

01/24/2003

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

RIGHT NUMBER: 29-7042

NAME AND ADDRESS: MARK R SWANSON
436 POLK
AMERICAN FALLS ID 83211

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.590 CFS
550.000 AFY

PRIORITY DATE: 12/02/1969

POINT OF DIVERSION:

T06S R33E S7 SWSENW Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/01

QUANTITY
2.590 CFS
550.00 AFY

PLACE OF USE: IRRIGATION Within POWER County

T06S R33E S07	NENW	40.0	T06S R33E S07	NWNW	39.0
T06S R33E S07	SWNW	38.0	T06S R33E S07	SENW	40.0

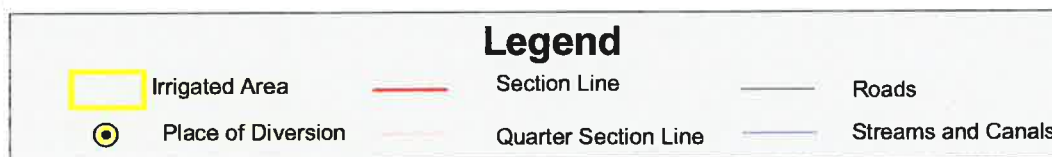
157 ACRES TOTAL

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: License

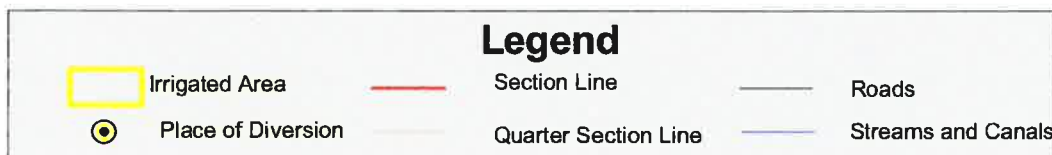
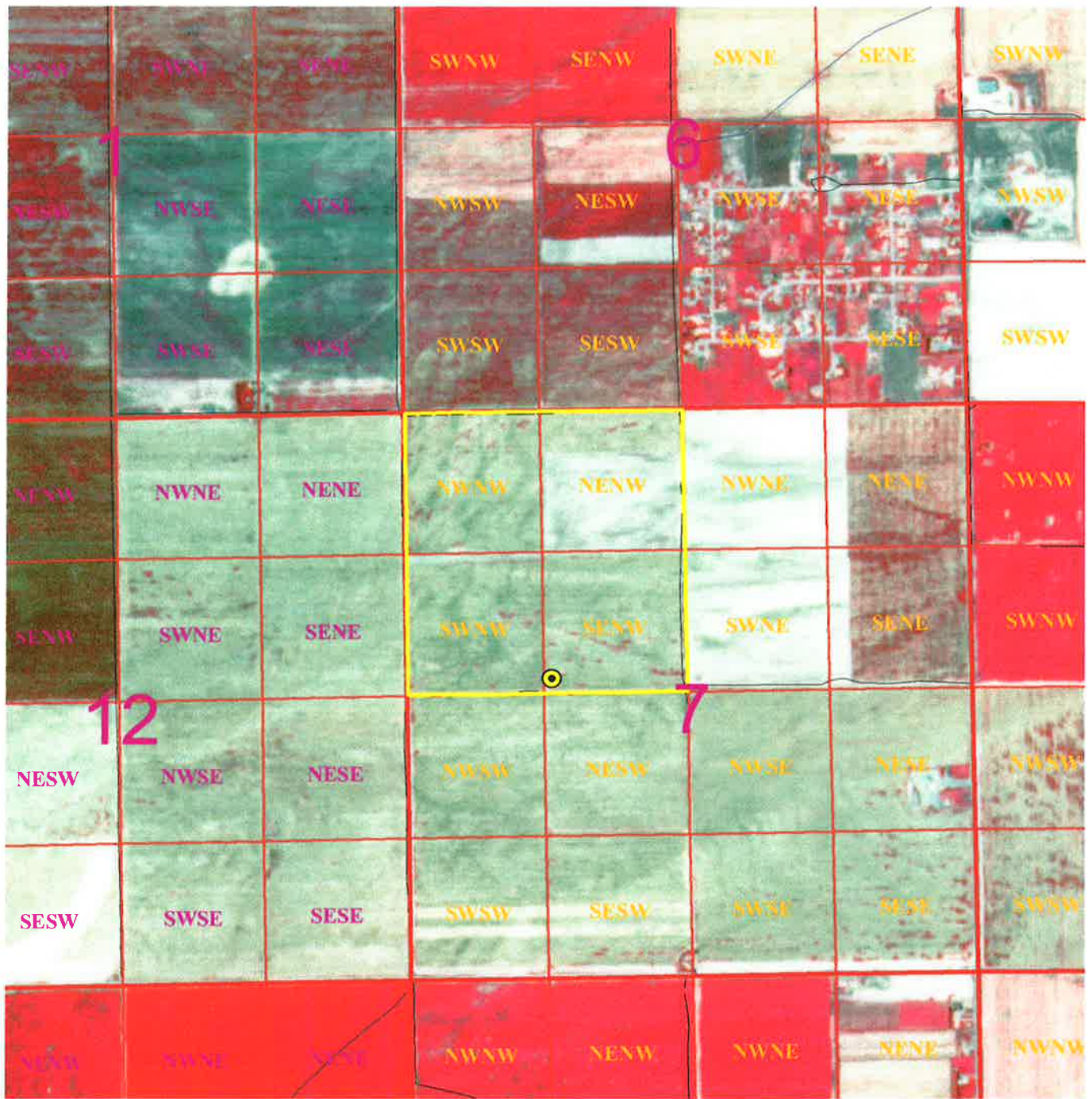
A 12x12 grid of 144 small images showing different wind directions. The grid is labeled with wind directions in each cell. A yellow circle is in the center of the grid, and a yellow line is drawn around it. The grid is divided into four quadrants by a vertical and a horizontal line. The quadrants are labeled with numbers 1, 6, 7, and 12.



