

RECEIVED

11/14/2006

DEC 14 2006

DEPT. OF
NATURAL RESOURCES

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: December 8, 2006

Water right number: 67-528

SWAIN FAMILY TRUST

1133 MANN CREEK RD

WEISER ID 83672

Telephone Number: (208)459-3519

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: 12-1-06

SIGNATURE:

Please print your name:

Larry Swain Trustee

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED

DEC - 6 2006

10/31/2006

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

RIGHT NUMBER: 67-528

NAME AND ADDRESS: SWAIN FAMILY TRUST
1133 MANN CREEK RD
WEISER ID 83672

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.450 CFS

This right shall receive 100% of its decreed amount until the natural flow of the waters of Mann Creek shall decrease so that all rights cannot receive 100%, at which time this right and other various decreed rights, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), shall be cut to 70% of the said amounts, beginning with the latest right and proceeding to the earliest right in the order of priority.

PRIORITY DATE: 06/01/1874

This right is a Primary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, irrespective of priority, is senior to all other rights that have not been identified as a Primary Right on Mann Creek.

POINT OF DIVERSION:

T12N R05W S11 SENE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.450 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T12N R04W S31 Lot 2 SWNW	30.00	T12N R04W S31	SENW	25.00
T12N R04W S31	NESW	18.00	T12N R04W S31 Lot 3 NWSW	13.00

86 ACRES TOTAL

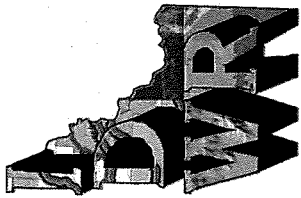
Right Nos. 67-528 and 67-529C are limited to the irrigation of a combined total of 39 acres in a single irrigation season.

This right is limited to the irrigation of 22.5 acres within the place of use described above 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: BASIS OF CLAIM - Decreed



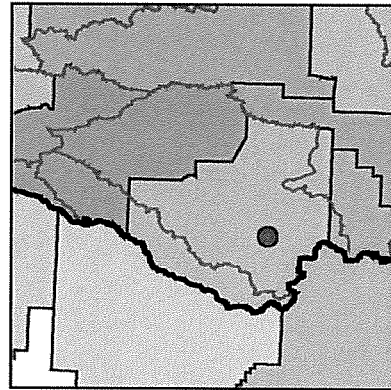
Idaho Department of Water Resources

SRBA Recommendation:

67-528
(Irrigation)

