

1999 AUG -6 PM 2:17

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA

Case No. 39576

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS**

SUB CASE NO. 47-12628

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

Jack C Sherrill
Rt 1 Box 4803
Twin Falls ID 83301

Phone: 734-6823

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

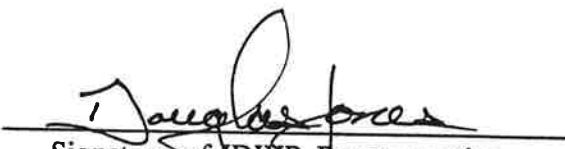
Hubert D Swafford
Bonita F Swafford
613 Sunrise Blvd N
Twin Falls ID 83301

Phone: 733-4300

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 7/28/99


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 8-10, 1999, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Jack C Sherrill
Current Address Unknown
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Hubert D Swafford
Bonita F Swafford
613 Sunrise Blvd N
Twin Falls ID 83301
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

AJ5856NP

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

DATE: JUN-10-1999
PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 47-12628

NAME & ADDRESS: HUBERT D SWAFFORD
BONITA F SWAFFORD
613 SUNRISE BLVD N
TWIN FALLS ID 83301

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1920

POINT OF DIVERSION: T10S R18E S29 NWNWSW Within TWIN FALLS County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS
	DOMESTIC 1 HOUSE	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within TWIN FALLS County
T10S R18E S29 NWSW

DOMESTIC Within TWIN FALLS County
T10S R18E S29 NWSW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
UP TO 50 BEEF CATTLE
10S18E29S400



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

August 5, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

HUBERT D SWAFFORD
BONITA F SWAFFORD
613 SUNRISE BLVD N
TWIN FALLS ID 83301

RE: SRBA Claim(s) 47-12628

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

RECEIVED

JUN 09 1999

Department of Water Resources
Southern RegionSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 47-12628
Adjudication Claim No(s): _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Jack C. Sherrill
4. New Owner/Claimant(s) Hubert D. and/or Bonita E. Swafford
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 613 Sunrise Blvd. North
City, State and ZIP Code Twin Falls, Idaho
New Telephone Number (208) 733-4300
5. Date you acquired the property 2-27-92
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Hubert D. Swafford
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

TWIN FALLS COUNTY, IDAHO
 COVERED FOR:

TITLEFACT, Inc.

1992 FEB 27 A 11 31

92002612

EX-OFFICIO RECORDER
 FEE: 300 DEPUTY: LP

TITLEFACT, INC.

163 FOURTH AVENUE NORTH
 P.O. BOX 486
 TWIN FALLS, IDAHO 83303

*****SPACE ABOVE FOR RECORDER

WARRANTY DEED

FOR VALUE RECEIVED JACK C. SHERRILL, dealing with his sole and separate property hereinafter called the grantor, hereby grants, bargains, sells and conveys unto HUBERT D. SWAFFORD AND BONITA F. SWAFFORD, husband and wife whose address is: P.O. BOX 1301, TWIN FALLS, IDAHO 83303-1301 hereinafter called grantee, the following described premises, in Twin Falls, County, Idaho, to-wit:

Township 10 South, Range 18 E., B.M., Twin Falls County, Idaho
 Section 29: NW1/4SW1/4
 Section 30: NE1/4SE1/4

SUBJECT TO: Twin Falls County Highway Right of Way

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: FEBRUARY 27, 1992

Jack C. Sherrill
 JACK C. SHERRILL

BY: *Steve Hallows*
 STEVE HALLOWS, ATTORNEY-IN-FACT

STATE OF IDAHO)
 (ss.
 County of Twin Falls)

On this 27th day of FEBRUARY, 1992, before me, a Notary Public, personally appeared STEVE HALLOWS known to me to be the person whose name is subscribed to the within instrument as the attorney in fact of JACK C. SHERRILL, dealing with his sole and separate property and acknowledged to me that he subscribed the name of JACK C. SHERRILL, dealing with his sole and separate property thereto as principal, and his own name as attorney in fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and date in this certificate first above written.

Notary Public for Idaho
 NOTARY
 Notary Public for Idaho
 Residing at: BUHL, IDAHO
 Comm. Expires: 09/08/93
 STATE OF IDAHO

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

OWNER'S POLICY NUMBER
113 - 00 - 618164

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, LAWYERS TITLE INSURANCE CORPORATION, a Virginia corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

IN WITNESS WHEREOF the Company has caused this policy to be signed and sealed, to be valid when Schedule A is countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws.

Attest:



Secretary.

Lawyers Title Insurance Corporation

By:



President

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws.