900 0 900 1800 Feet



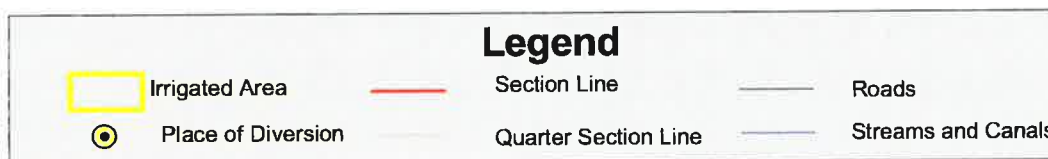
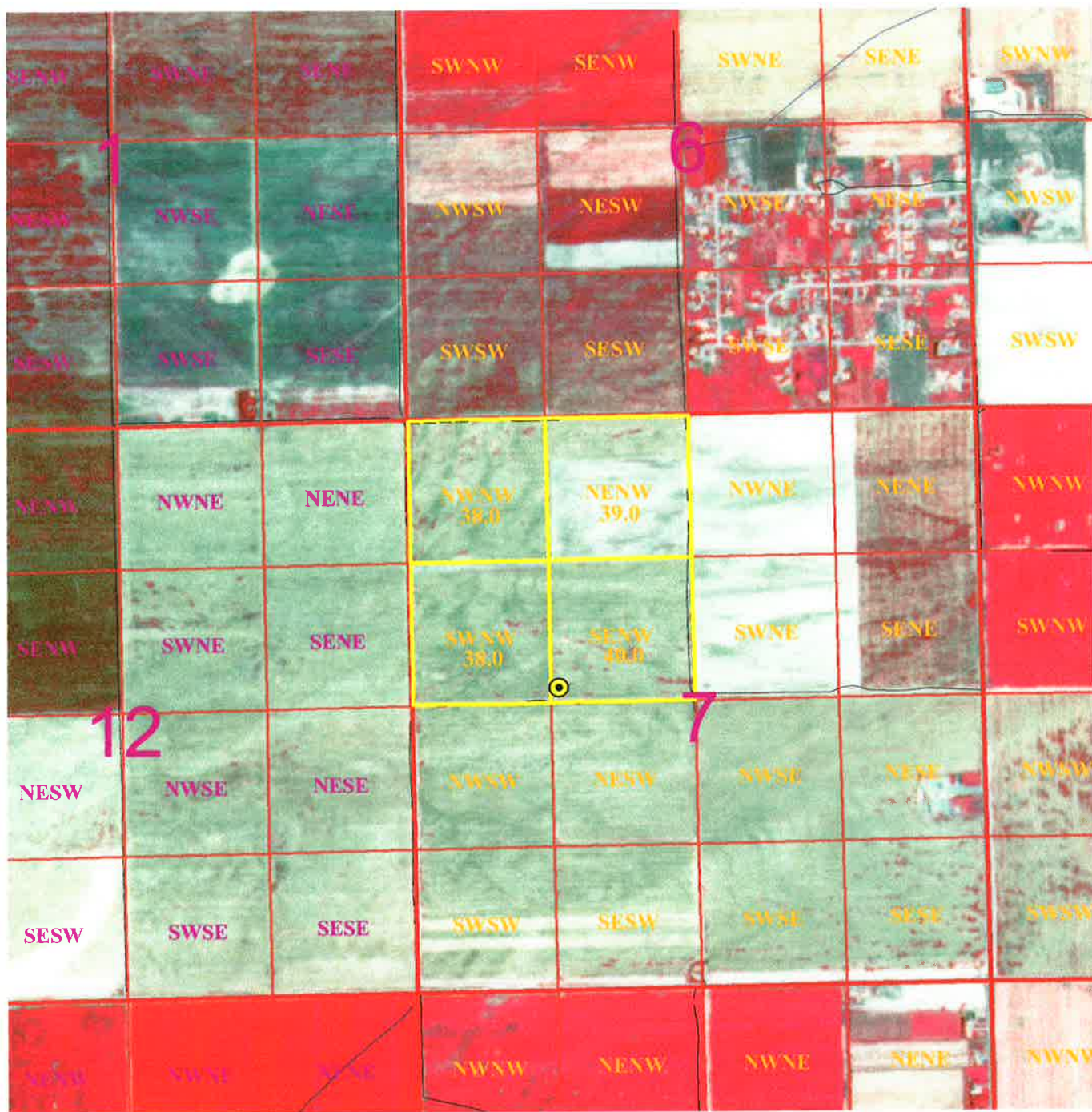
Township , 6S33E



900 0 900 1800 Feet



Township , 6S33E



900 0 900 1800 Feet



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7042 V1

WATER RIGHT NUMBER: 29-7042 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARK R SWANSON 436 POLK AMERICAN FALLS, ID 83211 (208) 226-7376
Original Owner	JOHN P EVANS 51 FORDHAM POCATELLO, ID 83201 (208)232-2110
Original Owner	JANE R EVANS 51 FORDHAM POCATELLO, ID 83201 (208)232-2110

Priority Date: 12/02/1969

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/01	2.590 CFS	550.00 AF
	<u>Total Diversion:</u>	2.590 CFS	550.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4NW1/4	Sec. 7, Twp 06S, Rge 33E, B.M.
POWER 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	
06S	33E	7					40.0	39.0	38.0	40.0									157.0

Total Acres: 157

Conditions of Approval:

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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-7042 V1

Comments:

1. csaxton 1/24/2003 Recommendation
Comment: Recommend a claimed and licensed.