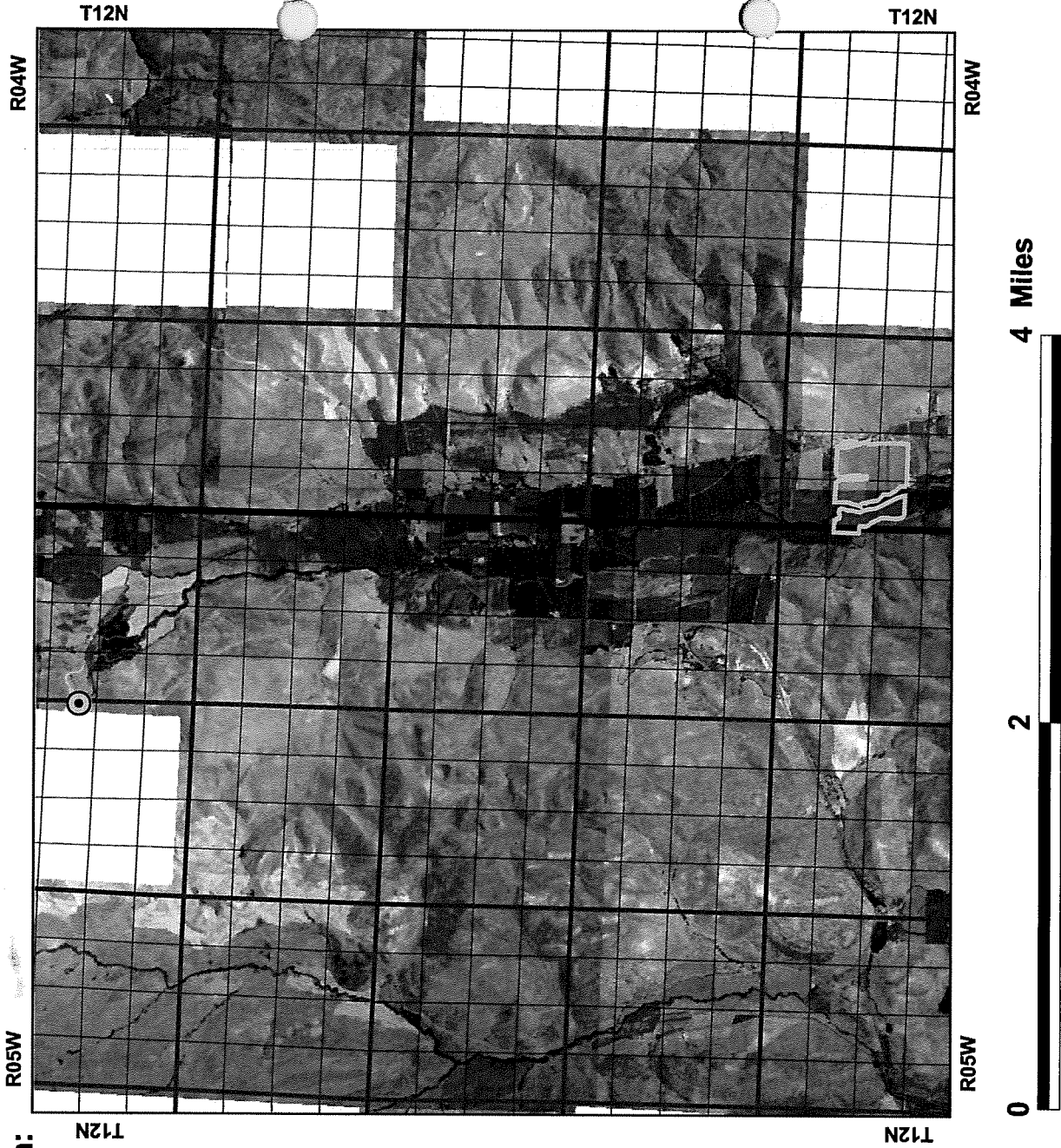
Legend

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

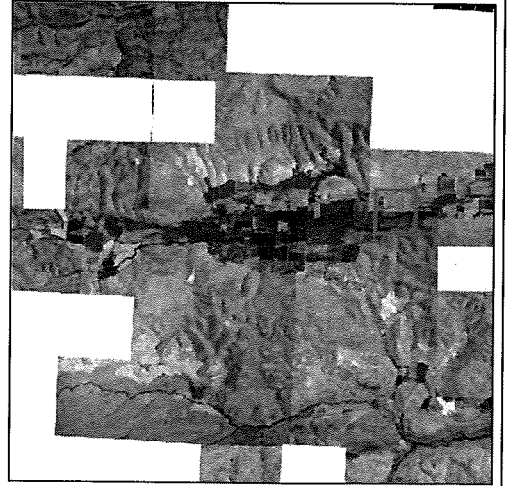


Washington County
IDWR Basin 67

Prepared by M. Van Bussum
On Tuesday, October 31, 2006
1987/88 Aerial Photography



67-528



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-528 V1

WATER RIGHT NUMBER: 67-528 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SWAIN FAMILY TRUST 1133 MANN CREEK RD WEISER, ID 83672 (208)459-3519
Original Owner	MABLE JEWELL STITES , ID

Priority Date: 06/01/1874

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MANN CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.450 CFS	
	<u>Total Diversion:</u>	0.450 CFS	

Location of Point(s) of Diversion

MANN CREEK	SE1/4NE1/4	Sec. 11, Twp 12N, Rge 05W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	04W	31							30.0	25.0	18.0	13.0							86.0
									L 2			L 3							

