

Idaho Department of Water Resources

**T03N R04E
S19**

**Claim: 63-00019B
Updated: 5 Nov 01
By: Ron Howerton**

 **Place of use**

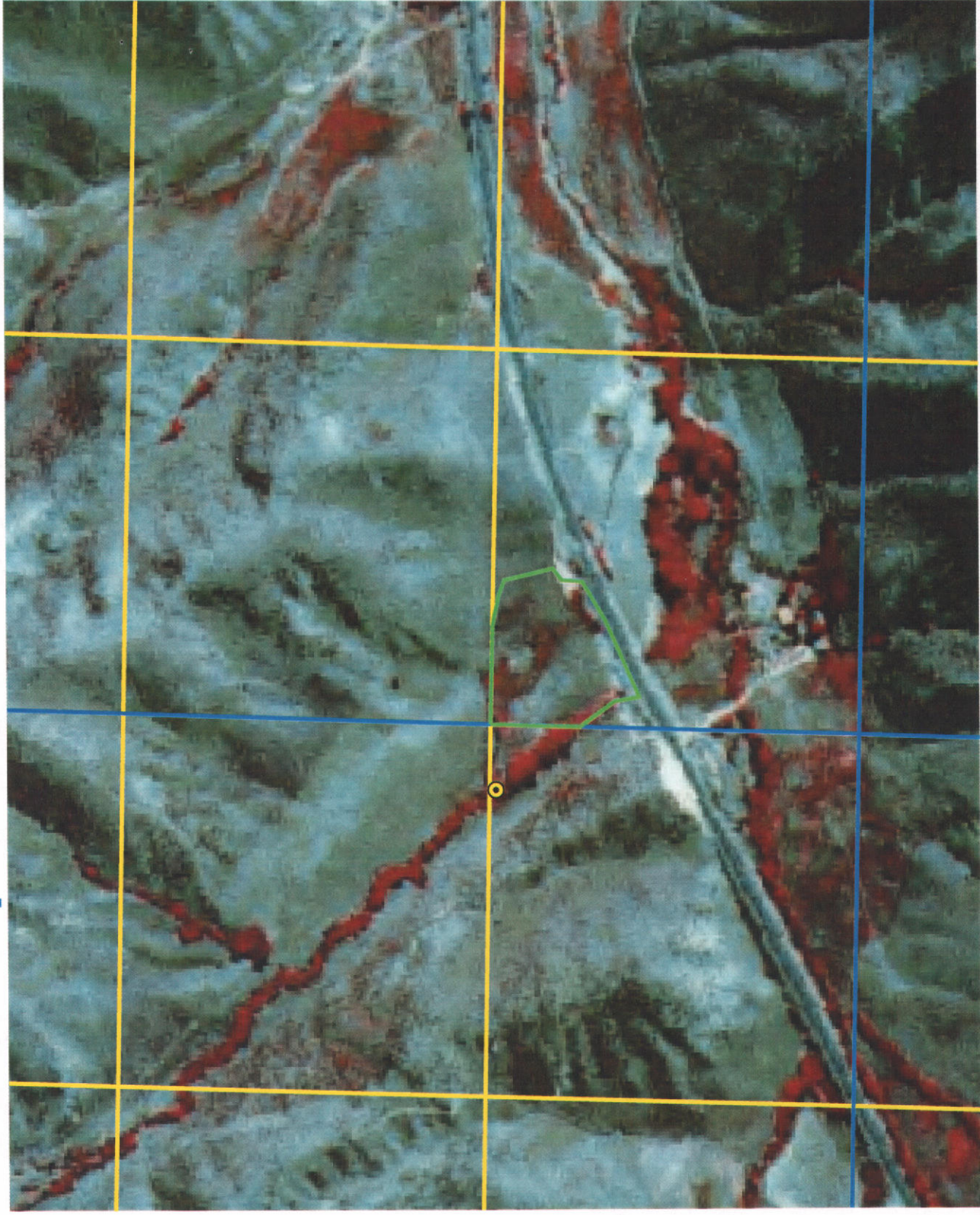
 **POD**

 **SECTION**

 **1/4 1/4**



1987 NAPP



0.25

0.5

0.75 Miles

0

Idaho Department of Water Resources

**T03N R04E
S19**

**Claim: 63-00019B
Updated: 5 Nov 01
By: Ron Howerton**

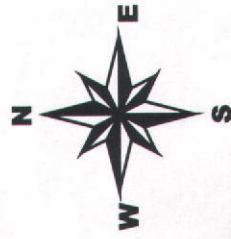
 Place of use

 POD

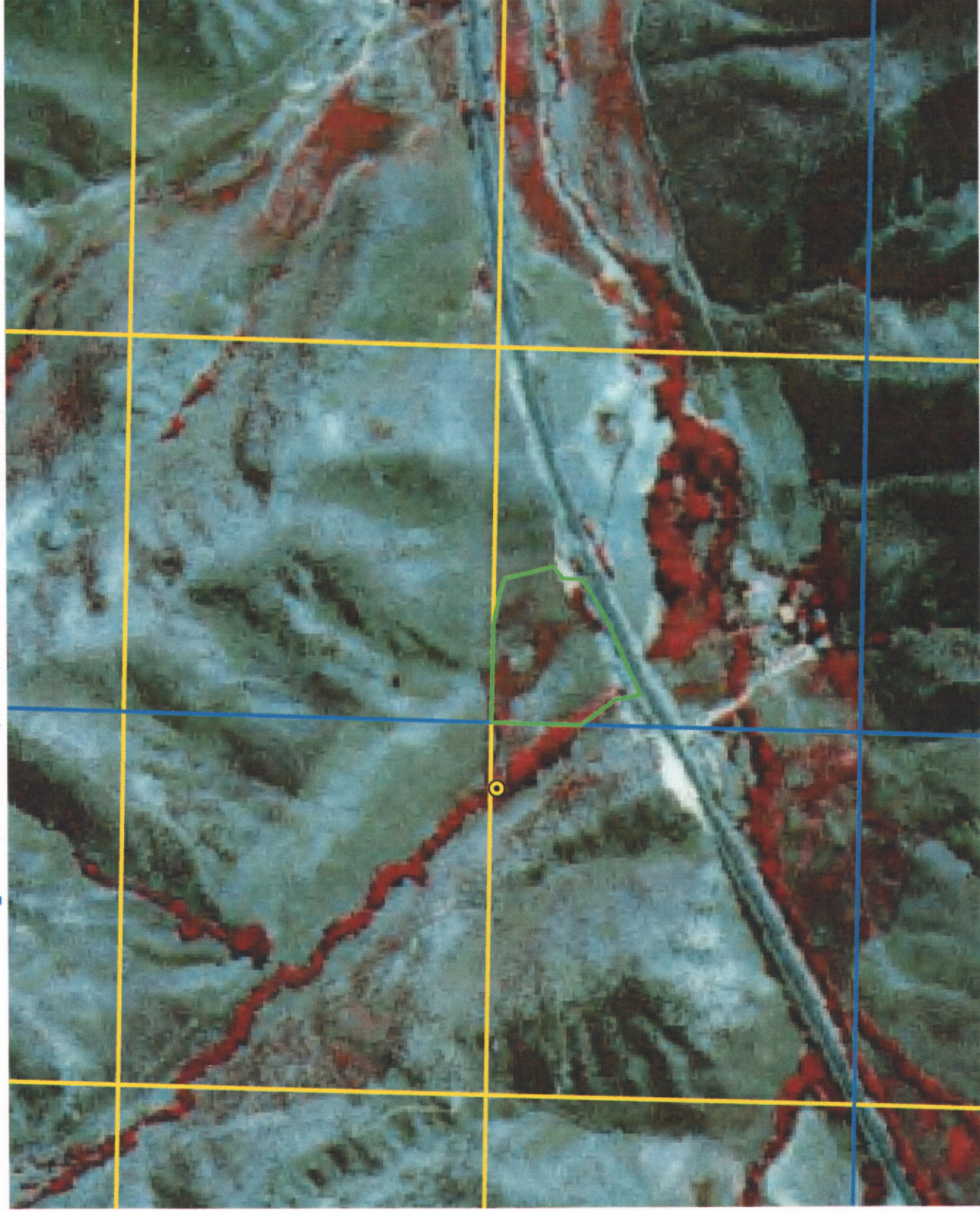
 SECTION

 1/4 1/4

5 Acres



