

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

RIGHT NUMBER: 29-10265

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 6.220 CFS
1,249.500 AFY

PRIORITY DATE: 02/02/1970

POINT OF DIVERSION:

T06S R33E S5 SWNESW Within POWER County

T06S R33E S5 SWNESE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/15	6.220 CFS 1,249.50 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION Within POWER County

T06S R33E S04	NESW	14.0	T06S R33E S04	NWSW	39.0
T06S R33E S04	SWSW	16.0	T06S R33E S04	SESW	2.0
T06S R33E S05	NESW	39.0	T06S R33E S05	NWSW	11.0
T06S R33E S05	SWSW	38.0	T06S R33E S05	SESW	40.0
T06S R33E S05	NESE	39.0	T06S R33E S05	NWSE	39.0
T06S R33E S05	SWSE	40.0	T06S R33E S05	SESE	40.0

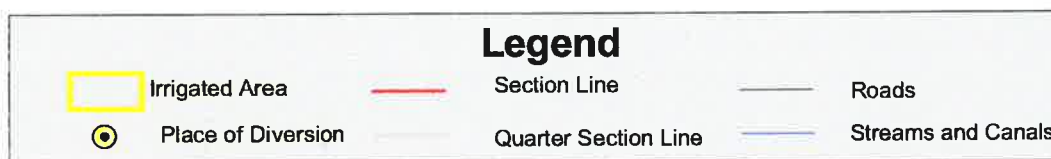
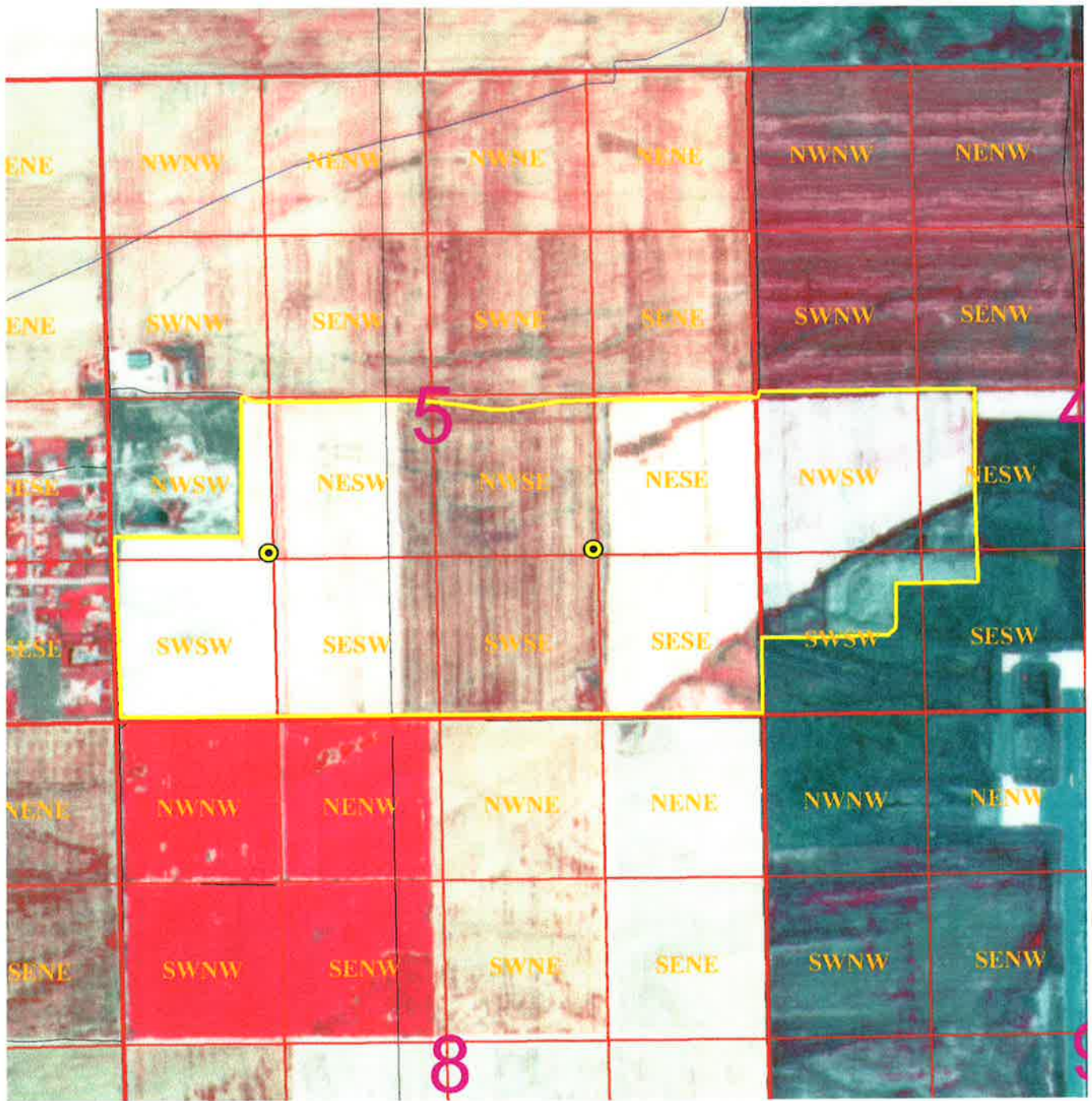
357 ACRES TOTAL