Total Acres: 86

Conditions of Approval:

1. 169 This right is a Primary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, irrespective of priority, is senior to all other rights that have not been identified as a Primary Right on Mann Creek.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. E55 Right Nos. 67-528 and 67-529C are limited to the irrigation of a combined total of 39 acres in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-528 V1

4. 167 This right shall receive 100% of its decreed amount until the natural flow of the waters of Mann Creek shall decrease so that all rights cannot receive 100%, at which time this right and other various decreed rights, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), shall be cut to 70% of the said amounts, beginning with the latest right and proceeding to the earliest right in the order of priority.
5. K06 This right is limited to the irrigation of 22.5 acres within the place of use described above in a single irrigation season.

Remarks:Comments:

1. segbert 6/1/2004 POU

Comment: The description on the decree does not seem to match the PLS information on the claim

2. segbert 6/1/2004 Quantity

Comment: The amount on the decree does not match the claim

3. dnarsavage 3/23/2006 Quantity

Comment: Claimed CFS is less than that decreed to 67-528 alone. Amended claim solicited, but none received as of 03/23/06.

4. dnarsavage 3/23/2006 POU

Comment: The POU claimed is also covered by 67-527, which is identical to 67-528. No claim submitted.

5. dnarsavage 3/23/2006 Priority

Comment: 1874 was decreed priority date; 1871 was claimed here. I knocked this right back to 1874, as decreed and claimed by neighbors.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 67
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.78		39
Combined Water Rights: 67-528 , 67-529C		

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	6/1/2004 2:57:29 PM	segbert			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-528 V1

Priority Date	6/1/2004 2:57:34 PM	segbert	Active
Source	6/1/2004 2:58:03 PM	segbert	Active
POU	6/1/2004 2:58:48 PM	segbert	Active
Use	6/1/2004 3:13:39 PM	segbert	Active
Season	6/1/2004 3:14:24 PM	segbert	Active
Quantity	6/1/2004 3:16:14 PM	segbert	Active
Season	6/10/2004 9:37:50 AM	mcase	Active
Source	3/23/2006 12:24:29 PM	dnarsavage	Active
Use	3/23/2006 12:32:23 PM	dnarsavage	Active
Season	3/23/2006 12:32:43 PM	dnarsavage	Active
Quantity	3/23/2006 12:34:14 PM	dnarsavage	Active
Contacts	10/31/2006 10:20:51 AM	jdean	Active
Priority Date	10/31/2006 11:20:48 AM	mvanbussum	Active
POD	10/31/2006 11:21:18 AM	mvanbussum	Active
POU	10/31/2006 11:23:19 AM	mvanbussum	Active
Summary	10/31/2006	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	3/23/2006 12:19:07 PM	dnarsavage	Updated shape for 67 528
POU	3/23/2006 12:19:09 PM	dnarsavage	Updated shape for 0
POU	3/23/2006 12:19:10 PM	dnarsavage	Updated shape for 0
POU	3/23/2006 12:19:10 PM	dnarsavage	Updated shape for 0
POU	3/23/2006 12:19:11 PM	dnarsavage	Updated shape for 0
POU	3/23/2006 12:19:15 PM	dnarsavage	Updated shape for 0
POU	3/23/2006 12:18:42 PM	dnarsavage	Updated shape for Active POU
POU	3/23/2006 12:19:08 PM	dnarsavage	Updated shape for 0
POU	3/23/2006 12:19:09 PM	dnarsavage	Updated shape for 0
POU	3/23/2006 12:19:10 PM	dnarsavage	Updated shape for 0
POU	3/23/2006 12:19:13 PM	dnarsavage	Updated shape for 0
POU	3/23/2006 12:19:14 PM	dnarsavage	Updated shape for 0
POU	3/23/2006 12:19:14 PM	dnarsavage	Updated shape for 0
POU	3/23/2006 12:19:16 PM	dnarsavage	Updated shape for 0
POU	3/23/2006 12:20:23 PM	dnarsavage	Edited Season Of Use
POU	3/23/2006 12:19:08 PM	dnarsavage	Updated shape for 0
POU	3/23/2006 12:19:11 PM	dnarsavage	Updated shape for 0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-528 V1

