

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 37-732
Date Received: 10/19/1988
Receipt No: M001651
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

CATHERINE L SWEAT
21292 HWY 26-93
CAREY ID USA 83320

Phone: (208)823-4451

MILFORD SWEAT
21292 HWY 26-93
CAREY ID USA 83320

Phone: (208)823-4451

2. Date of Priority: 05/15/1902

3. Source: HUFF CREEK

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	22E	2	NE SW SE	BLAINE	
01S	22E	2	SW NE SW	BLAINE	
01S	22E	10	SW SE NW	BLAINE	

5. Description of diverting works:

CONCRETE AND CANAVAS DAMS AND PORTABLE PUMPS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.8	

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

8. Total consumptive use:

9. Non-irrigation uses:

COPY

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	22E	2	NW	SE	IRRIGATION	18
			SW	SE	IRRIGATION	7
			Section Acres		25	
01S	22E	3	SE	SW	IRRIGATION	15
			SW	SE	IRRIGATION	32
			SE	SE	IRRIGATION	30
Section Acres		77				
01S	22E	10	NW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	21
			NE	NW	IRRIGATION	38
			SE	SW	IRRIGATION	30
			NE	SE	IRRIGATION	35
			NW	SE	IRRIGATION	13
			SW	SE	IRRIGATION	34
			Section Acres		211	
01S	22E	15	NW	NE	IRRIGATION	28
			SW	NE	IRRIGATION	26
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	36
			NW	SE	IRRIGATION	27
			Section Acres		237	
Total Acres		550				

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

AMENDED CLAIM: Claim amended to remove 10 acres from the SESE of Section 10, T01S, R22E, which is actually located on BLM land.

RT. FOR EXCLUSIVE USE OF COATES RES. IN LOT 4 S2 T1S R22E.

15. Basis of Claim: Decreed

COPY

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

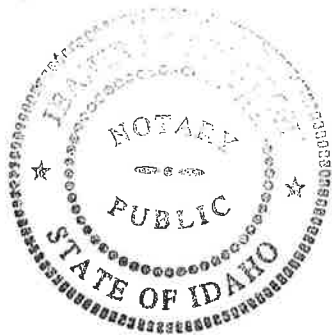
Signature of Claimant(s): Catherine L. Sweatt Date: 1-2-2003

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 2nd.
of Jan. 2003
Janie Robertson
Notary Public

Residing at Twin Falls, ID.
My commission Expires 9-23-06



COPY



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

RECEIVED

JAN - 8 2003

Department of Water Resources

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

RECEIVED

JAN 02 2003

Department of Water Resources
Southern Region

CHANGE IN ADDRESS

- ☐ Water Right Number(s): 37-743 37-11762 - 37-732
37-2676 37-2777 37-7620
37-11784 37-11788
- ☐ Old Mailing Address: P.O. Box 234 Carey, Idaho 83320

- ☐ New Mailing Address: 21292 Hwy 26-93 Carey, Idaho 83320

- ☐ New Telephone Number: (208) 823-4451
- ☐ Signature of Claimant(s): Catherine L. Sweat

- Date: 1-2-2003

FOR IDWR USE ONLY
Initial Review and Data Entry
Date: By:
Further Action Needed:
Further Action Taken
Date: By:
Final Review and Data Entry
Date: By:

CID updates:

Catherine 83805
Miford 175551

✓ sent to Grundle
1/8/03 gcc

Byron Wood - cell phone
481-1360

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: A37-00732

Date Received: 10/19/1988

Receipt No: MO01651

Received By: J. De

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MILFORD SWEAT 208-823-4451
Address: BOX 234
CAREY, ID 83320

AND/OR

Name: CATHERINE L. SWEAT 208-823-4451
Address: BOX 234
CAREY, ID 83320

2. Date of Priority: MAY 15, 1902

3. Source: HUFF CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	22E	2	SW	NE	SW		BLAINE
			NE	SW	SE		BLAINE
		10	SW	SE	NW		BLAINE

5. Description of diverting works:
CONCRETE AND CANAVAS DAMS AND PORTABLE PUMPS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.800		

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

8. Total consumptive use is 1400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A37-00732

Page 1

Date: 10/19/88

MICROFILMED

FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	22E	2	NW	SE		IRR	18.0
			SW	SE		IRR	7.0
						Section Acres	25.0
		3	SE	SW		IRR	15.0
			SW	SE		IRR	32.0
			SE	SE		IRR	30.0
						Section Acres	77.0
		10	NW	NE		IRR	40.0
			SE	NE		IRR	21.0
			NE	NW		IRR	38.0
			SE	SW		IRR	30.0
			NE	SE		IRR	35.0
			NW	SE		IRR	13.0
			SW	SE		IRR	34.0
			SE	SE		IRR	10.0
						Section Acres	221.0
		15	NW	NE		IRR	28.0
			SW	NE		IRR	26.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	36.0
			NW	SE		IRR	27.0
						Section Acres	237.0
						Total Acres	560.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

3700743, 3702777, 3702124, 3702676, 3707618, 3707620.

14. Remarks:

RT. FOR EXCLUSIVE USE OF COATES RES. IN LOT 4 S2 T1S R22E.

15. Basis of Claim: DECREED

Case Number:

Court :
Decree date: 7/07/1950

L. H. & MARJORIE EDWARDS
Decree Plaintiff

vs BERT M. & RHEA H. WHEATLEY
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Miffed Sweet Date: 10-19-88
Catherine Sweet Date: 10-19-88

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 19 day
of Oct 19 88

John Dale Carlson
Notary Public

Seal

Residing at Bow Id

My Commission Expires 4/2/94

Water Right Number - 37-00732

Adj. Flag Translation: Standard Water Right Number Old (D) Number

+ - - - - Last Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
EDWARDS

L. H.

1 -
2 -
3 -

State- Zip-

City-
Phone -

MARJORIE

1 -
2 -
3 -

State- Zip-

City-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + Status - - - +
05/15/1902 17 D - DECREED

+ - - - - Source - - - - + + - - - - Tributary - - - - - +
HUFF CREEK SINKS

+ - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +
Twn Rng Sec Tract Lot Rflg County

01S 22E 2 NW SW 4 R (13) BLAINE
01S 22E 2 SW SW (13) BLAINE

+ - - - - Description - - - - - Period From Period To - - - - - Diversion Rate Diversion Volume - - - - - +
Code 1.800 1.800

01 - IRRIGATION
43 - DOMESTIC

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - + + - - Total Consumptive Use - + + - - KW Usage - + + - -

+ - - - - Tract - - - - - Lot - - - - - Place of Use - - - - - Description - - - - - County - - - - -

01S 22E 3 SW SE 01 IRRIGATION (13) BLAINE
01S 22E 3 SE SE 01 IRRIGATION (13) BLAINE
01S 22E 10 NW NE 01 IRRIGATION (13) BLAINE
01S 22E 10 NE NW 01 IRRIGATION (13) BLAINE

Total Acres:

- Diversion Means -
- Non-Irrigation Use -
- Other Rights for Same Use -

MICROFILMED

FEB 23 1993

MICROFILMED
FEB 23 1993

47' 30"



MICROFILMED
FEB 23 1993
Gravel
pit

06/23/2011

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

ADR

RIGHT NUMBER: 37-732

NAME AND ADDRESS: MILFORD D SWEAT
656 FAIRBANKS ST APT A-11
FAIRBANKS AK 99709

BONNIE C KEVICKI
43559 W SPARKS CT
MARICOPA AZ 85138

BARBARA L MURPHY
BOX 215
CAREY ID 83320

MICHAEL L OLSEN
BOX 144
CAREY ID 83320

DEAN E OLSEN
BOX 144
CAREY ID 83320

JOEL E OLSEN
568 BAKER ST
TWIN FALLS ID 83301

SOURCE: HUFF CREEK

TRIBUTARY: SINKS

QUANTITY: 1.800 CFS
21.00 AFY

The capacity of the storage reservoir is 21 AF, and may be refilled multiple times in a single year.