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

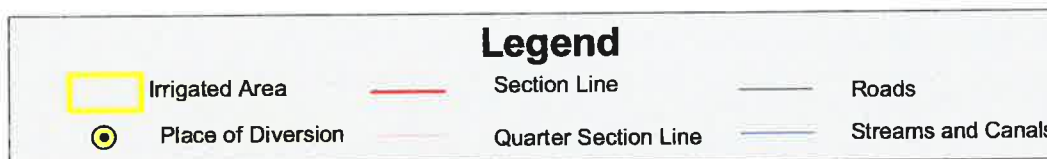
Township , 6S33E



900 0 900 1800 Feet



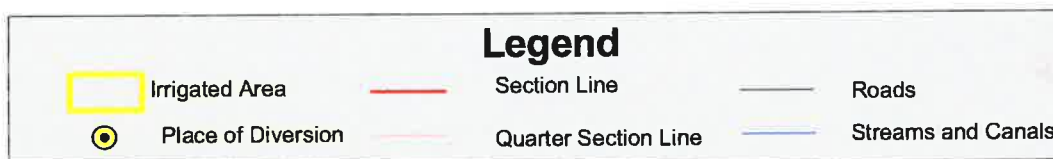
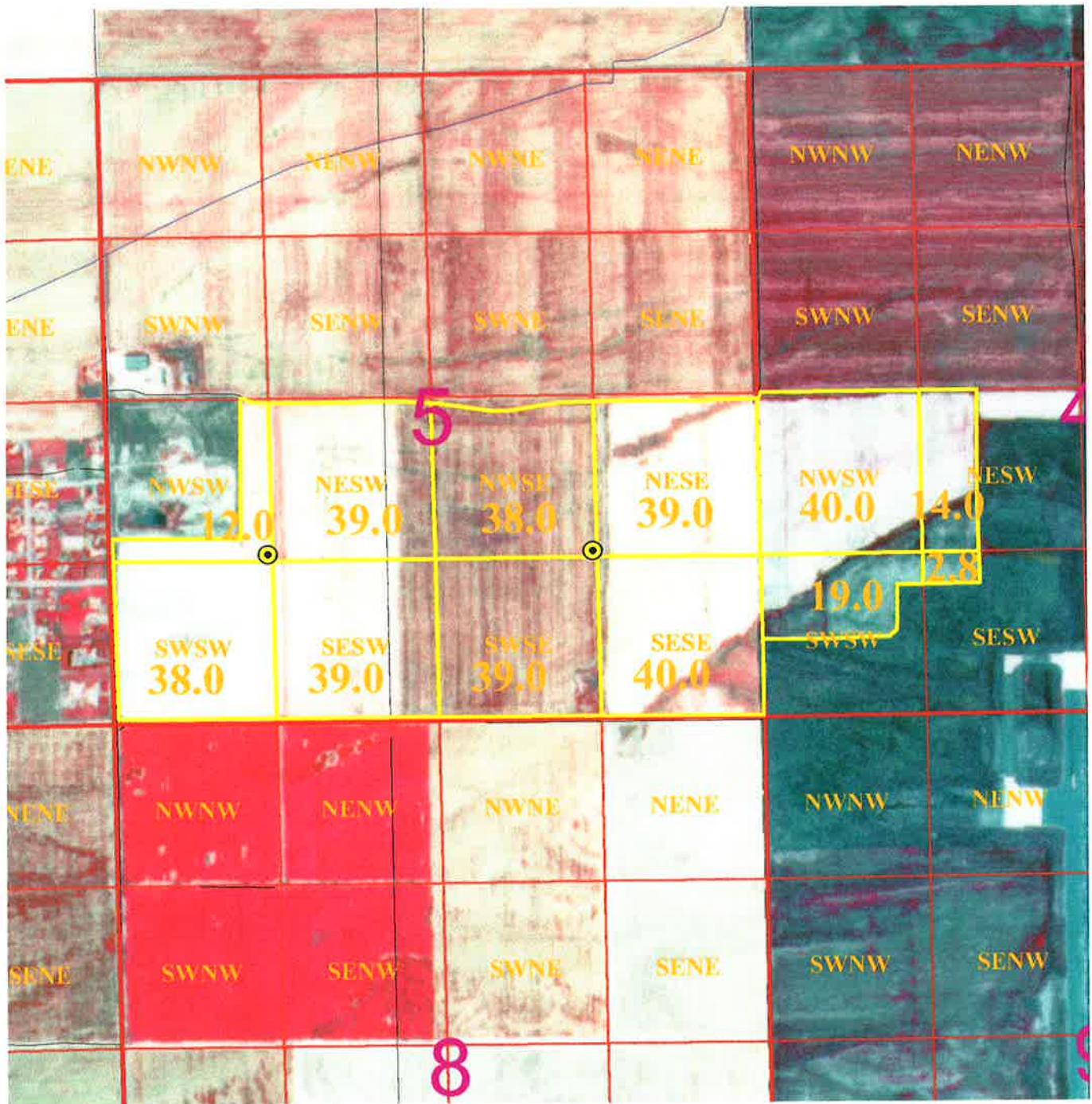
Township , 6S33E



900 0 900 1800 Feet



Township , 6S33E



900 0 900 1800 Feet

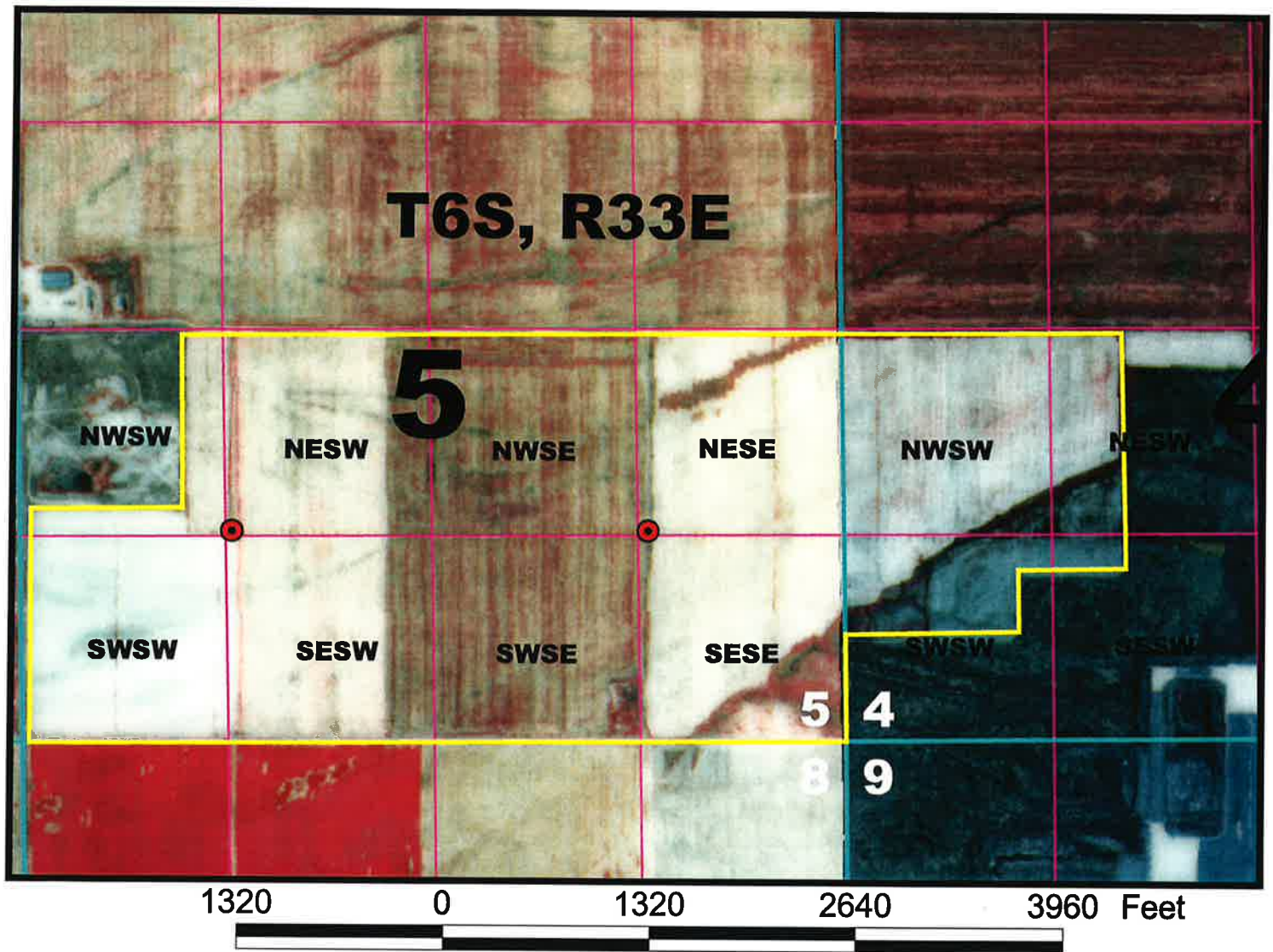




STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-10265



Total Irrigated Acres: 357.0

● Point(s) of Diversion

□ Place of Use

□ Quarter Quarter Lines

□ Section Lines



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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10265 V1