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:
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

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	1/24/2003 10:18:52 AM	csaxton			Active
Priority Date	1/24/2003 10:19:23 AM	csaxton			Active
POD	1/24/2003 10:19:31 AM	csaxton			Active
Source	1/24/2003 10:21:26 AM	csaxton			Active
POU	1/24/2003 10:21:37 AM	csaxton			Active
Use	1/24/2003 10:22:27 AM	csaxton			Active
Season	1/24/2003 10:23:00 AM	csaxton			Active
Quantity	1/24/2003 10:23:54 AM	csaxton			Active
Summary			01/24/2003	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	1/24/2003 10:18:52 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7042 V1

Priority Date	1/24/2003 10:19:23 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	1/24/2003 10:19:32 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	1/24/2003 10:19:58 AM	csaxton	Edited point location
POD	1/24/2003 10:20:19 AM	csaxton	Edited PLS
Source	1/24/2003 10:21:27 AM	csaxton	(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?
POU	1/24/2003 10:21:37 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	1/24/2003 10:21:51 AM	csaxton	Edited shape boundary
Use	1/24/2003 10:22:26 AM	csaxton	(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 29-7042 V1

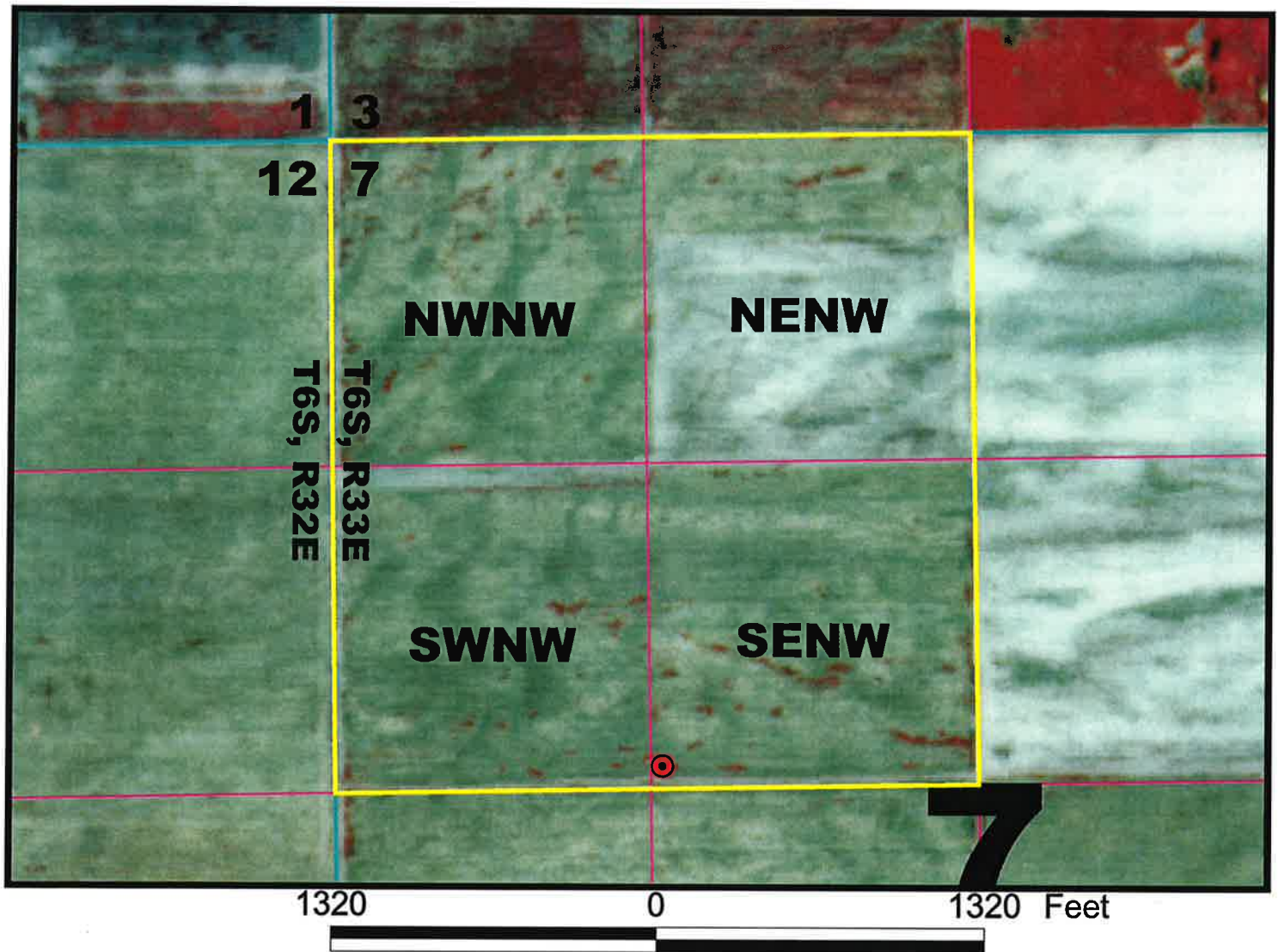
Season	1/24/2003 10:23:00 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	1/24/2003 10:23:53 AM	csaxton	(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? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - As Licensed
Summary	1/24/2003 10:24:58 AM	csaxton	(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? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-07042



