

10/17/2006

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

---

RIGHT NUMBER: 63-5060

NAME AND ADDRESS: CLEO R SWAYNE  
311 14TH AVE S  
NAMPA ID 83651

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS

PRIORITY DATE: 01/01/1945

POINT OF DIVERSION:

T01S R02W S17 NWNE Lot 4 Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/01 11/15          | 0.020 CFS       |
| COMMERCIAL            | 01/01 12/31          | 0.100 CFS       |

PLACE OF USE: IRRIGATION Within CANYON County

T01S R02W S17 Lot 4 NWNE 1.00

COMMERCIAL Within CANYON County

T01S R02W S17 Lot 4 NWNE

1 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 - Beneficial Use



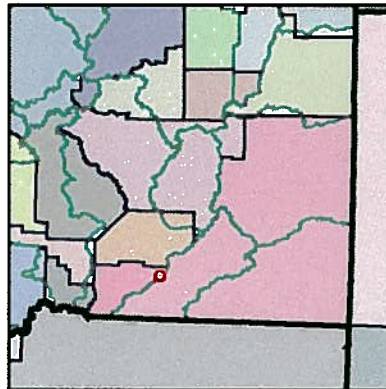
# Idaho Department of Water Resources

SRBA Recommendation:

**63-5060**  
(Irrigation)

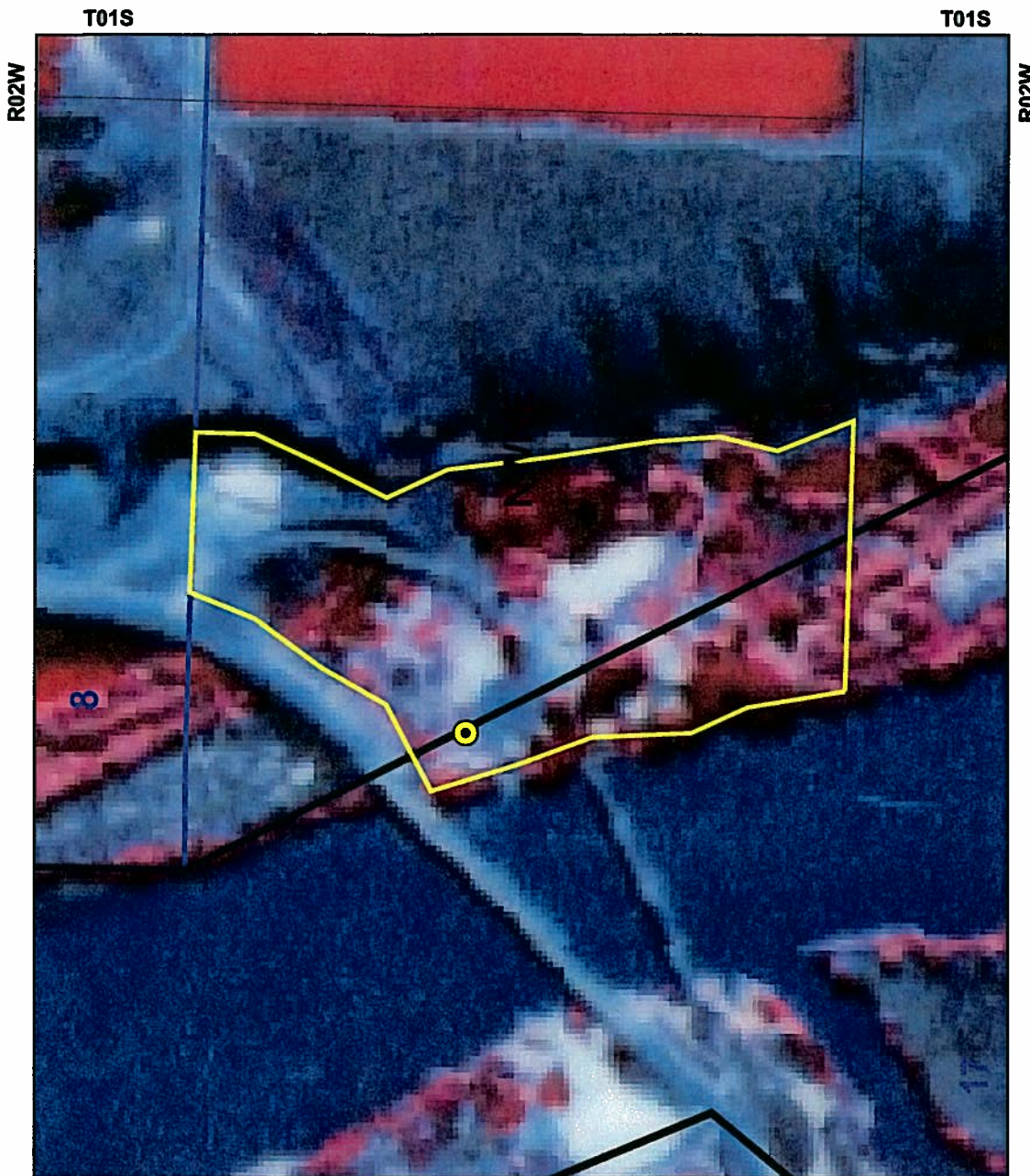
## Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Canyon, Owyhee County  
IDWR Basin 63

Prepared by M. Ciscell  
On Tuesday, October 17, 2006  
1987/88 Aerial Photography

