

01/24/2003

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

RIGHT NUMBER: 29-7063

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.080 CFS
189.000 AFY

PRIORITY DATE: 04/19/1971

POINT OF DIVERSION:

T06S R33E S17 SESWSW Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/15	1.080 CFS 189.00 AFY

PLACE OF USE: IRRIGATION Within POWER County

T06S R33E S17	SWSW	35.0	T06S R33E S17	SESW	19.0
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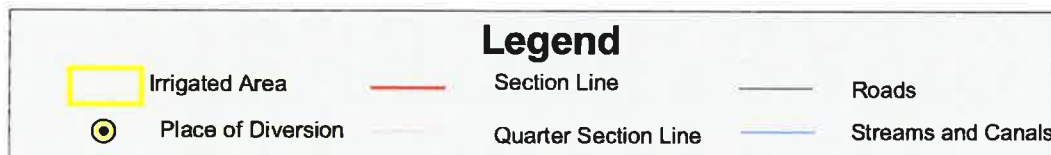
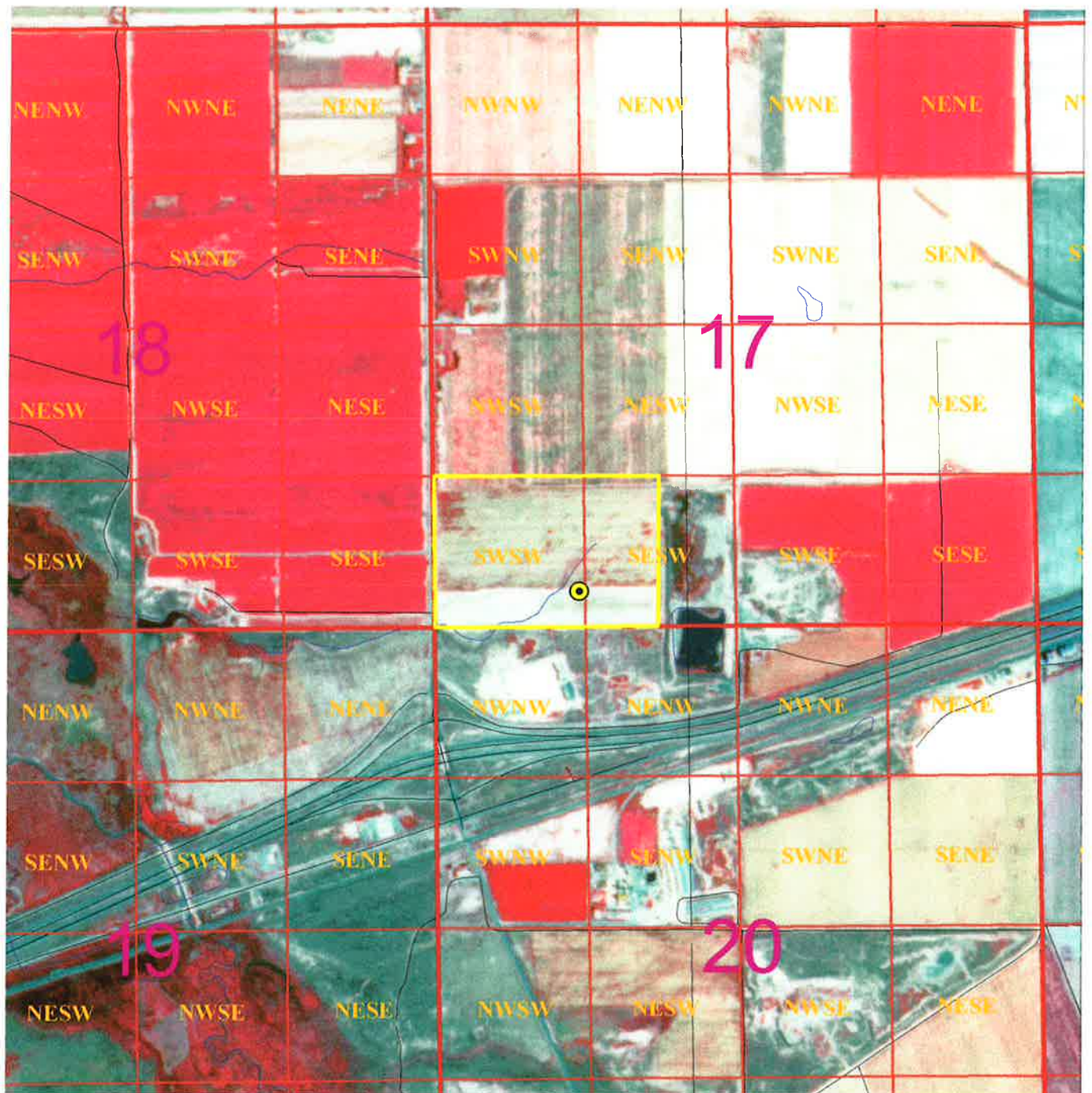
54 ACRES TOTAL