Total Irrigated Acres: 157.0



Point(s) of Diversion



Place of Use



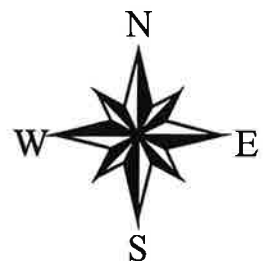
Quarter Quarter Lines



Section Lines

SCANNED
APR 12 2006

PROFILED



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: January 2003

PROFILED

APR 12 2006

SCANNED

1-24-03: Rec as licensed No Overlaps

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 29-7042

WATER RIGHT NUMBER: 29-7042

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARK R SWANSON ✓ 436 POLK AMERICAN FALLS, ID 83211 (208) 226-7376
Original Owner	JOHN P EVANS 51 FORDHAM POCATELLO, ID 83201 (208)232-2110
Original Owner	JANE R EVANS 51 FORDHAM POCATELLO, ID 83201 (208)232-2110

Priority Date: 12/02/1969 ✓

Basis: License ✓

Status: Active ✓

<u>Source</u>	<u>Tributary</u>
GROUND WATER ✓	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	4/01 to 11/01 ✓ 3/15	2.590 CFS ✓	550 ✓
	<u>Total Diversion:</u>	2.590 CFS ✓	550 ✓

Location of Point(s) of Diversion

GROUND WATER ✓
POWER County ✓

SW SE1/4NW1/4 Sec. 7, Twp 06S, Rge 33E, B.M.

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	
06S	33E	7					40.0	39.0	38.0	40.0									157.0 ✓

Total Acres: 157

Conditions of Approval:Remarks:Comments:Dates and Other Information:

Claim Received Date: 1/29/1990
State or Federal: S
Mitigation Plan: False

SCANNED
APR 12 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMP THORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 24, 2001

MARK R SWANSON
436 POLK
AMERICAN FALLS ID 83211

RE: CHANGE IN OWNERSHIP FOR A29-07042, A29-07063 AND
A29-10265

Dear Mr. Swanson:

The request for Change in Ownership concerning the
Notice(s) of Claim in the above reference has been
processed and the Notice(s) modified to reflect you as
the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your
name shown as the current owner. Review the forms and
if there are other corrections or questions, feel free
to contact this office.

**If there are no questions or corrections, please keep
this Notice for your records.**

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

PROFILED

SCANNED
APR 12 2003

DELOG BC 7/31/01
OK per E.C. 8/24/01

RECEIVED
JUN 12 2001
Department of Water Resources
Eastern Region

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>A29-10265</u>					
<u>A29-07042</u>					
<u>A29-07063</u>					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

John Egan
4029 South Easy Ln Spokane, WA 99223-7725

4. New Owner/Claimant(s)

Mark Swanson

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

436 Polk

City, State and ZIP Code

American Falls Idaho 83211

New Telephone Number

(208) 226-7376

5. Date you acquired the property

1990

PROFILED

SCANNED
APR 12 2006

Instrument # 155265
Dwr # 8 Time 10:45
Reg. at American ma

JUN 29 1990

POWER COUNTY SHERIFF'S
IN CLERK'S RECORD

BY *Christina May*
1800 DEPUTY

WARRANTY DEED

FOR VALUE RECEIVED, ANNE G. BISTLINE, Executrix of the Estate of F. M. BISTLINE; JOHN EVANS and JANE R. EVANS, husband and wife; ELAINE H. RILEY, NANCY ANN RILEY McMASTERS and JOANN RILEY UNDERWOOD each dealing with their sole and separate property, as Grantors, hereby grant bargain, sell and convey to MARK R. SWANSON and MONET SWANSON, husband and wife, whose address is 2203 Michaud Creek Road, Pocatello, Idaho, 83201, as Grantees, all their right title and interest in and to those parcels of real property situate in Power County, Idaho and particularly described on Schedule "A" attached hereto and by reference incorporated herein;

Together with water and water rights, and all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

Subject to all taxes levied or assessed for 1990 and subsequent years; and

Subject to all easements, rights of way, restrictions and reservations in the original patent against said real property of record.

TO HAVE AND TO HOLD, all and singular, the said premises together with the appurtenances unto the said Grantees, their heirs and assigns forever.

The Grantors hereby fully warrant the title to the real property above described and will defend such title against all

lawful claims of all persons.

IN WITNESS WHEREOF, the Grantors have executed this
Warranty Deed this 20th day of June, 1990.

Anne G. Bistline
Anne G. Bistline, Executrix of
the Estate of F. M. Bistline,
Deceased

John Evans
John Evans

Anne G. Bistline
Anne G. Bistline, individually

Jane R. Evans
Jane R. Evans

Beverly B. Bistline
Beverly B. Bistline

X Elaine H. Riley
Elaine H. Riley

Nancy Ann Riley McMasters
Nancy Ann Riley McMasters

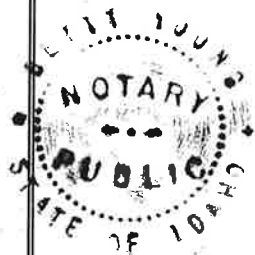
Joann Riley Underwood
Joann Riley Underwood

STATE OF IDAHO)
County of Bannock) ss

On this 20th day of June, 1990, before me the
undersigned notary public, personally appeared ANNE G. BISTLINE,
known or identified to me to be executrix of the Estate of F. M.
Bistline, deceased, and acknowledged to me that she executed the
same as such Executrix.