WATER RIGHT NUMBER: 29-10265 V1

<u>Owner Type</u>	<u>Name and Address</u>
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
Current Owner	MARK R SWANSON 436 POLK AMERICAN FALLS, ID 83211 (208) 226-7376

Priority Date: 02/02/1970

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 10/15	6.220 CFS	1,249.50 AF
	<u>Total Diversion:</u>	6.220 CFS	1,249.50 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SW1/4	Sec. 5,	Twp 06S,	Rge 33E, B.M.
POWER County				
GROUND WATER	SW1/4NE1/4SE1/4	Sec. 5,	Twp 06S,	Rge 33E, B.M.
POWER County				

Place of UseIRRIGATION Within POWER County

T06S R33E S04	NESW	14.0	T06S R33E S04	NWSW	39.0
T06S R33E S04	SWSW	16.0	T06S R33E S04	SESW	2.0
T06S R33E S05	NESW	39.0	T06S R33E S05	NWSW	11.0
T06S R33E S05	SWSW	38.0	T06S R33E S05	SESW	40.0
T06S R33E S05	NESE	39.0	T06S R33E S05	NWSE	39.0
T06S R33E S05	SWSE	40.0	T06S R33E S05	SESE	40.0
Total Acres: 357					

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 29-10265 V1

1. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. csaxton 1/24/2003 Combined Right

Comment: This right is claimed as a combination of 29-07045 and 29-07046. Both licenses have the same priority date and were licensed with two PODs in a common system.

2. csaxton 1/24/2003 POU

Comment: The combined acreage under licenses 29-07045 and 29-07046 is 375 acres. Claim 29-10265 claims 357 acres. Acreage under-claimed.

3. csaxton 1/24/2003 Diversion Rate

Comment: Despite the acreage being under claimed between rights 29-07045 and 29-07046, total licensed diversion rate is still under 1 inch per acre. Recommend full licensed diversion rate.

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 8:38:12 AM	csaxton			Active
Priority Date	1/24/2003 8:39:42 AM	csaxton			Active
POD	1/24/2003 8:39:53 AM	csaxton			Active
Source	1/24/2003 8:44:45 AM	csaxton			Active
POU	1/24/2003 8:45:57 AM	csaxton			Active
Use	1/24/2003 8:56:45 AM	csaxton			Active
Season	1/24/2003 8:58:25 AM	csaxton			Active
Quantity	1/24/2003 9:14:28 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>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10265 V1

Quantity	1/24/2003 9:14:27 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 - Diversion Rate = as licensed Diversion Vol = 3.5 af/acre as defined in licenses.
Contacts	1/24/2003 8:38:12 AM	csaxton	(No) 1. Do you want to schedule an appointment?
Priority Date	1/24/2003 8:39:42 AM	csaxton	Comment for 1: Desk top Review (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 8:39:53 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 8:42:13 AM	csaxton	Edited point location
POD	1/24/2003 8:42:33 AM	csaxton	Edited PLS
POD	1/24/2003 8:43:24 AM	csaxton	Edited point location
POD	1/24/2003 8:43:44 AM	csaxton	Edited PLS
Source	1/24/2003 8:44:45 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10265 V1

POU	1/24/2003 8:45:57 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 8:46:16 AM	csaxton	Edited shape boundary
POU	1/24/2003 8:46:47 AM	csaxton	Edited PLS
Use	1/24/2003 8:56:44 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?
Season	1/24/2003 8:58:25 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? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Summary	1/24/2003 9:19:56 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? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 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?

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: 29-10265

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:

☒ 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

1-23-03 : Claimed as Combination of 22-07045 + 22-07046

: Diversion Rate is excessive - claimed as capacity of wells. Both licenses were licensed a a diversion rate of what was permitted.

: Recommend total diversion Rate of 6.22 cfs

: Total Licensed acres between two licenses is 376 ac
But only 357 ac Claimed

: Diversion Volume b/w two rights = 1312.5 at 3.5 Af
Per acre. But not full acreage claimed b/w two
rights. 357 acres claimed $\times$ 3.5 Af/acre = 1249.5 Af

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-10265

WATER RIGHT NUMBER: 29-10265

<u>Owner Type</u>	<u>Name and Address</u>
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
Current Owner	MARK R SWANSON 436 POLK AMERICAN FALLS, ID 83211 (208) 226-7376

Priority Date: 02/02/1970 ✓

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	7.340 CFS	~~1312.5~~
		<i>10/15</i>	<i>6.22</i>	<i>1249.5</i>
		<u>Total Diversion:</u>	7.340 CFS	
			<i>6.22</i>	

<u>Location of Point(s) of Diversion</u>			
GROUND WATER	NW1/4SW1/4	Sec. 5,	Twp 06S, Rge 33E, B.M.
POWER County	<i>SW NE</i>		
GROUND WATER	NW1/4SE1/4	Sec. 5,	Twp 06S, Rge 33E, B.M.
POWER County	<i>SW NE</i>		

POD Very Close to GCD Line

<u>Place of Use</u>
IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
06S	33E	4	14.0	38.0	16.0	2.0	70.0
				<i>39</i>			<i>71</i>
06S	33E	5	39.0	11.0	38.0	39.0	287.0
					<i>40</i>	<i>39</i>	<i>286</i>
							<i>357</i>

Total Acres: 357 ✓

Conditions of Approval:

1. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

502
C18

This is a combine right

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-10265

Remarks:

1. General THIS RIGHT IS A COMBINATION OF 29-07045 & 29-07046

Comments:

Dates and Other Information:

Claim Received Date: 1/29/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
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

T6S, R33E

5

NWSW 11.0

NESW 39.0

NWSE 39.0

NESE 39.0

NWSW 39.0

NES 14.0

**38.0
SWSW**

**40.0
SESW**

**40.0
SWSE**

**40.0
SESE**

16.0

SWSW

**5
8**

**4
9**

8



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

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 99223-772
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

DELOG BC 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

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
<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 Eugene
4029 South Easy Ln Spokane, WA 99223-7722
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

Form 42-248/42-1409(e) 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 Swan

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 _____

Date _____

Fee _____

Received by _____

Date _____

Receipt No. _____

Processed by _____ AJ

Date _____

WR _____

Date _____

Instrument #

10541

Dwr #

8

Time

10:40

Reg. at

American Land

JUN 29 1990

POWER COUNTY AD 10113
IN 10113 RECORD

BY

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

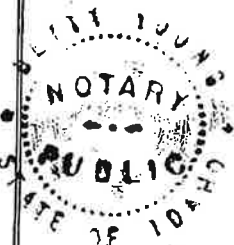
STATE OF IDAHO)

) 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.



Betty Young

Notary Public for Idaho

Residing at Pocatello, Idaho

My Commission expires: 1-14-92

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.