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

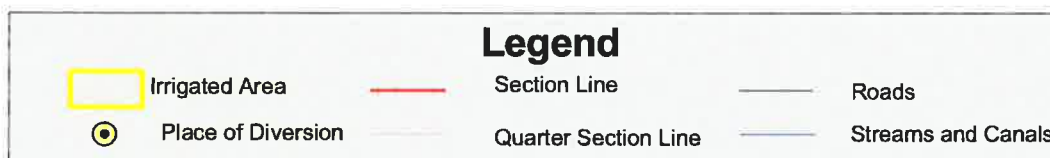
Township , 6S33E



900 0 900 1800 Feet



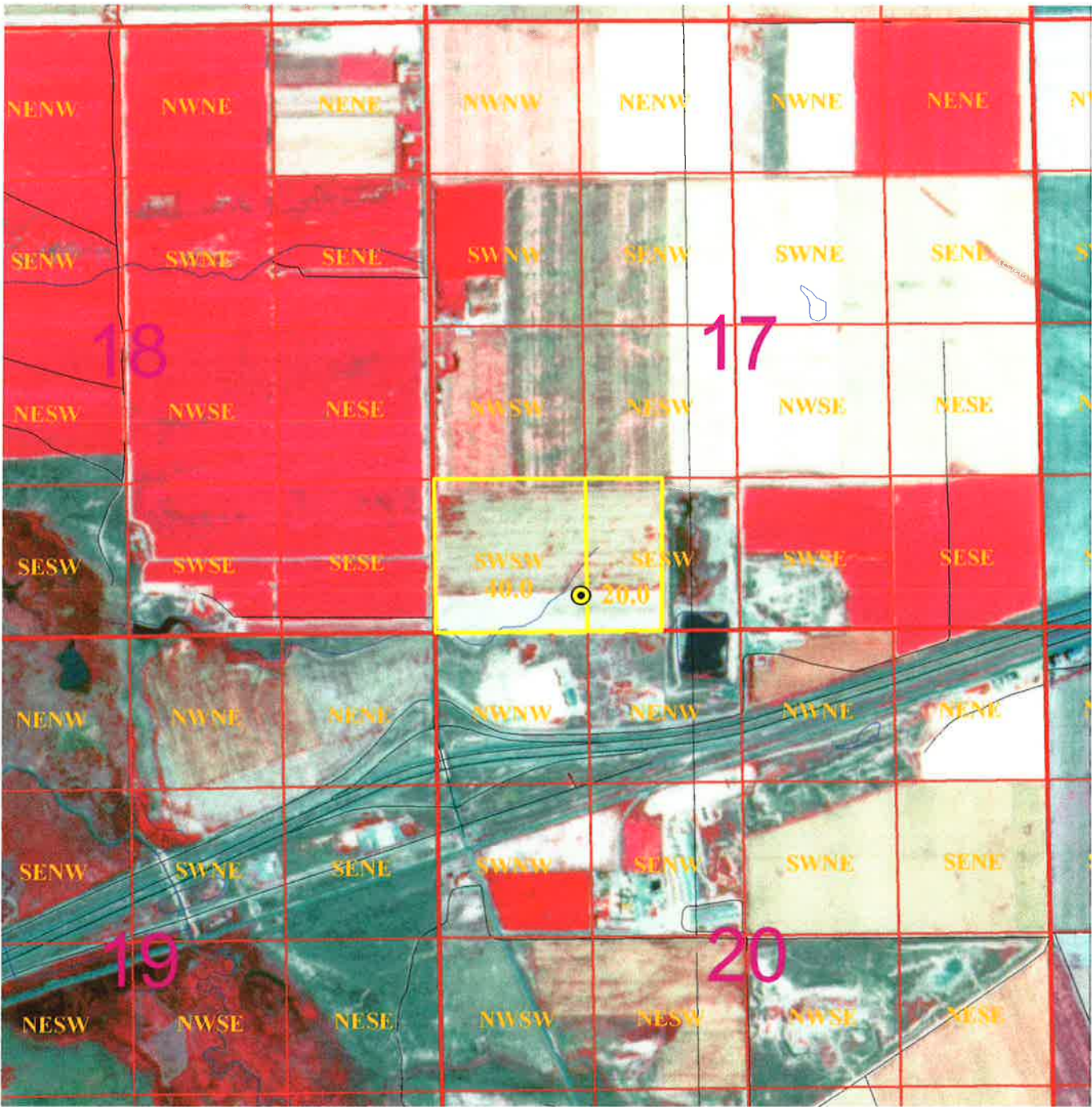
Township , 6S33E



900 0 900 1800 Feet



Township , 6S33E



Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

Streams and Canals

Legend



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7063 V1

WATER RIGHT NUMBER: 29-7063 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	JANE R EVANS 51 FORDHAM POCATELLO, ID 83201 (208)232-2110
Original Owner	JOHN P EVANS 51 FORDHAM POCATELLO, ID 83201 (208)232-2110