1987 NAPP



0.75 Miles

0.5

0.25

0

Idaho Department of Water Resources

**T03N R04E
S19**

**Claim: 63-00019B
Updated: 5 Nov 01
By: Ron Howerton**

 Place of use

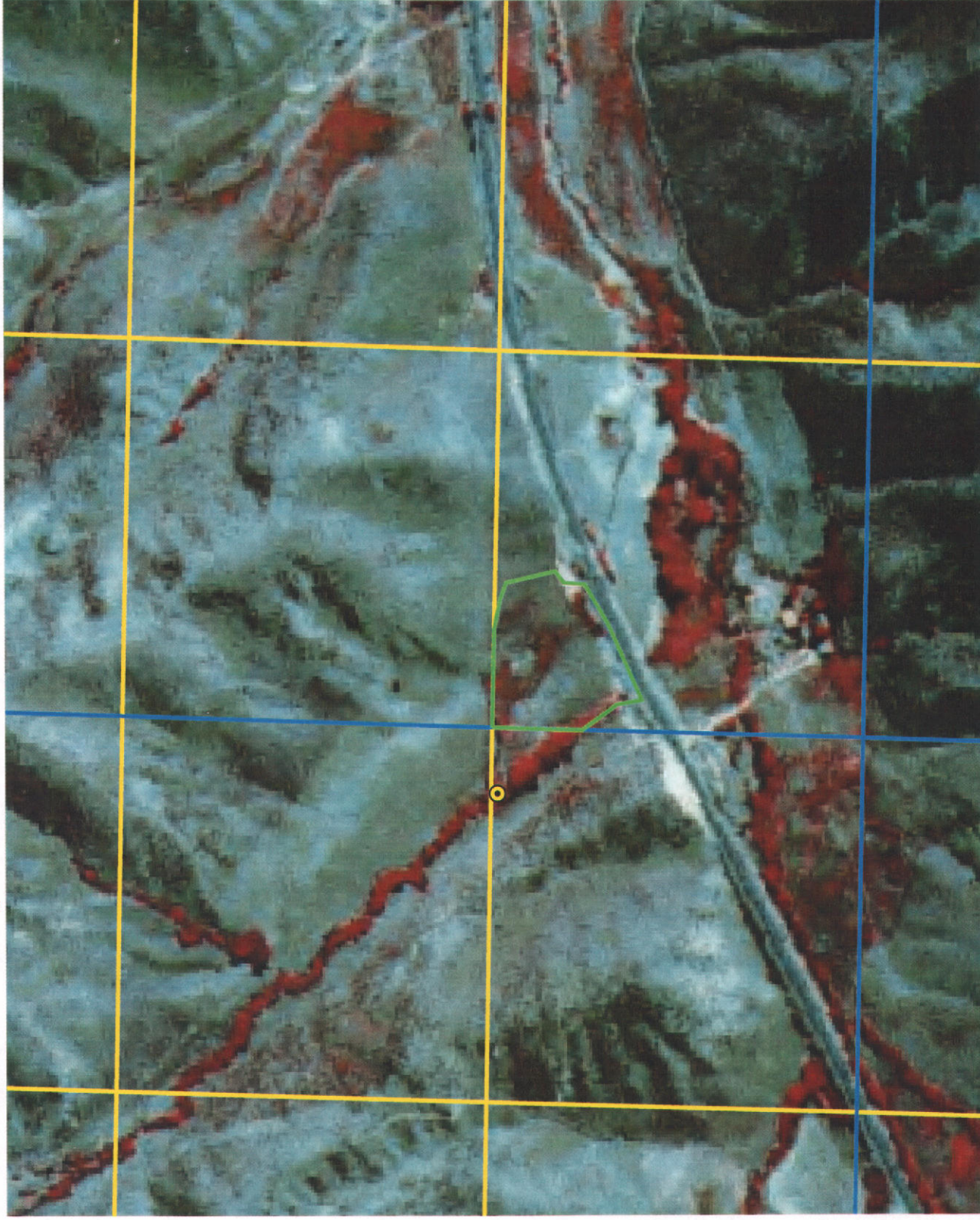
 POD

 SECTION

 1/4 1/4



1987 NAPP



0.75 Miles

0.5

0.25

0

20

29

Valley

X60 TOPO

Highland Valley

Highland Valley Summit

3769

3400

3600

3520

X4104

X4185

19

30

4000

X423X



4829
4828
4827
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4804
4803
4802
4801
4800