POU	3/23/2006 12:19:12 PM	dnarsavage	Updated shape for 0
POU	3/23/2006 12:19:13 PM	dnarsavage	Updated shape for 0
POU	3/23/2006 12:19:15 PM	dnarsavage	Updated shape for 0
POU	3/23/2006 12:19:15 PM	dnarsavage	Updated shape for 0
POU	3/23/2006 12:20:31 PM	dnarsavage	Updated PLS for Active POU
Season	3/23/2006 12:32:44 PM	dnarsavage	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	3/23/2006 12:34:15 PM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Source	3/23/2006 12:24:29 PM	dnarsavage	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Use	3/23/2006 12:32:23 PM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POD	3/23/2006 1:45:04 PM	dnarsavage	Updated shape
POD	3/23/2006 1:45:21 PM	dnarsavage	Updated PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-528 V1

Season	6/10/2004 9:37:51 AM	mcase	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?
General	10/31/2006 11:21:35 AM	mvanbussum	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	10/31/2006 11:22:05 AM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	10/31/2006 11:23:40 AM	mvanbussum	Updated shape
Contacts	10/31/2006 10:20:52 AM	jdean	(No) 1. Do you want to schedule an appointment? Comment for 1: Desk Review
POU	10/31/2006 11:24:06 AM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-528 V1

Summary	10/31/2006 11:26:52 AM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Priority Date	6/1/2004 2:57:29 PM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?
Source	6/1/2004 2:58:03 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	6/1/2004 2:58:48 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
Use	6/1/2004 3:13:39 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Priority Date	6/1/2004 2:57:34 PM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
POU	6/1/2004 3:06:05 PM	segbert	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-528 V1

Season	6/1/2004 3:14:25 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use?
Quantity	6/1/2004 3:16:15 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file?

Water Supply Bank:

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: A67-00528
Date Received: 10/17/1989
Receipt No: C012253
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SWAIN FAMILY TRUST 208-549-3519
Address: 1133 MANN CREEK RD.
WEISER, ID 83762
2. Date of Priority: JUN 01, 1871
3. Source: MANNS CREEK Trib. to: WEISER RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 12N | 04W | 31 | NE | SW | | | WASHINGTON |
5. Description of diverting works:
HEADGATE & LATERAL FOR FLOOD IRRIGATION & SPRINKLERS
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 10/31 | 0.450 | | |
7. Total Quantity Appropriated is:
0.450 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 327.0 Acre Feet Per Annum.
9. Non-irrigation uses:
IN-STREAM STOCKWATERING
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
12N	04W	31	SW	NE		IRR	19.0
			SW	NW		IRR	20.0
			NW	SW		IRR	40.0
			NW	SE		IRR	30.0

A67-00528

Page 1

Date: 05/22/90

SCANNED
APR 06 2004

MICROFILMED
OCT 01 1992

10. Place of Use: Continued

Section Acres 109.0

Total Acres 109.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

A67-00525A, A67-00593A, A67-00529C

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

E. V. JEFFERSON ET. AL.

Decree Plaintiff

vs

THOMAS HIGGENBOTHAM 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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
_____ foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number AL7-00528Date Received 10/17/89Receipt Number CO12253

RECEIVED

OCT 16 1989

**NOTICE OF CLAIM
TO A**

WATER RIGHT

Department of Water Resources

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) SWAIN Family Trust Phone (208) 549 3519Mailing Address 1133 MANN CREEK RD WEISER Zip 837622. Date of Priority (Only one (1) per claim) 06-01-18713. Source of water supply (a) MANN CREEK
which is tributary to (b) WEISER RIVER4. a. Location of existing point of diversion is: Township 12N Range 4W Section 31
NE 1/4 of SW 1/4 of 1/4, Govt. Lot, WASH B.M., County of WASH

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Headgate & lateral
for flood irrigation & sprinkler