**LAWYERS TITLE INSURANCE CORPORATION
OWNER'S POLICY**

SCHEDULE A

CASE NUMBER
31417ml

DATE OF POLICY
February 27, 1992

AMOUNT OF INSURANCE
~~\$100,000.00~~

POLICY NUMBER
113-00-618164

1. NAME OF INSURED:

HUBERT D. SWAFFORD AND BONITA F. SWAFFORD, husband and wife

2. The estate or interest in the land which is covered by this policy is:

Fee Simple

3. Title to the estate or interest in the land is vested in:

HUBERT D. SWAFFORD AND BONITA F. SWAFFORD, husband and wife

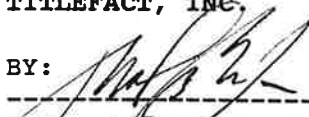
4. The land referred to in this policy is described as follows:

Township 10 South, Range 18 E., B.M., Twin Falls County, Idaho
Section 29: NW1/4SW1/4
Section 30: NE1/4SE1/4

SUBJECT TO: Twin Falls County Highway Right of Way

Countersigned:
TITLEFACT, INC.

Issued at Twin Falls, Idaho

BY: 

Authorized Officer or Agent

This policy is invalid unless the cover sheet and Schedule A and B are attached

Policy 113 - ALTA Owner's Policy (10-21-87) Form No. 035-0-113-000

LAWYERS TITLE INSURANCE CORPORATION
OWNER'S POLICY
SCHEDULE B

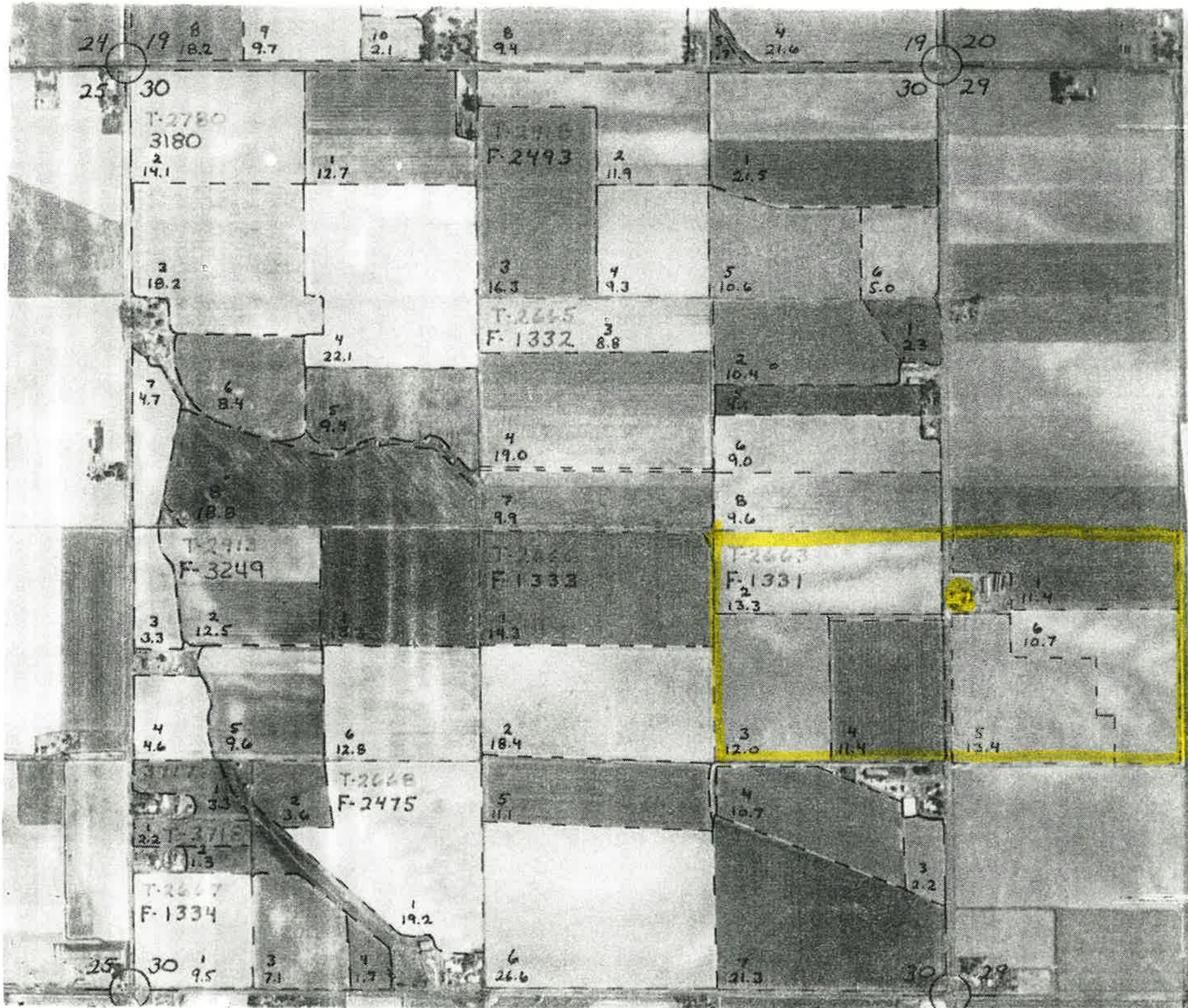
CASE NUMBER
31417ml

POLICY NUMBER
113-00-618164

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Act authorizing the insurance thereof; water rights, claims or title to water.
6. Any and all unpaid taxes, assessments and unredeemed tax sales.
7. Grant of Easement from Ratcliffe and Stafford Company to the Twin Falls Canal Company, dated July 14, 1942, recorded February 22, 1945, as Instrument No. 347530, in Book 142 of Deeds, page 284, records of Twin Falls County, Idaho.



NOT TO SCALE T-13

AJ5856NP

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

DATE: SEP-2-1997

PAGE: A-2097

RIGHT NUMBER: 47-12628

NAME & ADDRESS: JACK C SHERRILL
RT 1 BOX 4803
TWIN FALLS ID 83301

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1920

POINT OF DIVERSION: T10S R18E S29 NWNWSW Within TWIN FALLS County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS
	DOMESTIC 1 HOUSE	01-01 12-31	0.04 CFS

PLACE OF USE:	STOCKWATER	Within TWIN FALLS County
	T10S R18E S29	NWSW
	DOMESTIC	Within TWIN FALLS County
	T10S R18E S29	NWSW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
UP TO 50 BEEF CATTLE
10S18E29S400

4-22-98

Claim proofread by: MH

SEP 16 1997

FEB-18-1997
0024

1

RIGHT NUMBER: 47-12628

NAME AND ADDRESS: JACK C SHERRILL
RT 1 BOX 4803
TWIN FALLS ID 83301

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1920

POINT OF DIVERSION: T10S R18E S29 NWNWSW Within TWIN FALLS County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS
