

11/14/2006

NOTICE OF ERROR
REPLY

RECEIVED
DEC 05 2006
DEPARTMENT OF
WATER RESOURCES

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: 67-529C

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:

Leah Swain Trustor

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

SCANNED
DEC - 6 2006

Adjudication Recommendation Report 67-529C V1

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. 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.
3. 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 Secondary Rights on Mann Creek.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-529C V1

4. K06 This right is limited to the irrigation of 16.5 acres within the place of use described above in a single irrigation season.
5. 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.

Remarks:Comments:

1. segbert 6/4/2004 POU

Comment: The PLS for the decree and claim do not match

2. segbert 6/4/2004 Quantity

Comment: Cannot verify Quantity because of split

3. dnarsavage 3/23/2006 Quantity

Comment: Claimed CFS is less than that decreed for this portion of 67-529 alone. Amended claim solicited, but none received as of 03/23/06.

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:

Rate	Volume	Acres
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0.78		39
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Combined Water Rights: 67-528 , 67-529C

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	6/4/2004 11:21:17 AM	segbert			Active
Source	6/4/2004 11:23:03 AM	segbert			Active
POU	6/4/2004 11:24:18 AM	segbert			Active
Use	6/4/2004 11:34:37 AM	segbert			Active
Season	6/4/2004 11:36:15 AM	segbert			Active
Quantity	6/4/2004 11:37:04 AM	segbert			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-529C V1

POD	6/4/2004 11:49:24 AM	segbert	Active
Season	6/4/2004 11:49:25 AM	segbert	Active
Season	6/10/2004 9:43:24 AM	mcase	Active
Priority Date	3/23/2006 11:21:42 AM	dnarsavage	Active
POD	3/23/2006 12:11:50 PM	dnarsavage	Active
Source	3/23/2006 12:38:28 PM	dnarsavage	Active
Use	3/23/2006 12:39:05 PM	dnarsavage	Active
Season	3/23/2006 12:39:30 PM	dnarsavage	Active
Quantity	3/23/2006 12:40:58 PM	dnarsavage	Active
Summary		03/23/2006 dnarsavage	Active
POU	3/23/2006 12:44:14 PM	dnarsavage	Active
Season	3/23/2006 1:15:17 PM	dnarsavage	Active
Quantity	3/23/2006 1:15:40 PM	dnarsavage	Active
Summary		03/23/2006 dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	3/23/2006 12:11:50 PM	dnarsavage	(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?
Source	3/23/2006 12:38:29 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 12:39:05 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-529C V1

Season	3/23/2006 12:39:30 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 12:40:58 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? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 7. Is a flow measurement required? (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? Description for Question 7 - Swain claimed far less than the decreed amount.
Summary	3/23/2006 12:43:24 PM	dnarsavage	(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? (Yes) 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?
POU	3/23/2006 12:44:14 PM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-529C V1

Season	3/23/2006 1:15:18 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 1:15:41 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?
Summary	3/23/2006 1:16:49 PM	dnarsavage	(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? (Yes) 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?
POD	3/23/2006 1:48:07 PM	dnarsavage	Updated PLS
POD	3/23/2006 1:47:53 PM	dnarsavage	Updated shape
POU	10/4/2005 10:15:10 AM	dnarsavage	Edited Season Of Use
POU	10/4/2005 10:15:17 AM	dnarsavage	Updated PLS for Active POU
POU	10/4/2005 10:14:49 AM	dnarsavage	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-529C V1

Season	6/10/2004 9:43:25 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	3/23/2006 11:21:43 AM	dnarsavage	(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? (Yes) 16. Is a Priority Date remark and/or condition required?
Source	6/4/2004 11:23:03 AM	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?
Season	6/4/2004 11:36:15 AM	segbert	(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? (Yes) 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) 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	6/4/2004 11:37:04 AM	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? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
POD	6/4/2004 11:49:25 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-529C V1

Season	6/4/2004 11:49:25 AM	segbert	(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? (Yes) 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) 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?
POU	6/4/2004 11:32:31 AM	segbert	Edited shape boundary
Priority Date	6/4/2004 11:21:17 AM	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	6/4/2004 11:24:19 AM	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	6/4/2004 11:34:38 AM	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?