Priority Date: 04/19/1971

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	04/01 to 11/15	1.080 CFS	189.00 AF
	<u>Total Diversion:</u>	1.080 CFS	189.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4SW1/4	Sec. 17, 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	17											35.0	19.0					54.0

Total Acres: 54

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 29-7063 V1

Comments:

1. csaxton 1/24/2003 Recommendation
Comment: Recommend as claimed. This right is based on a license for 60 acres but is claimed for 54 acres which actually is more representative to what is actually irrigated according to 1987 NAPP photography. Recommend 54 acers.
2. csaxton 1/24/2003 POD
Comment: POD location taken from Licensing Field Exam map and recommended to a 10 acre tract.
3. csaxton 1/24/2003 Diversion Rate
Comment: Diversion Rate needs to be reduced since recommended at 1 inch per acre and claim is for less than licensed acreage. Diversion Volume reduced as well. Licensed at 3.5 af/acre but claimed less than the original licensed acres so diversion Volume reduced.

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 12:26:23 PM	csaxton			Active
Priority Date	1/24/2003 12:26:39 PM	csaxton			Active
POD	1/24/2003 12:26:50 PM	csaxton			Active
Source	1/24/2003 12:29:07 PM	csaxton			Active
POU	1/24/2003 12:29:17 PM	csaxton			Active
Use	1/24/2003 12:41:28 PM	csaxton			Active
Season	1/24/2003 12:41:51 PM	csaxton			Active
Quantity	1/24/2003 12:43:44 PM	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>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7063 V1

Contacts	1/24/2003 12:26:23 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.
POD	1/24/2003 12:26:50 PM	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 12:27:02 PM	csaxton	Edited point location
POD	1/24/2003 12:27:27 PM	csaxton	Edited PLS
Priority Date	1/24/2003 12:26:38 PM	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?
Source	1/24/2003 12:29:06 PM	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 12:29:16 PM	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 12:29:32 PM	csaxton	Edited shape boundary
POU	1/24/2003 12:35:05 PM	csaxton	Edited shape boundary
POU	1/24/2003 12:35:29 PM	csaxton	Edited PLS
Use	1/24/2003 12:41:27 PM	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 29-7063 V1