WILLHITE CREEK (LOCAL NAME)

SESE 19

TRIN To HIGHLAND CREEK

4820

BOUNDARY
MICROFILMED
AUG 14 1992

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: A63-00019B
Date Received: 6/26/1989
Receipt No: W003343
Received By: RL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PHILIP SWANSTRUM 208-343-2855
Address: 2708 COLUMBUS
BOISE, ID 83705

OR

Name: ROSEMARY SWANSTRUM 208-343-2855
Address: 2708 COLUMBUS
BOISE, ID 83705

2. Date of Priority: JUN 01, 1896

3. Source: UNNAMED STREAM Trib. to: HIGHLAND CREEK
(LOCAL NAME-WILLHITE CR.)

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	04E	19	NE	SE	SE		ADA

5. Description of diverting works:
CONC. HEADGATE, WEIR, GRAVITY FLOW, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	04E	20	SW	SW		IRR	5.0
Section Acres							5.0
Total Acres							5.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:

MR. SMITH 20 INCHES 'A', MR. SWANSTRUM 5 INCHES 'B'.
THIS RIGHT HAS BEEN SPLIT INTO A & B.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

WILLIAM BEDEL

Decree Plaintiff

vs

ALFRED PERCY ET. AL.

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 X 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): Philip Lanstrom Date: 6/26/89
Date:

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of June 19 89

Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission ~~Expires~~ Expires December 8, 1994

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED 22

Water Right 63-00019B

2004 NOV 4 PM 3 00

PAGE 1
NOV-04-2004

RECEIVED

FEB 4 - 2003

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 63-19B
(insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234
Daytime Phone: (208) 378-5306 E.Gail McGarry

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Rosemary Swanstrum Philip Swanstrum
Address: 2708 Columbus
Boise, ID 83705

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☒ **Period of Year**

Should be: April 1 to November 1

9. ☐ **Place of Use**

Should be:

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S):

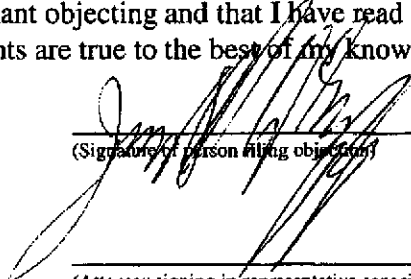
The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow (a) injury to the United States' water rights, (b) impairment of historic river conditions conducive to regular United States Bureau of Reclamation diversions to storage reservoirs and the New York Canal, and (c) diminution of contract water reliability.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

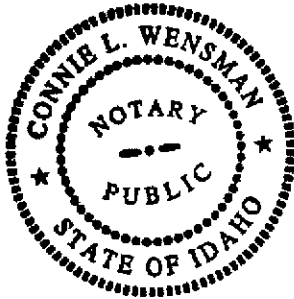
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 29, 2003



Connie L. Wensman
Connie L. Wensman

Notary Public for: Idaho

Residing at: Meridian

My Commission Expires: 10-06-2004

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 31, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Rosemary Swanstrum Philip Swanstrum

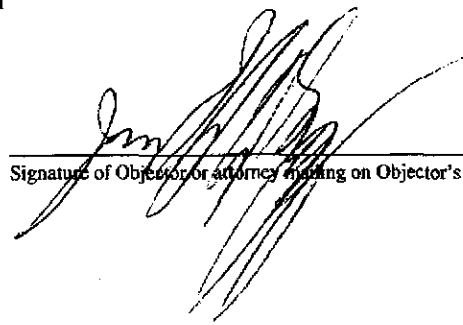
Address: 2708 Columbus
Boise, ID 83705

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney acting on Objector's behalf

In Re SRBA
Case No. 39576

STANDARD FORM 1
OBJECTION RECEIVED

Department of Water Resources

B. NAME AND ADDRESS OF PERSON OBJECTING

Name & Address of Attorney, if any:
Albert P. Barker, ISB # 2867
Amy D. Chestnut, ISB # 5904
Barker Rosholt & Simpson, LLP
205 North 10th Street, Suite 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: 208-336-0700
Facsimile: 208-344-6034

Name: See Attachment B
Address:

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☒ **Period of Year**
Should be: April 1 to November 1
9. ☐ **Place of Use**
Should be:
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. **REASONS SUPPORTING EACH OBJECTION(S):** The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow injury to the objector's water rights and diminution of contract water reliability.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

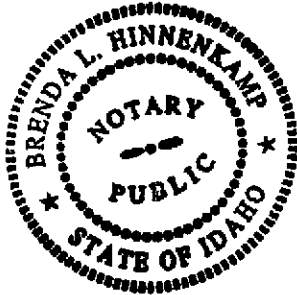
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Albert P. Barker
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 30, 2003



Brenda L. Hinnenkamp
Brenda L. Hinnenkamp
Notary Public for: Idaho
Residing at: Boise
My Commission Expires: 9/11/2004

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

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1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: See Attachment B
Address:

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

Attachment A

63-3540	63-7984A	63-7984B
63-8624	63-10279	63-31335
63-31336	63-7119	63-7115
63-148B	63-15395	63-2472
63-7529	63-7037	63-2026
63-7207	63-31077	63-5102
63-5192	63-318A	63-318C
63-4629A	63-4797	63-4810
63-5101	63-31074	63-31289
63-31328	63-19A	63-19B
63-378	63-4636	63-5057
63-31124	63-31173	63-31174
63-31319	63-31320	63-31397
63-4548	63-3125	63-15093
63-15677	63-31317	63-5332
63-5334	63-4071	63-31380
63-5235	63-4629C	63-31454
63-5408	63-2171	63-5167
63-317B	63-320A	63-7613D
63-30310	63-97	63-15409
63-3447D	63-3447B	63-3447C
63-5161B	63-15101	63-4731
63-3422B	63-5161C	63-3422A
63-5251	63-5250	63-15684
63-5108	63-15427	63-15094
63-15206	63-15373	63-2252