Water Supply Bank:

Memo

To File
From Dan Narsavage
Regarding: 67-529 and claims based on it
Date: January 23, 2006

Figure 1 shows the land described as the place of use for 67-529. (Green rectangle – very roughly drawn) The decree specifies that 48 acres be irrigated within these two quarter quarters (N½ of the SW¼ of section 31, T12N R04W). The polygons shown in red and yellow are POUs that I have traced from information gleaned from the respective claim files. The small square near the center is the Mann Creek Busy Bee Club's POU for commercial use and is not part of the decreed right 67-529.

The remaining polygons are all irrigation POUs, and represent claims based on the decree. Campbell's claim (67-529A) only uses 1.5 acres from 67-529; its remaining 4 acres are from 67-531. There are 6 other polygons fully within the decreed POU for 67-529. These 6 polygons, plus Campbell's 1.5 acres, total 52.6 acres.



Presumably there has been roughly 4.5 acres of irrigation added somewhere inside the decreed POU since the decree. I don't know for sure where this addition took place, but the three western polygons are on the west side of the creek, and the ditch through which this irrigation water was decreed is on the east side of the creek. It stands to reason that these areas were most difficult to supply water to and were consequently irrigated later than any other parts. However there are more than 4.5 acres (~14) on the west side of the creek so heck if I know for sure. 67-531 decreed 8.57 acres to be irrigated. Perhaps Campbell's claim (67-529A) is all on land decreed to 67-531. That would leave only 3 undeclared acres. And perhaps the means available to the Jefferson vs Higgenbotham court were not accurate enough to measure these acres. In all actuality, JvH probably determined acreages simply by the claimants' estimations. Some must have had surveys done, but others surely simply estimated how many acres were irrigated, and 3 acres is surely a reasonable amount of error to expect in a person's estimation when dealing with areas nearing 5 acres.

Split Analysis

Water Right Number: 67-529

Diversion Rate: 0.96 CFS

Reviewer Name: **Dan Narsavage**

Date: 12-Jan-06

[illegible]

67-529 A

(1.8 ac & 0.04 cfs)

67-529

(48.0 ac & 0.96 cfs)

67-529 B

(14.0 ac & 0.28 cfs)

67-529 C

(32.3 ac & 0.65 cfs)

Right No:	Rate of Diversion	Irrigated Acres	CFS / Acre
67-529	0.96	48	0.020
67-529 A	0.04	1.75	0.020
67-529 B	0.28	14	0.020
67-529 C	0.65	32.25	0.020