PRIORITY DATE: 05/15/1902

POINT OF
DIVERSION:

T01S R22E S2 SWNWSW Lot 4 Within BLAINE County
T01S R22E S2 NESWSE Within BLAINE County
T01S R22E S10 SWSSENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.800 CFS
IRRIGATION STORAGE	01/01 12/31	21.00 AFY
IRRIGATION FROM STORAGE	04/15 10/31	21.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T01S R22E S02 Lot 3 NESW	3.40	T01S R22E S02 Lot 2 NWSE	16.00
T01S R22E S02 SWSE	6.10	T01S R22E S03 SWSE	26.00
T01S R22E S03 SESE	19.00	T01S R22E S10 NWNE	33.00
T01S R22E S10 SENE	15.00	T01S R22E S10 NENW	36.00
T01S R22E S10 SESW	19.00	T01S R22E S10 NESE	32.00
T01S R22E S10 NWSE	9.40	T01S R22E S10 SWSE	34.00
T01S R22E S15 NWNE	31.00	T01S R22E S15 SWNE	24.00
T01S R22E S15 NENW	34.00	T01S R22E S15 NWNW	39.00
T01S R22E S15 SENW	40.00	T01S R22E S15 NESW	40.00

T01S R22E S15 NWSE 19.00

IRRIGATION STORAGE in BLAINE County

T01S R22E S02 Lot 4 NWSW

IRRIGATION FROM STORAGE in BLAINE County

T01S R22E S03	SWSE	26.00	T01S R22E S03	SESE	19.00
T01S R22E S10	NWNE	33.00	T01S R22E S10	SENE	15.00
T01S R22E S10	NENW	36.00	T01S R22E S10	SESW	19.00
T01S R22E S10	NESE	32.00	T01S R22E S10	NWSE	9.40
T01S R22E S10	SWSE	34.00	T01S R22E S15	NWNE	31.00
T01S R22E S15	SWNE	24.00	T01S R22E S15	NENW	34.00
T01S R22E S15	NWNW	39.00	T01S R22E S15	SENW	40.00
T01S R22E S15	NESW	40.00	T01S R22E S15	NWSE	19.00

475.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 475.9 acres in a single irrigation season. Combined Right Nos.: 37-732, 37-743B, 37-2777, 37-2676, 37-7620 & 37-22598.

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

Adjudication Recommendation

37-732

(IRRIGATION)

Legend

● Point of Diversion

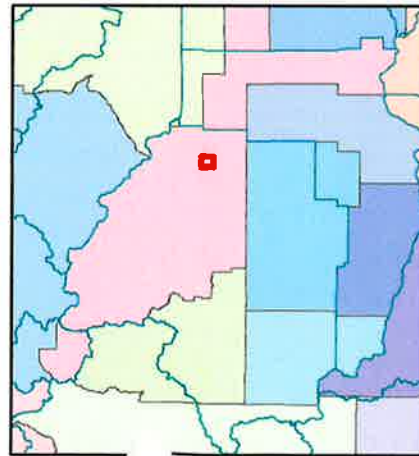
Place of Use

State Outline

Townships

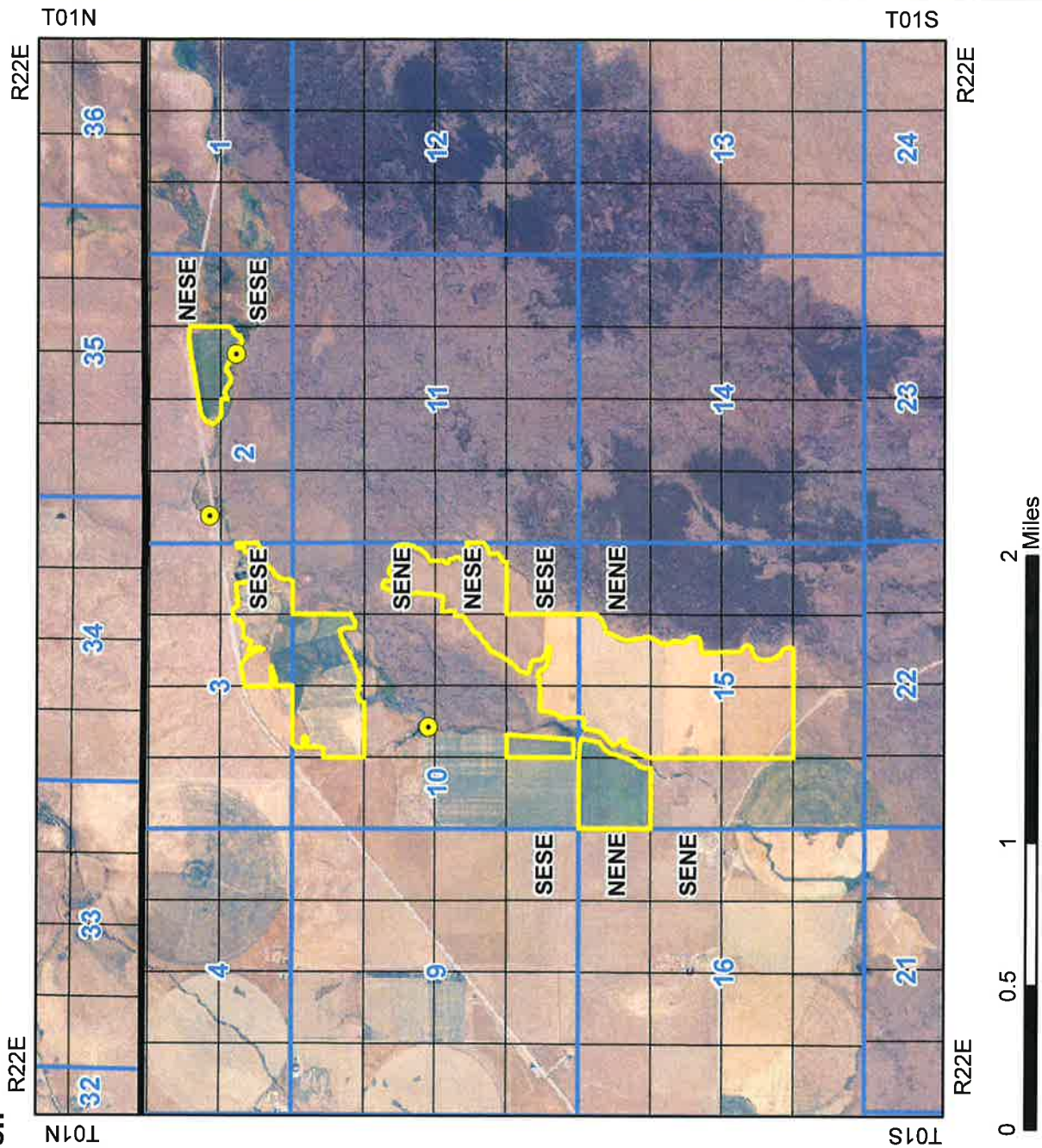
PLS Sections

Quarter Quarters



Blaine County
IDWR Basin 37

Prepared by Clelland, Steve
On March 10, 2011
2004 Aerial Photography



Clelland, Steve

37-732 ET AL

Fritz H.

578-0520

From: Clelland, Steve
Sent: Thursday, April 07, 2011 3:28 PM
To: 'Fritz Haemmerle'
Cc: Spencer, Nick
Subject: RE: Sweat

Fritz,

Here is a follow-up to your questions. I will try to make the responses below – within your email questions. I will leave it up to you to forward this info on to Bryan if you will.
Steve

From: Fritz Haemmerle [mailto:fxh@haemlaw.com]
Sent: Friday, April 01, 2011 12:09 PM
To: Clelland, Steve
Subject: Sweat

Steve:

I am meeting with Bryan. We have problems, which I think can be resolved.

1. 37-743B. You may want to consider getting rid of "A" and "B" designations, and call water right 37-743. I discussed this with Carter and given that the part B was reported to the court as a separate right it may be more confusing to recombine them. There is a claim for the Part B for us to track. Our system is not as easy to provide this renumber tracking as it once was and we decided to leave it as claimed. Part B will track as disallowed.

2. 37-22598. Attached is a Report of Engineer on this right. He found the storage to be 100 AF. I hope this works for you, it works of us. Also, the priority date is wrong. We claimed a January 11, 1909 priority date. The report of the engineer shows proof of use as of November 8, 1912. I am missing something, or how did you get a priority date of 1914?

In the backfile for 37-2124 (aka #4279) (currently as 37-743) does not show any confirmation of the reservoir or volume; only reference given is in the Application for Permit. It is not documented by the engineer and is not part of the resulting License and is not part of the superceding decree 37-743. Therefore I have no evidence as to the size of the pond at the time of construction. The current recommendation (62.4 AF) is based on the pond as it appears in aerial photos today and is most likely a more accurate assessment of the volume.

