

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: A74-00535
Date Received: 4/30/1990
Receipt No: X999999
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: FLORENCE SWANSON 208-756-2406
Address: RT 1 BOX 45
SALMON ID 83467

2. Date of Priority: AUG 1, 1963

3. Source: LEMHI RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
20N	24E	30		NE	SW		LEMHI

5. Description of diverting works:
ONE HDGATE ON RIVER WITH DITCHES AND FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.400		

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

8. Total consumptive use is 115.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
20N	23E	25	NE	NE		IRR	38.5
			NW	NE		IRR	3.0
			SE	NE		IRR	5.0

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Date: 02/01/96

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	46.5
					Total Acres	46.5

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

DIV. L-23

THIS CLAIM WAS AMENDED TO REFLECT TRANSFER #4451 GJT 2-1-96.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: . / /

Decree Plaintiff

vs

Decree Defendant

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: A74-00535

Date Received: 4-30-90

Receipt No: X999999

Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLARENCE SWANSON
Address: RT. 1, BOX 45
SALMON, ID

83467

Name: FLORENCE SWANSON
Address: RT. 1, BOX 45
SALMON, ID

208-756-2406

83467

2. Date of Priority: AUG 01, 1963

3. Source: LEMHI RIVER

Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
20N	23E	25	NE	SE	NE		LEMHI

5. Description of diverting works:

ONE HDGATE ON RIVER WITH DITCHES AND FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.400		

7. Total Quantity Appropriated is:

1.400 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 115.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A74-00535

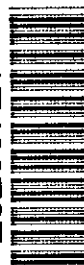
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Date: 04/24/90

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
20N	23E	25	NE	NE		IRR	38.0
			NW	NE		IRR	3.0
			SE	NE		IRR	5.0

Section Acres 46.0

Total Acres 46.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

DIV. L-22A, AND DIV. L-23

AC. IRR.=46.5.

SECOND POINT OF DIV. HAS BEEN USED SINCE 1963. 20N, 24E SEC 30NW NESW
CLAIM WILL BE AMENDED AFTER TRANSFER HAS BEEN APPROVED.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

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

Signature of Claimant(s): Florence Swanson Date: 4/27/90

Date: _____

State of Idaho)
County of Franklin) SS.

Subscribed and sworn (or affirmed) before me this 27 day
of April 19 90.

[Signature]
Notary Public

Seal

Residing at Salt Lake
My Commission Expires 6/10/92

FEBRUARY 1, 1995

FLORENCE SWANSON
RT 1 BOX 45
SALMON ID 83467

RE: TRANSFER

Dear Ms. Swanson:

Our office has received notice of your approved transfer #4451 of water right #74-00535. The Snake River Basin Adjudication claim filed on this right has been amended pursuant to the approved transfer.

Please review the enclosed notice carefully and if you have any questions about any of the items, please contact our office. If you agree with the items on the notice, please place the copies with your records.

Respectfully submitted,

Gregory J Taylor
Sr. Water Resource Agent
Adjudications Bureau

GJT:sc

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T# 4451
74-00535

- ☐ PULL ORIGINAL ADJUDICATION CLAIM
- ☒ MAKE COPY ORIGINAL TRANSFER APPLICATION
- ☒ GET COPY OF APPROVED TRANSFER
- ☒ PROOF REPORT OF WATER RIGHT FROM "WR"
- ☒ SPLIT RIGHT (YES ___ NO ☒)
- ☒ NEED CHANGE OF OWNERSHIP (YES ___ NO ☒)
- ☒ GIVE TO AGENT
- ☒ CHECKED AND DATA ENTERED
- ☒ RECEIVED BACK FROM AGENT
- ☐ SEND LETTER TO CLAIMANT
- ☐ FILE IN "P" FILE

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

RECEIVED
MAR 6 1995

TRANSFER NO. 4451
WATER RIGHT NO. 74-00535

Department of Water Resources
Eastern District Office

This is to certify that: CLARENCE SWANSON
FLORENCE SWANSON
RT 1 BOX 45
SALMON ID 83467

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 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.40 CFS	162.8 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
LEMHI RIVER	SALMON RIVER

Priority: 08/01/1963

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 30, Township 20N, Range 24E
LEMHI 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>
20N	23E	25	NENE 38.5	NWNE 3.0	SENE 5.0	46.5
Total number of acres irrigated:						46.5

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 74.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

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TRANSFER NO. 4451
WATER RIGHT NO. 74-00535

CONDITIONS/REMARKS:

6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 27th day of February, 1995.

A. Glen Saylor
Chief, Water Alloc. Bureau

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MEMORANDUM

TO: FILE NOS. 74-00535

FROM: PAM SKAGGS/^{as}STATE OFFICE

SUBJECT: TRANSFER NO. 4451

DATE: February 23, 1995

=====

Transfer No. 4451 is one (1) of four (4) transfer applications filed in cooperation with the Department of Fish and Game to consolidate two (2) ditches to a single point of diversion and ditch. This transfer proposes to change the point of diversion under Right No. 74-00535.

The irrigation season was adjusted and diversion volume added to reflect current standards. The place of use was described more specifically to equal the exact number of irrigated acres stated in the decree.

Recommended conditions include watermaster control, measuring device with lockable controlling works, irrigation overlap, right-of-way and standard transfer conditions.

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46.5

PART 1

6. General Information:

a. Description of diversion system Water will be diverted with a rock and concrete berm in the Lemhi River with a bypass and lockable, controllable headgate, at the delivery system. System was designed by Soil Conservation Service(SCS) and reviewed by Idaho Fish & Game.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes NO (No) If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
none

d. Remarks:

This change will benefit fish recovery efforts in the Lemhi River by eliminating one diversion berm. The Department of Fish & Game will benefit by eliminating a fish screen and the long term maintenance and operation of that screen.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

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Witness my hand this _____ day of _____, 19 _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT**

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. 74-0535 Decreed to Swanson, Clarence and/or Florence
in case of State of ID vs. Mervy Adams
dated _____ in 7th Judicial District county of Lemhi
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
- ☒ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water Lemhi River tributary to Salmon River
4. Date or priority 8-1-1963
5. Water is used for the following purpose:
- amount 1.40 cfs for irrigation purposes from 3-15 to 11-15
(cfs/ac-ft) 4/1 11/1
- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
6. Total amount of water under right 1.40 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

[illegible]

8. Lands irrigated or place of use:

[illegible]

Total acres _____

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

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

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information 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 voiding its approval.

Rodger L. Luman

(Signature of Applicant)

Subscribed and sworn to before me this 20th day of September, 1994.

J. Ellen Woran

(Notary Public)

My commission expires 4/21/99

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HWS Date 9-23-94

Protest filed by _____

Prelim. check by _____ Fee \$100⁰⁰Receipted by HWS # E020325 Date 9-23-94Published in Recorder Herald

Copies of protest forwarded by _____

Pub. dates 10-6-94

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

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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: 3956
Ident. No. *A74-00535*

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

Please type or print clearly:

Name of claimant(s) *FLORENCE SWANSON*

Mailing Address

(including zip code) *RTE 1 BOX 45*

SALMON IDAHO 83467

Phone Number *(208)* *756 - 2406*

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DEC 14 1992