#1913
Clingers Inc's
(Mark Swanson)

WEL
2138.1

7 2199
1-2000
2-138.1
002

MAR-4-7

T711

1-50 *
2-409 *
3-607 *
4-340 *
5-506 *
6-301 *

006

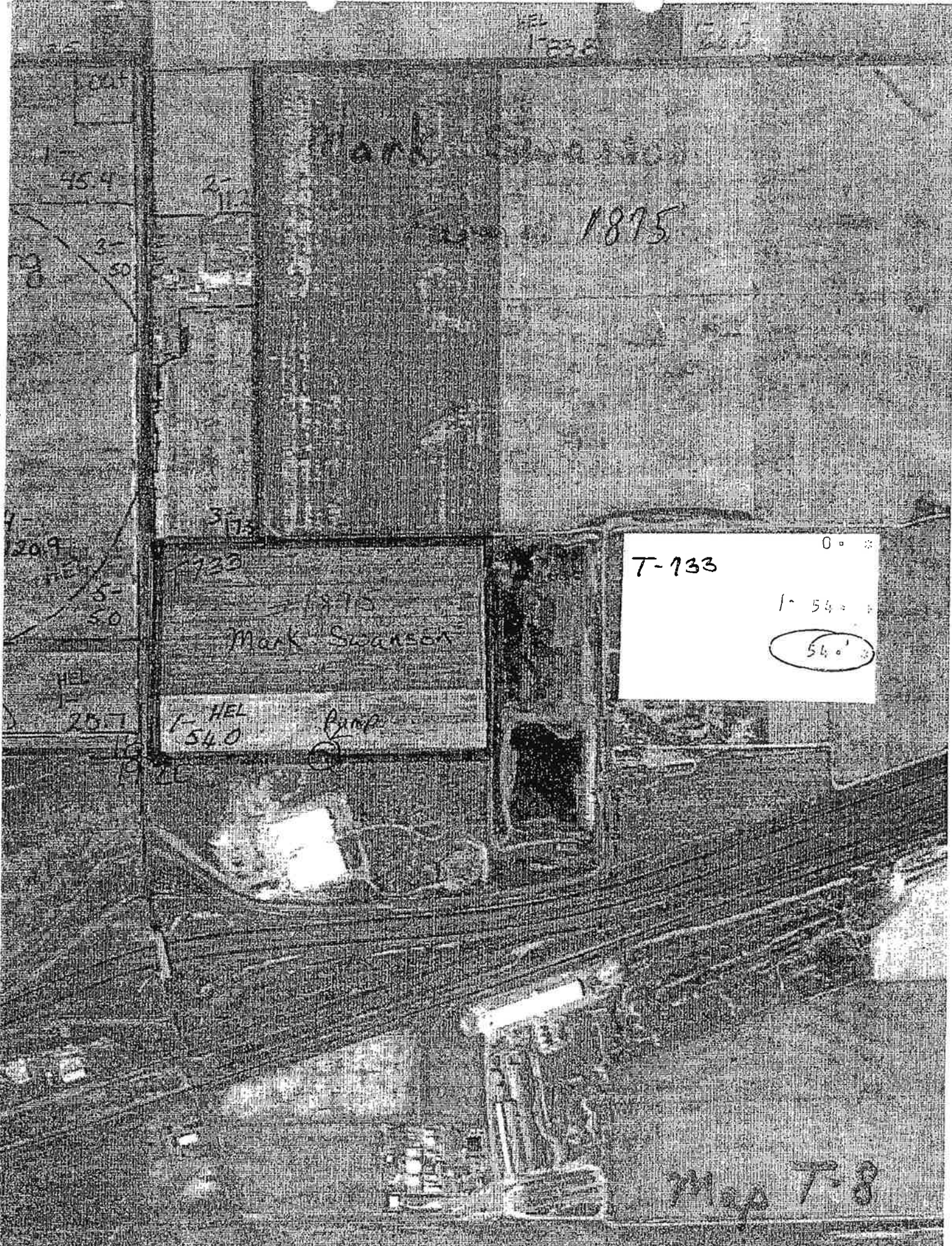
155-1

#1874

Mark Swanson

Map T-8

Malberg



T-133

0.0

1-54.0

54.0

Map T-8

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7045 Priority Feb. 2, 1970 Amount 3.11 cfs

THIS IS TO CERTIFY, that JOHN EVANS
of Pocatello, Idaho, has complied with the terms and conditions of Permit
No. 29-7045 issued pursuant to Application for Permit dated February 2, 1970,
and has submitted proof to the Department of Water Resources on February 12, 1974,
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 7.34 cfs of water from a ground water 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>Oct. 15</u> at <u>3.11</u> cfs and	<u>647.5 acre feet or</u>	
	from _____ to _____ at _____ cfs and	<u>3.5 af per acre</u>	
	from _____ to _____ at _____ cfs and		

(both dates inclusive)

Subject, however, to the condition that no more than 3.11 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
647.5 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5 -and-
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5; Twp. 6 S, Rge. 33 E, B.M. in the County of Power

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				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 $\frac{1}{4}$	
6 S	33 E	5									40	20	40	40		15	15		170
		4									10			5					15

Total number of acres irrigated 185

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

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
January, 19 75.

MICROFILMED

Director

Receipt # 713

APPLICATION FOR AMENDMENT Dep. _____

Comes now John Evans of (address)

MICROFILMED

[illegible]

That no one will be injured by such change, and that such change will be made at permit holders own risk.

is 25 day of January, 19 75
Jada Egan
(signature)

I, R. KEITH HIGGINSON, Director of the Department of Water Resources hereby approve the above application for amendment for Permit No. 29-7045.

R. Karl H. J.
Director

Identification No. 29-7045

Application No. _____

NOTED FOR Bill 8/22/67
100.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR PERMIT

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

APPROVED

1. Name of applicant John Evans
post office address 65 Fordham St., Pocatello, Idaho 83201
2. Source of water supply Ground Water which is a tributary of n/a
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 5 Township 6S
Range 33 N B.M. Power County; additional points of diversion if any: none
- b. If water is not consumed, it will be discharged into n/a 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 3.11 for irrigation purpose from 1 April to 15 October (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. 3.11 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____
5 stage 1203HH Berkeley Pump, 100' 1 7/16" x 2 1/2" x 10" Oil Lube Column,
125HP Electric Motor, 900' 10" mainline pipe, 1550' 8" steel mainline pipe.
- 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 18" 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 \$ 26250.00
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: _____

29-7045

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	33EBM	5									40	40	40	40		15	15		190