That leads to your next point - priority date. Since the storage use is not part of the license it would have to be based on a beneficial use for IDWR to recommend it. While there is some indications it may have been constructed in these early years, the best possible priority date will have to be post-decree date. The Potter v. Patterson decree is dated 12/16/1914 – so the earliest beneficial use right would be 12/17/1914.

3. 37-2777. We want the storage to reflect the lower two ponds. I am somewhat confused about the storage. Does this mean that we get to fill both ponds to 80 AF, fill and refill. Or does it mean that we get a combined 80 AF, for both ponds together?

The license 37-2777 is limited to the 80 AF per year. If you want it to be used in other ponds in addition to the Wheatley pond I suggested you amend the claim to show the other ponds in use. Otherwise, it looks like you can use it at Wheatley exclusively and refill as needed until the 80 AF is reached. Your last question is correct as stated... 80 AF for both lower ponds.

4. 37-732. The old documents always reflect that on 37-732, the owner has the sole and exclusive right to the Coats reservoir. We provided an ITD document showing you size of the reservoir, that being 23AF. The reservoir should be reflected on this right, otherwise the Sweats lose some priority date for this right.

I have a copy of the old survey. It states the pond is 7 acres in size. My GIS measurements for the pond size show 10.4 acres in size – something has changed since the original map was drawn up. The calculation: [10.4 ac. X 5 Feet depth X 0.4 (adjustment for the slope of the bottom of the pond) = 20.8 AF.] I think this is reasonable given the pond size has changed; most likely the depth has also changed since then. However, the ITD map does not indicate how they assessed the volume of the pond either.

You are correct in stating the "Right for Exclusive use of Coates Res." – this wording is included on the IDWR water right summary for 37-732. What exactly does that mean? The Sweat's claimed 1.8 cfs for irrigation and that is the same recommendation made by IDWR to the Court. As it stands written – I would interpret the Coates Res. use as a regulatory pond for delivery and control of this right. Use for storage does not appear to be part of the historical record. To date no storage has ever been claimed for that pond. (Nick: I would be interested in your take on this item.)

*Carter says
to add this
w/o Amend
4/8/11*

5. All the decreed wells need to be amended to exclude the 12.5 acre POU.

Agreed. You will need to file a motion to set aside the Partial Decrees for these rights. I don't think an amendment is needed since we are just removing the acres from the POU.

Please advise.

Fritz X. Haemmerle
HAEMMERLE & HAEMMERLE, P.L.L.C.
P.O. Box 1800
Hailey, ID 83333
Tel: (208) 578-0520
FAX: (208) 578-0564

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SE 1/4

SW 1/4

SW 1/4

1/4

T15

R22E

S2

NE 1/4

NE 1/4

NE 1/4

SE 1/4

SW 1/4

SW 1/4

DEVEREUX

DITCH

HUFF CREEK

FISH CREEK
STORAGE DITCH

10.4

Coates Res.

HUFF CREEK

37-732

Received in Judgment
Book 12 Page 148
Docketed
Indexed

5-3 37-A-1
Vol 6 Page 1157 ✓

PROOF READ

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE.

L. H. EDWARDS and MARJORIE
EDWARDS, his wife,

Plaintiffs,

vs.

BERT M. WHEATLEY and RHEA
H. WHEATLEY, also known as
Mrs. Bert Wheatley, his wife,

Defendants.

JUDGMENT

FILED 30 Entered

JUL 8 1950

George A. McKay
CLERK DISTRICT COURT
BLAINE COUNTY, IDAHO

THIS CAUSE Having come on regularly for trial before the Court, sitting without a jury, on the 21st day of February, 1950, the plaintiffs appearing in person and by their attorney, Lawrence B. Quinn, esquire, and the defendants appearing in person and by their attorney, Joseph McFadden, Esquire, and the Court having heard all of the testimony and having examined the proofs offered by the parties and having made and entered Findings of Fact and Conclusions of Law, as aforesaid, IT IS HEREBY ORDERED, ADJUDGED and DECREED:

1. That defendants and cross-complainants take nothing by their cross-complaint filed herein.

2. That the plaintiffs, L. H. Edwards and Marjorie Edwards, are the owners of the following described real property situated in the County of Blaine, State of Idaho, to-wit:

The South Half of the Southeast Quarter (S½SE¼) of Section Three (3), and the Northeast Quarter of the Northwest Quarter (NE¼NW¼) and the Northwest Quarter of the Northeast Quarter (NW¼NE¼) of Section Ten (10), all in Township One (1) South, Range Twenty-two (22) East of the Boise Meridian.

37 0732 3. That the plaintiffs, L. H. Edwards and Marjorie Edwards, are the owners of and entitled to the possession and use of, for irrigating and domestic purposes, the waters of Huff Creek, an independent water course, tributary to no other natural stream, and situated in Blaine County, Idaho, to the

MAY 28 1956

extent of 1.8 cubic feet per second of time (90 miners inches), with a priority dating from May 15, 1902; that the title of said plaintiff's therein is hereby declared to be good and valid; that said water right is hereby assigned and conveyed to the appellant to said real property hereinabove described, and that the point of diversion of said water right is hereby declared to be at a point in the Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Two (2), Township One (1) South, Range Twenty-two (22) East, and at a point below the outlet of "Coates Reservoir" situated in Lot Four (4), Section Two (2), Township One (1) South, Range Twenty-two (22) E.B.A.

4. That the defendants and cross-complainants, and each of the, or their successors in interest, have no right, title or interest whatever, of, in, or to said water right, being 1.8 cubic feet per second of time (90 miners inches) of the waters of Huff Creek, with a date of priority of May 15, 1902, adverse to the right of use by said plaintiff's, and that said title of said water right and each and every part thereof, be, and the same is hereby quieted in said plaintiff's.

5. That the plaintiff's, L. E. Edwards and Marjorie Edwards, are the owners of, entitled to the exclusive use of, and the right to maintain that certain reservoir situated upon Lot Four (4), Section Two (2), Township One (1) South, Range Twenty-two (22) East, for the purpose of impounding and regulating the flow and for the purpose of filling and refilling from the waters of Huff Creek and application thereof, for use on plaintiff's' land, together with all diversionary works, including ditches, laterals, inlets and outlet of said "Coates Reservoir" as hereinabove described, for the purpose of conveying said waters and water right to irrigate the said lands of plaintiff's, and that said rights to all of said diversionary works is hereby decreed and adjudged to be a prior use of any right asserted or claimed therein by the defendants and cross-complainants, and that said defendants and cross-complainants have no right or easement therein.

RECORDED
MAY 28 1996

6. That the defendants and cross-complainants, and each of them, their agents, servants, employees, representatives, successors and assigns, and each of them, are forever restrained, enjoined and debarred from asserting any claim of, in or to said water right or waters to the extent herein granted, being 1.3 cubic feet per second of time (20 miners inches) of the waters of Huff Creek with date of priority of May 15, 1902, or from in any way interfering with the appropriation and use by said plaintiffs of said water right herein decreed, or any part thereof, adverse to the rights of said plaintiffs.

7. That the defendants and cross-complainants, and each of them, their agents, servants, representatives, successors and assigns, and each of them, are forever restrained, enjoined and debarred from asserting any claim whatsoever of, in or to any ditch or lateral of said "Coates Reservoir," or diversionary works connected therewith, or any part or parts thereof, adverse to said plaintiffs.

