

No Color
Documents
In File

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: A78-10367
Date Received: 6/08/1988
Receipt No: W001076
Received By: DE JH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH MALSTROM 208-253-4276
Address: HC 62, BOX 1535
COUNCIL, ID 83612

OR
Name: LORAIN MALSTROM 208-253-4276
Address: HC 62, BOX 1535
COUNCIL, ID 83612

2. Date of Priority: JUN 30, 1935

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	02E	29		NE	NW		ADAMS

5. Description of diverting works:
GROUNDWATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSEHOLD W/LAWN AND GARDEN

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	02E	29	NE	NW		DOMEST	

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:

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: _____

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 _____

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
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THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number A78-10367
Date Received 06/08/88
Receipt Number 6001076

RECEIVED
AUG 12 1988

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED
JUN 8 1988

Department of Water Resources
Western Regional Office

ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Kenneth or Lorain Malstrom Phone (208) 253-4276
Mailing Address Hc 62 ~~Box 1535~~ Box 1535 Zip 83612

2. Date of Priority (Only one (1) per claim) (6/35) June 1935

3. Source of water supply (a) Ground Water
which is tributary to (b) _____

4. Location of point of diversion is: Township 19N Range 2E
Section 29, NE 1/4 of NW 1/4 of _____ 1/4, Govt. Lot _____
County of Adams

RECEIVED
OCT 6 1988

Department of Water Resources
Western Regional Office

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. Well Pump & Pipeline

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)
(Both dates are inclusive) (cfs)
For Domestic purposes from 1/1 to 12/31 amount 0.02
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.02 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of livestock) 1 household, Lawn & garden

MICROFILMED
Copies: While State, Tenor, Claimant
OCT 06 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
19N	2E	29					D											

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

12. Do you own the property listed above as place of use? 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.
_____ or None (☒)

14. Remarks: _____

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.

X Signature of Claimant (s) Laraine Malstrom Date 6/6/88
Patricia L. Notary Date 6-6-88

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 Idaho)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 6 day of June 19 88

SEAL

Notary Public Patricia L. Notary

Residing at Idaho

My Commission Expires 10-23-93

Last Name Malstrom Ident No. _____

Copies: White, State, Yellow, Claimant

MICROFILMED

OCT 06 1992

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

	YES	NO
1. Is the name and address complete with zip code?	☒	☐
2. Is priority date entered?	☒	☐
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). Use care if claim is returned. Refer to Adjudication Memos # 1 (Adj. Claims/Applications) and # 9 (Rejection of Claims). Explain in Comments.		
3. (a) Is a source entered?	☒	☐
4. (b) Is a tributary to entered? (if required)	☒	☐
5. Is the legal description of the p.d. complete?	☒	☐
6. Is there a description of the diverting works?	☒	☐
7. Are the water uses appropriate for the form? The short form limited domestic and stockwater. Instream stockwater must use long form.	☒	☐
8. Is the period of use included?	☒	☐
9. Is a quantity claimed for each use?	☒	☐
10. Is a total quantity claimed entered?	☒	☐
11. Is the consumptive use correct?	☒	☐
12. If required is a consumptive use entered?	☒	☐
13. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim.	☒	☐
14. Is (are) the place(s) of use entered?	☒	☐
15. Is (are) the county(ies) entered?	☒	☐
16. Is the ownership of p.u. checked?	☒	☐
17. Are other water rights listed or "none" checked?	☒	☐
18. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒	☐
19. Is the basis of the claim checked?	☒	☐
20. Is the claim signed by the claimant? Is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	☒	☐
21. Has the claim been signed, sealed, and dated by a notary?	☒	☐
22. Is the fee enclosed correct?	☒	☐
23. If this claim is based on an existing water right, has the identification number been entered?	☒	☐
24. Should this claim be receipted and data entered?	☒	☐

Claim checked by: SK

Comments: _____

05/10/2001

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

RIGHT NUMBER: 78-10367

NAME AND ADDRESS: GARY C SWIFT
LYNDA L SWIFT
PO BOX S
NEW MEADOWS, ID 83654

SOURCE: GROUND WATER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/30/1935

POINT OF DIVERSION: T19N R02E S29 NENW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1-01 12-31	0.02 CFS

PLACE OF USE:

DOMESTIC Within ADAMS County
T19N R02E S29 NENW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER
RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PARCEL NO. RP0030000031A
PROPERTY ALSO KNOWN AS BLK 31 ROWELL'S PARK
ADDITION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**SEP 22 2000**WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>A 78-00234</u>			<u>78-10223</u>	
	<u>A 78-10367</u>				
	<u>~~78-10223~~</u>				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Deceased { Kenneth Malstrom - Lorain Malstrom
Box 1535 - Council, Idaho 83612
4. New Owner/Claimant(s) GARY C. Swift or Lynda L. Swift
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address P.O. Box 8
- City, State and ZIP Code New Meadows, Idaho 83654
- New Telephone Number () 208-347-2242
5. Date you acquired the property 5-11-1989 ~~8-21-1989~~