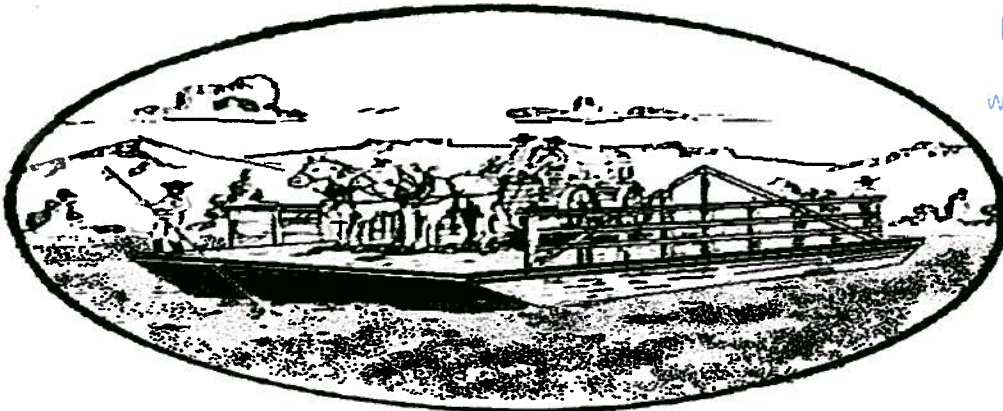


0 0.1 0.2 Miles

2  
RECEIVED

OCT 12 2006

DEPARTMENT OF  
WATER RESOURCES



DAN'S FERRY SERVICE 1984 HWY 45 SOUTH MELBA, IDAHO 83641  
208-495-2507 FAX 208-495-2440

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
322 EAST FRONT STREET  
P.O. BOX 83721  
BOISE, IDAHO 83720-0098

10/7/06

RE: NOTICE OF ERROR REPLY  
WATER RIGHT IDENTIFIED #63-5060

ATTN: KARL J. DREHER  
DIRECTOR

I THOUGHT THE PREVIOUS INFORMATION SUBMITTED ON MAY 3<sup>RD</sup> WOULD HAVE  
ESTABLISHED THE PRIORITY DATE PRIOR TO 1865.

THIS PROPERTY IS THE LOCATION OF THE ORIGINAL FERRY CROSSING KNOWN AS  
WALTER'S FERRY. THE STAGE CHANGED HORSE HERE. AT TIMES A DETACHMENT OF  
SOLDIERS WERE STATIONED HERE FOR PROTECTION AGAINST INDIANS. MEALS WERE  
PREPARED FOR STAGE PASSENGERS. ALL OF THIS REQUIRED WATER FROM THE RIVER AND  
WELLS AND SPRINGS.

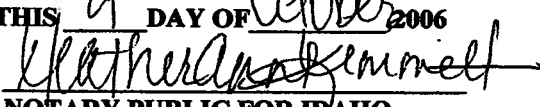
THE ORIGINAL FERRY MASTERS HOUSE REGISTERED AS A NATIONAL HISTORIC BLDG IS  
LOCATED HERE

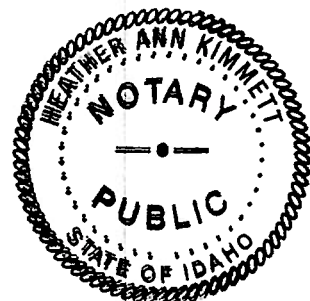
THIS SHOULD ANSWER 1. 2. 3. OF THE NOTICE OF ERROR REPLY.

THANKS

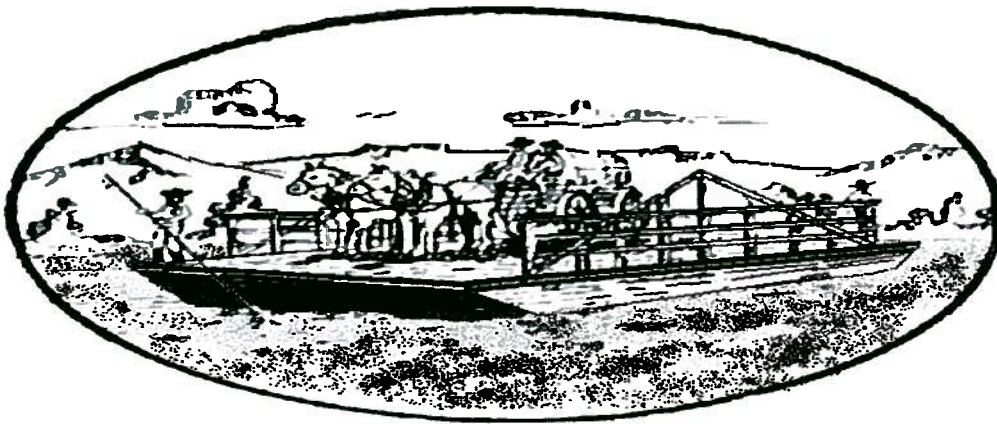
  
DAN HEUCK  
DAN'S FERRY SERVICE

SUBSCRIBED AND SWORN, TO BEFORE ME THIS 9 DAY OF October 2006

  
NOTARY PUBLIC FOR IDAHO  
RESIDING AT Boise  
MY COMMISSION EXPIRES 11/29/08



SCANNED  
OCT 17 2006



**DAN'S FERRY SERVICE 1984 HWY 45 SOUTH MELBA, IDAHO 83641  
208-495-2507 FAX 208-495-2440**

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
322 EAST FRONT STREET  
P.O. BOX 83721  
BOISE, IDAHO 83720-0098**

**5/3/06**

**RE: EVIDENCE OF PRIORITY DATE  
WATER RIGHT IDENTIFIED #63-5060**

**ATTN; MICHAEL CISCELL  
SR. GIS ANALYST  
ADJUDICATION BUREAU**

**WE TALKED BRIEFLY ON THE PHONE LAST WEEK.**

**ATTACHED FROM A PAPER PREPARED BY HAROLD E. THOMAS COLLEGE OF IDAHO MAY 1947. LIST SOME BACK GROUND OF HISTORICAL WATER'S FERRY**

**THE FIRST OWNER WAS JOHN FRUIT 1863, AND THE OWNERS OVER THE YEARS TO 1927 WHEN THE PROPERTY WAS PURCHASED BY DR. S.A. SWAYNE.**