ATTACHMENT D

63-3540
Rex E Lanham
2630 Highway 21
Boise ID 83716

63-8624
Randall A Ambuehl
HC 33 Box 1610
Boise ID 83706

63-31336
Wilderness Ranch Owners Assn Inc
46 Wilderness Ranch Rd
Boise ID 83716

63-148B
South Boise Water Co
PO Box 6005
Boise ID 83707

63-7529
Walter M Nichols
Thelma E Nichols
14 Cougar Lane
Boise ID 83716

63-2026
James E Bryant
1915 N 11th
Boise ID 83712

63-5102
Laura LA May Holmes
2391 Sheri Dr
Emmett ID 83617

63-318C
Paula E Lewis
Stephen E Lewis
PO Box 4002
Boise ID 83711-4002

63-4810
Walter S Nichols
Sara A Nichols
12 Cougar Ln
Boise ID 83716

63-31289
Walter M Nichols
Thelma E Nichols
14 Cougar Lane
Boise ID 83716

63-7984A
Teresa L Raschke
Steven L Raschke
2095 Panama St
Boise ID 83705

63-10279
Cumer L Green
PO Box 2597
Boise ID 83701

63-7119
Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-15395
Marilyn Priest
Jay R Priest
PO Box 122
Idaho City ID 83631

63-7037
Blue Jay Creek Water & Road Users Inc
C/O Robert O Walker
129 Blue Jay Creek Rd
Boise ID 83706

63-7207
Barbara W Little
1980 Myers Rd
Boise ID 83706

63-5192
David Steadman
Lynae Steadman
8873 Ottowa Ct
Boise ID 83709

63-4629A
Wilderness Ranch Owners Assn Inc
46 Wilderness Ranch Rd
Boise ID 83716

63-5101
Marilyn Priest
Jay R Priest
PO Box 122
Idaho City ID 83631

63-31328
Michael C Perry
Tami J Perry
10 Cougar Ln
Boise ID 83716

63-7984B
Lawrence Poisson
Sheila Poisson
3193 Highway 21
Idaho City ID 83716

63-31335
Val Dean Schroeder
13 Blacksmith Road
Boise ID 83716

63-7115
Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-2472
Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-2026
Hilda Larson
3015 Silver St
Boise ID 83703

63-31077
State of Idaho
Dept of Parks & Recreation
PO Box 83720
Boise ID 83720-0065

63-318A
Ranch Subdivision Property Owners
Assn
26 Burnett Dr
Boise ID 83716

63-4797
Connie Jo Cooper
Douglas S Cooper
2268 Highway 21
Boise ID 83716

63-31074
Barry Marcus
737 N 7th St
Boise ID 83702

63-19A
Larry R Smith
Alda L Smith
8442 W Beachside Ct
Boise ID 83703

63-19B

Rosemary Swanstrum
Philip Swanstrum
2708 Columbus
Boise ID 83705

63-5057

Francis Mangum
Shirley Mangum
17 Old Mill Rd
Boise ID 83716

63-31174

Michal Sweeney
28 N Fork Clear Creek Rd
Boise ID 83716

63-31397

Michael E Claus
Connie M Claus
105 Johnson Creek Rd
Boise ID 83716

63-15093

Gail G Allen
Robert P Allen
14 Allen Ln
Boise ID 83716

63-5332

Osprey Land Co
737 N 7th St
Boise ID 83702

63-5235

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-5408

Scott R. Nicholson, Thomas Emil Nicholson,
Christine Nicholson et al
C & T Ranches Inc
PO Box 690
Meridian ID 83680-0690

63-317B

Richard A Stull
K Gail Richardson
13 Robie Creek Ln
Boise ID 83716

63-97

L G Davison & Sons Inc
1969 Prairie Rd
Prairie ID 83647-9803

63-378

Dirk L Marcum
14364 E Highway 21
Boise ID 83716

63-31124

Allen Cupit
Diana Cupit
25 Old Mill Rd
Boise ID 83716

63-31319

Sandra Miner
1512 Apache Dr Unit D
Chula Vista CA 91910-8160

63-4548

James R Stringfellow
787 David Way
North Salt Lake UT 84054

63-15677

Barry Marcus
737 N 7th St
Boise ID 83702

63-4071

Robert P. Perez
Laurie A. Perez
20 Colleen Lane
Boise, ID 83716

63-4629C

Sherry Smith
James C Smith
7 Mores Creek Cir
Boise ID 83716

63-2171

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-320A

Wade C Woolery
1902 Thompson Street
Richland WA 99352

63-15409

Wilda Bradley
33 Wild Rose Ln
Boise ID 83716

63-4636

Connie M Claus
105 Johnson Creek Rd
Boise ID 83716

63-31173

Hide Associates Partnership
Boise Holcomb Inc
737 N 7th St
Boise ID 83702

63-31320

David Peterson
Toni Peterson
14 Homestead Ct
Boise ID 83716

63-3125

State of Idaho
Dept of Fish & Game
PO Box 25
Boise ID 83707

63-31317

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31380

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31454

Jay D Hollinger
Carol L Hollinger
51 Daggett Creek Rd
Boise ID 83716

63-5167

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-7613D

Marvenna S Hodgins
Marilyn E Dawson
PO Box 6466
Boise ID 83707

63-30310

Steven D Cummings
545 Robie Creek
Boise ID 83716

63-3447B
Biff Eshelman
31 Sonshine Lane
Boise ID 83716

63-15101
Steven D Cummings
545 Robie Creek
Boise ID 83716

63-5161C
Sterling Turner
Debbie Turner
328 Robie Creek Rd.
Boise ID 83716

63-5250
Jan Blum
27 Idaho City Stage Rd
Boise ID 83716

63-15684
Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-15094
Gail G Allen
Robert P Allen
14 Allen Ln
Boise ID 83716

63-2252
Twin Springs Resort LLC
PO Box 3994
Ketchum ID 83340

63-3447C
Alan K Johnson
3929 Overland Rd #840
Boise ID 83715

63-4731
Wilda Bradley
33 Wild Rose Ln
Boise ID 83716

63-3422A
Mary Lou Pote
William W H Pote
27 Idaho City Stage Rd
Boise ID 83716

63-5251
Mary Lou Pote
William W H Pote Jr
27 Idaho City Stage Rd
Boise ID 83716

63-5108
Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-15206
Val Dean Schroeder
13 Blacksmith Rd
Boise ID 83716