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Randy C. Swift
Lynda L. Swift

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

WARRANTY DEED

For Value Received KENNETH R. MALSTROM and LORAIN H. MALSTROM, husband and wife

the grantor^s, do hereby grant, bargain, sell and convey unto

GARY C. SWIFT and ^{JD}LYNDA L. SWIFT, husband and wife

the grantee^s, whose current address is Box 272 New Meadows, Idaho 83654

the following described premises, in Adams County, Idaho, to-wit:

Townsite of Meadows

Block 8: East 8 feet 2 inches of Lot 4; All of Lots 5 through 24, both inclusive of said Townsite as said Lots and Block are numbered and designated upon the official plat on file and of record in the Office of the County Recorder of Adams County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee^s, their heirs and assigns forever. And the said Grantor^s do hereby covenant to and with the said Grantee^s, that they the owner^s in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: May 11, 1989

Kenneth R. Malstrom
Kenneth R. Malstrom

Loraine H. Malstrom
Loraine H. Malstrom

Loraine H. Malstrom
Loraine H. Malstrom

STATE OF IDAHO
COUNTY OF Adams

On this 11th day of May, in the year 1989, before me, a Notary Public, personally appeared KENNETH R. MALSTROM and LORAIN H. MALSTROM known or identified to me to be the person whose name^s are subscribed to the within instrument, and acknowledged to me that they executed the same.

STATE OF IDAHO, COUNTY OF Adams

I hereby certify that this instrument was filed for record at the request of Timberline Title & Escrow at 57 minutes past 10 o'clock A. M., this 11 day of May 1989, in my office, and duly recorded in Book 41M of Deeds at page 417

INSTRUMENT NO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, that the y the owners s in fee simple of said premises; that they are free from all incumbrances

and that the y will warrant and defend the same from all lawful claims whatsoever.

Dated: May 11, 1989

Kenneth R. Malstrom
Kenneth R. Malstrom

Lorraine H. Malstrom
Lorraine H. Malstrom

Lorraine H. Malstrom
Lorraine H. Malstrom

STATE OF IDAHO
COUNTY OF Adams } ss
On this 11th day of May, in the
year 19 89, before me, a Notary Public, personally appeared
KENNETH R. MALSTROM and LORAIN H. MALSTROM
known or identified to me to be the person whose name s are
subscribed to the within instrument, and acknowledged to me
that the y executed the same.

Donna Weiser
Notary Public
Residing at Weiser, Idaho.
Commission expires 10/7/94

STATE OF IDAHO, COUNTY OF Adams

I hereby certify that this instrument was filed for record at the
request of

Timberline Title & Escrow
at 57 minutes past 10 o'clock A. M.,
this 11 day of May
1989, in my office, and duly recorded in Book 41M
of Deeds at page 417

Michael Fisk

Ex-Officio Recorder

By Sondra Lawrence

Deputy.

Fees \$ 3.00

Mail to:

Timberline

INSTRUMENT No.