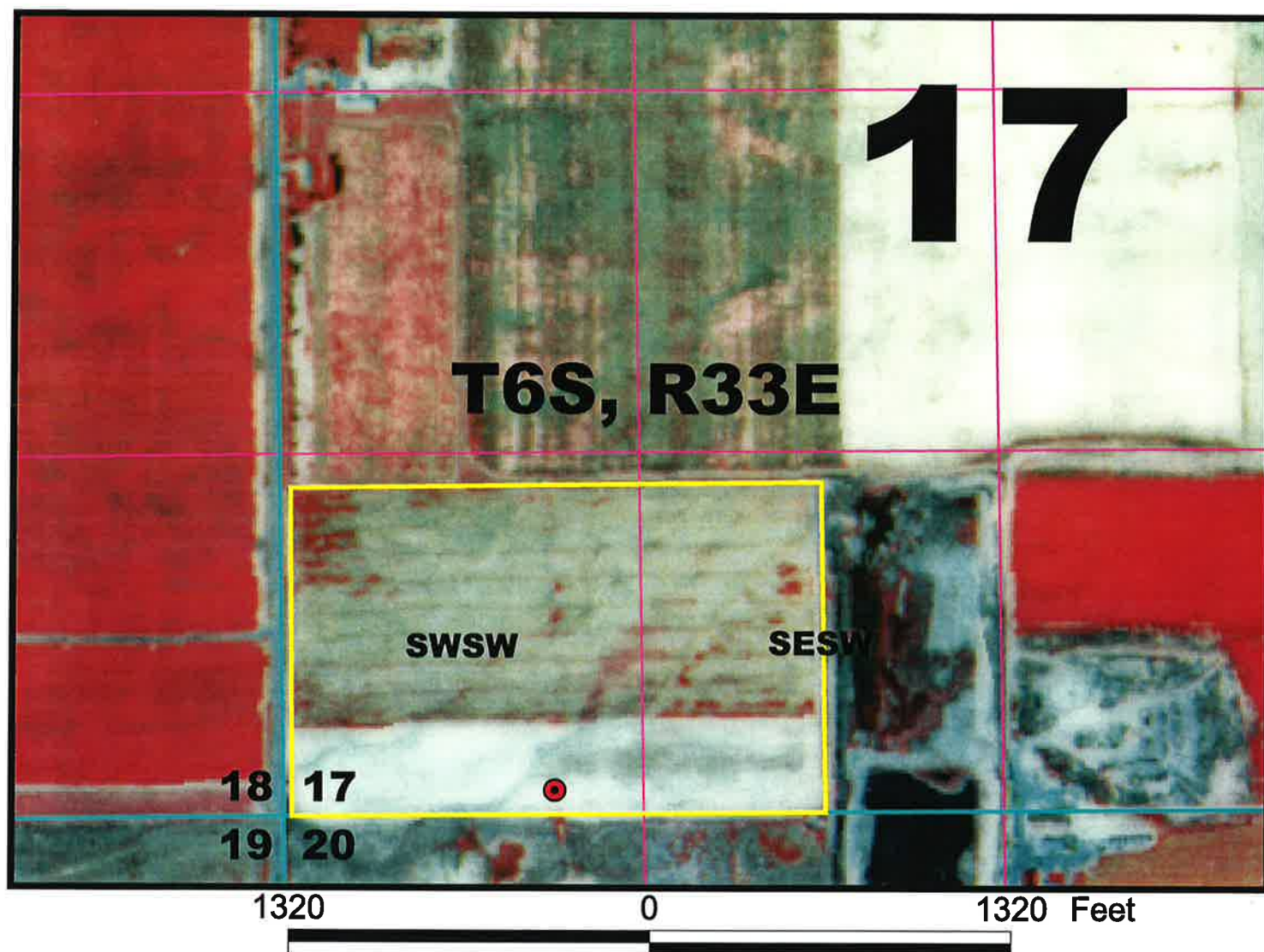
Season	1/24/2003 12:41:50 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of 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 12:43:44 PM	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 - Recommended at 3.5 af/acre as licensed. However, acreage claimed is less than licensed so Diversion rate and volume reduced.
Summary	1/24/2003 12:44:54 PM	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): 29-07063



Total Irrigated Acres: 54.0

● Point(s) of Diversion

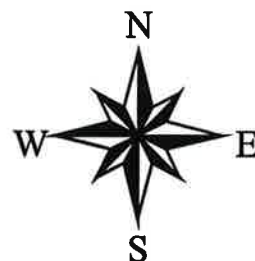
□ Place of Use

□ 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

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: 29-7063

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: 3-3-03

SIGNATURE: *Mark Swanson*

Please print your name: Mark Swanson

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

PROFILED

SCANNED

APR 12 2003

1-24-03: Recommend as Licensed + Claimed. No overlap

PROFILED

SCANNED

APR 12 2006

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 29-7063

WATER RIGHT NUMBER: 29-7063

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

Priority Date: 04/19/1971 ✓

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	1.200 CFS ✓	~~210~~ 189
	11/15	1.08 ✓	
	<u>Total Diversion:</u>	1.200 CFS ✓	~~210~~ 189
		1.08	

Location of Point(s) of Diversion

GROUND WATER	SE ✓ SW1/4SW1/4 ✓	Sec. 17, 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	17											35.0	19.0					54.0

Total Acres: 54 ✓

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 2006



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 KEMPTHORNE
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
Records Clerk

Enclosure: Notice(s) of Claim

PROFILED

SCANNED
APR 12 2006

DELOG SC 7/31/01

Form 42-248/42-1409(6) July, 2000

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

OK per
E.C.
8/24/01
RECEIVED
JUN 12 2001
 Department of Water Resources
 Eastern Region

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
A29-10265					
A29-07042					
A29-07063					

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 99223-732
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

FILED

SCANNED
 APR 12 2006

Form 42-248/42-1409(6) July, 2000

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Mar Swann

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____
 Receipted by _____
 Processed by _____ AJ

Date _____
 Date _____
 Date _____

Fee _____
 Receipt No. _____
 WR _____

SCANNED

APR 12 2006

Instrument #

1002

Dwr #

Time

10:40

Req on

American Land

JUN 29 1990

POWER OF ATTORNEY
IN WITNESS WHEREOF

BY

Briston Alley

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

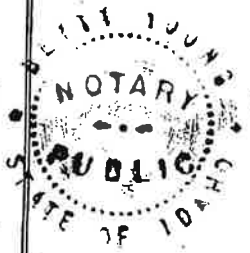
Nancy Ann Riley McMasters
Nancy Ann Riley McMasters

Joann Riley Underwood
Joann Riley Underwood

STATE OF IDAHO)
) ss
County of Bannock)

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.