63-3447D
Joan Stephens
James R Stephens
3939 S Transport
Boise ID 83705

63-5161B
Dwaine Wright
Lizabeth Wright
4 Larkspur Lane
Boise, ID 83716

63-3422B
Virginia M Cafferty
Allan E Cafferty
2121 S Eagleson
Boise ID 83705

63-15427
Maurice Brown
11 Hoover Dr
Boise ID 83716

63-5334
Osprey Land Co
737 N 7th Street
Boise, ID 83702

63-15373
Rex E. Lanham
2630 Highway 21
Boise ID 83716

Dept. of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise ID 83720-0098

RECEIVED

OCT 09 2002
WATER RESOURCES
WESTERN REGION

RECEIVED

OCT - 4 2002

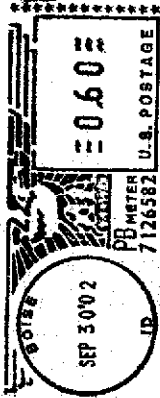
Department of Water Resources

RETURN TO SENDER
UNDELIVERABLE AS
ADDRESSED.
NO FORWARDING
ORDER ON FILE

PHILIP SWANSTRUM
ROSEMARY SWANSTRUM
2708 COLUMBUS
BOISE ID 83705

SWAN708 83705 2226 1N 03 10/02/02
RETURN TO SENDER

NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER



63-196

ANIK

fund



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 27, 2002

RE: Water Rights in Reporting Area 13, Basin 63
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right claim(s) in Basin 63 for the Boise River drainage basin above Lucky Peak dam. We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note that you have until January 31, 2003, in which to review your water rights or those of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouses in Boise, Fairfield, Idaho City, and Mountain Home, and at all the Idaho Department of Water Resources offices (see addresses in enclosures).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed early next year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl J. Dreher', is written over a horizontal line.

Karl J. Dreher
Director

Enclosures

09/24/2002

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

RIGHT NUMBER: 63-19B

NAME AND ADDRESS: ROSEMARY SWANSTRUM
2708 COLUMBUS
BOISE ID 83705

PHILIP SWANSTRUM
2708 COLUMBUS
BOISE ID 83705

SOURCE: UNNAMED STREAM

TRIBUTARY: BOISE RIVER

QUANTITY: 0.100 CFS

PRIORITY DATE: 06/01/1896

POINT OF
DIVERSION: T03N R04E S19 NESESE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
3/15 11/15

QUANTITY
0.100 CFS

PLACE OF USE: IRRIGATION Within ADA County
T03N R04E S20 SWSW 5.0

5 ACRES TOTAL

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

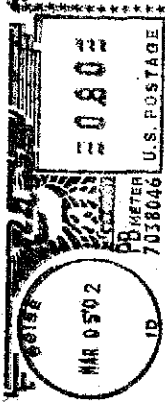
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO
LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION
42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SOURCE IS ALSO KNOWN AS WILLHITE CREEK.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED



UNDELIVERABLE AS
ADDRESSED-
NO FORWARDING
ORDER ON FILE

ROSEMARY SWANSTRUM
PHILIP SWANSTRUM
2708 COLUMBUS
BOISE ID 83705

SWAN708 837052005 IN 04 03/09/02
RETURN TO SENDER
NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER

RECEIVED
MAR 14 2002
WATER RESOURCES
WESTERN REGION

603-1913
(Ada)

Found
by Ada city
assessor



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 4, 2002

Dear Water Right Claimant(s):

The Idaho Department of Water Resources (IDWR) has completed its initial investigation of your water right claim(s) in the Snake River Basin Adjudication (SRBA). We have enclosed a printout showing our preliminary recommendation for reporting your claim(s) to the SRBA District Court.

Please review the preliminary recommendation carefully. If there is any information on the printout you believe is inaccurate, please fill out the enclosed reply indicating what changes you believe should be made. Further instructions to assist you with the review are enclosed. For water rights with an irrigation water use, a Geographic Information System (GIS) computerized image of the place of use for your claim(s) is also enclosed.

You may return this reply in person to us at a public meeting IDWR will be conducting in your area. **The meetings will be held on Tuesday, March 19, 2002, at 7:00 p.m. in the Mountain Home Senior Citizens Center, 1000 N. 3rd E., Mountain Home, Idaho and Thursday, March 21, 2002 at 7:00 p.m. in the Ray Robison Memorial Community Hall, 206 W. Commercial St., Idaho City, Idaho.** Please come to the public meeting, where you will have an opportunity to find out more about the SRBA process and speak with a department staff member should you have questions regarding your water right claim. Please bring any and all information you have which will help the Department understand your claim(s) and describe them accurately.

This process is intended to ensure IDWR recommends your water right accurately to the SRBA District Court. This is the easiest and least costly means for you to identify corrections you believe should be made to our recommendation. Completion of this process is an important step toward the overall success of the adjudication in Idaho. Your participation is necessary so that accurate information is provided to the SRBA District Court.

We look forward to hearing from you.

Sincerely,

Karl J. Dreher
Director

Enclosures

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



ROGER BURDICK
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

Dear Water Right Claimant:

To help you with your water right claim(s) in the Snake River Basin Adjudication, this letter of explanation is being sent to you along with information sent by the Idaho Department of Water Resources (IDWR). Included are the following important documents which I ask you to please read carefully because they give you the opportunity to save a great deal of time and money:

1. **Preliminary Recommendation.** This is IDWR's *initial* finding and conclusion about your water right and how it should be reported to the SRBA Court. This preliminary recommendation is not filed with the court, but is provided to you to help correct errors or resolve any disagreement you may have over its content. This document has been prepared following IDWR's investigation and may be different than the claim(s) you actually filed.

Therefore, please review this preliminary recommendation carefully to find any errors or disagreements you have with IDWR's findings.

2. **Error Correction/Settlement Process.** This preliminary recommendation is a special service provided to you by IDWR to help you correct errors and resolve any other disagreement you have before the actual recommendations are ultimately filed with the court.

A description of how to work with IDWR is included. Our experience in the SRBA shows that by working in cooperation with IDWR most errors and differences can be addressed before coming into court. It's well worth your time to take full advantage of IDWR's helpful service. If your disagreement cannot be resolved, you will be able to file an objection to IDWR's actual recommendation when it is filed in court and have the final decision made by the Presiding Judge.

This error correction service is an important opportunity for you to work together with IDWR to make sure your water right claim(s) are decreed accurately. There is no cost to you other than your time reviewing the preliminary recommendation and talking to IDWR about any problem you see. Of course, you may always employ the services of an attorney if you wish.

The goal of the SRBA is to see that your water right(s) are decreed by the court as accurately and fairly as possible. It is important to me that this is done efficiently in order to reduce your costs and present you with your decree.

I strongly encourage you to take full advantage of this opportunity to use the fine and courteous services provided by IDWR.