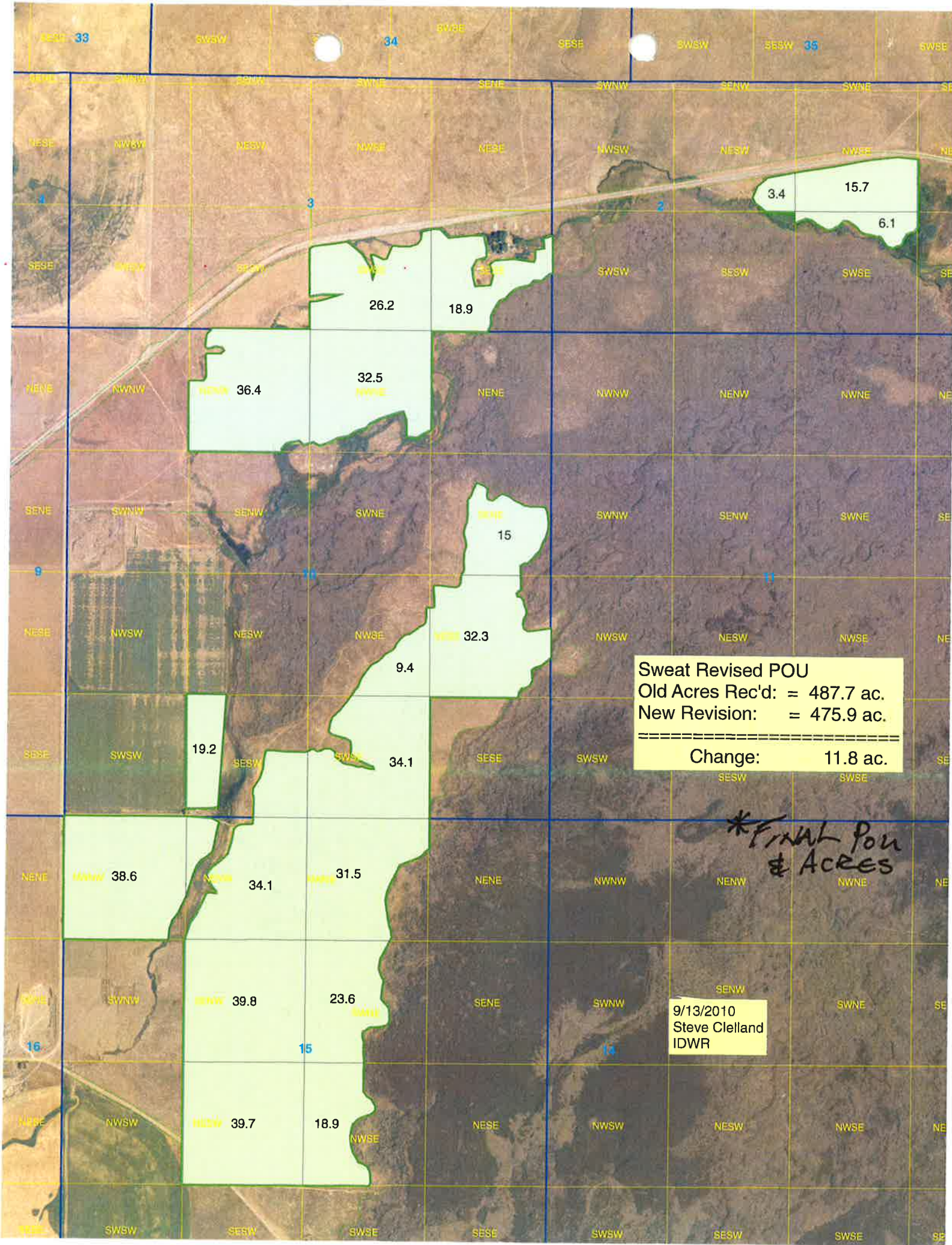
8. That said defendants and cross-complainants, and each of them, their agents, servants, representatives, successors and assigns, and each of them, are forever restrained, enjoined and debarred from cutting the banks of said ditches or laterals or interfering in any wise or manner with the headgate or regulating device or devices on or connected with said "Coates Reservoir," or the diversionary work leading into or the outlet therefrom or any of them, of said plaintiffs, and from in any manner interfering with said diversionary works or with the exclusive use thereof by said plaintiffs.

9. That the plaintiffs, L. H. Edwards and Marjorie Edwards, do have and recover of and from said defendants and cross-complainants, their agents, servants, successors and assigns, the sum of 279.75.

Costs, 7 1950.

RECORDED

MAY 28 1906



Sweat Revised POU
Old Acres Rec'd: = 487.7 ac.
New Revision: = 475.9 ac.
=====

Change: 11.8 ac.

**FINAL POU
& ACRES*

9/13/2010
Steve Clelland
IDWR

SWEAT Rights

email to ①
Fritz

GW

SUMMARY OF ALL RIGHTS

- * 37-2676 (P.D.)
- * 37-7620 (P.D.)
- (37-11784 D/S)
- 37-11788 D/S

motion to Set Aside
Rule 60(b) met
= granted

JOEL E. OLSEN
correct name

update records:
37-743B
Claim & Recd
1/4/11
SCL

37-743B

Fish Cr

TSC & A/A
5/24/11

*

-743A

(panduc) (P.D.)
3/9/11 Quit CLAM
TO SWEAT

COO on Record
w/ SM Booth
Recd. in ADR
6/23/11
SCL

-732 is the
only WR used
on Upper field
on Huff Creek

37-2777

37-732

TO BE combined
into -743B & DISALLOW

Huff Cr.

Renumbered:

in ADR Huff Cr.

37-22598

37-2124

(Late Claim)

Fish Cr.

① Superseded by
37-743

~~37-2777~~

~~37-11762~~

(Late Claim)

Huff Cr.

= DISALLOWED

TSC
1/4/11
9AM

Quit Claim Deed for -743A

F/u - COO w/ NCAP

Done on Record
5/24/11

* F/u w/ motion to set aside 3 Rts

THEN: I prep SF5's for ADR.
(ADR's for set asides)

★ NEXT STATUS Conf
April 12th 3pm

Hrg to Set Aside ALSO

9/10/10

SWEAT NOTES

-732

MTG in Twin Falls
Amended -

IRR Stor 23 AF
IRR From Stor "

As Amended
↓
ok to Rec'd

ADD: Re-fillable remark

* motion to Set Aside (helps to fix COO)

< - 2576 > fix pou ← clerical errors in POU
- 7620 on 13 AC S. 3 SESW

Add on NW NW S. 15 (40)
NE NW S. 15 (5.8)

1st STEP

* fix up a final pou map

87- 2777 & 87- 11762

↓
Amend

* pou to match -2777
* meas. pond size

w/ revised pou

-2124
& 743 B

fill pond @ 7.4
in draw line 1.6
fill 160 AF multi times

* lie. in post Decree
in effect on -743

phone: 720-0067
email: bryznwood78@yahoo.com

11/2/10 Sweet

Call from Bryon Sweet -

- leaving town
- TSC is set for 9th
- Late Claim Report set for 12th

* must get reviews done today to meet timeline
- email to Fritz H. - FYI

37-743 B - Bryon has been in contact with Doug of Purdue Ranch and they are trying to confirm ownership of this Rt.

(2ND call)

- Doug: went to T.F. "1/10 met w/ Corey S. who provided docs for Rts involved.
- I suggested they write a letter to Court explaining the ERROR.

11/9/10

<TSC>

(Fritz H. suggested to hold off on Late Claim filing pending resolution of 37-743 fix.)

8/23/10

INIT HRGS

wants to draw
un-owned 13 Ac.
in S.3 SE3W

- I mentioned to (4)
Add 5.8 Ac in
NENE S.15

- 11762

(what is in here
that isn't Rec'd in
- 2777?)

includes "pumping pond"
at the "bottom" of the system

(see email)

- 743B

(A & B)

(conflicting
WM info w/
what to do w/
pump - 743A)

Motion granted
Today

732 - * Amended to Add

pumping pond =
"Coates Res"

(ADR?)
DUE

→ R. Brown - "SPF
- schematic"

* Meet in Southern ((3 wks))

Sept. 10th

1:30 pm

- w/ Rec'd - 2124

- w/ Amend - 732

(LATE)

37-2124

prepare Rec'd! (email to FH)

→ large Pond in North

Nov. 9th 10 am - (TSC)

37-743 A
Reported in
PI SW
!
ultrandy deamed

@ Issue?