Memo To File

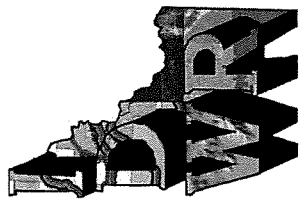
Date: January 23, 2006

Regarding: Swain claims in section 31, T12N, R04W

From: Dan Narsavage

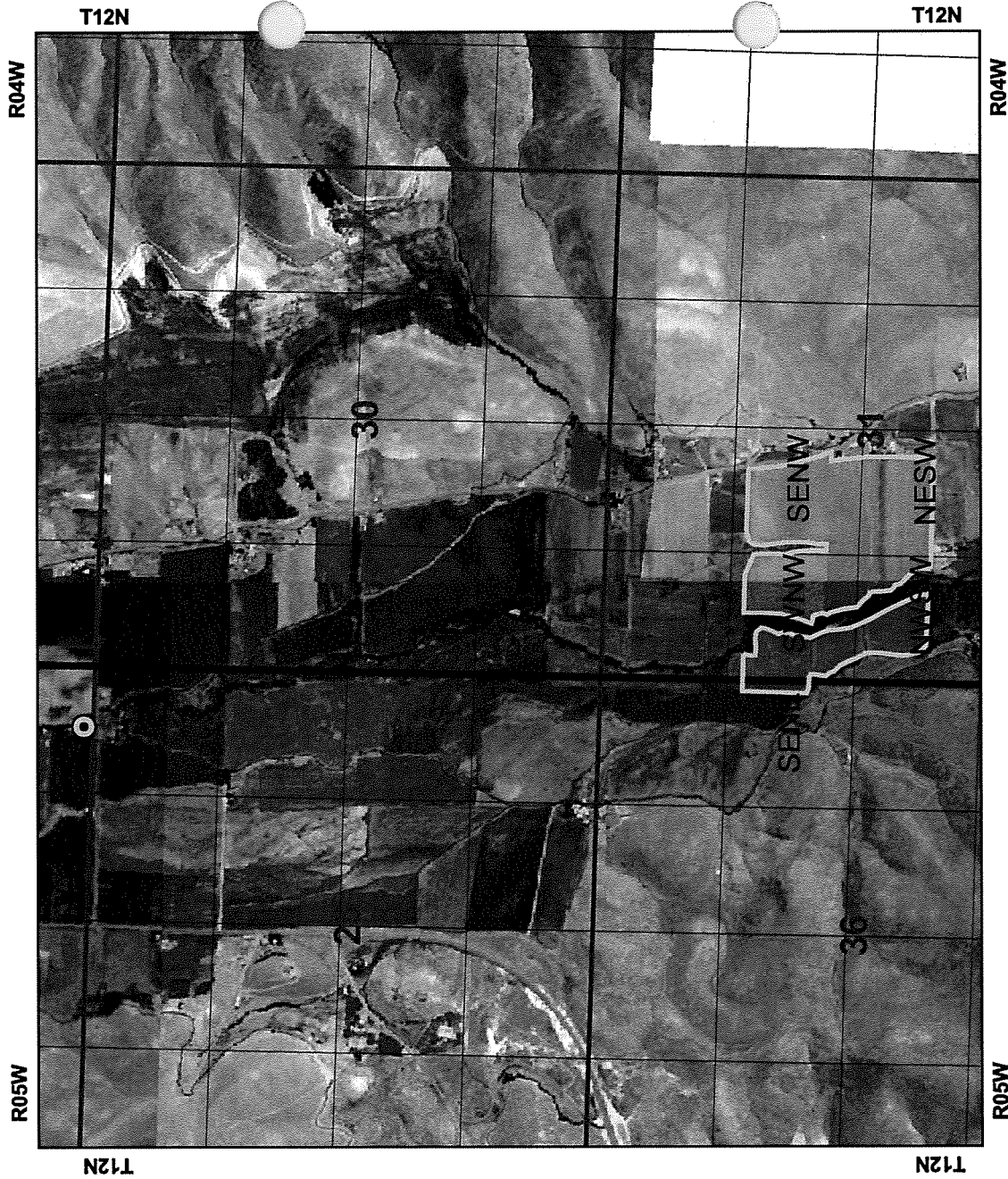
I cannot find any decreed rights that were applied to the land on the west side of the creek that was claimed by Swain. Swain claimed a PPU for several rights decreed out of ditches on the east side of the creek to be used on both sides. I see no reason why this shouldn't be allowed, provided he has the infrastructure in place to accomplish it. However, to date I can only recommend enough acreage to cover the land on the east side of the creek since Swain filed only claims based on the decree and none based on beneficial use.

I found 85 irrigated acres but only 80.5 available acres of decreed water. A note from Gilbert Ball would convince me that all of Swain's land has been delivered decreed water since the decree. 4.5 acres seems a bit large for a botched measurement not to have been picked up, but . . . <shrug> In late summer, 2005, I spoke with Swain and he said that he would get Bob Stout to write a similar affidavit for the same purposes, but I have not seen such an affidavit yet. Swain indicated that Bob Stout was leery of signing something.