Sincerely yours,

Roger S. Burdick
Presiding Judge
Snake River Basin Adjudication

03/01/2002

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 5, 2002

Water right number: 63-19B

ROSEMARY SWANSTRUM

2708 COLUMBUS

BOISE ID 83705

Telephone Number: (208)343-2855

PHILIP SWANSTRUM

2708 COLUMBUS

BOISE ID 83705

Telephone Number: (208)343-2855

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

___ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

03/01/2002

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

RIGHT NUMBER: 63-19B
NAME AND ADDRESS: ROSEMARY SWANSTRUM
2708 COLUMBUS
BOISE ID 83705

PHILIP SWANSTRUM
2708 COLUMBUS
BOISE ID 83705

SOURCE: UNNAMED STREAM TRIBUTARY: BOISE RIVER

QUANTITY: 0.100 CFS

PRIORITY DATE: 06/01/1896

POINT OF DIVERSION:
T03N R04E S19 NESESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.100 CFS

PLACE OF USE: IRRIGATION Within ADA County
T03N R04E S20 SWSW 5.0

5 ACRES TOTAL

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed
SOURCE IS ALSO KNOWN AS WILLHITE CREEK.

Idaho Department of Water Resources

T03N R04E
S19

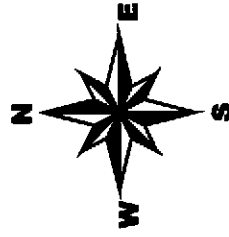
Claim: 63-00019B
Updated: 5 Nov 01
By: Ron Howerton

 Place of use

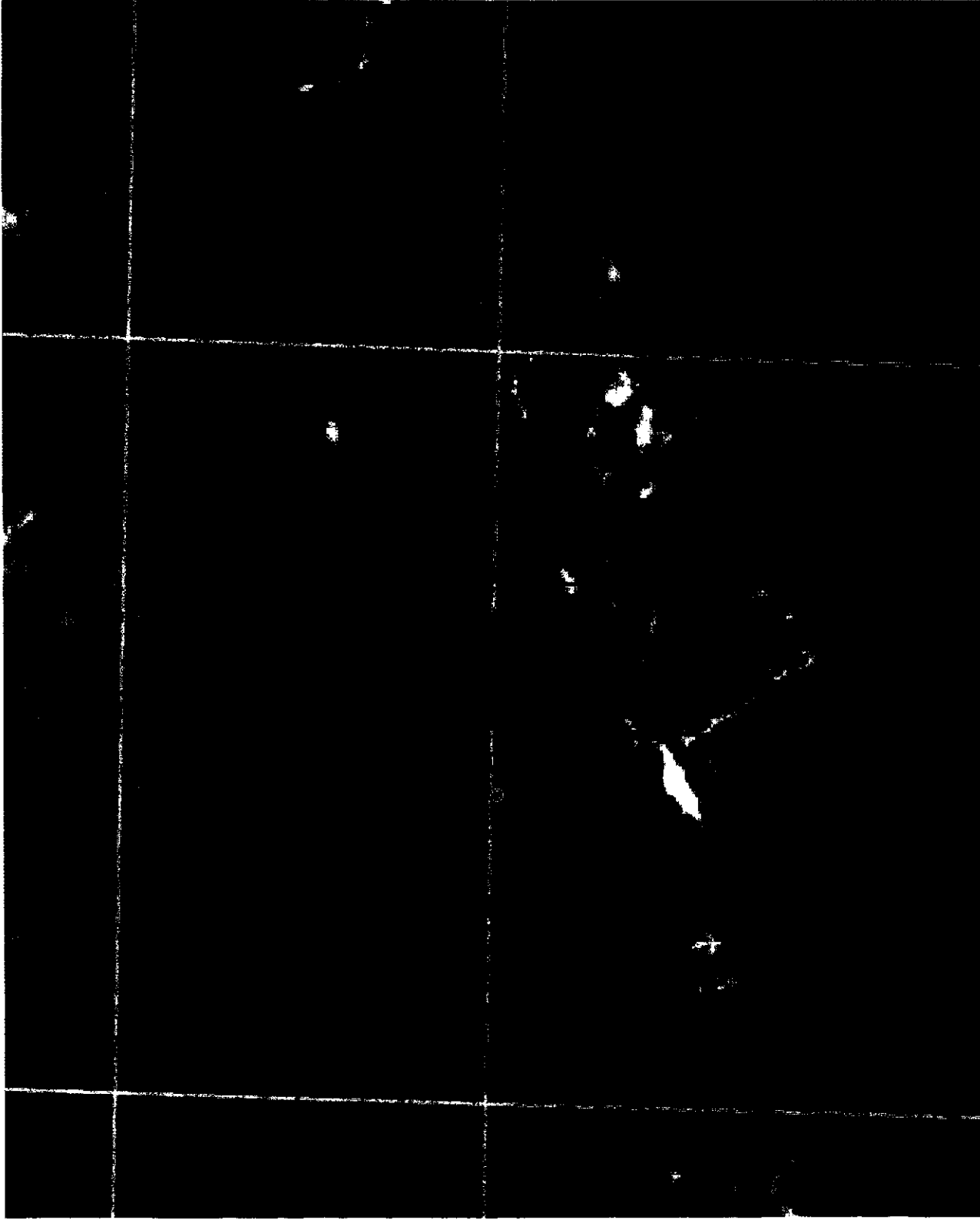
⊙ POD

 SECTION

 1/4 1/4



1987 NAPP



0.75 Miles

0.5

0.25

0

IDAHO DEPARTMENT OF WATER RESOURCES 01/28/2002
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: ROSEMARY SWANSTRUM
2708 COLUMBUS
BOISE ID 83705

PHILIP SWANSTRUM
2708 COLUMBUS
BOISE ID 83705

SOURCE: UNNAMED STREAM

TRIBUTARY: BOISE RIVER

QUANTITY: 0.10 CFS

PRIORITY DATE: 06/01/1896

POINT OF DIVERSION:

T03N R04E S19 NESESE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
3/15 11/15

QUANTITY
0.100 CFS

PLACE OF USE:

IRRIGATION Within ADA County

T03N R04E S20 SWSW 5.0

5 ACRES TOTAL

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

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.