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

Betty Young
Notary Public for Idaho
Residing at Pocatello, Idaho
My Commission expires: 1-14-92



WARRANTY DEED
0620D

STATE OF IDAHO)
)ss
County of Bannock)

On this 20th day of June, 1990, before me the undersigned notary public, personally appeared ANNE G. BISTLINE, and BEVERLY B. BISTLINE, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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



Betty Young
Notary Public for Idaho
Residing at Pocatello, Idaho
My Commission expires: 1-14-92

STATE OF IDAHO)
)ss
County of Bannock)

On this 20th day of June, 1990, before me the undersigned notary public, personally appeared JOHN EVANS, and JANE R. EVANS, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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



Betty Young
Notary Public for Idaho
Residing at Pocatello, Idaho
My Commission expires: 1-14-92

WARRANTY DEED
0620D

STATE OF Idaho)
County of Twin Falls) ss

On this 25th day of June, 1990, before me the undersigned notary public, personally appeared ELAINE H. RILEY, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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

Deanna J. Holmer
Notary Public for Idaho
Residing at Pocatello, Idaho
My Commission expires: 4/24/92

STATE OF Idaho)
County of Twin Falls) ss

On this 25th day of June, 1990, before me the undersigned notary public, personally appeared NANCY ANN RILEY McMASTERS, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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

Deanna J. Holmer
Notary Public for Idaho
Residing at Pocatello, Idaho
My Commission expires: 4/24/92

JONES, CHRISTENSEN, JORGENSEN, ROBISON,
HOLMES and ROBISON, Chartered
P.O. BOX 967 - 405 WEST WHITMAN
POCATELLO, IDAHO 83204

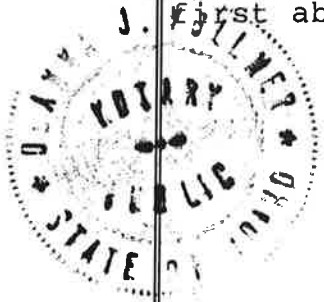
WARRANTY DEED
0620D

SCANNED
APR 12 2006

STATE OF Idaho)
County of Twin Falls) ss

On this 25th day of June, 1990, before me the undersigned notary public, personally appeared JOANN RILEY UNDERWOOD, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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



DeAnna J. Folmer
Notary Public for Idaho
Residing at Pocatello, Idaho
My Commission expires: 4/24/92

JONES, CHRISTENSEN, JORGENSEN, ROBISON,
HOLMES and ROBISON, Chartered
P.O. BOX 967 - 405 WEST WHITMAN
POCATELLO, IDAHO 83204

WARRANTY DEED
0620D

SCANNED
APR 12 2006

SCHEDULE "A"
WARRANTY DEED

PARCEL 1:

TOWNSHIP 6 SOUTH, RANGE 33 E.B.M., POWER COUNTY, IDAHO,
SECTION 4: SW $\frac{1}{4}$, LESS ALL THAT PROPERTY DEEDED TO THE CITY OF POCA TELLO
SEPTEMBER 9, 1949, IN BOOK 80, PAGE 584, RECORDS OF POWER COUNTY, IDAHO.

PARCEL 2:

TOWNSHIP 6 SOUTH, RANGE 33 E.B.M., POWER COUNTY, IDAHO,
SECTION 5: SW $\frac{1}{4}$ LESS: A PARCEL OF LAND BEING A PORTION OF THE NW $\frac{1}{4}$ SW $\frac{1}{4}$ OF
SECTION 5, TOWNSHIP 6 SOUTH, RANGE 33 E.B.M., DESCRIBED AS FOLLOWS, TO-WIT;
COMMENCING AT THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE
33 E.B.M., THENCE SOUTH 89°02'20" EAST ALONG THE NORTH LINE OF THE NW $\frac{1}{4}$ SW $\frac{1}{4}$
OF SAID SECTION 5, A DISTANCE OF 40.0 FEET TO A POINT IN THE EASTERLY RIGHT
OF WAY LINE OF AN EXISTING HIGHWAY AND BEING THE REAL POINT OF BEGINNING;
THENCE CONTINUING SOUTH 89°02'20" EAST, ALONG SAID NORTH LINE 1030.36 FEET;
THENCE SOUTH 00°57'40" WEST, 1151.69 FEET; THENCE NORTH 89°02'20" WEST,
1005.0 FEET TO A POINT IN THE EASTERLY RIGHT OF WAY LINE OF SAID EXISTING
HIGHWAY; THENCE NORTH 00°18'00" WEST ALONG SAID EXISTING RIGHT OF WAY LINE
1152.0 FEET TO THE REAL POINT OF BEGINNING.

PARCEL 3:

TOWNSHIP 6 SOUTH, RANGE 33 E.B.M., POWER COUNTY, IDAHO,
SECTION 5: SE $\frac{1}{4}$.

PARCEL 4:

TOWNSHIP 6 SOUTH, RANGE 33 E.B.M., POWER COUNTY, IDAHO,
SECTION 7: LOTS 1 AND 2, E $\frac{1}{2}$ NW $\frac{1}{4}$.