Total number of acres to be irrigated 190

c. Describe any other water rights used for the same purposes none

9. a. Who owns the property at the point of diversion John Evans

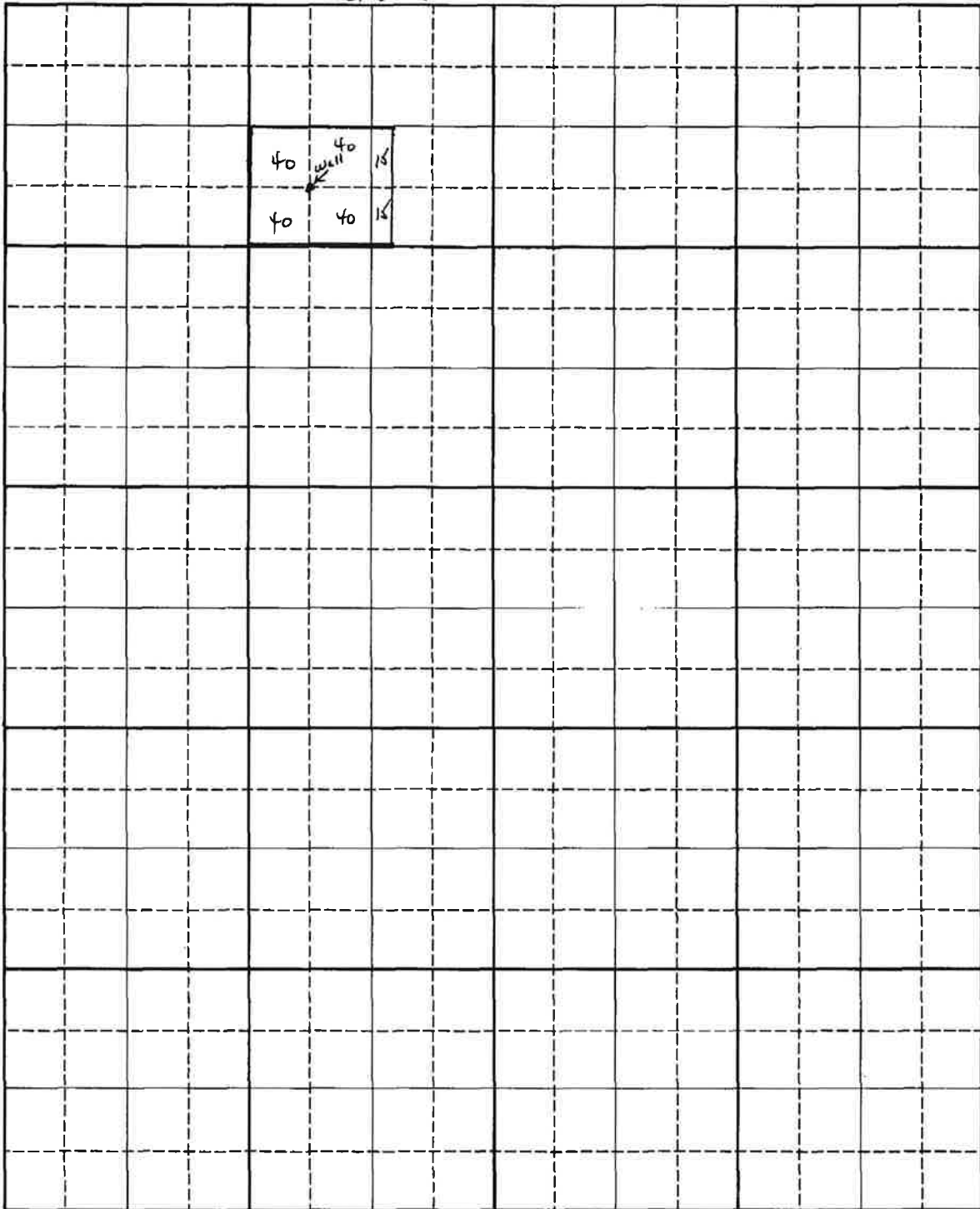
b. Who owns the land to be irrigated or place of use same

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

11. Map of proposed project:

Section 5



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)

29-7045

Received by 11 Date 2-2-70 Time 8:00 a.m.
Preliminary check by D Fee \$ 35.00
Receipted by SA Date 2-2-70
Publication prepared by du Date 2-10-70
Published in Power County Press
Publication dates 2-19-26-70
Publication approved du Date 3-2-70
Priority reduced to _____ Reason _____

Protests filed by: _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by Burt Clark

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. 29-7045, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 19 74.
- c. 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 13th day of March, 19 70.

R. Keith Higgs
State Reclamation Engineer

DEPARTMENT OF RECLAMATION

STAFF ANALYSIS

Application No.	29-7045	Name	John Evans
Source	ground-water		
Point of Diversion	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5, T. 6 S., R. 33 E., B.M., Power County		
Quantity	3.11 c.f.s.	Use	irrigation
		Period	April 1 - October 15
Quantity		Use	
		Period	
Quantity		Use	
		Period	
Well Size	18"	Diameter	
		Proposed Depth	250 Feet
Use	190 acres		
Date Forwarded	2/4	Date Returned	2-13-70
		Received by	DW

RECOMMENDATIONS: NO WATER LEVEL DECLINES IN THE AREA. HOWEVER, THE LOCAL AREA IS HEAVILY DEVELOPED. WELL DEPTHS AVERAGE 200-350 FT WITH WATER LEVELS STANDING AT 20-30 FT. DRAWDOWNS AVERAGE 130 FT FOR 2500 GPM. POINT OF DIVERSION IS ON FORT HALL INDIAN RESERVATION

Qty.	Use	Period	AF	AFA
Qty. 3.11	Use IRRIG	Period 4-1 to 10-15	AF	AFA 3.5
Qty.	Use	Period	AF	AFA

ACTION: Approved X Denied

Conditions of approval or reason for denial: RECOMMEND MINIMUM WELL SPACING OF 500 FT TO AVOID POSSIBLE WELL INTERFERENCE.

Investigation By Norman C. Young Title Engineer
Date 2-13-70

29-7045

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder John P. Evans
Post office address 51 Fordham, Pocatello, ID 83201 Phone 232-2110
Person to contact Legan Thompson Rantore Phone Mobile 235-7129
Poc Shors 233 5588
Home 226-5091
2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)

3. Water will be used for the following purposes:

Amount 3.11 c.f.s. for irrigation
 AF/Annum (nature of use)

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

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

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

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

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

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 3.11 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 5, Subdivision NW 1/4 SW 1/4, **Power**
County
Township N/S, Range E/W, B.M., Section , Subdivision 1/4 1/4,
County
Township N/S, Range E/W, B.M., Section , Subdivision 1/4 1/4,
County

Other Points of Diversions:

Description of diverting works: 5 stage, 1203 HH Berkeley Pump, 100' 1 7/8" x 2 1/2" x 10" oil
lub. column, 125 hp elec. motor, 900' 10" main, 1550' 8" steel main pipe.