EXPLANATORY MATERIAL: Decreed

SOURCE IS ALSO KNOWN AS WILLHITE CREEK.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 63-19B

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☐ No Change ADDRESS
☐ NEW ADDRESS: _____
2. ☒ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:
Source found: AKA WILHITE CREEK (BOI)
TRIB TO: BOISE RIVER
4. ☒ No Change — POINT OF DIVERSION
☐ Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

7. ☒ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

Remarks: (Comments pertinent to field examination) See additional attachment

DRIVE By FK 11-5-01 CAN SEE DITCH FROM Hwy 21

POD CAN BE SEEN ON NAPP photo.

SOURCE AKA WILLHITE CR (B01) C18

SEE NARRATIVE SHEET

☒ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☒ IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 11-5-01 & IN OFFICE 1-28-02

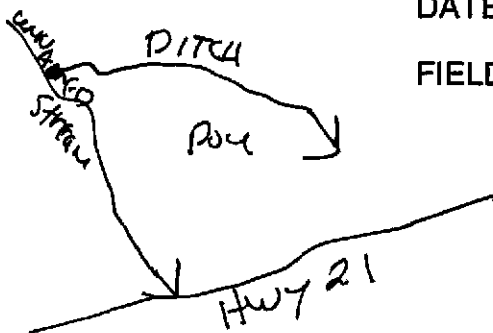
FIELD EXAMINER: _____

Ron Howerton

Print Name

Ron Howerton

Signature



**Idaho Department of Water Resources
CLAIM VERIFICATION NARRATIVE SHEET**

Updated: January 28, 2002

Date of Exam: Drive by 11/5/2001 and in-office 1/28/2002

Field examiner:

**Ron Howerton
Senior Water Right Agent**

Water Right Nos.: 63-19B

Contacts: Philip Swanstrum

Narrative:

Drive by FX on 11/5/2001 showed evidence of irrigation on North side of highway 21. Ditches could be seen from the highway, I have driven past here many times and have observed irrigation.

DIVERTING WORKS & POD: Concrete head gate gravity flows. Point of diversion can be seen on 1987 NAPP photo for this area. No accomplished transfer condition is necessary, because the decree was ambiguous, by not listing any points of diversion and my recommendation is based upon the 1987 NAPP photo.

SOURCE: The decree lists the sources as "Highland Creek and its tributaries." The Tributary is AKA "Willhite Creek" and is also a local name and the legal name for the source is an "unnamed stream." IDWR Map X60 quad maps were included in this file to confirm that the source is an unnamed stream.

SEASON OF USE: The decree was ambiguous by not listing the season of use, I'm recommending the standard season for this area and it matches the claimed season of use.

PLACE OF USE: I used Tax lot information in Arc View with 1987 NAPP photo using the features on the NAPP to plot the irrigated areas confirmed the location with my drive by.

THE DECREE: Did not specify the duty of water, however, I found the area to total 25 acres from the 1987 NAPP photo and the decree right is for 0.5 CFS, thus is at an inch per acre and this right is split into 19A, (20 acres for Smith) and 19B, (5 acres for Swanstrum.)

OVERLAP REVIEW: of the aforementioned decreed rights 63-19 split into A & B.
See profile report of decree and original decree copies in file.

AJ5805NP
No. A63-00019B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/05/01
PAGE: 1

OWNER CODE NAME & ADDRESS
C PHILIP SWANSTRUM
C ROSEMARY SWANSTRUM
2708 COLUMBUS
BOISE ID 83705
(208) 343-2855

PRIORITY DATE WATER USE
06/01/1896 IRRIGATION

USE PERIOD FROM TO
03-15 11-15

DIVERSION RATE
0.100 CFS

DIVERSION VOLUME
0.100 CFS

TOTAL DIVERSION:
0.100 CFS

Water Source: UNNAMED STREAM
(LOCAL NAME-WILLHITE CR. X Bo1)

Tributary to: HIGHLAND CREEK

Stage: DECREED

Point(s) of Diversion: T03N R04E S19 NESESE

ADA County

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE	
NAME	SWNE	NAME	SWNW	NAME	SWSW	NAME	SWSE
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 Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac
03N 04E 20	:	:	:	:	:	:	:
						TOTAL ACRES	5.0

POU County: ADA

Non-Irrigation Uses: INSTREAM STOCKWATER

Other Rights: NONE

Remarks: GEN MR. SMITH 20 INCHES 'A', MR. SWANSTRUM 5 INCHES 'B'.
THIS RIGHT HAS BEEN SPLIT INTO A & B.

Dates: Exam Made Date: Verified Date: 05/06/1985 Objection Filed Date:

Misc: Water District Number: 63 Field Inspection Flag: Presumption Flag:

(518)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-19B

01/28/2002

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-19A	Claim	03N	04E	20	SW	SW		IRRIGATION	14/20	LARRY R SMITH
63-19B	Claim	03N	04E	20	SW	SW		IRRIGATION	5/5	ROSEMARY SWANSTRUM
63-378	Claim	03N	04E	20	SW	SW		IRRIGATION	8/101	DIRK L MARCUM
63-19	Water Right	03N	04E	20	SW	SW		IRRIGATION		ALOIS JAUERNIG

NOT SAME LANDS

Idaho Department of Water Resources

T03N R04E

S19

Claim: 63-00019B

Updated: 5 Nov 01

By: Ron Howerton

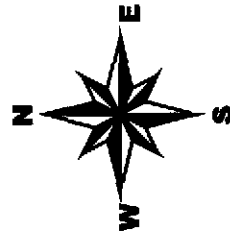
 **Place of use**

 **POD**

 **SECTION**

1/4 1/4

5 Acres



1987 NAPP

0.75 Miles

0.5

0.25

0

Idaho Department of Water Resources

**T03N R04E
S19**

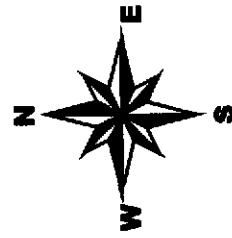
**Claim: 63-00019B
Updated: 5 Nov 01
By: Ron Howerton**