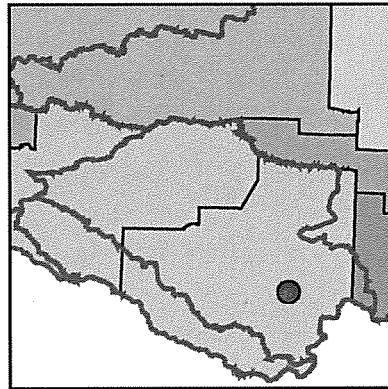
Idaho Department of Water Resources

Adjudication Claim:
67-529C



Legend

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



Washington County
IDWR Basin 67



Prepared by D. Narsavage
On Thursday, March 23, 2006
1987/88 Aerial Photography

67-529C



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: A67-00529C
Date Received: 10/16/1989
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 83672
2. Date of Priority: JUN 01, 1881
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 SPRINKLER & FLOOD
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 10/31 | 0.330 | | |
7. Total Quantity Appropriated is:
0.330 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 STOCK WATERING
10. Place of Use:

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

SCANNED
APR 06 2004

A67-00529C

Page 1

Date: 05/22/90

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OCT 01 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					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, A67-00528, A67-00593A

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

A67-00529C

Date Received

10/17/89

Receipt Number

C012253

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 3519

Mailing Address

1133 MAN CREEK & WEISER

Zip

83672

2. Date of Priority (Only one (1) per claim)

06/01/1881

3. Source of water supply (a)

MAN'S CREEK

which is tributary to (b)

WEISER RIVER

4. a. Location of existing point of diversion is: Township

12 N

Range

4 W

Section

3 / 1

NE 1/4 of

SW 1/4 of

1/4, Govt. Lot,

B.M., County of

WASHINGTON

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

AND A SPRINKLER & FLOOD

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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 0.33 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (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.) 10 STREAM STOCK WATERING

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>12</u>	<u>4W</u>	<u>31</u>			<u>19</u>					<u>20</u>		<u>100</u>					<u>30</u>		<u>109</u>

Total number of acres irrigated

109

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:

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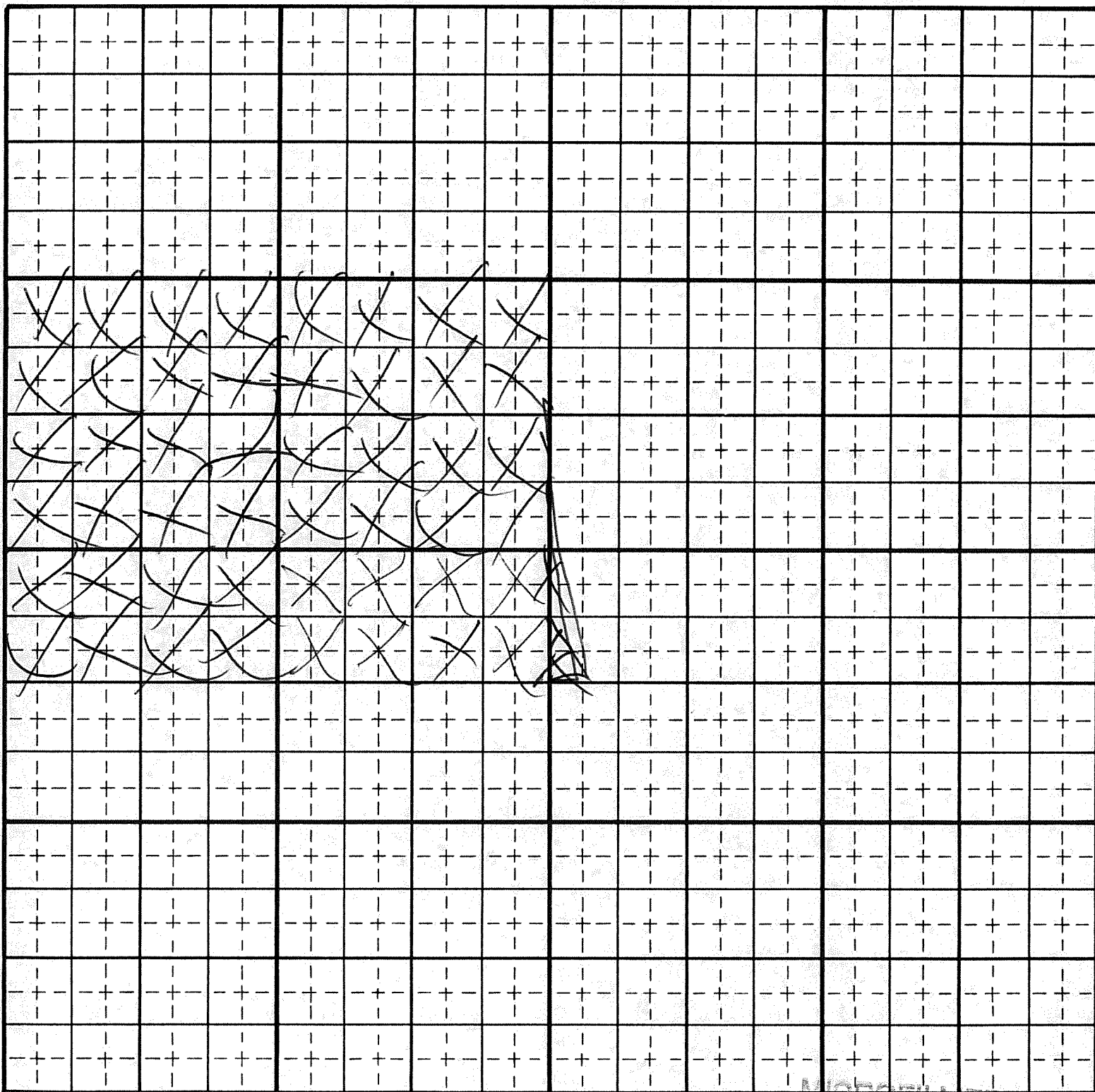
OCT 01 1992

