/indiscernable
Totals:			1	39	

AJ5809NP
No. A29-10560

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/23/00
PAGE: 98

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LINDA SWIM	03/15/1915	IRRIGATION	03-15 11-15	0.030 CFS	
C	KIRK SWIM		STOCKWATER	01-01 12-31	0.030 CFS	
	STAR RT 3423 CRYSTAL CREEK POCATELLO ID 83201 (208) 335-2153			TOTAL DIVERSION: CONSUMPTIVE USE:	0.060 CFS	3.00 AFA

Water Source: CRYSTAL CREEK
RATTLESNAKE CREEK

Tributary to: RATTLESNAKE CREEK
BANNOCK CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T08S R34E S30 NWNE

POWER 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
08S	34E	30	:			01														:	1.0
																				TOTAL ACRES	1.0

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
08S	34E	30	:			S														:	

POU County: POWER

Non-Irrigation Uses: STOCKWATER, 100 HEAD OF CATTLE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-10558 A29-10558

Remarks: GEN DOMESTIC WELL

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 10/22/92 THOMPSON 03/29/95 POST-STD 04/12/00 CVANDERM 04/13/00 CVANDERM