**THE PROPERTY IS CURRENTLY OWNED BY CLEO SWAYNE MY 92 YEAR OLD MOTHER.**

**THE FIRST STORE ON THE PROPERTY WAS BUILT IN THE MID 1930'S AT THAT TIME A WELL PROVIDED WATER FOR THE STORE AND BUILDINGS.**

**A SECOND STORE BUILDING WAS BUILT NEXT TO THE ORIGIONAL STORE BUILDING IN 1947.**

**WHEN THE NEW BRIDGE WAS COMPLETED IN 1972, THE CURRENT STORE WAS BUILT.**

**ACCORDING TO MY MOTHER CLEO SWAYNE THE CURRENT WELL WAS DRILLED IN 1956**

**IT SERVICES THE CURRENT STORE, RENTAL UNITS AND THE MUSEUM COMPLEX. ALSO USED FOR STOCK WATER FOR THE ANIMALS.**

**ATTACHED PHOTO SHOWS CURRENT WELL LOCATION.**

**SCANNED  
OCT 17 2006**

**THANKS**

**DAN HEUCK  
DAN'S FERRY SERVICE**

**SUBSCRIBED AND SWORN, TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006**

\_\_\_\_\_  
**NOTARY PUBLIC FOR IDAHO**

**RESIDING AT \_\_\_\_\_**

**MY COMMISSION EXPIRES \_\_\_\_\_**

**SCANNED**

**OCT 17 2006**

09/29/2006

**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: October 31, 2006**

Water right number: 63-5060

CLEO R SWAYNE  
311 14TH AVE S  
NAMPA ID 83651  
Telephone Number: (208)466-1282

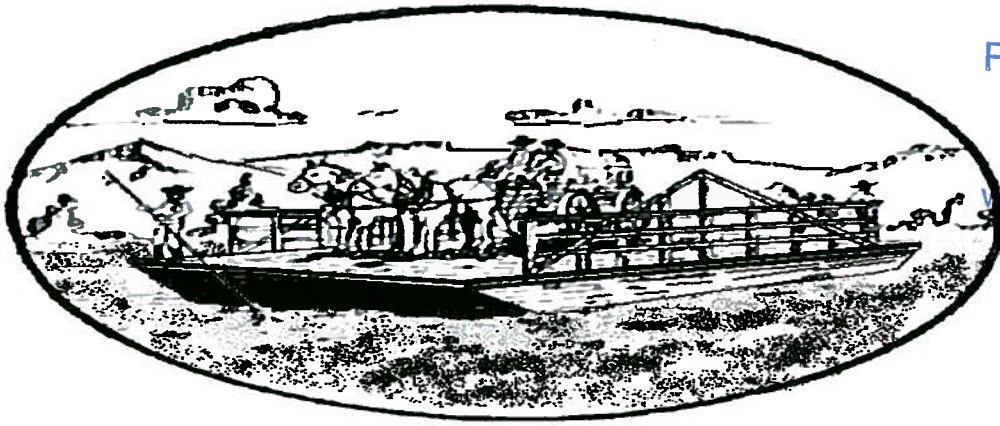
1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
  
  
  
  
  
2. Describe the changes you wish to make in the proposed recommendation:
  
  
  
  
  
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 10/10/06 SIGNATURE:   
Please print your name: DAN HEUCK

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

SCANNED  
OCT 12 2006



RECEIVED  
MAY 08 2006  
DEPARTMENT OF  
WATER RESOURCES

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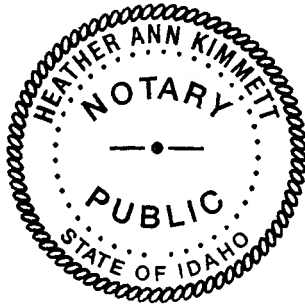
SCANNED  
MAY 08 2006

THANKS

DAN HEUCK

DAN'S FERRY SERVICE

SUBSCRIBED AND SWORN, TO BEFORE ME THIS 5 DAY OF May, 2006



Heather Ann Kimmett  
NOTARY PUBLIC FOR IDAHO  
RESIDING AT Boise  
MY COMMISSION EXPIRES 4/29/08

SCANNED

MAY 08 2006

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**HISTORICAL WALTER'S FERRY**

**BY HAROLD E. THOMAS**

**COLLEGE OF IDAHO**

**MAY 1947**

////////////////////////////////////

**SCANNED**

**MAY 09 2006**

## HISTORICAL WALTER'S FERRY

### 1. LOCATION

#### A. GENERAL

1. SOUTH OF NAMPA
2. ALONG SNAKE

### 11. DESCRIPTION

#### A. OF SURROUNDING COUNTRY

#### B. BUILDINGS AND PROPERTY

### 111. EARLY HISTORY, 1863-1900

#### A. FIRST OWNERS

1. JOHN FRUIT, LOCATOR, 1863
2. MORGAN AND FRUIT, 1867
3. MORGAN AND FRUIT TO FUQUA, \$8000.00, MAY 19, 1868
4. FUQUA TO MCCARTY, \$5000.00, ½ INTEREST, FEB. 16<sup>TH</sup> 1869  
SECOND ½ INTEREST ONE YR. LATER FOR \$3000.00
5. MCCARTY, ISSUED PATENT FOR LOT 3, JULY 15, 1871
6. SAMUEL NEELY, ISSUED PATENT FOR LOT 4, MAY 15, 1875
7. SAM NEELEY TO PERRY MUNDAY, \$6500.00, NOV. 25, 1874
8. MUNDAY TO REESE AND MILES TO DUNCAN TO WALTER  
AND MCQUAT, \$4000. OCT. 2, 1882

#### B. EARLY PLANT

##### 1. FIRST FERRY BOAT

- A. CONSTRUCTION
- B. OPERATION

##### 2. FIRST BUILDINGS

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MAY 08 2006

- A. HOUSE
- B. SALOON
- C. BLACKSMITH SHOP
- D. CORRALS

C. EARLY USERS OF FERRY

- 1. MINERS
- 2. FREIGHTERS
- 3. STAGES

D. FRANCHISE ISSUED 1866

E. INDIANS

- 1. FERRY USED FOR PROTECTION
- 2. JAMES COX AFFAIR, OCT. 25, 1865
- 3. BIG FOOT EPISODE, JULY 1868
- 4. HEMINGWAY MASSACRE, JULY 31, 1878