Last Name _____ 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 67 00529
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 _____

of SWAIN FAMILY TRUST Trustee Title _____
Organization _____, that I have signed the foregoing

document in the space below as Trustee of Swain Family Trust
Title _____ 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 Ed Weiser

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

4/25/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Sewari Family Trust

CLAIM IDENT. NO.

Ab7-00529C

DATE RECEIVED

10/16/89

CK #

602253

AMOUNT \$

80

YES

NO

Required Info?

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

Claim checked by:

B

Date:

5/22/96

Claim must be returned to claimant:

(Yes) ☒ (No) ☐

Claimant must be notified of modifications:

(Yes) ☒ (No) ☐

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

Comments:

County = Washington

#13 = 67-00525A & 67-00528

67-00593 A

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POU. gave
OE, NW - 20all other claims gave
SW, NW!

EXPENDITURE VOUCHER

STATE OF IDAHO
Office of State Auditor

AUDITOR USE

AGENCY USE

3744

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.	

CHECK ONE:

(1) MISCELLANEOUS EXPENDITURE

() STATE CONTRACT

() PURCHASE ORDER

() MISCELLANEOUS
ENCUMBRANCE REQUISITION

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

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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SCANNED
APR 06 2004



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,

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

FROM: John Carlson

RE: Payor Robert or Donna SwainAddress 1133 Mann Creek Rd.Weiser, ID 83762Approved gpc 12/12/90Approved gpc 12/14/90Claimant if NOT Payor Swain Family TrustReceipt # C012253 Attached ☒Logged 12-12-90 afAmount \$ ~~2.50~~ 2.50 Total \$50⁰⁰Claim Location RegionW/R #(s) A67-00528, -00593A, -11516,Extension Filed? Y/N NA-00525A, -11514, -11517, -00529C, 11515Copy Attached? Y/N NARefund Generated By Anna BaumhoffLate Fees Paid? Y/N NANot Refunded as of 12-12-90On 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 \$7.50
leaving \$2⁵⁰.

OK to refund \$2⁵⁰ gpc 12/14/90

on ML3 sub.

09/20/90

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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
A6700528
A6700593A
A6711516

WR FEE WR/NO
159.00 A6700525A
50.00 A6711514
25.00 A6711517

WR FEE WR/NO
50.00 A6700529C
107.00 A6711515
25.00

WR FEE
50.00
25.00
10.00

(ENTER=INQUIRE)
(GOLD6=2ND/COPY REC)

(GOLD1=ADD/PRINT REC)
(GOLD7=LASER/COPY REC)

(GOLD2=CHANGE)

(GOLD3=VOID)
(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 mlb

adjust upper portion of Receipt

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Anna

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)

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Idaho Department Of Water Resources
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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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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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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A67-00528

109.0 ac

-00593A

109.0 ac

-11516

⊕ listed

-00525A

109.0 ac

-11514

57.0 ac

-11517

⊕ listed

-00529C

109.0 ac

-11515

⊕ listed

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INTER-DEPARTMENT MEMO — 1

DATE 12-12-90

FROM *dally*

TO *Anna*

SUBJECT *Rbt. / Donna Swain Refund*

*I just got this ref. request from Don this a.m.
John will require more info, ^{on} which w/r were
the acres miscalculated. P/s hi lite w/r on rec't.
copy, and return to me so I can do ltr B4 I
give to John.*

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Thankx, Anna!