Make up
File?
get from
C. Sexton

TIN
TIS
R22E

PROP
FROM
POL

PARKING
WHITBY

CEDARUSA

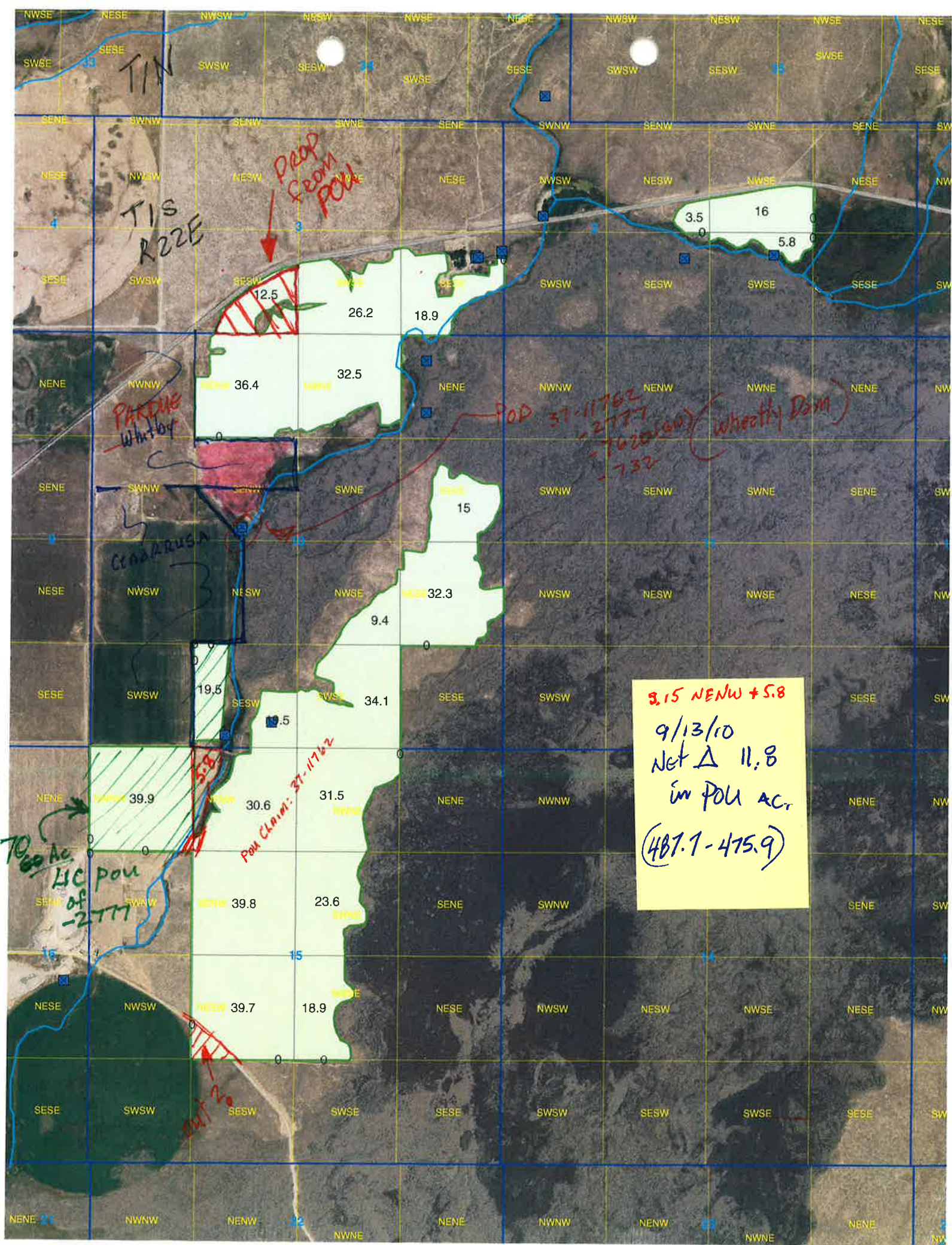
POD 37-11762
-2777
-1620 (dam)
-732
(Wheathy Dam)