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

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

WARRANTY DEED
0620D

-2-

SCANNED

APR 12 2005

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

#1913
Clingers Inc's
(Mark Swanson)

2138.1

7 2199
1-20501
2-13801
0020

MAP - u-7



T711

1-50 +
2-409 +
3-607 +
4-340 +
5-506 +
6-320 +

006

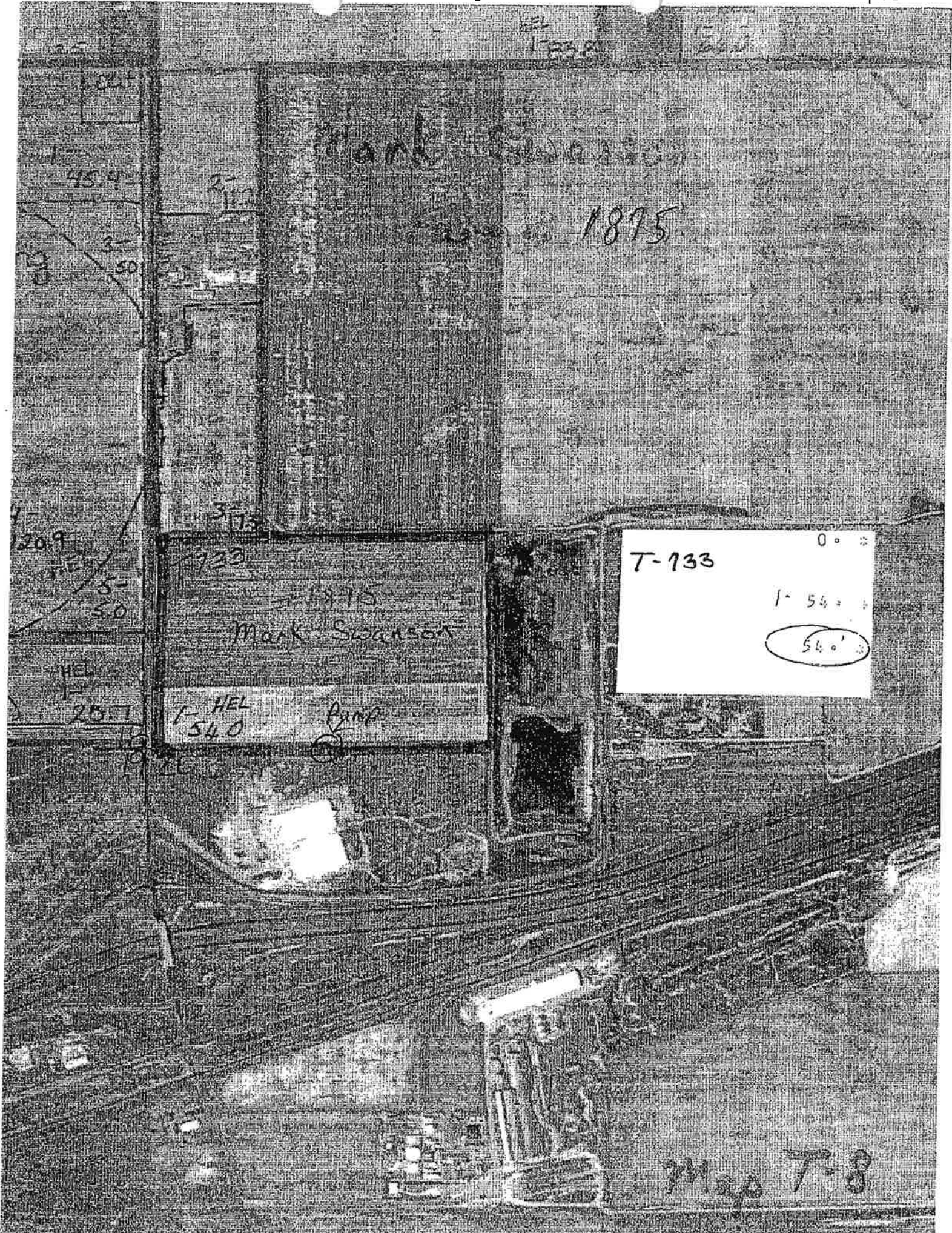
155

#1874

Mark Swanson

Map T-8

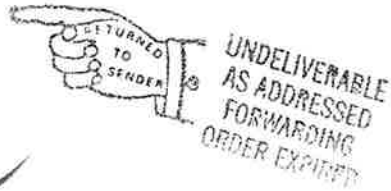
Mulberg



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

29-2259
29-7042
29-7063 ✓
29-10265
29-10266



EVANS, JOHN P
EVANS, JANE R
51 FORDHAM
POCATELLO ID 83201

PROFIT

83201+3412



APR 12 2005

SCANNED

SCANNED

MAY 18 2001

Log for claim A29-07063

Spatial Dynamics AMH

7/17/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s33e	17	SWSW	35	40	
06s33e	17	SESW	19	20	
Totals:			54	60	