F. ARCHAEOLOGICAL SPECIMENS OF THIS AREA

IV. HISTORY FROM 1900 TO 1921

A. OWNERS OF THE PERIOD

- 1. L.R. WALTER TO M.C. SMITH, APRIL 8, 1901 \$2500.00
- 2. M.C. SMITH TO ED MEEK, LOT 4 \$500.00 NOV .29, 1907
- 3. R. SMITH TO G. E. NOBLE, LOT 3 \$950.00 AUG. 1 1908

B. WALTER'S FERRY BRIDGE

- 1. BUILT IN 1921, COMPLETED OCT. 4, 1921
- 2. DESCRIPTION
- 3. DEDICATION CEREMONY

V. HISTORY 1921 TO 1947

A. OWNERS OF THIS PERIOD

- 1. ED MEEK TO TOM BAKER, \$2000.00 OCT 19, 1921
- 2. TOM BAKER TO DR. S.A. SWAYNE, 1927

B. MINING

C. MONUMENT

SCANNED

MAY 08 2008

## **HISTORICAL WALTER'S FERRY**

**WALTER'S FERRY. THE GATEWAY, SINCE 1863, TO SILVER CITY AND THE RICH OWYHEE MINES. THE SITE OF THIS HISTORICAL OLD FERRY IS WHERE STATE HIGHWAY NUMBER 45 NOW CROSSES THE SNAKE RIVER, WHEN GOING BETWEEN NAMPA IN CANYON COUNTY AND MURPHY IN OWYHEE COUNTY. THE HIGHWAY CROSSES THE WINDING AND TREACHEROUS SNAKE RIVER ON FINE STEEL AND CONCRETE WHICH REPLACED THE FERRY IN 1921. FROM NAMPA ONE GOES DUE SOUTH ABOUT THIRTEEN MILES UNTIL A JUNCTION IS FORMED WITH THE ROAD TO MELBA, KEEPING TO THE RIGHT HERE YOU CONTINUE ON ABOUT FOUR MILES OVER THE ROLLING HILLS COVERED WITH SAGEBRUSH UNTIL YOU DROP OVER THE RIM INTO THE SNAKE RIVER CANYON. THE SIGHT OF THE BLUE-GREEN SNAKE RIVER IS A GENTLE RELIEF FROM THE DRYNESS OF THE PAST HILLS. AS YOU APPROACH THE BRIDGE YOU NOTICE TWO NEW BUILDINGS ON THE LEFT, ONE A COMBINATION GROCERY STORE, FILLING STATION, RESTING POINT AND A PLACE TO STOP AND EXCHANGE THE LATEST NEWS OF THE VALLEY, THE OTHER THE RESIDENCE OF THE PROPRIETOR. IN CONTRAST TO THESE BUILDINGS, OFF THE ROAD AND TO THE RIGHT OF THEM, IN AMONG THE GIANT ELM TREES, STANDS THE OLD HOTEL AND DINNING HALL OF YEARS GONE BY. IT IS A LOW BUILT, RAMBLING TYPE OF ADOBE CONSTRUCTION (1), WITH FOUR**

**(1) ADOBE CONSTRUCTION IS BLOCKS MADE OF MUD, DRIED AND FITTED INTO PLACE AND HELD THERE WITH WET MUD.**

ROOMS AND TWO FIRE PLACES. THE LARGEST ROOM IS THE BIG DINNING HALL WITH A FIRE PLACE AT EACH END. THE REST OF THE HOUSE CONSISTS OF A LARGE KITCHEN, A STORE ROOM AND A BEDROOM. THIS ANTIQUATED HOUSE IS BUILT ENTIRELY OF ADOBE WITH WALLS ONE FOOT THICK, A WOODEN ROOF AND ORIGINALLY A DIRT FLOOR THOUGH TODAY IT IS OF WOOD. THE FOUNDATION IS OF SANDSTONE BLOCKS QUARRIED FROM THE NEARBY HILLS. THIS BUILDING HAS WELL WITHSTOOD THE EFFECTS OF EIGHT TWO OR EIGHTY-THREE YEARS OF WEATHER.

BEHIND THE MAIN BUILDING ONE MAY FIND THE REMAINS OF THE OLD BLACKSMITH SHOP, THOUGH VERY LITTLE OF IT REMAINS. THE LARGE ELM TREES IN FRONT OF THE HOUSE WERE PLANTED AND WATERED BY HAND BY A CHINESE COOK IN THE 1880'S. (1) ACROSS THE HIGHWAY, NEAR THE BRIDGE STANDS THE OLD SALOON; IT IS IN VERY BAD CONDITION BUT IS STILL STANDING. THERE IS A LARGE SWAMP SEVERAL HUNDRED YARDS OUT BEHIND THE HOUSE WHICH IS RUMORED TO CONTAIN AN ENTIRE STAGE COACH AND TEAM OF HORSES WHICH GOT STUCK THERE AND SANK. APPROXIMATELY TWO MILES UPSTREAM FROM THE BRIDGE IS A LARGE ISLAND WHICH WAS ORIGINALLY PART OF THE HOMESTEAD AND WAS USED AS A PASTURE AREA AS IT IS ALWAYS GREEN AND HAD GOOD GRASS. FURTHER INSPECTION OF THE PROPERTY MAY REVEAL TWO UNMARKED GRAVES ON THE RIM OF THE CANYON OVERLOOKING THE BUILDINGS, THESE PROBABLY CONTAIN SOME EARLY

(1) FROM A LETTER WRITTEN BY MRS. ANNE WALTER YOUNG OF BOISE, IDAHO TO POCAHONTAS CHAPTER OF DAUGHTERS OF AMERICAN REVOLUTION. 1941