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE _____ **190**

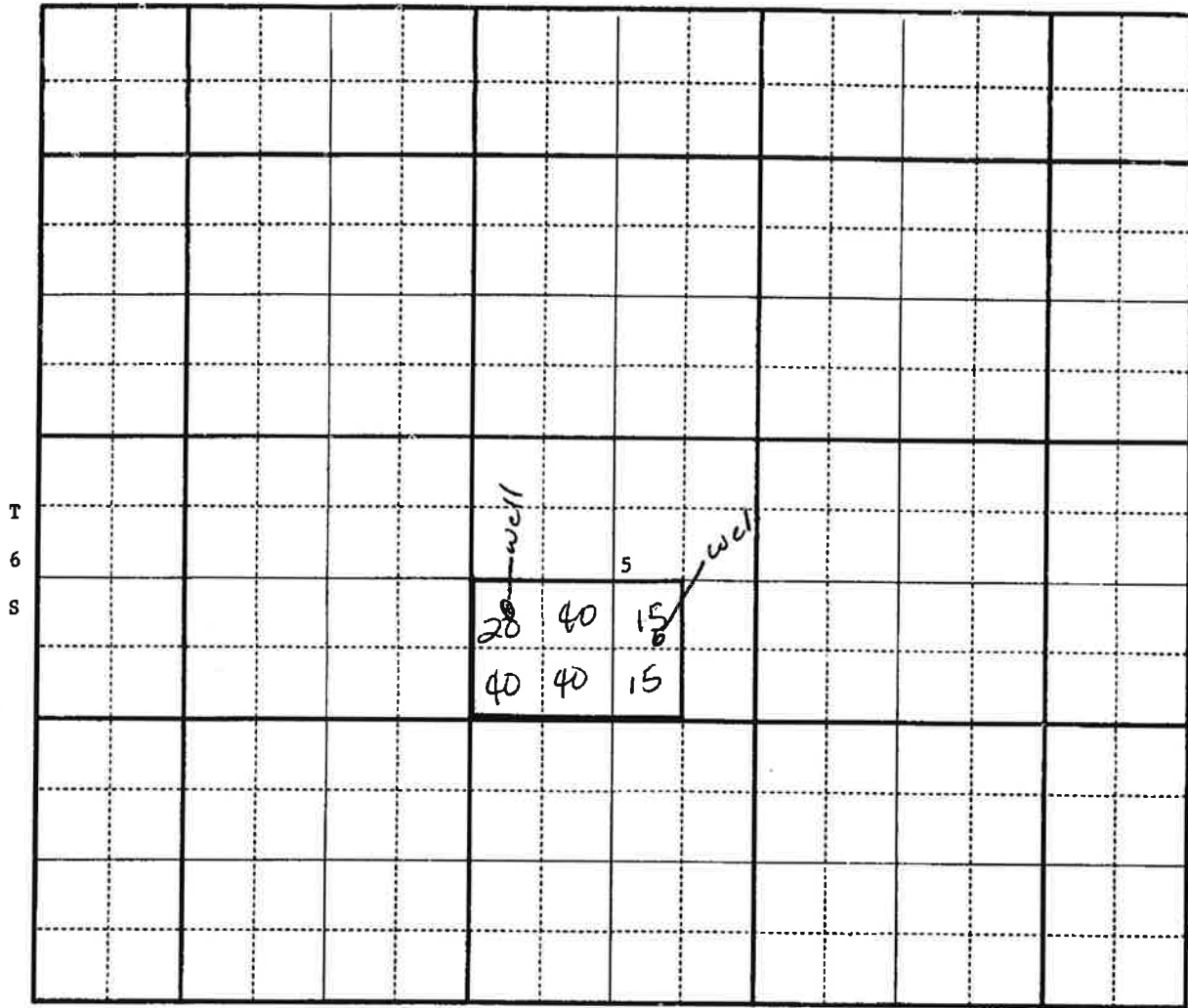
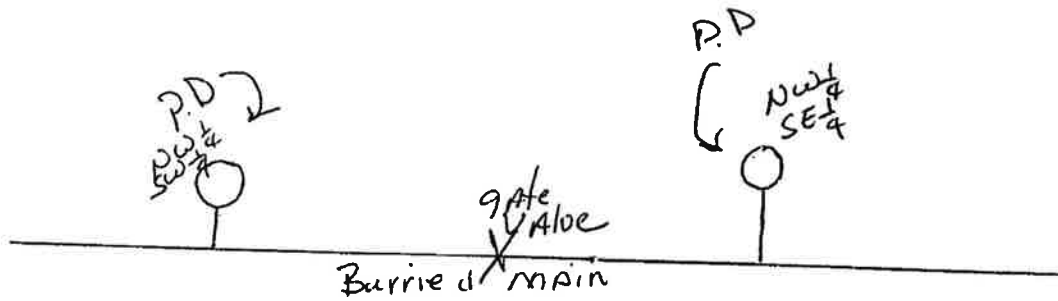


Diagram of System



1. 11. 1. 0. 0

31 | 32
6 | 5

32 | 33
5 | 4

20Ac.

STATE
OWNERS
OUT

40

15

GATE valve

PD

40

40

15

OUT

6 | 5
7 | 8

5 | 4
6 | 8

7 | 8
18 | 17

8 | 9
17 | 16

DATE OF EXAM July 10, 1974

ACREAGE
Found 170
Recommended 170

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 3.40 c.f.s. V = 595 AF/Ann. from Apr to Oct 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: N. A.
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no ☒

Name source exchanged with: N. A.
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 3.56 cfs Method of measurement In Line Meter

Total Q recommended 3.40 cfs Meter No. 731047 Type Mec Condition New

Total V recommended 595 AF/Ann

Recommended Amendments:

P.D. ☒ To Include P.D. in NW 1/4 SE 1/4 sec 5
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:

$$Q = 1600 \text{ gpm} = 3.56 \text{ cfs}$$

$$V = 170 \text{ Ac} \times 3.5 = 595 \text{ AF/Ann}$$

SYSTEM DESCRIPTION:

U.S. MOTORS 125 Hp Ser # HC1004004
Berkeley Pump Ser # 6920399
9 1/4 mile lines 32" dia 5/8" wall 10" MAIN South to
Burried East West MAIN

REMARKS:

System & land shown by Lynn Thompson
Both wells operate together and should be
considered as one system.

Examiner's Signature W. R. Rhoads Date July 19 1974

Checked by L O Hulme Date Sept 9, 1974

Approved by _____ Date _____

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7046 Priority Feb. 2, 1970 Amount 3.11 cfs

THIS IS TO CERTIFY, that JOHN EVANS
of Pocatello, Idaho, has complied with the terms and conditions of Permit
No. 29-7046 issued pursuant to Application for Permit dated February 2, 1970
and has submitted proof to the Department of Water Resources on February 12, 1974
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 7.34 cfs of water from a ground water 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>Oct. 15</u>	at <u>3.11</u> cfs and	<u>665 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>3.5 af per acre</u>
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 3.11 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
665 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5 -and-
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5; Twp. 6 S, Rge. 33 E, B. M. in the County of Power

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				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 $\frac{1}{4}$	
6 S	33 E	5													40	25	20	36	121
		4									10	40	19						69

Total number of acres irrigated 190

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
January, 19 75.