*JDE = file at Region Refund \$2.50
Change Top For Docket Sect Sub. \$7.50*

SIGNATURE



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

May 29, 1990

Swain Family Trust
Robert Swain, Trustee
1133 Mann Creek Rd.
Weiser, ID 83762

RE: Snake River Basin Adjudication (SRBA)
Washington County

Dear Mr. Swain:

We are forwarding to you computer-generated copies of the Notices of Claim which you filed for your property in Washington County. We are also enclosing Receipt #C012253 in the amount of \$501.00, for the filing fees.

We have interpreted the data from your claims and have made some minor modifications which we feel more accurately describe your water rights. The items that were modified are highlighted. Please review the enclosed forms to assure that these modifications are in agreement with your water rights.

Please note specifically the number of acres indicated in item #10 on claims A67-00525A, A67-00528, A67-00529C and A67-00593A, which totals 109. On several of the claims you had indicated that the total was 119 acres, if 109 is incorrect, please follow the procedure below to correct the claims.

Also on the above claims, the distribution of acres as you have indicated by the quarter, quarter legal descriptions, produces the distribution of lands in section 31 of township 12N range 4W as indicated on the enclosed photocopied ortho-photoquad map. The map which you drew on your claims does not follow this pattern. If the enclosed map is correct, you need not do anything further. However, if this map is incorrect, I would like to suggest that you contact the regional office listed below and amend your claims. Or follow the procedure below to make the appropriate corrections to the claims and submit the corrected claims as amended claims.

Claim A67-00529C differed from the other claims in that one of the tracts listed in item #10 did not match the other claims. From the fees paid, it appears an error was made by placing the number of irrigated acres in the wrong box on the form. If this is what occurred, you will need to amend this claim. The tract which appears incorrect has been highlighted on A67-00529C. Please cross out the wrong 1/4 of 1/4 and enter the correct ones.

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Robert Swain
May 29, 1990
Page 2

putting your initials next to the change, then sign the claim before an notary public and return the claim to the regional office below.

If you agree that the modifications on all the other claims are correct as indicated, you do not have to return the forms. If, however you feel we have misinterpreted any of the claims, please make the appropriate change(s) on the Notice of Claim form(s) enclosed. You must initial the changes you make and then sign the form before a notary public and return the claim and a copy of this letter to:

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

Please make these corrections before June 29, 1990. Do not hesitate to contact this office, or our Western Region Office, if you have any questions or concerns.

Yours Truly,



John D. Carlson
Adjudication Supervisor

JDC:ALB:sf:western:tf
Enclosures:

Claims #A67-00528, A67-00525A,
A67-00529C, A67-00593A, A67-11514,
A67-11515, A67-11516, A67-11517
Receipt #C012253
Photocopy Orthoquad Map

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MEMO TO FILE

MAY 22, 1990

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

CLAIMANT: SWAIN FAMILY TRUST

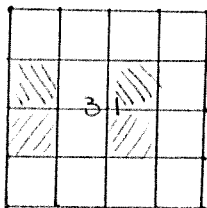
EMPLOYEE: ANNA BAUMHOFF ^B

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).

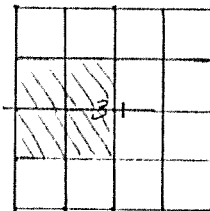
THE LEGALS GIVEN AS PLACE OF USE IN ITEM #10 ARE THE GIVEN AS THE SW 1/4'S OF BOTH THE NE AND NW 1/4 AND THE NW 1/4'S OF BOTH THE SW AND SE 1/4 ALL IN SECTION 31, 12N, 4W.



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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