SCANNED

MAY 11 2006

DAY PIONEERS WHO WERE VICTIMS OF INDIANS OR SOME OTHER EARLY DAY HAZARD OR DISEASE. A LARGE SIPHON OR FLUME DROPS OVER THE CANYON RIM, RUNS ALONG IN FRONT OF THE STORE, AND UNDER THE ROAD, AND CROSSES THE RIVER SUSPENDED BENEATH THE BRIDGE. THIS SIPHON IS APPROXIMATELY TWO FEET IN DIAMETER. IT CARRIES WATER FROM SPROAT'S SPRINGS, ACROSS THE RIVER TO SUPPLEMENT THE WATER SUPPLY FROM REYNOLDS CREEK. THE PRESENT DAY BRIDGE IS IN ALMOST THE EXACT SPOT OF THE ORIGINAL FERRY LANDINGS. (1)

THE OFFICIAL DESCRIPTION OF THIS LAND IS: LOT 4, SECTION 17, TOWNSHIP 1, SOUTH RANGE 2, WEST BOISE MERIDIAN.

THIS LAND WAS ORIGINALLY LOCATED BY JOHN FRUIT ON JUNE 15, 1863, RECORDED MAY 2, 1866 IN BOOK 1 PRE-EMPTIONS, PAGE 112 IN CANYON COUNTY.

KNOW ALL MEN BY THESE PRESENTS, THAT I, JOHN FRUIT OF ADA COUNTY, DO HEREBY GIVE NOTICE THAT ON THE 15<sup>TH</sup> DAY OF JUNE 1863, I LOCATED AND SETTLED UPON AND CLAIMED 160 ACRES OF LAND FOR AGRICULTURAL AND GRAZING PURPOSES BEING A PART OF THE UNSURVEYED PUBLIC LANDS OF THE UNITED STATES, IN THE COUNTY OF BOISE, AND TERRITORY OF IDAHO, THE SAME BEING LOCATED NEAR THE TOWN OF BOISE CITY ABOUT 30 MILES S.W. OF SAID CITY AND BOUNDED AND DESCRIBED AS FOLLOWS"



AND I FURTHER CLAIM THE FOREGOING DESCRIBED 160 ACRES OF LAND AS A HOMESTEAD UNDER THE LAWS OF THE UNITED STATES AND TERRITORY OF IDAHO, AND FURTHER THAT I DO HERBY CLAIM SAID LAND UNDER AN ACT OF THE LEGISLATURE OF IDAHO TERRITORY AND ENTITLED "AN ACT PRESCRIBING THE MODE OF MAINTAINING AND DEFENDING POSSESSORY ACTION IN THE PUBLIC LAND IN THE TERRITORY OF IDAHO."

JOHN FRUIT

THIS SHOWS THAT THIS IS PROBABLY THE FIRST FERRY TO BE LOCATED ALONG THE SNAKE RIVER, THOUGH THE WASHOE FERRY, LOCATED ORIGINALLY ON THE SNAKE RIVER ONE FOURTH OF A MILE BELOW THE MALHEUR RIVER ON THE OLD OREGON TRAIL, WAS ESTABLISHED IN 1863 BY TWO OUTLAWS, THE STEWART BROTHERS. BUT NO DATE OF THE ESTABLISHMENT OF THIS FERRY IS GIVEN OTHER THAN JUST 1863. (2)

(1) FROM LETTER WRITTEN BY MRS. ANNE WALTER YOUNG OF BOISE, IDAHO TO POCAHONTAS CHAPTER OF DAUGHTER OF AMERICAN REVOLUTION. 1941

(2) FILE 979.6, STATE HISTORICAL SOCIETY, BOISE, IDAHO

SCANNED

MAY 08 2006

THE FERRY THAT JOHN FRUIT ESTABLISHED IN 1863 WAS KNOWN AS FRUIT'S FERRY. THIS WAS LATER CHANGED TO FRUIT AND MORGAN FERRY. IT CANNOT BE DEFINITELY ESTABLISHED AS TO WHEN JOHN MORGAN BECAME A PARTNER IN THE FERRY AS THERE IS NO MENTION OF HIM AT ALL UP TO NUMBER 3 OF THE ABSTRACT. THEN, NUMBER 3 SHOWS JOHN MORGAN SOLD TO JOHN FRUIT ONE SIXTH INTEREST IN THE FERRY FOR \$500.00 ON MARCH 29, 1867 IT MIGHT BE LOGICALLY ASSUMED THAT AN ERROR IN RECORDING WAS MADE AND THAT JOHN FRUIT SOLD THE ONE SIXTH INTEREST TO JOHN MORGAN ON THAT DATE. HOWEVER, A FRANCHISE WAS ISSUED TO THIS FERRY IN THE NAME OF FRUIT AND MORGAN FERRY ON JANUARY 2, 1866.

JOHN FRUIT AND JOHN MORGAN SOLD THE ENTIRE PROPERTY TO LEONARD FUQUA ON MAY 19, 1868 FOR THE SUM OF \$8000.00.

WHILE LEONARD FUQUA OWNED THE FERRY HE ALSO PURCHASED FROM A MAN NAMED LITELL A SECOND FERRY LOCATED ABOUT ONE MILE BELOW FRUIT AND MORGAN FERRY (1). THIS FERRY WAS BUILT BY J.C. BERNARD IN 1864, HE RAN THIS FERRY IN COMPETITION WITH FRUIT AND MORGAN. IN THE YEAR 1865 AND 1866, BERNARD WAS GIVEN \$1500.00 TO TIE UP HIS BOAT FOR ONE YEAR. THIS HE DID AND WENT TO FARMING FOR THAT YEAR ON REYNOLDS CREEK. AT THE END OF THE YEAR HE CAME BACK AND AGAIN RAN HIS FERRY UNTIL SOMETIME BETWEEN 1866 AND 1869 WHEN HE SOLD OUT TO LITELL, WHO IN TURN SOLD THE FERRY TO LEONARD FUQUA.