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7063 Priority April 19, 1971 Amount 1.2 cfs

THIS IS TO CERTIFY, that JOHN EVANS
of Pocatello, Idaho, has complied with the terms and conditions of Permit
No. 29-7063 issued pursuant to Application for Permit dated April 19, 1971,
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 1.5 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>April 1</u> to <u>November 15</u>	at <u>1.2</u> cfs and <u>210</u> acre feet	
	from _____ to _____	at _____ cfs and _____	
	from _____ to _____	at _____ cfs and _____	

(both dates inclusive)

Subject, however, to the condition that no more than 1.2 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
210 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17, Twp. 6S,
Rge. 33E, B. M. in the County of Power

Description and location of place of use:

Twp.	Range	Sec.	NEW				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6S	33E	17											36	24					60

Total number of acres irrigated 60

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.

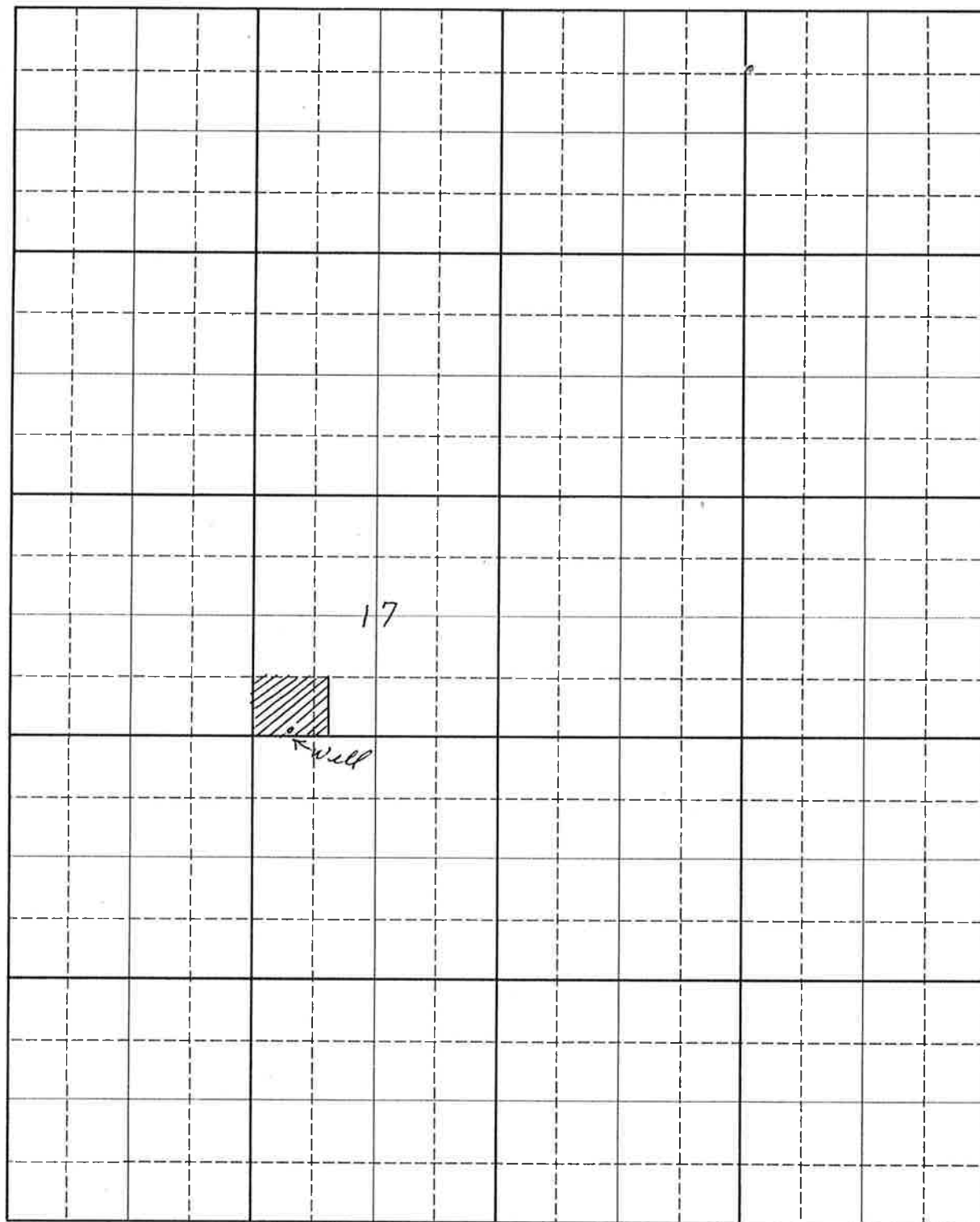
The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 day of
December, 1978.