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OCT 01 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/1 to 10/31 amount 450 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 450 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 327 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) IN STREAM STOCK WATER

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>12N</u>	<u>4W</u>	<u>31</u>			<u>29</u>				<u>20</u>				<u>40</u>				<u>30</u>		<u>119</u>

Total number of acres irrigated 119

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

12. Do you own the property listed above as place of use? Yes ☒ No ☐

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks:

MICROFILMED

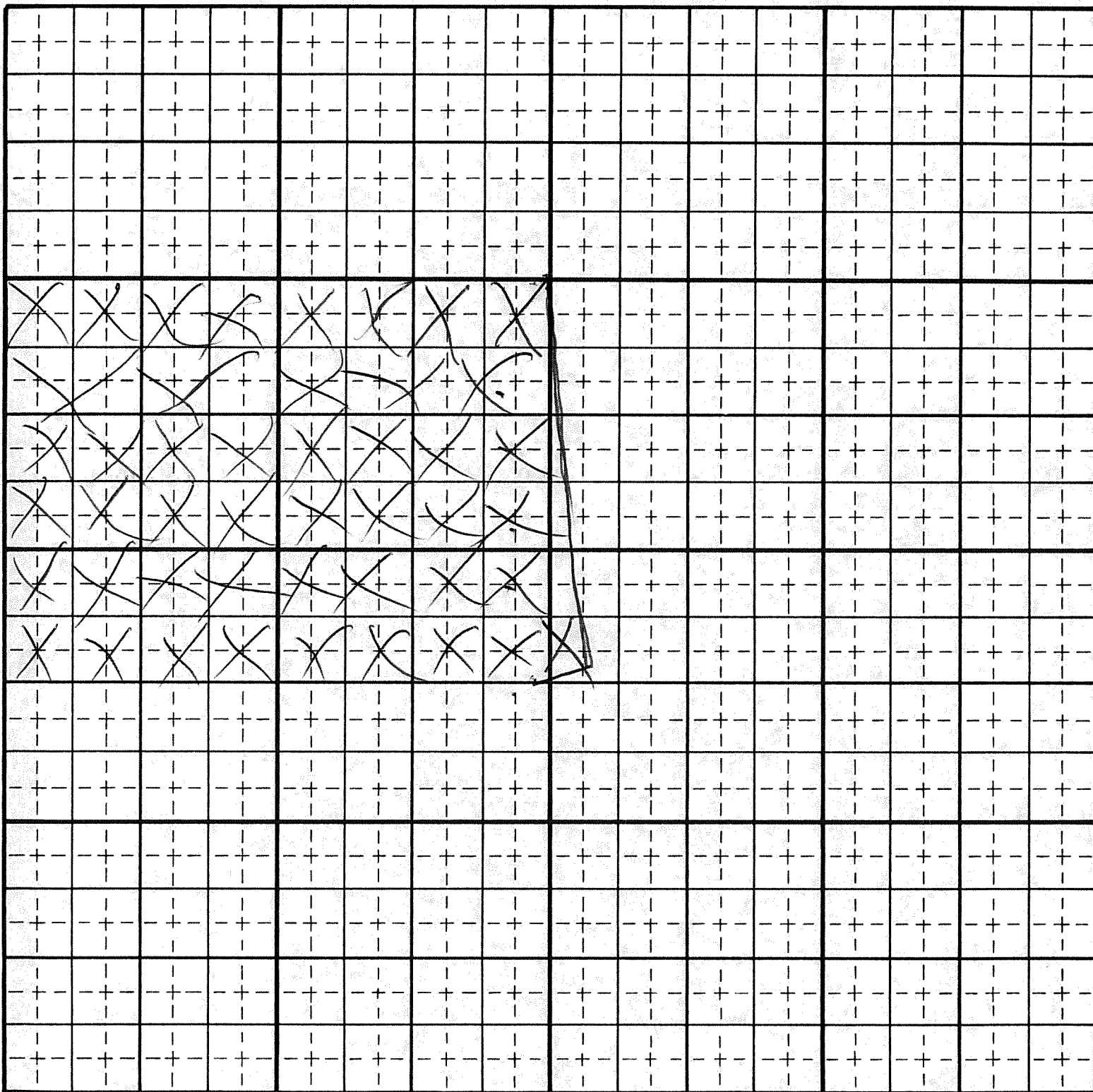
OCT 01 1992

Last Name SWAIN Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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OCT 01 1992