PARCEL 5:

TOWNSHIP 6 SOUTH, RANGE 33 E.B.M., POWER COUNTY, IDAHO,
SECTION 11: SE $\frac{1}{4}$ LESS RIGHT OF WAY FOR INTERSTATE 15 WEST DESCRIBED IN
SECOND JUDGMENT AND DECREE OF CONDEMNATION RECORDED JANUARY 23, 1968,
INSTRUMENT NO. 91699, RECORDS OF POWER COUNTY, IDAHO.

PARCEL 6:

TOWNSHIP 6 SOUTH, RANGE 33 E.B.M., POWER COUNTY, IDAHO,
SECTION 14: NE $\frac{1}{4}$ LYING NORTH AND EAST OF STATE HIGHWAY DESCRIBED IN
RIGHT OF WAY DEED, RECORDED DECEMBER 24, 1951, IN BOOK 99, PAGE 382,
RECORDS OF POWER COUNTY, IDAHO AND LYING SOUTH AND EAST OF INTERSTATE
15 WEST, DESCRIBED IN SECOND JUDGMENT AND DECREE OF CONDEMNATION,
RECORDED JANUARY 23, 1968, INSTRUMENT NO. 91699, RECORDS OF POWER
COUNTY, IDAHO.

PARCEL 7:

TOWNSHIP 6 SOUTH, RANGE 33 E.B.M., POWER COUNTY, IDAHO,
SECTION 17: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ LESS ALL THAT PROPERTY DEEDED TO THE CITY
OF POCA TELLO, RECORDED SEPTEMBER 9, 1949, IN BOOK 80, PAGE 584,
RECORDS OF POWER COUNTY, IDAHO.
ALSO LESS: BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 17,
TOWNSHIP 6 SOUTH, RANGE 33 E.B.M., THENCE NORTH ALONG THE EAST
BOUNDARY LINE OF THE SW $\frac{1}{4}$ OF SAID SECTION 17, A DISTANCE OF 1236.93
FEET TO A POINT; THENCE SOUTH 89°55'35" WEST A DISTANCE OF 660.0 FEET
TO A POINT; THENCE SOUTH 0°01'10" EAST, A DISTANCE OF 1229.58 FEET TO
A POINT ON THE SOUTH BOUNDARY LINE OF SAID SECTION 17; THENCE EAST
ALONG SAID SECTION LINE A DISTANCE OF 660.0 FEET TO THE POINT OF
BEGINNING.

SCANNED

APR 12 2006

T-2199

#1913
Clingers Inc's
(Mark Swanson)

Pump

Pump

HEL
2-138.1

HEL
203.1

T 2199
1-203.1 +
2-138.1 +
002
341-2

MAP-4-7

8-1 tow

9011.1

155-1

900

6-600-1
5-500-5
4-600-8
3-600-7
2-400-9
1-500-0

111 L

1121

AL 81#

Mark S. Swanson

114

b6
734

451

T20

HEL
1-83.8

1-64.0

Out

Mark Swanson

Farm # 1875

45.4

2-11.2

3-50

3-73

T-733

#1875

Mark Swanson

1-HEL
54.0

Pump

T-133

0.0

1-54.0

54.0

HEL

1-25.7

19.20

SCANNED
APR 12 2016

Map T-8

SCANNED

MAY 10 2001

Log for claim A29-07042

Spatial Dynamics AMH

7/17/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s33e	7	NENW	40	39	
06s33e	7	NWNW	39	38	
06s33e	7	SWNW	38	38	
06s33e	7	SEnw	40	40	
Totals:			157	155	

AJ5809NP
No. A29-07042

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/23/00
PAGE: 45

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN P EVANS	12/02/1969	IRRIGATION	04-01 11-01	2.590 CFS	
C	JANE R EVANS					
	51 FORDHAM					
	POCATELLO ID 83201					
	(208) 232-2110					
				TOTAL DIVERSION:	2.590 CFS	
				CONSUMPTIVE USE:		471.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T06S R33E S07

SENE

POWER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENE	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
06S	33E	7	:					:	40	39	38	40	:					:					:	157.0
																							TOTAL ACRES	157.0

POU County: POWER

Non-Irrigation Uses: NONE

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 01/29/90 WILSON 07/25/94 THOMPSON 03/29/95 POST-STD

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7042 Priority December 2, 1969 Amount 2.59 cfs

THIS IS TO CERTIFY, that JOHN EVANS
of Pocatello, Idaho, has complied with the terms and conditions of Permit
No. 29-7042 issued pursuant to Application for Permit dated December 2, 1969
and has submitted proof to the Department of Water Resources on November 12, 1975
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.59 cfs of water from a groundwater source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 1</u>	at <u>2.59</u> cfs and	<u>550 acre feet</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 2.59 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
550 acre feet per year, said waters to be diverted within the SE 1/4 NW 1/4, Sec. 7, Twp. 6S,
Rge. 33E, B. M. in the County of Power

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	33E	7					40	39	38	40									157

Total number of acres irrigated 157

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 20 day of
February, 19 79.

Director

RECORDED

RECEIVED

1. Name of permit holder John Evans NOV 18 1975
Post office address 51 Fordham, Pocatello, ID Phone 208-233-1111
Person to contact Ed Johnson (No address or phone listed on affidavit) District Office

3. Water will be used for the following purposes:

Other uses: _____

Max Rate of Diversion 2.70 cubic feet per second and annual volume _____ AF/Annum.

Other Points of Diversions: _____

Description of diverting works: 75 hp motor, deep well pump at south end of field 160 acres,
discharging water into permanent main well use of portable laterals.