DEPUTY

Director

11. Map of proposed project:



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

John Evans
(Applicant)

29-7063

Identification No. 29-7063

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant John Evans
post office address 51 Fordham, Pocatello, Idaho 83201
2. Source of water supply Ground Water which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 17 Township 6 S
Range 33 E B.M. Power County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 1.2 for Irrigation purpose from April 1 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 1.2 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 16 inches; proposed depth of well is 200 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 \$12,000.00.
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: _____

29-7063

2 | 8
18 | 17

8 | 9
17 | 16

A
51.3

COUNTY ROAD

I
I
I
I
I

24
P.O.

P.T.

18 | 17
19 | 20

bac
bac

876.2

17 | 16
20 | 21

A
78.0

B-644

C
85.9

B
77.1

B-734

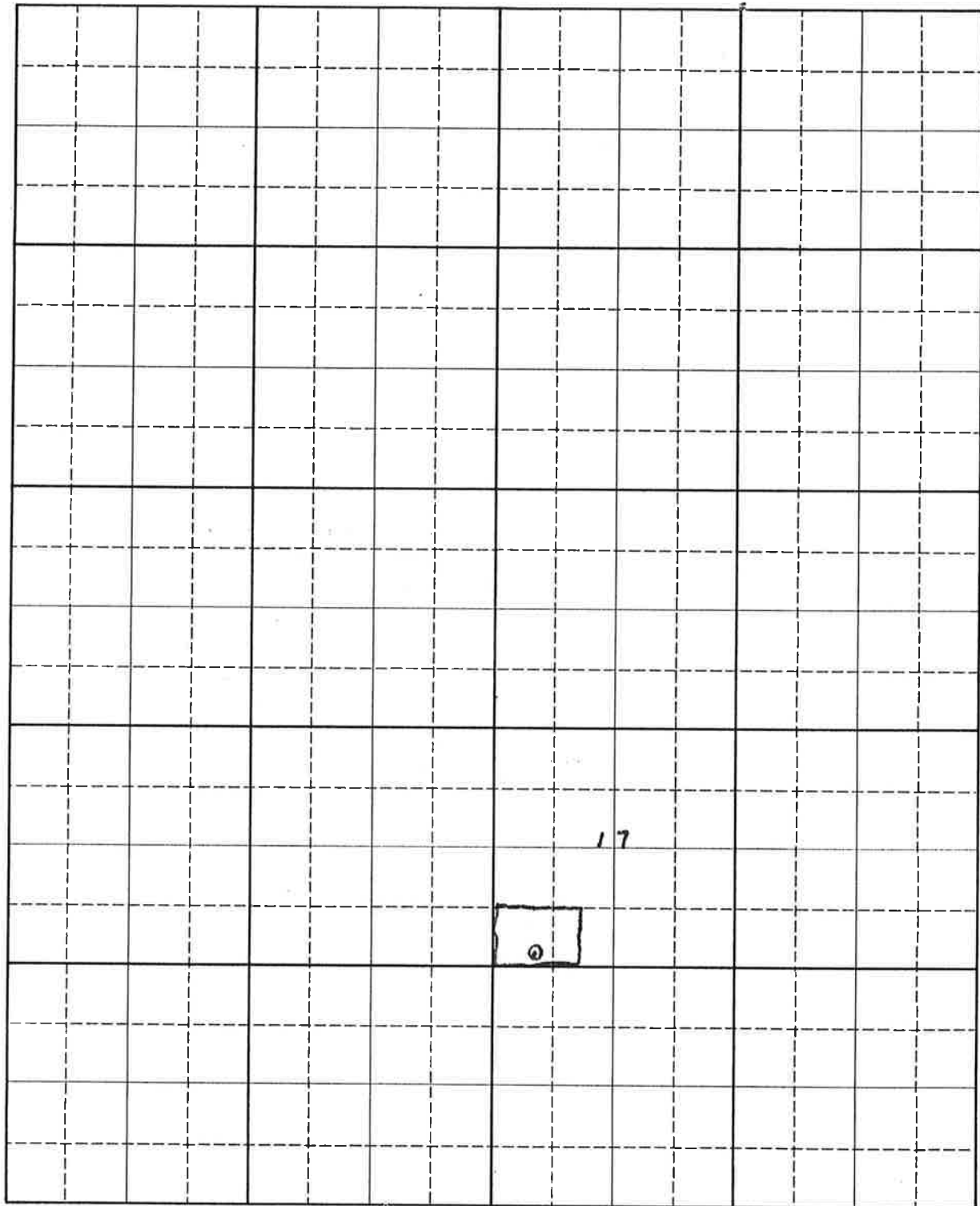
C
79.4

19 | 20
30 | 29

20 | 21
29 | 28

ENC 7/14/76
MICROFILMED

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



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

x John Evans
(Applicant)

29-7063

FIELD REPORT

3. Water will be used for the following purposes:

Period of Use: from Apr. 1 to Nov. 15
(mo.-day) inclusive (mo.-day)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Permit No. 29-7063

Examination for b/u

4. Total amount to be appropriated:

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

5. Location of Point(s) of Diversion:

Township 6S N/S, Range 33E E/W, B.M., Section 17, Subdivision SW $\frac{1}{4}$ SW $\frac{1}{4}$, Power County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Other Points of Diversions: _____

Description of diverting works: 75 Hp. motor, deep well pump at south side of 60 acre field discharging water into permanent main well use 4 portable laterals

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

61**TOTAL ACREAGE**

Identification No. 29-7063

Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

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 Ground Water which is a tributary of -----
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 17 Township 6 S
Range 33 B.M. Power County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section 6 Township _____ Range _____ B.M.
4. Quantity to be appropriated:
 - a. 1.2 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 April 1 to Nov. 15 (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. _____

 - b. Height of storage dam _____ 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 200 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 \$ 12,000.00.
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: _____

29-7063

DATE OF EXAM 1 July 76

ACREAGE

Found 60

Recommended 60

Irrigation Requirement 3.5 Ac Ft/Ac

USE

Irrigation Q = 1.2 c.f.s. V = 210 AF/Ann. from April 1 to November 15

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 1.5 cfs Method of measurement in line meter

Total Q recommended 1.2 cfs Meter No. M0559050 Type Balgon Condition Std. Condition