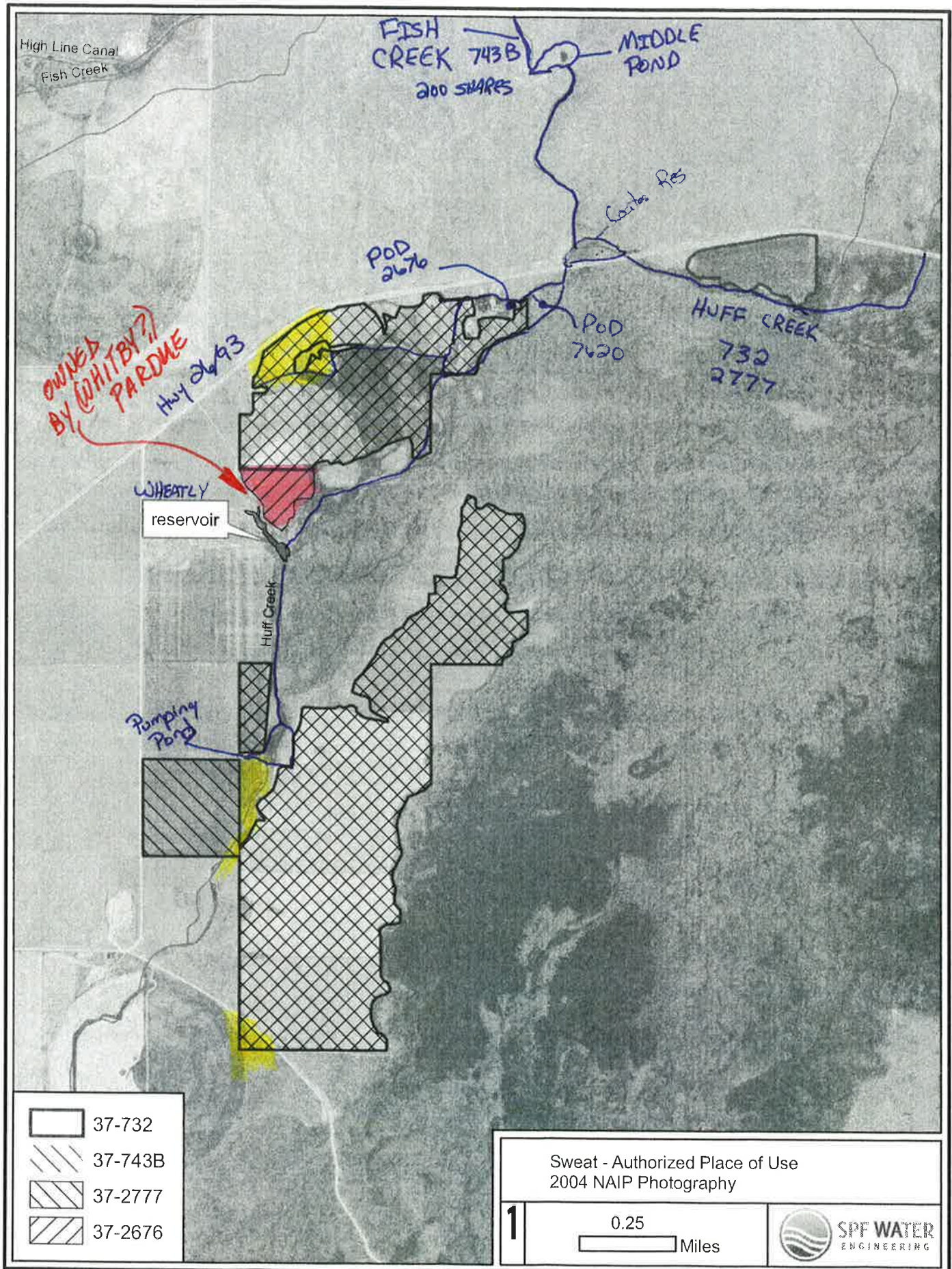
TO
60 AC
LIC POL
OF
-2777

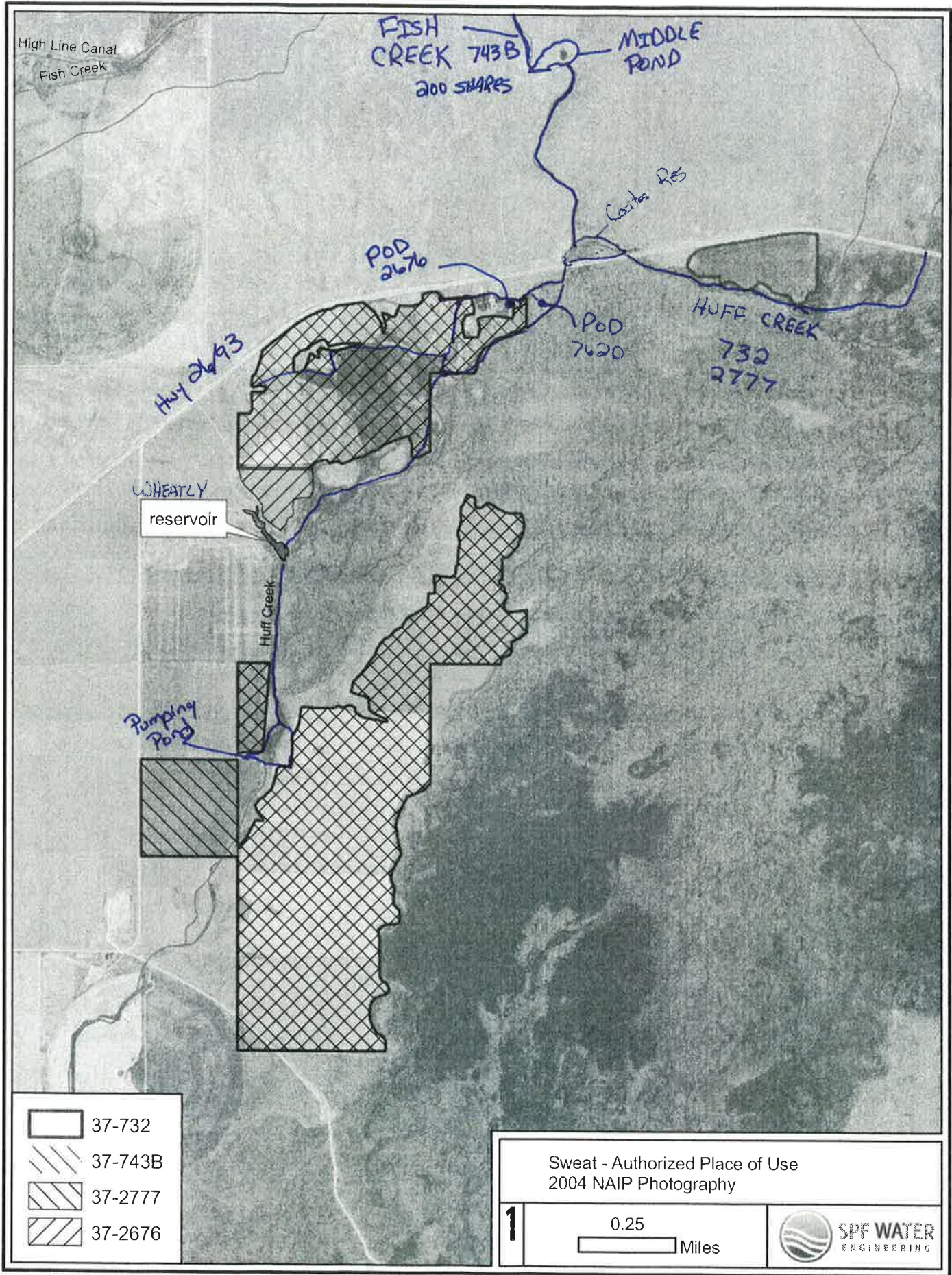
POD CLAIM: 37-11762

OUT 20

3.15 NENW + 5.8
9/13/10
Net Δ 11.8
in POL ACr
(467.1-475.9)







- 37-732
- 37-743B
- 37-2777
- 37-2676

Sweat - Authorized Place of Use
2004 NAIP Photography

1

0.25
Miles

 **SPF WATER**
ENGINEERING

Clelland, Steve

From: Clelland, Steve
Sent: Thursday, July 22, 2010 3:06 PM
To: 'Fritz Haemmerle'
Subject: Sweat Rights - follow up on Conversation 7/21/10

Hello Fritz,

Here is the email I promised to send to you summarizing the Sweat recommendations.

Below is a copy of the email I sent earlier in June describing the lands irrigated by Sweat waters but not owned. The owner of record in taxlot data is Francis Myers. I will leave the details to the msg below.

After reviewing the issue of 37-11762, the disallowed right, I agree still the right is not needed to describe the Sweat water rights as claimed. The elements claimed in this right, as an enlargement of acres to 37-2777, were fully recognized and recommended under the water right 37-2777. Therefore, no additional benefit is gained in recommending the right 37-11762. If I am missing something here I would like to meet with you and Bryan Wood to discuss it.

37-732 and 37-743B:

It appears the claimants would like additional acres under these rights. I suggest we meet to point out where these added acres are located on maps. It is the easiest way to resolve these questions. As to the additional water claimed under 37-743B: this right was originally decreed as 3.2 cfs (160"). According to watermaster records I obtained during my reviews of the area, this right is split between the Sweat's and W.D. Pardue in equal halves (1.6 cfs each). If the Sweats have an explanation of how the right evolved differently it will need to be documented to overturn the recommendation. They may even need to re-open the Pardue right if it needs to be reduced. That right has been Partially Decreed: 9/29/2006.

I would like to meet with you and the claimants if we can resolve these Objections before the Hearings in August. Let me know if I can be of further assistance.

Steve

Steve Clelland
steve.clelland@idwr.idaho.gov
(208) 287-4913

From: Clelland, Steve
Sent: Tuesday, June 15, 2010 10:12 AM
To: 'Fritz Haemmerle'
Cc: Fawcett, Trish; Clelland, Steve; Ridgeway, Renea
Subject: Change of Ownership request for Sweat Rights

Hi Fritz,

We are trying to sort out a request for Change of Ownership for the Sweat rights; partial decrees, objected claims and late claim. Trish has reviewed the package you submitted and found the land in T1S R22E S03 SESW 13.0 acres is not

owned by Sweat but rather belongs to Francis Myers (as per taxlot data). We would like to put all the water rights under ONE ownership; the family trust. It would clear up the process if you could submit a rental agreement or other document that explains how the Sweat water is used on the Myers land. Splitting all the rights does not sound like the best way to describe these rights so an explanation can help keep this POU as claimed on S03 SESW.

Regarding 37-732, 37-743B & 37-11762, if there is information you have that may help resolve the objections for these rights perhaps we could finish that up before the Initial Hearings in August. It would be one less for our schedule... If it works.

Let me know if you need additional info on this.
Steve

Steve Clelland
steve.clelland@idwr.idaho.gov
(208) 287-4913



United States Department of Agriculture
Farm Service Agency

Blaine County FSA

TRACT 798



February 19, 2010

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Connect POU

Clelland, Steve

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Steve

Steve Clelland
steve.clelland@idwr.idaho.gov
(208) 287-4913

Sweet

6/4/10

37-732
- 743 B

SESW S.3

13.0 Ac

FRANCIS MEYER

GW - P decreed

on QQ

Fritz H. ← contact needed

Ask
About
unowned parcel

Trish doing COO!

Amend CLAIM

Pending Late Claim: file w/ Craig
37-2124

6/15/10 discussed details w/RR/CF/TF
sent email to Fritz H. (10 am)

7/21/10 phone w/Fritz: see if pond in Disallowed

① 37-11762 can be added to 37-2777 (?)
they cover the same pool.

② email details of Ownership in NW corner of POA.

(SESW S.3 13 Ac. Francis Meyer)
T 15 R 22 E

37-732

37-743 B

Paid
POU = 487.7

POU = 462.4

<25.3>

Land in
S.2 upper
Huff CR. field

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address

Should be:

SWEAT

OBJ

(R)

closed

2. ☐ Source

Should be:

(*)

- 732

3. ☐ Quantity

Should be:

(*)

- 743 B

- 1036 B (Hansen)

4. ☐ Priority Date

Should be:

- 1236 C

- 2676

5. ☐ Point of Diversion

Should be:

- 2777

6. ☐ Instream Flow Beginning and Ending Point

Should be:

- 7620

7621 (Hansen)

7. ☐ Purpose(s) of Use

Should be:

(*)

- 11762

<D12>

8. ☐ Period of Year

Should be:

- 11784

- 11788

9. ☒ Place of Use

Should be:

37-732
- 743 B

Township Range Section Lot Tract Acres Lot Tract Acres Lot Tract Acres Lot Tract Acres

01S

22E

2

NWSE 18

SWSE 7

3

SESW 15

SWSE 32

SESE 30

10

NWNE 40

SENE 21

NENW 38

SESW 30 +

NESE 35

NWSE 13

SWSE 34

15

NWNE 28

SWNE 26

NENW 40

NWNW 40

SENE 40

NESW 36

NWSE 27

Not
OWNED

01/10/2007

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

RIGHT NUMBER: 37-732
NAME AND ADDRESS: CATHERINE L SWEAT
21292 HWY 26-93
CAREY ID 83320
MILFORD SWEAT
21292 HWY 26-93
CAREY ID 83320

SOURCE: HUFF CREEK TRIBUTARY: SINKS
QUANTITY: 1.800 CFS
PRIORITY DATE: 05/15/1902
POINT OF DIVERSION:

T01S R22E S2 SWNWSW Lot 4 Within BLAINE County
T01S R22E S2 NESWSE Within BLAINE County
T01S R22E S10 SWSSENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.800 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01S R22E S02 Lot 3 NESW	3.50	T01S R22E S02 Lot 2 NWSE	16.00
T01S R22E S02 SWSE	5.80	T01S R22E S03 SESW	13.00
T01S R22E S03 SWSE	26.00	T01S R22E S03 SESE	19.00
T01S R22E S10 NWNE	33.00	T01S R22E S10 SENE	15.00
T01S R22E S10 NENW	36.00	T01S R22E S10 SESW	20.00
T01S R22E S10 NESE	32.00	T01S R22E S10 NWSE	9.40
T01S R22E S10 SWSE	34.00	T01S R22E S15 NWNE	31.00
T01S R22E S15 SWNE	24.00	T01S R22E S15 NENW	31.00
T01S R22E S15 NWNW	40.00	T01S R22E S15 SENW	40.00
T01S R22E S15 NESW	40.00	T01S R22E S15 NWSE	19.00

487.7 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Idaho Department of Water Resources



SRBA Recommendation:

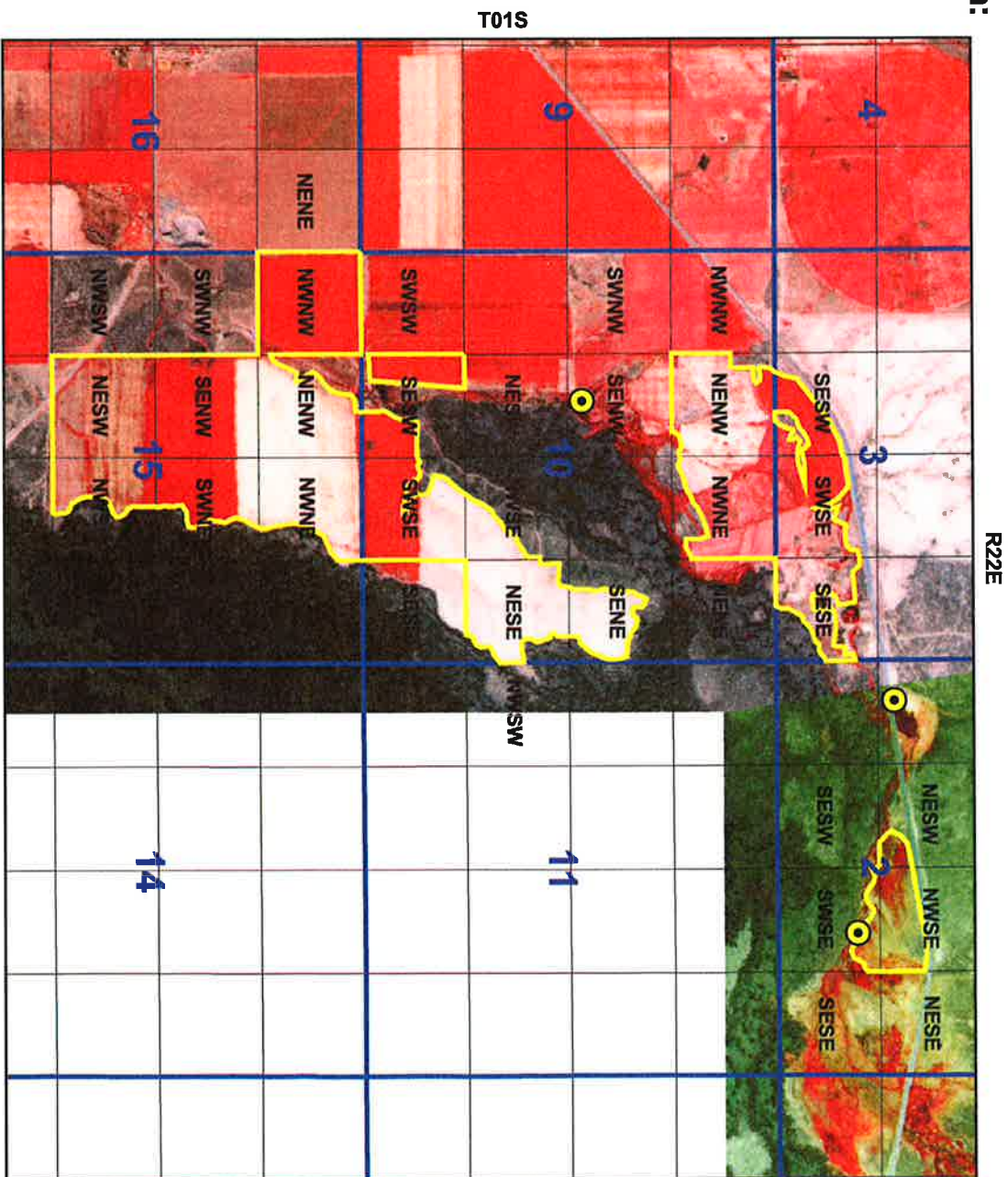
37-732
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



Prepared by S. Clelland
On Wednesday, January 10, 2007
1987/88 Aerial Photography

MEMORANDUM

TO: Steve Clelland, Nick Spencer, Shelley Keen, and Doug Jones

FROM: Corey Skinner

DATE: January 2, 2003

SUBJECT: Conversation with claimants

This day, Jeanie Robertson and I met with Catherine Sweat and Bryan Wood regarding SRBA recommendations 37-2676 and 37-7620. Mrs. Sweat is listed as a claimant/owner for these two rights and Mr. Wood is Mrs. Sweat's grandson who farms the property involved with SRBA recommendations 37-2676 and 37-7620. Part of the place of use of these two recommendations includes land owned by the Bureau of Land Management. The BLM objected to recommendations 37-2676 and 37-7620 because BLM land was included with part of the place of use. The land in question is specifically identified as...

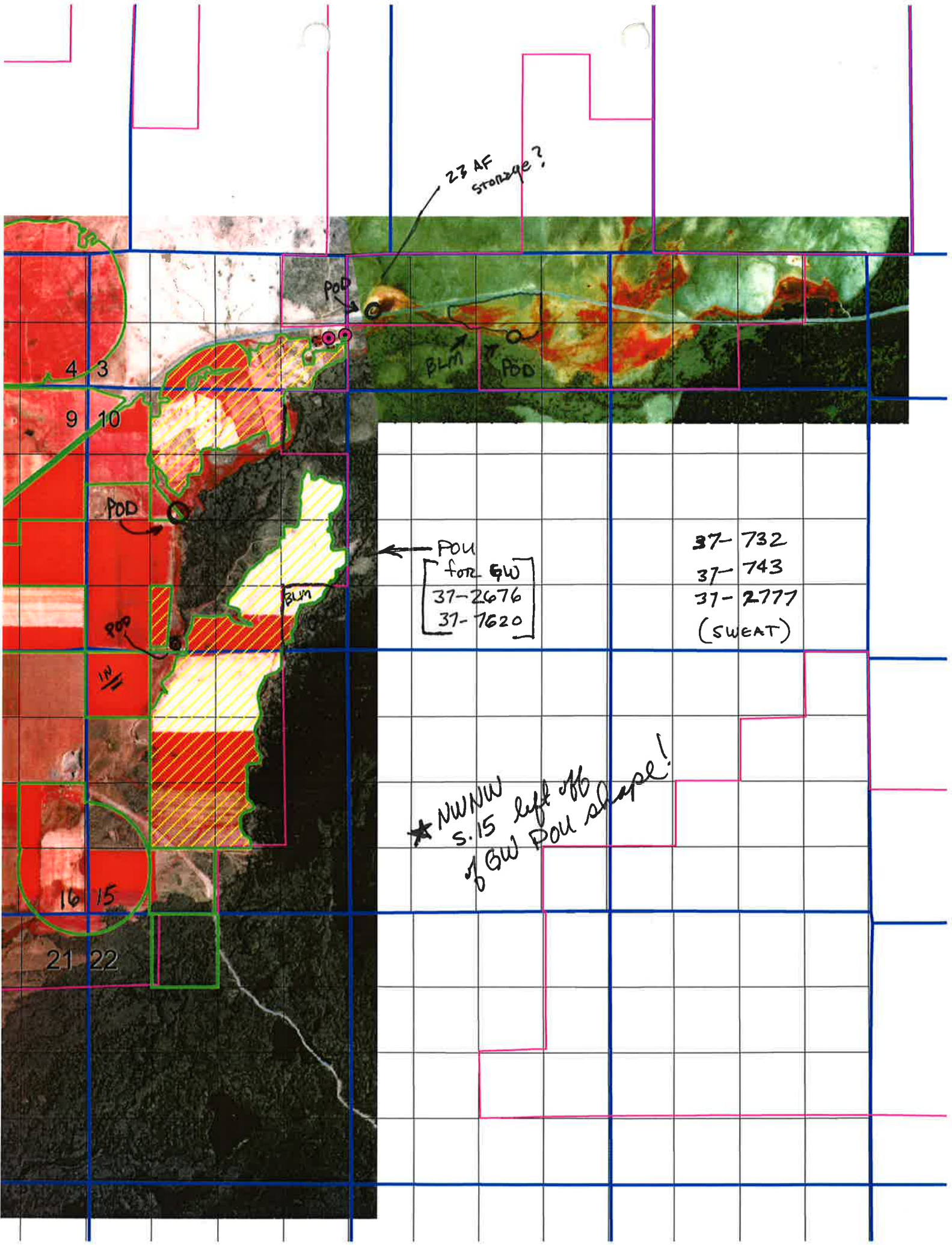
2.6 acres in the NE ¼ of the NE ¼ of Section 10, Township 01 South, Range 22 East