Last Name

Swain

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒ 6760528
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Robert O Swain Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Trustee Title _____
of SWAIN Family Trust Organization _____, that I have signed the foregoing
document in the space below as Trustee Title _____ of Swain family Trust Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Robert O Swain
Title and Organization Trustee - Swain Family Trust Date 10-13-89

State of Idaho/or _____)
County of Wash) SS.

Subscribed and sworn (or affirmed) before me this 13 day of Oct 19 89

SEAL

Notary Public [Signature]

Residing at Weiser

My Commission Expires 10-10-92

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

CLAIMANT'S NAME Severson Family Trust CLAIM IDENT. NO. 167-00528

DATE RECEIVED 10/16/89 CK # 672253 AMOUNT \$ 159⁰⁰

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	*
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required)	☒	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. 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?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered?	☒	☐	
Is the consumptive use correct?	☒	☐	
9. 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, see Adjudication Memo # 4.	☒	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☒	☐	
14. 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.)	☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)	☒	☐	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
18. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
19. Was this claim filed on time, or was an extension granted?	☒	☐	*
20. Is the fee enclosed correct?	☒	☐	*
21. If this claim is based on an existing water right, has the identification number been entered?	☒	☐	
22. Should this claim be data entered?	☒	☐	

Claim checked by: AB Date: 9/22/90

Claim must be returned to claimant: (Yes) (No)

Claimant must be notified of modifications: (Yes) (No)

Receipt Prepared by: AB Date: 5/22/90 Checked by: _____ Date: _____

Claim data entered by: AB Date: 5/22/90

Sent to claimant by: _____ Date: _____

Comments: County = Washington address across wrong = 109

13 = 67-00528A fee = 159⁰⁰

67-00593A over pd. 10\$

67-005290

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field inspect flag

INTER-DEPARTMENT MEMO — 1

FROM

Shelly

DATE 12-12-90

TO

Anna

SUBJECT

Rbt. / Donna Swain Refund

*I just got this ref. request from Don this a.m.
John will require more info, ^{as} always. Which w/re were
the a/c's miscalculated? As hi lite w/R on rec't.
copy, and return to me so I can do ltr 184 &
give to John.*

Thank, Anna!

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SIGNATURE

Shelly
IDE - file at Region Refund # 2:56
Donna Swain Refund 2:56

RECEIPT IS FROM THE STATE OF IDAHO
SD-01 IDAHO DEPARTMENT OF WATER RESOURCES
RECEIPT ENTRY SCREEN

DATE 05/24/90
TIME 14:07:45

REC/NO - C012253 AR/NO -
FROM: - SWAIN, ROBERT OR DONNA

RECEIPT TYPE - CK DOC/NO - 239
REMARKS -

ADJUDICATION FEE

PROGRAM ACCT CLASS FEE
410162 9337 6490 501.00

DEC 12 1990

Department of Water Resources

TOTAL DUE - 501.00

WR/NO	WR FEE	WR/NO	WR FEE	WR/NO	WR FEE
A6700528	159.00	A6700525A	50.00	A6700529C	50.00
A6700593A	50.00	A6711514	107.00	A6711515	25.00
A6711516	25.00	A6711517	25.00		10.00

(ENTER=INQUIRE) (GOLD1=ADD/PRINT REC) (GOLD2=CHANGE) (GOLD3=VOID)
(GOLD6=2ND/COPY REC) (GOLD7=LASER/COPY REC) (MENU _____)

5/24/90
Don:

Log → JDC

This is a copy of the receipt from
the Swain family Trust Claims

(1) over paid by 10\$ because he added the
acres up wrong.