Total V recommended 210 AF/Ann. Timed reading = 1000 gal/89 sec.

Recommended Amendments:

P.D. none

Place of Use _____

Other _____

None ☒

MEASUREMENT CALCULATION:

$$Q = 1000 \text{ gal} / 89 \text{ sec} = 674.15 \text{ gpm} \div 448.8 \text{ gpm/cfs} = 1.5 \text{ cfs}$$

$$V = (3.5)(60) = 210 \text{ AF/Ann.}$$

SYSTEM DESCRIPTION:

Motor & pump - "Westinghouse" 40 HP., 3 phase, Ser # 7101
6" steel main extends 4' to west of P.D. connects to buried main
running north 1/4 of a mile. Full capacity runs 3, 1/4 mi. laterals of 1/4" nozzles.

REMARKS:

System described by Gary Ballard.

Examiner's Signature Ernest M. Carlson

Date 14 July 76

Checked by Anthony R. Kozlowski

Date Feb 7, 1977

Approved by _____

Date _____

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 29-7063
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: 04/19/1971

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	17	SW SW	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	1.2	

7. Total Quantity Appropriated is:
1.2 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	17	SW	SW	IRRIGATION	35
			SE	SW	IRRIGATION	19
Section Acres						54
Total Acres						54

11. Place of use in counties: POWER

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

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

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 29-7063
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: 04/19/1971

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	17	SW SW	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	1.2	

7. Total Quantity Appropriated is:
1.2 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	17	SW SW	IRRIGATION	35
			SE SW	IRRIGATION	19

PROFILE

Section Acres 54
Total Acres 54

11. Place of use in counties: POWER

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License

SCANNED
APR 12 2006

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: A29-07063
Date Received: 1/29/1990
Receipt No: E011885
Received By: Kew

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: APR 19, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	33E	17	SW	SW			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	1.200		

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

8. Total consumptive use is 162.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-07063

Page 1

Date: 01/29/90

A2907063



MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	33E	17	SW		SW		IRR	35.0
			SE		SW		IRR	19.0
							Section Acres	54.0
							Total Acres	54.0

11. Place of use in counties: POWER

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

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 Bonnerville) SS.

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

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON NOTARY PUBLIC

RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires 6-30-94

BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94



E

L A T S

M I C H A U D

BMX 4444

R33E

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6
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PLACE OF USE

POINT OF DIVERSION

A29-07063

NOV 13