

78-220 & 78-224

**T19N R02E
S29**

SCANNED
MAR 23 2011



1000 0 1000 2000 Feet

Map prepared by: Carter Fritschle
Date prepared: 07/05/05
Digital Orthophotoquad - 1992 Photography
Idaho Department of Water Resources

07/05/2005

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

RIGHT NUMBER: 78-224

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

LYNDA L SWIFT
PO BOX S
NEW MEADOWS ID 83654

SOURCE: WEST BRANCH GOOSE CREEK TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.016 CFS

PRIORITY DATE: 05/01/1878

POINT OF DIVERSION:

T19N R02E S29 SENE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.016 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T19N R02E S29 NENW 2.0

2 ACRES TOTAL

This right is limited to the irrigation of 1 acre within the place of use described above in a single irrigation season.

Right Nos. 78-220 and 78-224 are limited to the irrigation of a combined total of 2 acres in a single irrigation season.

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

Water is delivered through the Cal White Canal.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

SCANNED

MAR 23 2011

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 78-224
Date Received: 6/8/88
Receipt No: W001689
Received By:

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

1. Name of Claimant(s): GARY C SWIFT Phone: (208)347-2242
PO BOX S
NEW MEADOWS ID USA 83654

LYNDA L SWIFT Phone: (208)347-2242
PO BOX S
NEW MEADOWS ID USA 83654

2. Date of Priority: 05/01/1878

3. Source: GOOSE CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
19N	02E	28	SE NW	ADAMS	

5. Description of diverting works:

HEADGATE AND DITCH (CAL WHITE DITCH)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	10/31	0.016	

7. Total Quantity Appropriated is:
0.016 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
19N	02E	29	NE NW		IRRIGATION	2
Section Acres						2
Total Acres						2

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:

14. Remarks:

LOTS 4 & 5. BLOCK 8, MEADOWS TOWNSITE
Ownership changed by DB 5/10/2001

15. Basis of Claim: Decreed

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MAR 23 2011

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 78-00224</u>			<u>78-10223</u>	
	<u>A 78-10367</u>				
	<u>~~78-10220~~</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~~

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MAR 23 2011

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)

Gary 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 _____
Receipted 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 ³⁰LYNDA 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 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 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

19 89 , in my office, and duly recorded in Book 41 M

of Deeds at page 417

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 owner 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.

Michael Fisk
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 Vonda Lawrence

Deputy

Fees \$ 3.00

Mail to:

Notary

INSTRUMENT No. 17000

Chicago Title Insurance
Company of Idaho



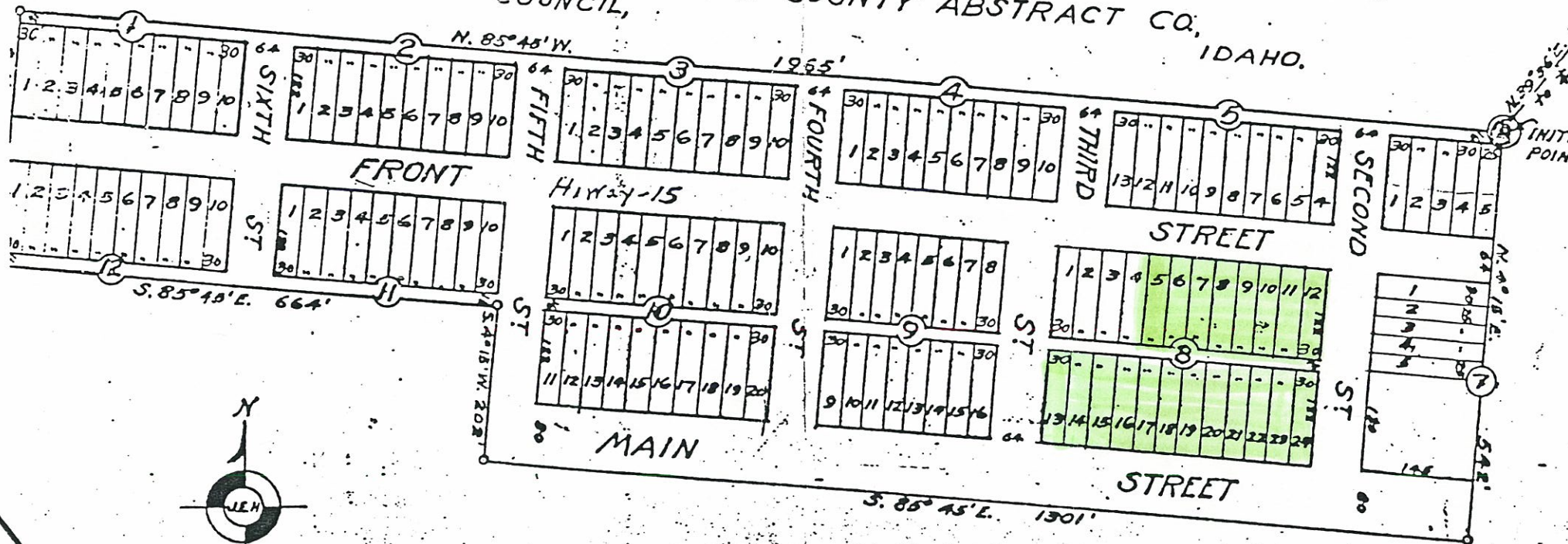
PLAT OF MEADOWS WASHINGTON COUNTY, IDAHO.