Director

Receipt # 713

APPLICATION FOR AMENDMENT

Department of Water Resources

Permit No. 29-7046

Comes now John Evans of (address) _____

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 29-7046, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5 Twp. 6 S
Rge. 33 E, B. M., County of Power. Other points of diversion:
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, Twp. 6 S, Rge. 33 E, B. M.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

NO CHANGE

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre feet per annum)

3. Place of use or land to be irrigated:

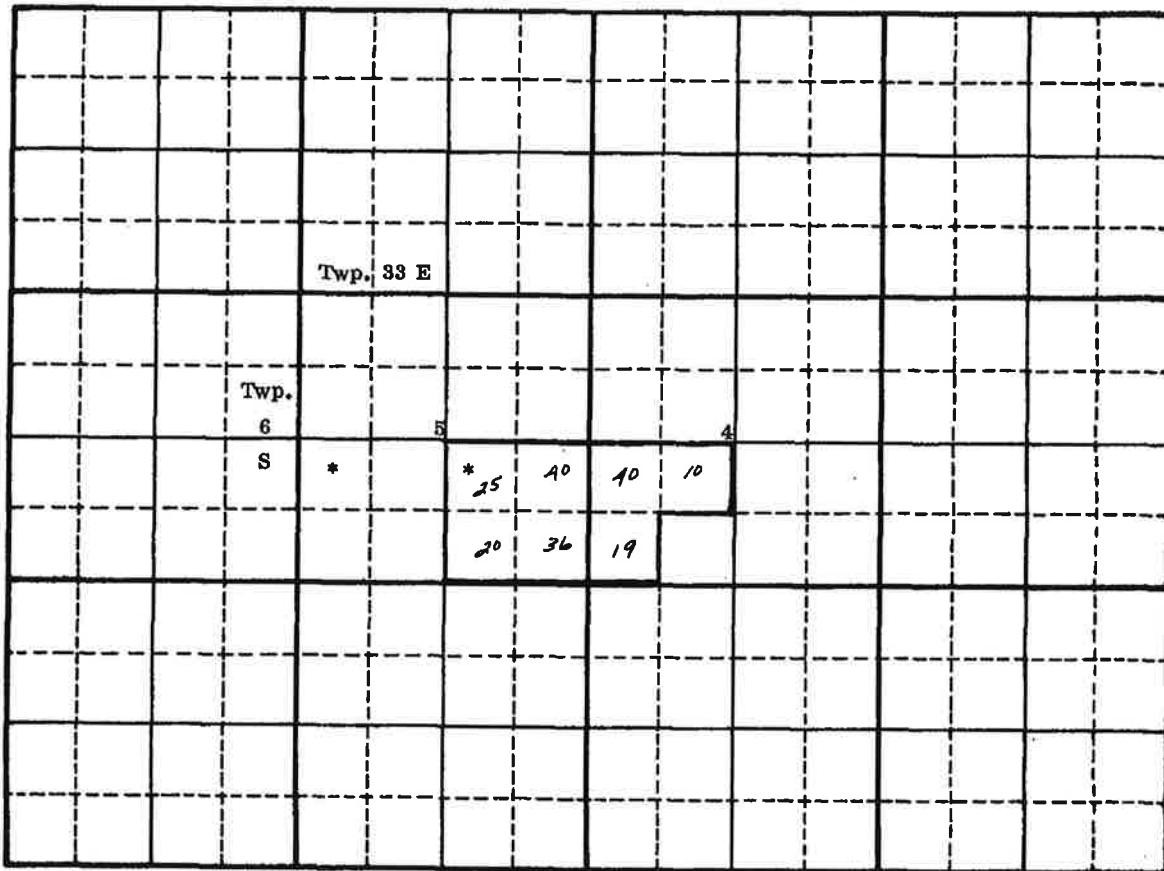
[illegible]

Total number of acres to be irrigated

190

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Pocatello, Idaho, this 25 day of January, 19 75.

John Evans
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, R. KEITH HIGGINSON, Director of the Department of Water Resources hereby approve the above application for amendment for Permit No. 29-7046.

Witness my hand this 28 day of January, 19 75

R. Keith Higgins
Director

Identification No. 29-7046
Application No. _____

DATE ISSUED FOR 3.11 SEC. FT.
LEASE PAGE NO. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

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 65 Fordham St., Pocatello, Idaho 83201
2. Source of water supply Ground Water which is a tributary of n/a
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 5 Township 6S
Range 33 E B.M. Power County; additional points of diversion if any: none
- b. If water is not consumed, it will be discharged into n/a at a point in _____ $\frac{1}{4}$ of _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 3.11 for irrigation purpose from 1 April to 15 October (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. 3.11 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 5 stage 1203HH Berkeley Pump, 100' 1 7/16" x 2 1/2" x 10" oil lube column, 125hp Electric motor, 900' 10" mainline pipe, 1550' 8" mainline pipe.
- 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 18" 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 \$ 26250.00
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: _____

29-7046

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

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	5													40	25	25	40	130
6S	33E	4									40	20							60