27063

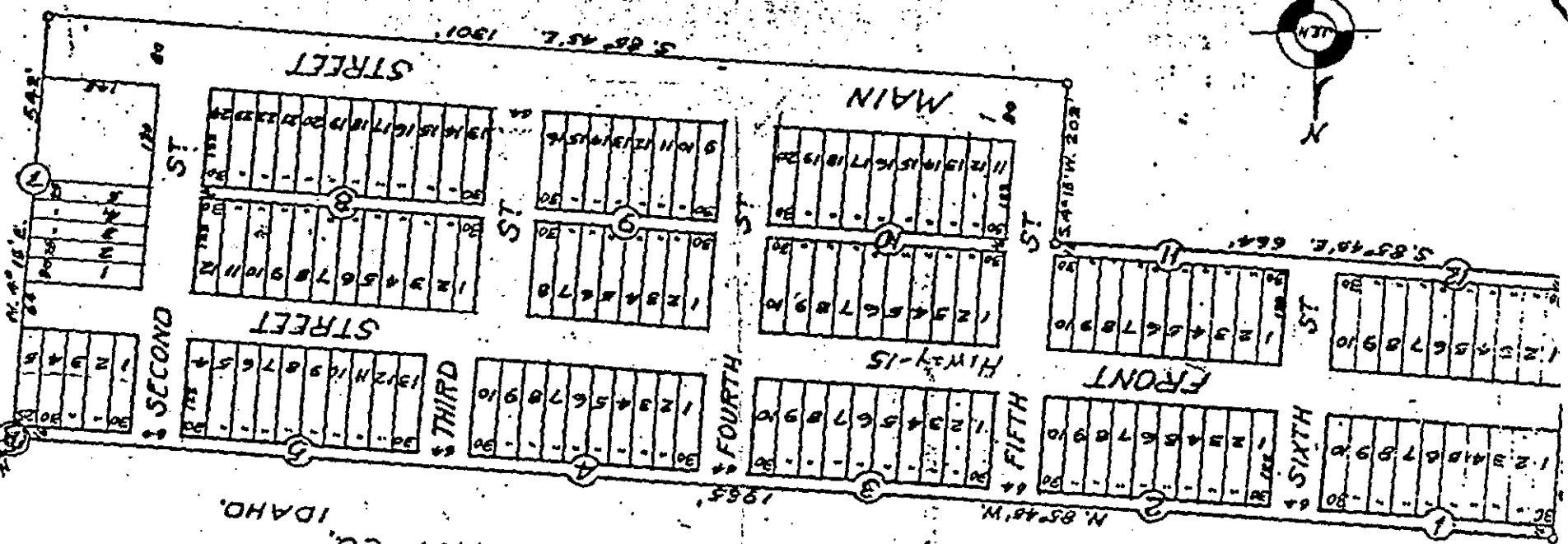
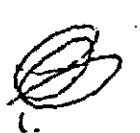
Chicago Title Insurance
Company of Idaho



PLAT OF MEADOWS WASHINGTON COUNTY, IDAHO.

D.A. Utter, Engr.
Prepared by
ADAMS COUNTY ABSTRACT CO.
IDAHO.

Abstract No



ABSTRACTOR'S NOTE: The town of Meadows is included in that part of Washington County, Idaho, which was, on March 15, 1911, created into Adams County.

Scale: 1 inch = 200'

RECEIVED

OCT 21 2000

WATER RESOURCES
WESTERN REGION

on

Oct 17, 00

P.O. Box 1.

New Meadows, Id.

83654

Dept. of Water Resources,
2735 Airport Way
Boise, Idaho, 83705

Dear Jan,

Enclosed is a copy of our Quitclaim
Deed from McMahon for lots
1, 2, 3 + 4 of block eight
of the original Townsite of Meadows Id.
Gary - I want to thank you
for all your help on these various
water rights. We really appreciate
it, so don't give up on us!

Gary - Lynette Smith

P.S. I talked with Lavern McMahon
today about the well sites. He said
this place of ours should be the oldest
well site. This is where Malstroms lived
first until the house burned in the early
70's, then they moved across the highway.
Hope that helps on A78-10367.

QUITCLAIM DEED

For Value Received

LaVerne McMahan and Lois D. McMahan

do hereby convey, release, remise and forever quit claim

unto Gary Swift and Lynda Swift

P.O. Box 272, New Meadows, Id. 83654
the following described premises, to-wit:

Lots One (1), Two (2) and Three (3) and the West
Half of Lot Four (4) of Block Eight (8) of the original
Townsite of Meadows, Idaho, according to the official
Plat thereof.

together with their appurtenances.

Dated: 16 May 1991

LaVerne McMahan

Lois D. McMahan

STATE OF Idaho, COUNTY OF

On this 16th day of May, 1991,
before me, a notary public in and for said State, personally
appeared

LaVerne McMahan and Lois McMahan

known to me to be the persons who name S
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Sandra L. Maats

Notary Public

Residing at New Meadows, Idaho
Comm. Expires

STATE OF IDAHO, COUNTY OF ADAMS

I hereby certify that this instrument was filed for record at
the request of Lynda Swift

at 45 minutes past 2 o'clock P.m.,
this 17 day of May
1991, in my office, and duly recorded in Book 43M
of Deeds at page 272

Michael Fisk

Ex-Officio Recorder

By

Lois D. McMahan

Deputy.

Fees \$3.00

Mail to:

80082

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 78-10367

WATER RIGHT NUMBER: 78-10367

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	LORAIN MALSTROM HC 62 BOX 1535 COUNCIL, ID 83612 (208)253-4276
Directors Report Owner	KENNETH MALSTROM HC 62 BOX 1535 COUNCIL, ID 83612 (208)253-4276
Current Owner	GARY C SWIFT PO BOX S NEW MEADOWS, ID 83654 (208)347-2242
Current Owner	LYNDA L SWIFT PO BOX S NEW MEADOWS, ID 83654 (208)347-2242

Priority Date: 06/30/1935

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4	Sec. 29, Twp 19N, Rge 02E, B.M.
ADAMS County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	02E	29					X												

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 78-10367

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory PARCEL NO. RP0030000031A PROPERTY ALSO KNOWN AS BLK 31 ROWELL'S PARK ADDITION.