and

12.0 acres in the SE ¼ of the SE ¼ of Section 10, Township 01 South, Range 22 East

After discussing the situation and options with Mrs. Sweat and Mr. Wood, it was agreed upon that the 2.6 acres in the NE ¼ of the NE ¼ of Section 10 and the 12.0 acres in the SE ¼ of the SE ¼ of Section 10 would be removed from the place of use for the two recommendations. This will have to be accomplished through the SF5 process. Note that the recommendation for 37-7620 is based on a permit and references pending IDWR administrative action regarding the issuance of a license (condition A01). Water right license 37-7620, issued on August 26, 2002, lists the same place of use as recommendation 37-2676, since the 37-2676 GIS shape was used as the source for the place of use. Apparently, 37-2676 can be modified through the SF5 process, but the license for 37-7620 supercedes the SRBA recommendation, and the SRBA is bound by the licensed amounts and locations. The Sweats will have to submit a signed and notarized statement discontinuing the use of water in the 2.6 acres in the NE ¼ of the NE ¼ of Section 10 and the 12.0 acres in the SE ¼ of the SE ¼ of Section 10. Since 37-7620 is for less than 0.02 cfs per acre, the BLM land should be able to be removed from the place of use, without affecting the licensed diversion rate and irrigation from storage volume.

This day, Mrs. Sweat also amended claims 37-732, 37-743, and 37-11762 (all surface water sources, not yet reviewed in the SRBA) to remove the BLM land from the place of use in Section 10, Township 01 South, Range 22 East. In addition, Mrs. Sweat filed an address change for the above-mentioned claims and other claims.



23 AF storage?

POD

BLM

POD

POD

POD

IN

POU
for GW
37-2676
37-7620

37-732
37-743
37-2777
(SWEAT)

★ NWNW
S.15 left off
of GW POU shape!

4 3

9 10

16 15

21 22

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-732

WATER RIGHT NUMBER: 37-732

Owner Type Name and Address
 Current Owner MARJORIE EDWARDS

, ID
 Current Owner L H EDWARDS

, ID

Priority Date: 05/15/1902

Basis: Decreed

Status: Active

Source Tributary
 HUFF CREEK SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.800 CFS	
DOMESTIC	/ to /		

Total Diversion: 1.800 CFS

Location of Point(s) of Diversion

HUFF CREEK	L4 (NW1/4SW1/4)	Sec. 2,	Twp 01S,	Rge 22E, B.M.
BLAINE County	(Rediversion)			
HUFF CREEK	SW1/4SW1/4	Sec. 2,	Twp 01S,	Rge 22E, B.M.
BLAINE 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	
01S	22E	3																X	X
01S	22E	10			X				X										

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

- General RT. FOR EXCLUSIVE USE OF COATES RES. IN LOT 4 S2 T1S R22E.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-732

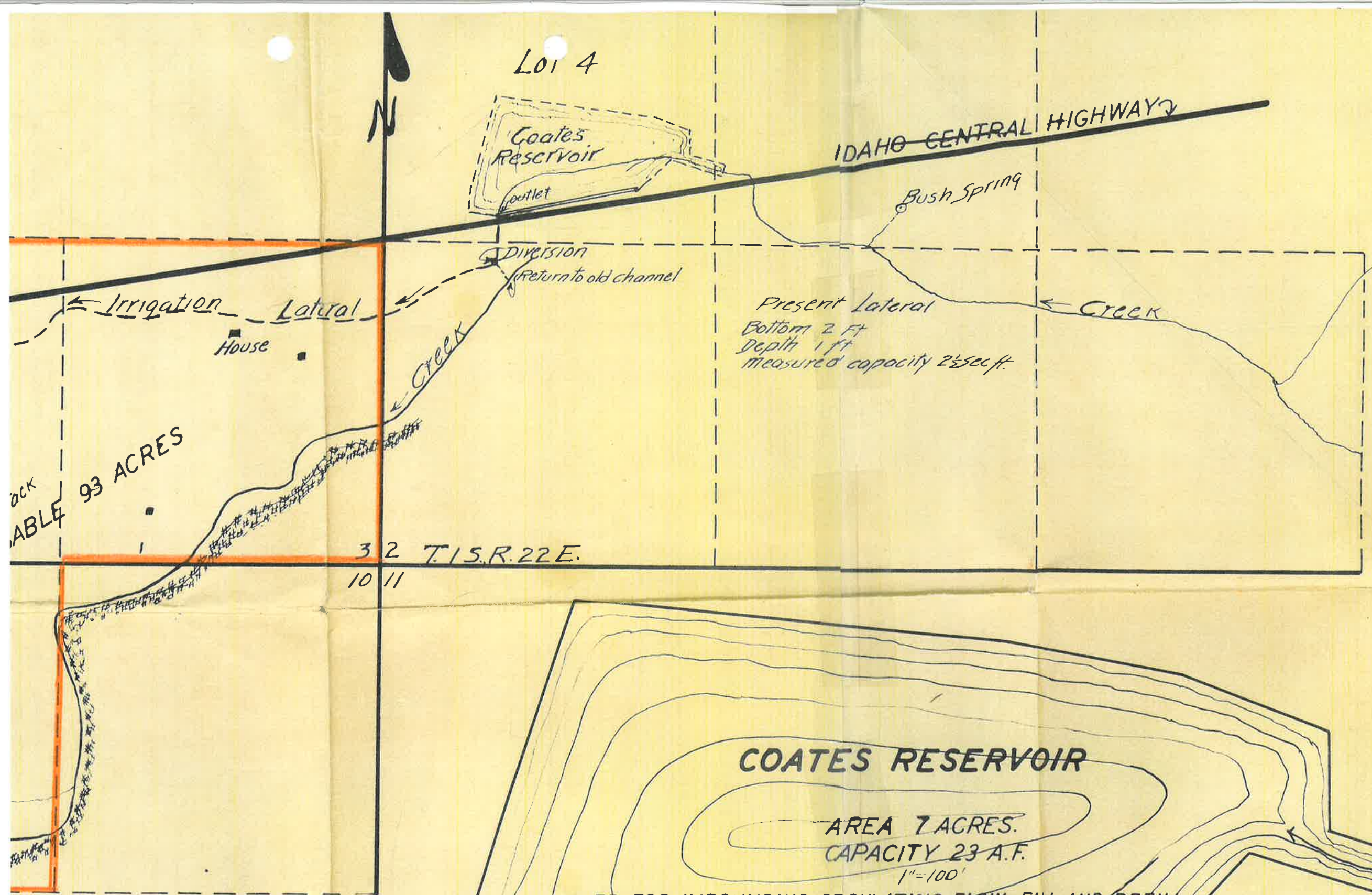
Comments:

Dates and Other Information:

Licensed Date:
* Decreed Date: 7/7/1950
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
[Decree Defendant: Bert M Wheatley, et al
Decree Plaintiff: L H Edwards, et al
Civil Case Number:
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False]

Decree:

37-A-1



MAP OF L.H. EDWARDS RANGE SHOWING IRRIGATION SYSTEM

BY TWIN FALLS ENGINEERS

J.E. HAYES, C.E.

JUNE 24, 1949.

1" = 400'



Copy of map
from Sweet family