(2) Requested Subscription of Docket Sheet
but did not include \$7.50 fee.

Propose: Allocate \$7.50\$ of \$10.00 to
Docket fee subscription. ** HAVE Added name to Docket sheet 99 mlz*

adjust upper portion of Receipt

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Anna

OCT 01 1992

SCANNED

APR 06 2004

Receipt Number : C012253

Page 1 OF 3

Receipt Amt : 501.00

A6700528	159.00	A6700525A	50.00	A6700529C	50.00
A6700593A	50.00	A6711514	107.00	A6711515	25.00
A6711516	25.00	A6711517	25.00		10.00

(ENTER=CONTINUE) (GOLD2=UPDATE) (GOLD4=PREV PG) (GOLD5=NEXT PG)

Idaho Department Of Water Sources
Receipt Maintenance II - Maint. Screen 2

Date: 12/13/90
Time: 15:18:13

Receipt Number : C012253

Receipt Amt : 501.00

Description	Program	Acct	Class	Fee
ADJUDICATION FEE	410162	9337	6490	501.00

(ENTER=CONTINUE)

(GOLD2=UPDATE)

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MEMO TO FILE

MAY 22, 1990

CLAIMS: A67-00525A, A67-00528, A67-00529C, A67-00593A

CLAIMANT: SWAIN FAMILY TRUST

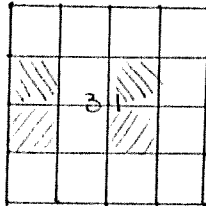
EMPLOYEE: ANNA BAUMHOFF *B*

IN REVIEWING THE ABOVE CLAIMS IT HAS BEEN NOTED THAT ALL REPRESENT EXPANSIONS IN THE NUMBER OF IRRIGATED ACRES, CHANGES IN THE POINT OF DIVERSION ETC...

THE MAJOR PROBLEM ON THE CLAIMS IS THE LISTED PLACE OF USE.

IT APPEARS AS IF THE CLAIMANT INTENDED TO CLAIM LANDS THAT REPRESENTED A BLOCK APPROXIMATELY 160 ACRES. SEE THE ATTACHED MAPS (SUCH THAT THEY ARE).

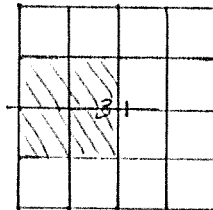
THE LEGALS GIVEN AS PLACE OF USE IN ITEM #10 ARE THE GIVEN AS THE SW 1/4'S OF BOTH THE NE AND NW 1/4 AND THE NW 1/4'S OF BOTH THE SW AND SE 1/4 ALL IN SECTION 31, 12N, 4W.



THE DECREED RIGHTS WERE ORIGINALLY APPURTENANT TO THE S 1/2 OF THE NW 1/4 AND THE N 1/2 OF THE SW 1/4 OF SECTION 31 12N, 4W.

THESE LANDS FORM A 160 ACRE BLOCK!! I BELIEVE THAT THE CLAIMANT REVERSED THE QTR QTR WHEN HE FILLED OUT THE CLAIM AND THE CORRECT PLACE OF USE SHOULD BE:

SW,NW 40 AC
SE,NW 30 AC
NE,SW 19 AC
NW,SW 20 AC



THIS IS WHY I ENTERED THE FIELD INSPECTION FLAG

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EXPENDITURE VOUCHER

STATE OF IDAHO
Office of State Auditor

AUDITOR USE

AGENCY USE

3744
Date 12/21/90
Code 193002

VENDOR: If you require additional information regarding this payment, please contact the State agency listed below.

AGENCY NAME: DEPT. OF WATER RESOURCES

Document No.	
Pre-Audit	Date
Warrant No.	

PAY (ROBERT OR DONNA SWAIN
1133 MANN CREEK RD.
WEISER, ID 83762

TO

CHECK ONE:

(1) MISCELLANEOUS EXPENDITURE

() STATE CONTRACT

() PURCHASE ORDER

() MISCELLANEOUS
ENCUMBRANCE REQUISITION

PAYMENT: () PARTIAL () FINAL

Encumbrance Reference No.