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]TOTAL ACREAGE 1.57

Identification No. 29-7042
Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant John Evans
post office address 51 Fordham, Pocatello Idaho 83201
2. Source of water supply Subterranean which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7 Township 6S
Range 33E B.M. Poww County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into pipe line at a point in SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7 Township 6S Range 33E B.M.
4. Quantity to be appropriated:
a. 2.7 cubic feet per second and/or
b. _____ acre feet per annum will be stored.
5. Water will be used for the following purposes:
Irrigation purpose from March 15 to Nov. 1 (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 75 HP Duff Well Pump at South end of 160 acre field & discharging water into permanent main line. Will use eight portable latrals
b. Height of storage dam None feet; active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet; materials used in storage dam: _____

c. Proposed well diameter is 16 inches; proposed depth of well is 250 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 4 years.
b. Estimated construction cost is \$ 22,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

29-7042

DATE OF EXAM July 1, 76

ACREAGE
Found 157
Recommended 157

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 2.59 c.f.s. V = 549.5 AF/Ann. from Mar. 15 to Nov. 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of injection: n/a
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of exchange: n/a
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Total Q measured 2.59 cfs. Method of measurement inline meter.

Total Q recommended 2.59 Meter No. MO244009 Type Bridges Condition Std.

Total V recommended 549.5 AF/ANN Tined reading = .01 AF/168 sec.

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

$$Q = (.01 \text{ AF}) (43,560 \text{ A}) \div 168 \text{ sec.} = 2.59 \text{ cfs.}$$

$$V = (3.5) (157) = 549.5 \text{ AF/ANN.}$$

EMC 7/14/76

SYSTEM DESCRIPTION:

Pump: Vertical pump, 10" 44718 "Motor" - Holo shaft, 75 HP, 3 phase Ser # R2021532
10" steel main goes 7' to east of P.D. connects to North South barried main.
At full capacity uses 8 1/4 mi laterals with 9/64" nozzels.

REMARKS:

System description given by Gary Ballard.

July 1, 76 - no in line meter

Examiner's Signature Ernest M. Carlson. Date July 14, 76.

Checked by Anthony R. Kozlowski Date 2/16/77

Approved by _____ Date _____

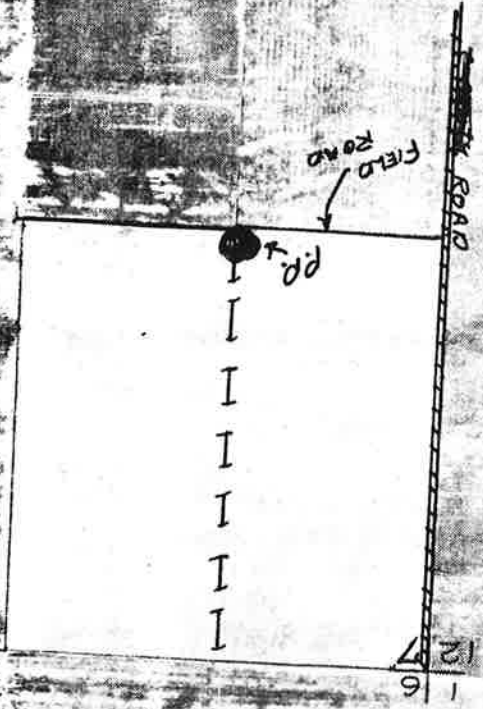
CONFIDENTIAL

ENC 1/14/76

8
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36
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Received by ej Date 12-2-69 Time 2:00 pm
Preliminary check by AM Fee \$ 30⁰⁰
Received by ej Date 12-5-69
Publication prepared by AM Date 12-9-69
Published in Bozeman Co. News
Publication dates 12-18 + 25-69
Publication approved AM Date 1-5-70
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by AM AP RWH NCY

APPROVED

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7042, and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

- SUBJECT TO ALL PRIOR WATER RIGHTS.
- Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 75.
- Other: The applicant shall permanently install and maintain a measuring device of a type approved by the department as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 12th day of January, 19 70.

R. Keith Higgins
State Reclamation Engineer

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 29-7042
Date Received: 1/29/1990
Receipt No: E011885
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARK R SWANSON Phone: (208) 226-7376

436 POLK
AMERICAN FALLS ID USA 83211

2. Date of Priority: 12/02/1969

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	33E	7	SE NW	POWER	

5. Description of diverting works:

WELL PUMP MAINLINE TO LATERALS WITH SPRINKLERS

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	4/01 11/01	2.59	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	33E	7	NE	NW		IRRIGATION	40
			NW	NW		IRRIGATION	39
			SW	NW		IRRIGATION	38
			SE	NW		IRRIGATION	40
Section Acres							157
Total Acres							157

11. Place of use in counties: POWER

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License

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.

SCANNED
APR 12 2006

Dean

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

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Received By:

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ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

MARK R SWANSON Phone: (208) 226-7376
436 POLK
AMERICAN FALLS ID USA 83211

2. Date of Priority: 12/02/1969

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	33E	7	SE NW	POWER	

5. Description of diverting works:

WELL PUMP MAINLINE TO LATERALS WITH SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2.59	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
06S	33E	7	NE NW	IRRIGATION	40
			NW NW	IRRIGATION	39
			SW NW	IRRIGATION	38

PROFILED

SE	NW	IRRIGATION	40
		Section Acres	157
		Total Acres	157

11. Place of use in counties: POWER

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License

SCANNED
MAY 10 2001

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: A29-07042
Date Received: 1/29/1990
Receipt No: E011885
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN P. EVANS 208-232-2110
Address: 51 FORDHAM
POCATELLO, ID 83201

OR

Name: JANE R. EVANS 208-232-2110
Address: 51 FORDHAM
POCATELLO, ID 83201

2. Date of Priority: DEC 02, 1969

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	33E	7	SE	NW			POWER

5. Description of diverting works:
WELL PUMP MAINLINE TO LATERALS WITH SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.590		

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

8. Total consumptive use is 471.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-07042

Page 1

Date: 01/29/90

MICROFILMED

NOV 13 1992

A2907042

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	33E	7	NE		NW		IRR	40.0
			NW		NW		IRR	39.0
			SW		NW		IRR	38.0
			SE		NW		IRR	40.0
							Section Acres	157.0
							Total Acres	157.0

11. Place of use in counties: POWER

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

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): John P. Evans Date: 1/29/90

Date: _____

State of Idaho)
County of Bonneville) SS.