(1) BOOK 1 OF DEEDS, PAGE 87, CANYON COUNTY.

SCANNED

MAY 08 2006

FUQUA BOUGHT THE LOWER FERRY JUST TO ELIMINATE THE COMPETITION, FOR HE BROUGHT THE BOAT UP TO THE UPPER FERRY, TIED IT UP AND THERE IT FINALLY SANK. (1)

ON FEBRUARY 15, 1869, LOENARD FUQUA SOLD TO J. H. MCCARTY AN UNDIVIDED ONE HALF INTEREST IN THE FERRY FOR \$5000.00 (2)

ON JULY 15, 1871, PRESIDENT U.S. GRANT, ISSUED TO J.H. MCCARTY A PATENT FOR LOT 3, WHICH IS THE ISLAND ABOVE THE FERRY AND ORIGINALLY PART OF THE HOMESTEAD TAKEN OUT BY FRUIT. (3)

THE PROPERTY WAS DIVIDED AND TRADED IN A SERIES OF QUIT CLAIM DEEDS BETWEEN MCCARTY, GEORGE M. JONES AND SAMUEL NEELY UNTIL ON JANUARY 1874 SAMUEL NEELY WAS SOLE POSSESSOR OF THE ENTIRE PROPERTY. HE WAS THEN ISSUED THE PATENT FOR LOT 4, THE PROPERTY UPON WHICH THE BUILDINGS ARE LOCATED BY U. S. GRANT, PRESIDENT OF THE UNITED STATES, ON MAY 15 1875.

SAMUEL NEELEY SOLD OUT TO PERRY MUNDAY ON NOVEMBER 25, 1874 WITH THE CONSIDERATION OF \$6500.00. MUNDAY THEN CHANGED THE NAME OF THE FERRY FROM FRUIT AND MORGAN FERRY TO MUNDAY'S FERRY. (4)

ON MARCH 3, 1879, PERRY MUNDAY SOLD THE ENTIRE PROPERTY TO ROBERT, C. DUNCAN AND REESE L. MILES FOR THE CONSIDERATION OF \$4750.00 (5)

(1) J. C. BERNARD SON OF J. C. BERNARD, 523 MAPLE, NAMPA, IDAHO

(2) BOOK 1 OF PATENTS, P. 339, CANYON COUNTY

(3) BOOK 1 OF PATENTS, P. 338, CANYON COUNTY

(4) BOOK 1 OF PATENTS, P.255, CANYON COUNTY

(5) BOOK 1 OF PATENTS, P. 362 CANYON COUNTY

SCANNED

MAY 08 2006



SCANNED

MAY 08 2006

| OWNER<br>CODE    | NAME & ADDRESS                                                     | PRIORITY<br>DATE | WATER USE                | USE PERIOD<br>FROM TO      | DIVERSION<br>RATE      | DIVERSION<br>VOLUME |
|------------------|--------------------------------------------------------------------|------------------|--------------------------|----------------------------|------------------------|---------------------|
| C                | CLEO SWAYNE<br>311 14TH AVE SO<br>Nampa ID 83651<br>(208) 466-1282 | 01/01/1945       | IRRIGATION<br>COMMERCIAL | 03-15 11-15<br>01-01 12-31 | 0.030 CFS<br>0.100 CFS |                     |
| TOTAL DIVERSION: |                                                                    |                  |                          |                            | 0.100 CFS              |                     |

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T01S R02W S17 Lot04( NENE)

CANYON County

Place of use Legal Description for: IRRIGATION

|             | NENE | NENE  | SENE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE | SUM |
|-------------|------|-------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-----|
| T R S       | : Lt | Ac    | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | :   |
| 01S 02W 17  | :    | 04-01 | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | 1.0 |
| TOTAL ACRES |      |       |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 1.0 |

Place of use Legal Description for: COMMERCIAL

|            | NENE | NENE | SENE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE | SUM |
|------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-----|
| T R S      | : Lt | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | :   |
| 01S 02W 17 | :    | 04-C | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :   |

POU County: CANYON

Non-Irrigation Uses: COMMERCIAL, STORE, MUSEUM, 2 HOMES

Other Rights: A02-07368

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

A02-07368

Other Water Rights Listing Overlapping Place(s) of Use:

A02-07368

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag:

Audit: 12/28/93 GRAVES 03/30/95 POST-STD

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

**The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.**

Notice is hereby given, that

CLAY SWAYNE

(Name of Claimant)

311 1/2<sup>TH</sup> AVE. SO., NAITIPA, ID  
(Mailing Address)

(Zip Code)

Telephone No. 466-1282 (HOME)  
405-8688 (BUS.)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use)

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

| (cfs, af) |                 | (Domestic, Irrigation, Stock, Etc.) | (Mo., Day)                      | (Mo., Day)       |
|-----------|-----------------|-------------------------------------|---------------------------------|------------------|
| Quantity  | <u>0.10 cfs</u> | <u>DOMESTIC</u>                     | Period of Use From <u>JAN 1</u> | To <u>DEC 31</u> |
| Quantity  | Use             |                                     | Period of Use From              | To               |
| Quantity  | Use             |                                     | Period of Use From              | To               |
| Quantity  | Use             |                                     | Period of Use From              | To               |
| Quantity  | Use             |                                     | Period of Use From              | To               |

- (4) 0.10 CFS TOTAL QUANTITY USED.  
(cfs. af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

(LOT 4) NW ¼ NE ¼, Sec. 17 Twp. 15 Rge. 20 B.M., County of CANYON

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. ARTESIAN WELL W/ PUMPS TO PLACES OF USE.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres

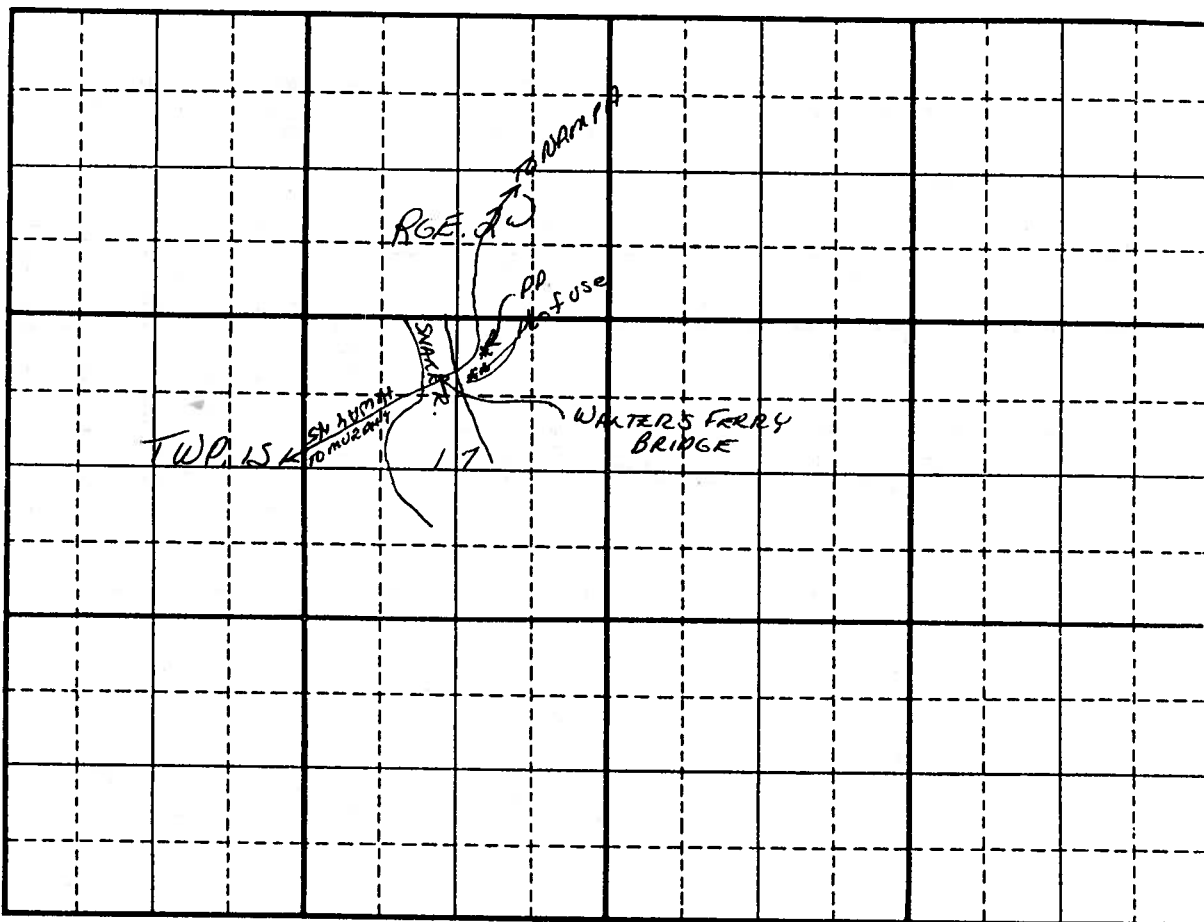
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

DOMESTIC FOR STORE, RENTAL HOME, MUSEUM & CLAIMANTS HOME.  
(WANTERS FERRY BRIDGE HOME)

**NOTE:** Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
County of Ada ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 6 day of June, 1983.

Chas R. Swaine  
(Claimant)

Nancy M. Mathway  
Notary Public  
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by JG Date 6/6/83 Exception filed by: \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by GLS Date 6/7/83 \*  
\$30.00 fee received by JG Date 6/6/83 28941  
Published in Boise Tribune  
Dates 6/30 & 7/7/83

NOTICE OF CLAIM NO. 463-05060

At 3-05060

**"R" RECORD**

OTHER (SEE COMMENTS) = 6

BY \_\_\_\_\_ DATE \_\_\_\_\_

RECEIVED

DEC 20 1993

WATER RESOURCES  
WESTERN REGION

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: A63-05060  
Date Received: 12/13/1993  
Receipt No: W017062  
Received By: \_\_\_\_\_

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

1. Name: CLEO SWAYNE 208-466-1282  
Address: 311 14TH AVE. SO.  
NAMP A ID 83651

2. Date of Priority: JAN 1, 1945

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

|          |       |         |        |        |     |     |        |
|----------|-------|---------|--------|--------|-----|-----|--------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
| 01S      | 02W   | 17      |        | NW     | NE  | 4   | CANYON |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| COMMERCIAL | 01/01 | 12/31 | 0.100 |      |        |
| IRRIGATION | 03/15 | 11/15 | 0.030 |      |        |

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:  
COMMERCIAL, STORE, MUSEUM, 2 HOMES

10. Place of Use:

|          |       |         |        |     |     |        |       |
|----------|-------|---------|--------|-----|-----|--------|-------|
| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
| 01S      | 02W   | 17      | NW     | NE  | 4   | COMMER |       |
|          |       |         | NW     | NE  | 4   | IRR    | 1.0   |

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JUL 4 5 1994

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 1.0   |
|          |       |         |            |     | Total Acres   | 1.0   |

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:  
A02-07368

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): Chris Swayze Date: 12/14/93  
\_\_\_\_\_  
Date: \_\_\_\_\_

MICROFILMED  
JUL 25 1994

State of Idaho )  
County of Canyon ) SS.

Subscribed and sworn (or affirmed) before me this 14<sup>th</sup> day  
of December 19 93

David E. Turner  
Notary Public

Seal

Residing at Boise, ID.