LINE No.	PROGRAM	FUND	ACCT.		DESCRIPTION	LINE AMOUNT	AGENCY USE
			Maj	Min			
1	04 10 162	9337	8831		REFUNDS PER D. SHAFF RECEIPT #0012253 12/12/90 2.50 WR#A67-00528/00593A/ A67-11516/00525A/11514 A67-11517/00529C/11515	2.50	
TOTAL						2.50	

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 19, 1990

Mr. & Mrs. Robert Swain
1133 Mann Creek Road
Weiser, ID 83762

RE: Snake River Basin Adjudication (SRBA)
Washington County - #A67-00528, A67-00593A,
A67-00525A, A67-115147, A67-11517. A67-00529C
& A67-1115
Receipt #C012253 - \$2.50

Dear Mr. & Mrs. Swain:

An overpayment of your filing fees has been brought to our attention on your above claims in the amount of \$10.00. During your conversation with Anna Baumhoff in May, 1990, you requested that we deduct the docket sheet fee of \$7.50 from the overpayment and enter your name on the subscription list. That has been accomplished.

The refund process has been initiated with the State Auditor's Office, and you should receive your check in the near future.

Sincerely,

A handwritten signature in cursive script that reads "John C. Carlson".

John C. Carlson
Adjudication Supervisor

JDC:sf:ref

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REFUND REQUEST

Hold Until — To Fiscal 12-19-90

TO: Debbie Allen

THRU: Don Shaff

Approved DS 12/18/90

FROM: John Carlson

Approved JPC 12/14/90RE: Payor Robert or Donna SwainAddress 1133 Mann Creek Rd.
Weiser, ID 83762Claimant if NOT Payor Swain Family TrustReceipt # C012253 Attached ☒ Logged 12-12-90Amount \$ ~~2.50~~ 2.50 Total \$50⁰⁰ Claim Location RegionW/R #(s) A67-00528, -00593A, -11516, Extension Filed? Y/N ☐ NA-00525A, -11514, -11517, -00529C, 11515 Copy Attached? Y/N ☐ NARefund Generated By Anna Baumhoff Late Fees Paid? Y/N ☐ NANot Refunded as of 12-12-90 On Receipt # —Reason for Refund overpmt - added acres incorrectly.Date of Last Correspondence unknownData Base Modified? Y/N ☐ NA By — Date —

REMARKS:

8 claims received 10/17/89 by mail with ck for \$501⁰⁰
Anna B. determined fee and from note 5/24/90, \$10⁰⁰ overpayment.
Claimant requested Docket Sheet Subscription. Take off \$7⁵⁰
leaving \$2⁵⁰.

OK to refund \$2⁵⁰ JPC 12/14/90

on ML3 sub.

09/20/90

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10/17/1989

SWAIN, ROBERT OR DONNA

ADJUDICATION FEE

410162 9337 6490

501.00

CHECK

239

\$501.00

Water Right Numbers

A67-00528	A67-00525A	A67-00529C	A67-00593A	A67-11514
A67-11515	A67-11516	A67-11517	-	-

Region: STATE

Signature: _____

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Idaho Department Of Water Sources
Receipt Maintenance II - Maint. Screen 1

Date: 12/13/90
Time: 15:18:04

Receipt Number : C012253

Receipt AMT : 501.00

Receipt Type : CK
Date & Time : 10/17/1989 08:33:09
From Payer : SWAIN, ROBERT OR DONNA
User ID : KEATHLEY
Adjust Flag : W
Trans Number : 90-456
AR Number :
Receipt Remarks:
Update Remarks :
Amount Refunded:
Refund Reason :
Refund Name :

Check Number: 239
Julian Date : -

Rec. Group : F
Trans Yr-Mo : 1989-10

Refund Date : __/__/__

Refund CK No: _____

Receipted Fees : _

Water Right Numbers: _

(ENTER=CONTINUE)

(GOLD2=UPDATE)

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