Comments:

1. AWARNTJE 11/9/1998 COPIED FROM REMARKS
Comment: W/LAWN AND GARDEN

2. dbuffing 5/10/2001 Ownership change
Comment: Ownership change

Dates and Other Information:

Licensed Date:
Decreed Date: 8/18/2000
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

May 10, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GARY C SWIFT
LYNDA L SWIFT
PO BOX S
NEW MEADOWS ID 83654

Re: Notice of Claim to a Water Right No. 78-00224 & 78-10223

Dear Claimants:

Enclosed are copies of the above referenced claims, which reflect the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

Also enclosed is a copy of water right number 78-10367 showing the ownership change into your names. This water right has been partially decreed by the SRBA Court.

Thank you for your patience and cooperation, as we have had several ownership changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB:db

Enclosure

AJ0749NP
No. R78-10367

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/07/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KENNETH MALSTROM	06/30/1935	DOMESTIC	01-01 12-31	0.02 CFS	
C	LORAIN MALSTROM					
	HC 62 BOX 1535			TOTAL DIVERSION:	0.02 CFS	
	COUNCIL ID 83612					
	(208) 253-4276					

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T19N R02E S29

NENW

ADAMS County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE							
		NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		NENE		NWSE		SESE	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
---	---	---	:	---	:	---	:	---	:	---	:	---	:	---	:	---	:	---	:	---	:	---	:
19N	02E	29	:		:		:		:		:		:		:		:		:		:		:

POU County: ADAMS

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP0030000031A
PROPERTY ALSO KNOWN AS BLK 31 ROWELL'S PARK ADDITION.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 11/09/1998 User-ID: AWARNTJE Subject: COPIED FROM REMARKS
W/LAWN AND GARDEN

Audit: 12/07/98 LHARRIS

AJ0749NP
No. R78-10367

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/09/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KENNETH MALSTROM	06/30/1935	DOMESTIC	01-01 12-31	0.02 CFS	
C	LORAIN MALSTROM					
	HC 62 BOX 1535					
	COUNCIL ID 83612					
	(208) 253-4276					
				TOTAL DIVERSION:	0.02 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T19N R02E S29 NENW

ADAMS County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE									
		NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		NESE		NWSE		SWSE		SESE	
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	
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
19N	02E	29	:																						

POU County: ADAMS

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP RP0030000031A
AKA ROWELL'S PARK ADDITION, BLK 31

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 11/09/1998 User-ID: AWARNTJE Subject: COPIED FROM REMARKS
W/LAWN AND GARDEN

Audit: 11/09/98 AWARNTJE



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

PHILIP E. BATT
GOVERNOR

September 29, 1998

KARL J. DREHER
DIRECTOR

RE: Snake River Basin Adjudication (SNRA)
Water Right No. A78-10366 & A78-10367

LORAIN H MALSTROM
C/O NEAL BOWMAN
402 S 750 E
DIETRICH ID 83324

Dear Mr. Malstrom:

We have been advised you may be the new owner(s) of the property with the water right referenced above.

Before we can modify our records to reflect your new ownership of the water right referenced above, we need Form 42-248/42-1409(6) completed. This form is enclosed for your use. Please return the **form, documentation and proof of domestic use** to my attention at this office no later than **October 10, 1998**.

Please call this office toll-free at 1/800-451-4129 if you have any questions.

Sincerely,

Anita L. Warntjes
Administrative Assistant
Adjudication Bureau

ALW
Encl: Form 42-248/42-1409(6)
Water Right Profile Report

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: FEB-12-1998
PAGE: A-308

RIGHT NUMBER: 78-10367

NAME & ADDRESS: KENNETH MALSTROM
LORAIN MALSTROM
HC 62 BOX 1535
COUNCIL ID 83612

LORAIN H MALSTROM
% NEAL BOWMAN
402 S 750 E
DIETRICH ID 83324

SOURCE: GROUNDWATER

QUANTITY: 0.02 CFS

PRIORITY DATE: 06/30/1935

POINT OF DIVERSION: T19N R02E S29 NENW Within ADAMS County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC D/I HOUSEHOLD W/LAWN AND	01-01 12-31	0.02 CFS

PLACE OF USE: DOMESTIC Within ADAMS County
T19N R02E S29 NENW

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RP 0030000031A
AKA: BIK 31 Russell's Park Addit.

Verified by

[Signature]

Date:

9/25/98

Verification Source:

Parcel file & plat map