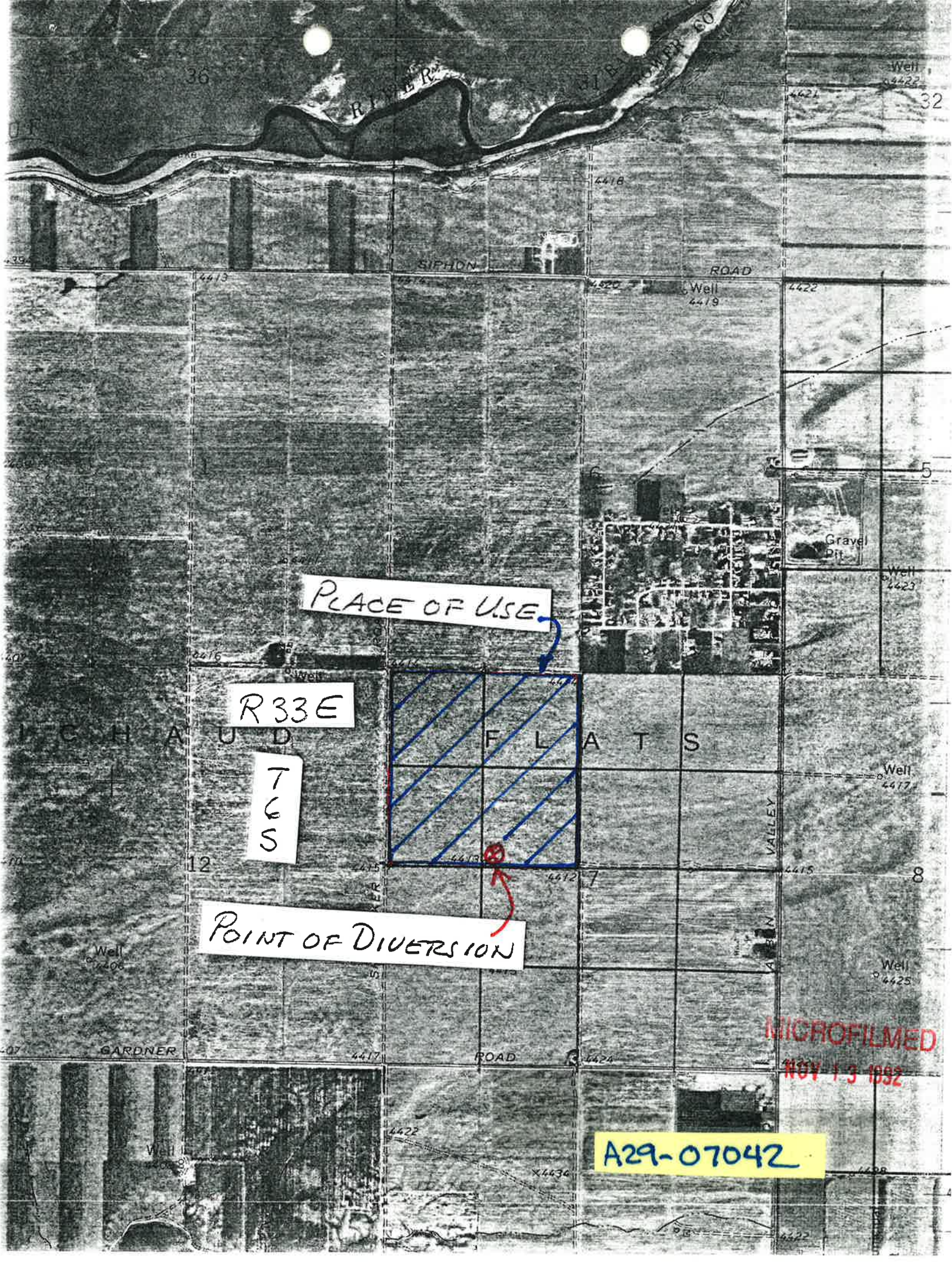
Subscribed and sworn (or affirmed) before me this 29 day
of Jan 19 90

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires MY COMMISSION EXPIRES 6-30-94

MICROFILMED
NOV 13 1992



PLACE OF USE

R33E

T
6
S

POINT OF DIVERSION

MICROFILMED
NOV 13 1992

A29-07042

02/18/2003

NOTICE OF ERROR
REPLY

Paul
Craig

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: April 21, 2003

Water right number: 29-7042

MARK R SWANSON

436 POLK

AMERICAN FALLS ID 83211

Telephone Number: (208) 226-7376

RECEIVED

MAR 10 2003

WATER RESOURCES
WESTERN REGION

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:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3-1-03

SIGNATURE: *Mark Swanson*

Please print your name: Mark Swanson

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

PROFITED

SCANNED

APR 12 2006