My Commission Expires 10-9-98

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JUL 25 1994

Abandoned  
right - per  
Cleo Swayne  
12/13/93. 6

his claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

by given that CLEO SWAYNE (Name of Claimant)  
h Ave. South, Nampa, ID 83651 Telephone No. 466-1282  
 (Mailing Address) (Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use) 7/1/1930

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)  
springs tributary to Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

| cfs, gpd, AFA |                | (Domestic, Irrigation, Stock, Etc.) |                   | (Both dates inclusive)        |                 |
|---------------|----------------|-------------------------------------|-------------------|-------------------------------|-----------------|
|               |                |                                     |                   | (Mo., Day)                    | (Mo., Day)      |
| Quantity      | <u>.02 cfs</u> | Use                                 | <u>stockwater</u> | Period of Use From <u>1/1</u> | To <u>12/31</u> |
| Quantity      | _____          | Use                                 | _____             | Period of Use From _____      | To _____        |
| Quantity      | _____          | Use                                 | _____             | Period of Use From _____      | To _____        |
| Quantity      | _____          | Use                                 | _____             | Period of Use From _____      | To _____        |
| Quantity      | _____          | Use                                 | _____             | Period of Use From _____      | To _____        |
|               |                | <b>TOTAL QUANTITY USED.</b>         |                   |                               |                 |

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
(lot 4) NW ¼ NE ¼, Sec. 17 Twp. 1S Rge. 2W B.M., County of Canyon  
Additional points of diversion: SWNE (lot 3), Sec. 17, T. 1S, R. 2W

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. gravity ditches from springs

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres \_\_\_\_\_

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: \_\_\_\_\_

**NOTE:** Include here the type and number of stock watered: 20 hd range

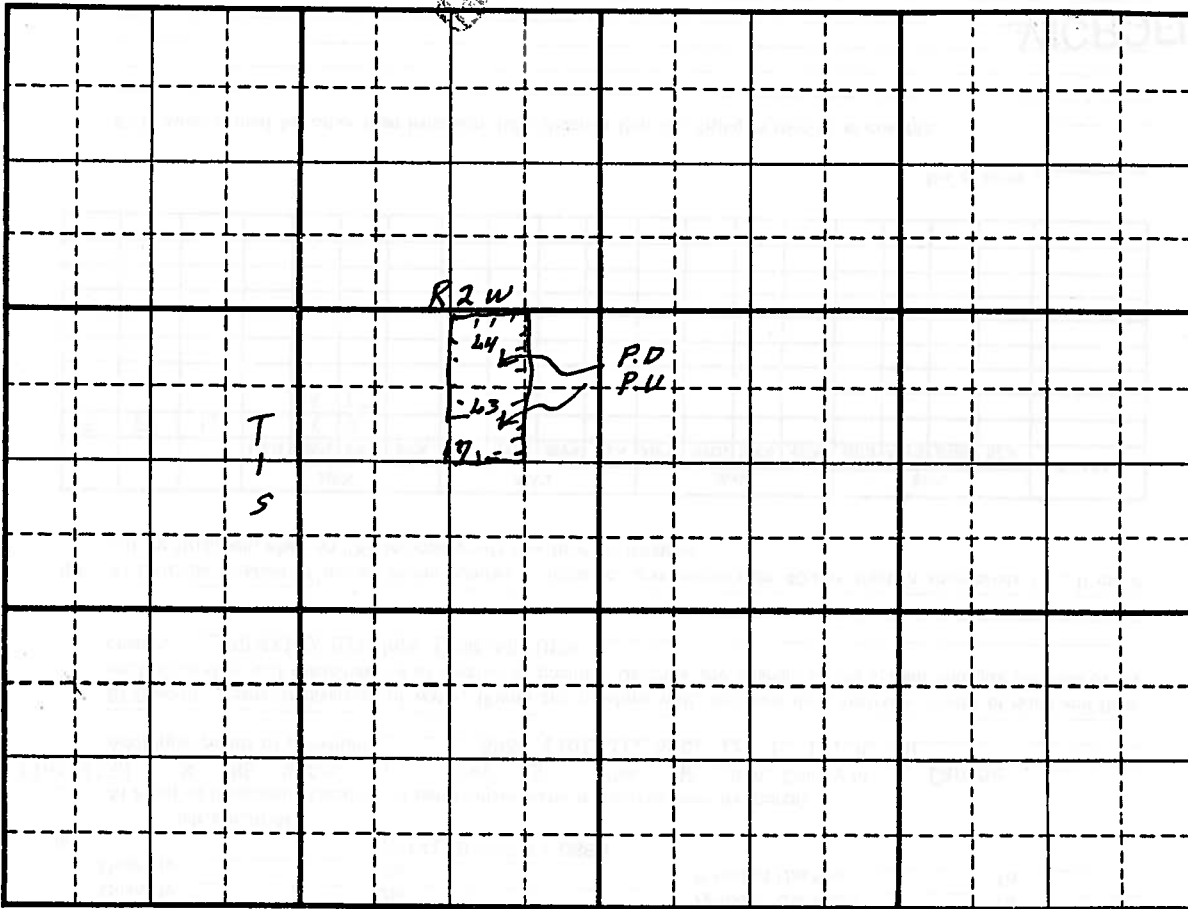
(7) If you are claiming water as a member of an organization, list name of organization:

**MICROFILMED**

~~JUL 2~~ 5 1994

**WILSON**

(8) Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
County of Ada ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 10 day of December, 1981.  
Cles R. Swaney  
(Claimant)

Nancy M. Halloway  
Notary Public  
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by gkh Date 12/10/81 Exception filed by: \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by 6LS Date 12/21/81  
\$20.00 fee received by gkh Date 12/10/81 # 21809  
Published in Boise Tribune  
Dates 1/7 & 1/14 82



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

July 7, 1995

Re: Claim No(s). A63-05060

A63-05060  
CLEO SWAYNE  
311 14TH AVE SO

NAMPA

ID 83651

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by September 1 1995, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section  
Department of Water Resources  
Western Region Office

lh  
Enclosures