D.A. Utter, Engr.

Prepared by

ADAMS COUNTY ABSTRACT CO.,
COUNCIL, IDAHO.

Abstract No. [REDACTED]



ABTRACTOR'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

ong

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 McMahan 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 - Lynne Smith

P.S. I talked with Lavern McMahan
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 person(s) 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
Comm. Expires

, Idaho

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
19 91, in my office, and duly recorded in Book 43M
of Deeds at page 272

Michael Fisk

Ex-Officio Recorder

By

James D. [Signature]

Deputy.

Fees \$3.00

Mail to:

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.

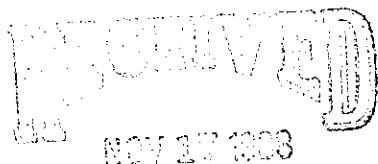
CIVIL CASE NUMBER: 39576

Ident. Number: A78-00224 4/8/88

Date Received: 6/08/1988 #07

Receipt No: W0001689

Received By:



Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH MALSTROM 208-253-4276
Address: HC62 BOX 1535
COUNCIL, ID 83612

OR

Name: LORAIN MALSTROM 208-253-4276
Address: COUNCIL, ID 83612

2. Date of Priority: MAY 01, 1878

3. Source: GOOSE CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
19N	02E	28	SE	NW			ADAMS

5. Description of diverting works:
HEADGATE AND DITCH (CAL WHITE DITCH)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	10/31	0.016		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE LISTED

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OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	02E	29	NE	NW		IRR	2.0
Section Acres							2.0
Total Acres							2.0

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:
78-00220

14. Remarks:
LOTS 4 & 5. BLOCK 8, MEADOWS TOWNSITE.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

HENRY T. CLAY ET. AL.
Decree Plaintiff

vs

T. A. CLARK 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 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): Larain H. Matstrom Date: 11/15/88
Kenneth R. Matstrom Date: 11/15/88

State of Idaho)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 15 day
of November 1988

Patricia Lee
Notary Public

Seal

Residing at Council

My Commission Expires 10-23-93

4/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME	<u>Malstrom, Kenneth</u>	CLAIM IDENT. NO.	<u>A78-0229</u>
DATE RECEIVED	<u>06/08/88</u>	CK #	<u>1001</u>
		AMOUNT \$	<u>52.00</u>
		YES	NO
Is the name and address complete with zip code?		☒	☐
Is a 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.			
(a) Is a source entered?		☒	☐
(b) Is a tributary to entered? (if required)		☒	☐
Is the legal description of the p.d. sufficient?		☒	☐
Is there a description of the diverting works?		☒	☐
Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.		☒	☐
Is the period of use included?		☒	☐
Is a quantity claimed for each use?		☒	☐
Is a total quantity claimed entered?		☒	☐
If required is a consumptive use entered?		☒	☐
Is the consumptive use correct?		☒	☐
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. See Adjudication Memo # 4.			
0. Is (are) the place(s) of use entered?		☒	☐
1. Is (are) the county(ies) entered?		☒	☐
2. Is the ownership of p.u. checked?		☒	☐
3. Are other water rights listed or "none" checked?		☒	☐
4. 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.)		☒	☐
5. Is the basis of the claim checked?		☒	☐
6. Is the claim signed by the claimant, and 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?)		☒	☐
as the claim been signed, sealed, and dated by a notary?		☒	☐
as this claim filed on time, or was an extension granted?		☒	☐
s the fee enclosed correct?		☒	☐
f this claim is based on an existing water right, has the identification number been entered?		☒	☐
hould this claim be receipted and data entered?		☒	☐

Claim checked by: EDM

omments: _____

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OCT 05 1992



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,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB:db

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 17, 1988

Kenneth & Lorain Malstrom
HC 62, Box 1535
Council, ID 83612

Dear Mr. & Mrs. Malstrom:

Enclosed is a copy of your claim #A78-00220 that you filed with this department. As per our telephone conversation on 10/12/88, I have modified the original claim to omit claim #A78-00224 that you have filed together with #A78-00220.

Claim #A78-00224 is also enclosed and will require your completing Item #16(b), signing the claim, and having the signature notarized.

Check the claim and make any corrections if needed. Submit a fee of \$52.00 and return the completed claim within 30 days to avoid being assessed a late charge.

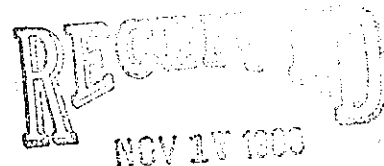
If you have any questions, feel free to contact myself or this department.

Sincerely,

Eldon L. Roush
Water Resource Agent
Adjudication Section

ER:lh
Enclosures

cc: File #A78-00224
File #A78-00220



Department of Water Resources
Western Regional Office

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OCT 05 1992