 Place of use

 POD

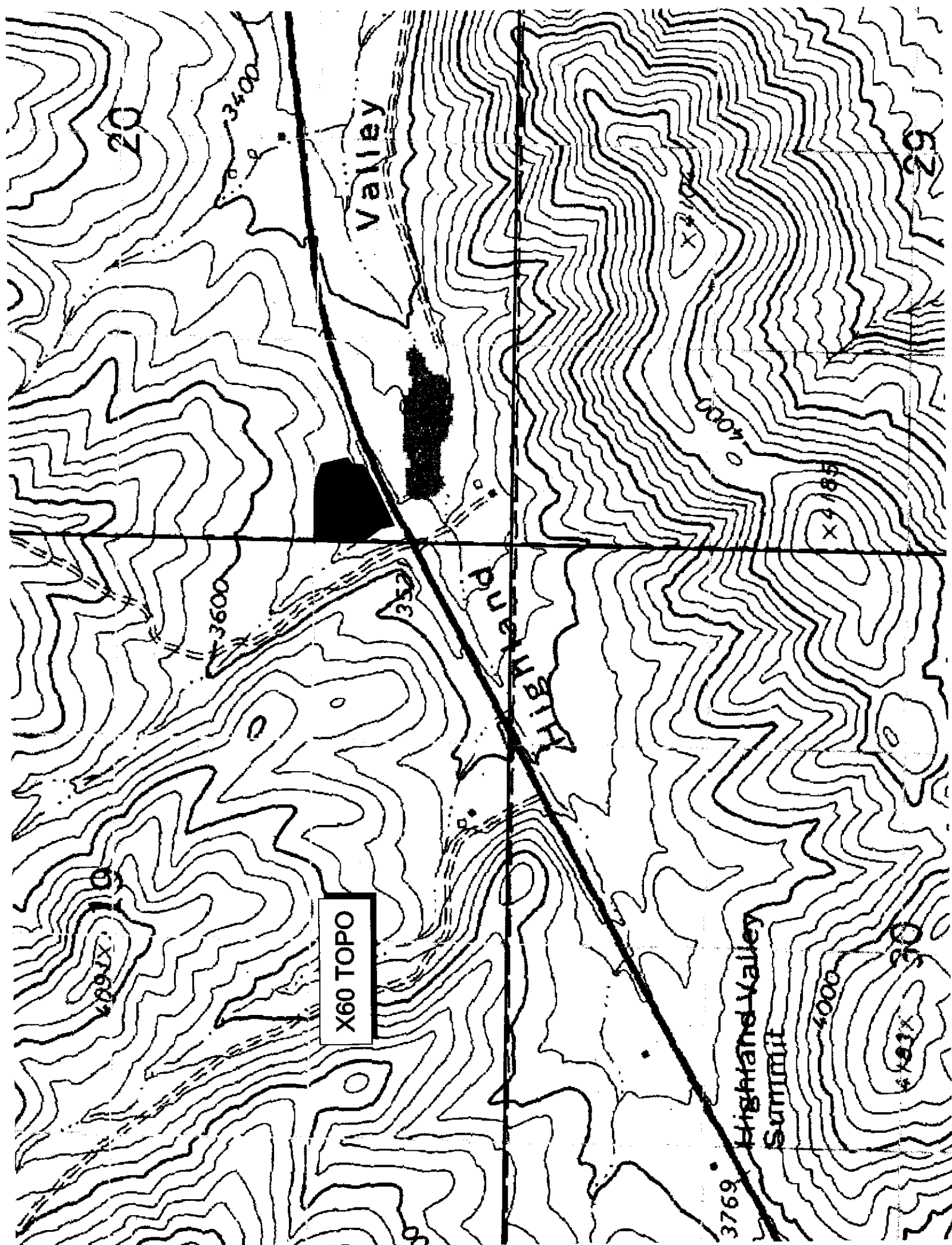
 SECTION

 1/4 1/4



1987 NAPP





IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

603-1913

3N 4E (20) 5ac. in SWSW

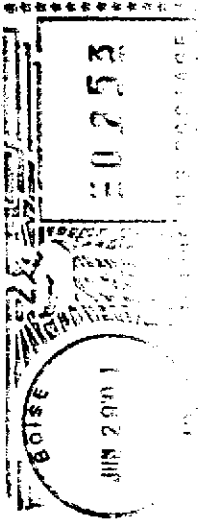
Ada County

TELETYPE
CLASS

no updated address given

RETURN FROM
Philip Swenson
2708 COLUMBUS
BOISE, ID 83705

Rosemary
UNDELIVERABLE AS
ADDRESSED.
NO FORWARDING
ORDER ON 6/27/01



RECEIVED

JUL 06 2001

WATER RESOURCES
WESTERN REGION

037052015 IN 06 07/08/01
RETURN TO SENDER

NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER

AUMS 43705

of the South West $\frac{1}{4}$ of Section 21, in Township 3 North, Range 4 East of Boise Meridian, in Ada County Idaho, the right to the use of One hundred inches (100) thereof dating from the year (1881), the right to the use of forty five (45) inches thereof dating from the year (1877) 63-0377

That the defendant and cross-complainant, Alfred Percy, be, and he is hereby awarded the use of One hundred and forty-five miners inches, measured under a four inch pressure, continuous flow, of the waters of Highland Creek during Tuesday, Wednesday, Thursday and Friday of each week, for use upon the following described lands, to wit: The West $\frac{1}{2}$ of the South East $\frac{1}{4}$ and the North East $\frac{1}{4}$ of the South East $\frac{1}{4}$ and the South East $\frac{1}{4}$ of the North East $\frac{1}{4}$ of Section 20, all in Township 3 North of Range 4 East, and the East $\frac{1}{2}$ of the South West $\frac{1}{4}$ of Section 20, Township 3 North, Range 4 East, B.M. in Ada County, Idaho, said right to date for forty five inches thereof from

63 0018

63 0378

the year 1877 and One hundred inches thereof from the year 1881, but, as between the defendant and cross-complainant Alfred Percy and the said plaintiff William Bedel, and the said defendant and cross-complainant Percy shall be entitled to all the waters of said creek whenever the flow of said creek is reduced to twenty five (25) inches or below, at the head of the ditch of said Percy.

63-0019 That the defendant and cross-complainant Alois Jauernig, be, and he is hereby awarded the use of twenty-five (25) miners inches of water, measured under a four inch pressure, continuous flow, from the waters of Highland Creek and its tributaries, for use upon the following described lands, to wit: The South West $\frac{1}{4}$ of the South West $\frac{1}{4}$ of Section 20, and the South East $\frac{1}{4}$ of the South East $\frac{1}{4}$ of Section 19, and the North $\frac{1}{2}$ of the North East $\frac{1}{4}$ of Section 30, all in Township 3 North, Range 4 East, Boise Meridian, the said right to date from the year 1876.

SPLIT
A & B
2 inch A
5 inch B

It is further ordered, adjudged and decreed that all of the waters hereinbefore awarded to the respective parties to this