	DOMESTIC 1 HOUSE	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within TWIN FALLS County
T10S R18E S29 NWSW

DOMESTIC Within TWIN FALLS County
T10S R18E S29 NWSW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
UP TO 50 BEEF CATTLE
10S18E29S400

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: A47-12628
Date Received: 12/20/1988
Receipt No: M002312
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK C. SHERRILL
Address: RT. 1 BOX 4803
TWIN FALLS, ID 83301
208-734-6823

2. Date of Priority: JAN 01, 1920

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	18E	29	NW	NW	SW		TWIN FALLS

5. Description of diverting works:
2 HP PUMP, 8" CASED WELL 110' DEEP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ ONE HOUSE S/ UP TO 50 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10S	18E	29	NW	SW		DOMEST	
			NW	SW		STOCK	

A47-12628

Page 1

Date: 12/20/88

MICROFILMED
MAR 17 1993

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
IRRIG. WITH TWIN FALLS CANAL CO.

14. Remarks:
APPROX. PRIORITY DATE.

15. Basis of Claim: BENEFICIAL USE

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *[Signature]* Date: 12/20/88
Date:

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of December 19 88

[Signature]
Notary Public

Seal

Residing at Bowser Idaho
My Commission Expires 12-7 1994

WATER RIGHT NUMBER - A47-12628

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - + + - FIRST NAME - - + + - - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
SHERRILL

JACK C.

1 - RT. 1 BOX 4803
2 -
3 -
CITY- TWIN FALLS
PHONE - 208-734-6823

STATE- ID ZIP- 83301

+ - - PRIORITY DATE - - + + - - - REGION - - - + + - - - STAGE - - - + + - - - STATUS - - - - +
01/01/1920 ERROR IN REGION J - BENEFICIAL USE

+ - - - - - - SOURCE - - - - - + + - +
GROUNDWATER TRIBUTARY

+ - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

10S 18E 29 NW NW SW (83) TWIN FALLS

+ - +
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME

43 - DOMESTIC 01/01 12/31 0.040
04 - STOCKWATER 01/01 12/31 0.020

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.060 0.0

+ - +
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY

10S 18E 29 NW SW 04 STOCKWATER (83) TWIN FALLS
10S 18E 29 NW SW 43 DOMESTIC (83) TWIN FALLS

+ - - DIVERSION MEANS - 2 HP PUMP, 8" CASED WELL 110' DEEP.

+ - - NON-IRRIGATION USE - D/ ONE HOUSE S/ UP TO 50 BEEF CATTLE

+ - - OTHER RIGHTS FOR SAME USE - IRRIG. WITH TWIN FALLS CANAL CO.

+ - +
REMARKS
APPROX. PRIORITY DATE.

+ - +
OLD WATER RIGHT NUMBERS
NO OLD WATER RIGHT NUMBERS FOUND.

+ - +
CONDITIONS OF APPROVAL
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000

3642 3400E