Total number of acres to be irrigated 190

c. Describe any other water rights used for the same purposes None

9. a. Who owns the property at the point of diversion Deeded

b. Who owns the land to be irrigated or place of use Deeded

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

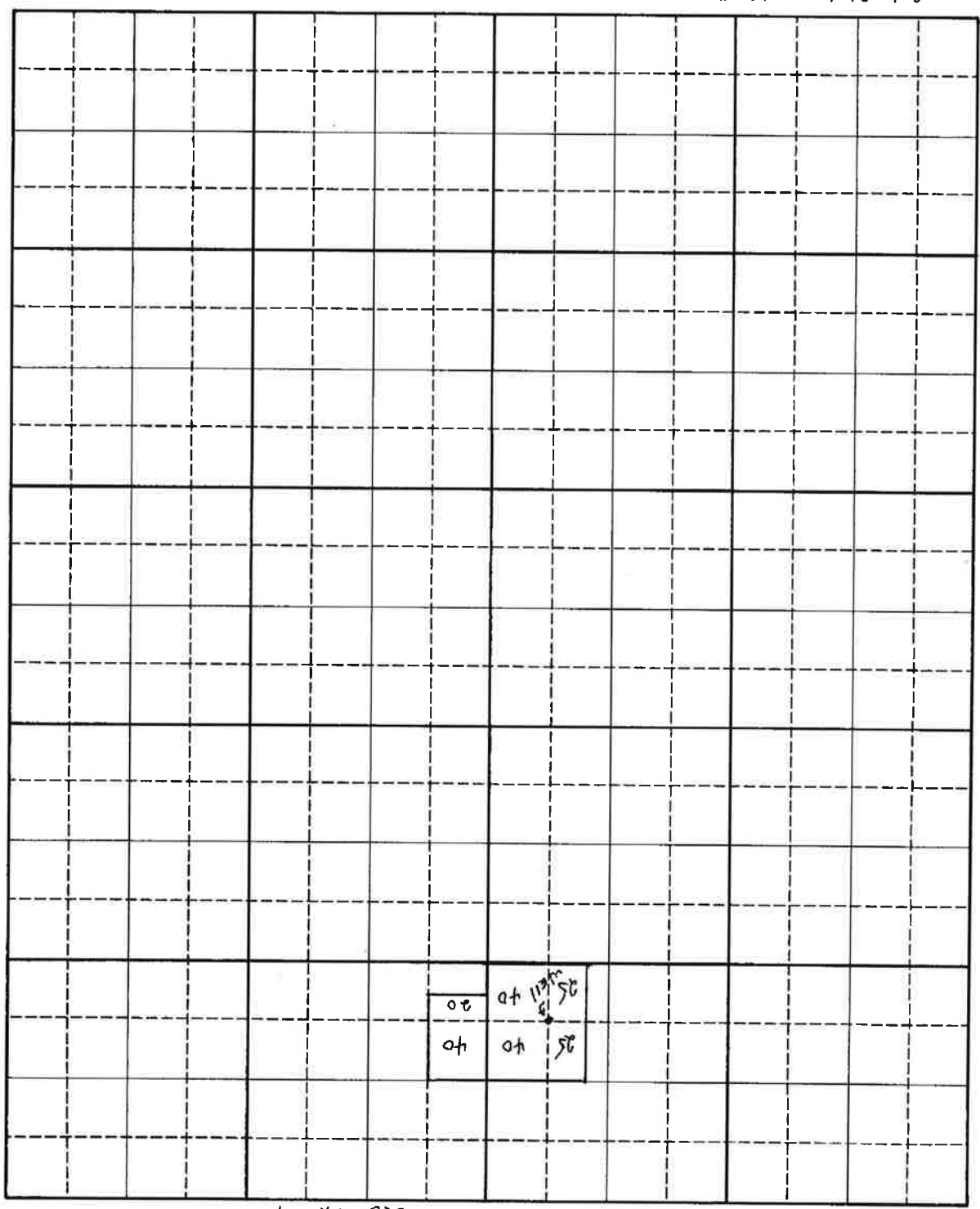
3-9-10-16

(Applicant)

[Signature]

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.

Scale: 2 inches equal 1 mile



11. Map of proposed project:

Sect no. 5

Section 4

Received by ef Date 2-2-70 Time 8:00 a.

Preliminary check by 0 Fee \$ 35⁰⁰

Received by ef Date 2-2-70

Publication prepared by du Date 2-10-70

Published in Boone County Press

Publication dates 2-19-66-70

Publication approved du Date 3-2-70

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by Dell

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. 29-7046, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 19 74.
- c. Other: The permit holder 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 16th day of March 19 70.

D. Karl Higley
State Reclamation Engineer

DEPARTMENT OF RECLAMATION

STAFF ANALYSIS

Application No.	29-7046	Name	John Evans
Source	ground-water		
Point of Diversion	NW ¹ SE ¹ Sec. 5, T. 6 S., R. 33 E., B.M., Power County		
Quantity	3.11 c.f.g.	Use	irrigation
		Period	April 1 - October 15
Quantity		Use	
		Period	
Quantity		Use	
		Period	
Well Size	18"	Diameter	
		Proposed Depth	250 Feet
Use	190 acres		
Date Forwarded	2/4	Date Returned	2-18-70
		Received by	D

RECOMMENDATIONS: NO WATER LEVEL DECLINES IN THE AREA. HOWEVER, THE LOCAL AREA IS HEAVILY DEVELOPED. WELL DEPTHS AVERAGE 200-300 FT WITH WATER LEVELS STANDING AT 20-30 FT. DRAWDOWNS AVERAGE 130 FT FOR 2500 GPM YIELD. POINT OF DIVERSION IS ON FORT HALL INDIAN RESERVATION.

Qty.	Use	Period	AF	AF
Qty. 3.11	Use IRRIG.	Period 4-1 to 10-15	AF	AF 3.5
Qty.	Use	Period	AF	AF

ACTION: Approved X Denied

Conditions of approval or reason for denial: RECOMMEND MINIMUM WELL SPACING OF 500 FT TO AVOID POSSIBLE WELL INTERFERENCE.

Investigation

By

Norman C. Young

Title

Engineer

Date

2-13-70

5-9-7046

FIELD REPORT

- TOTAL ACREAGE** _____ **190**

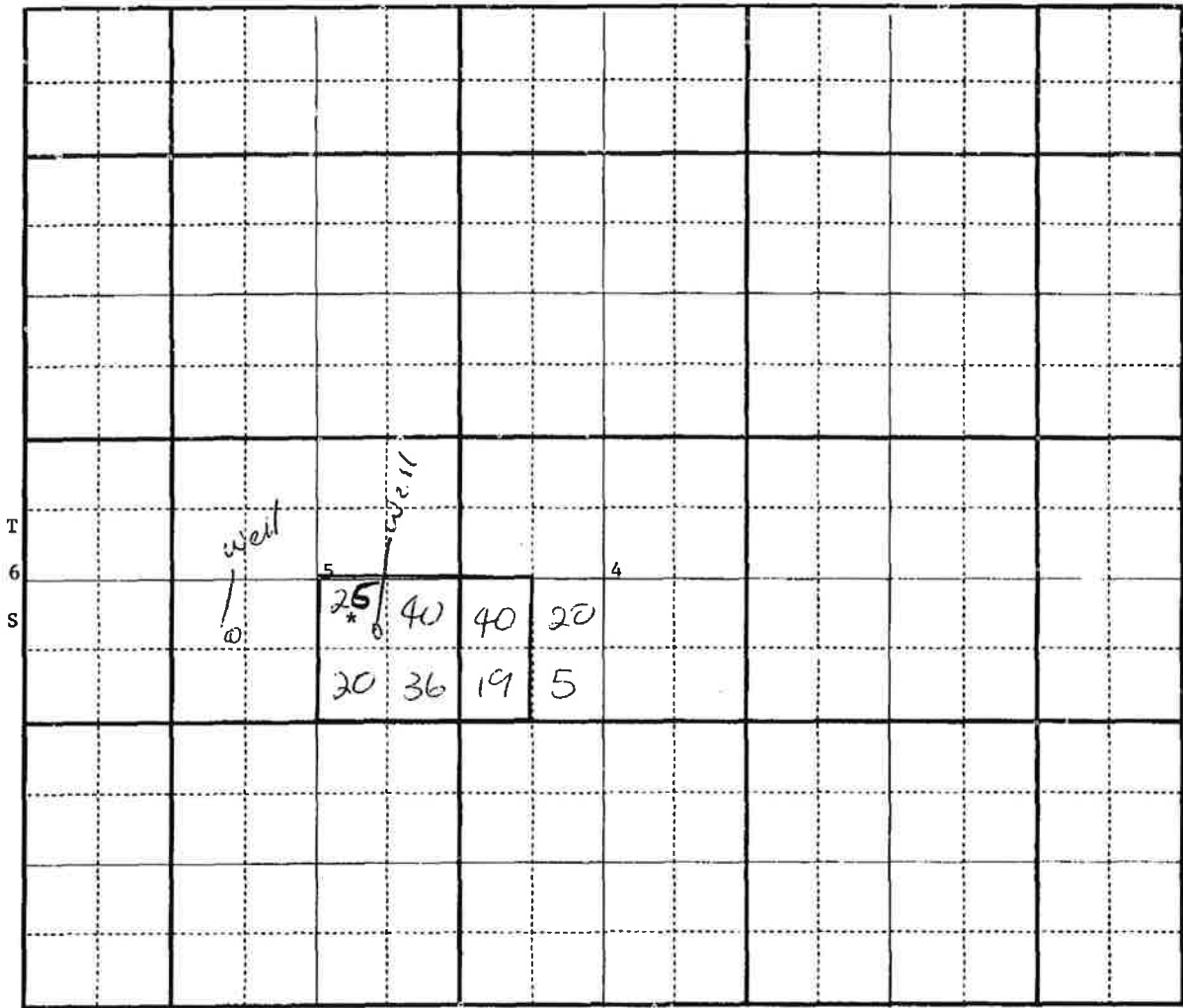
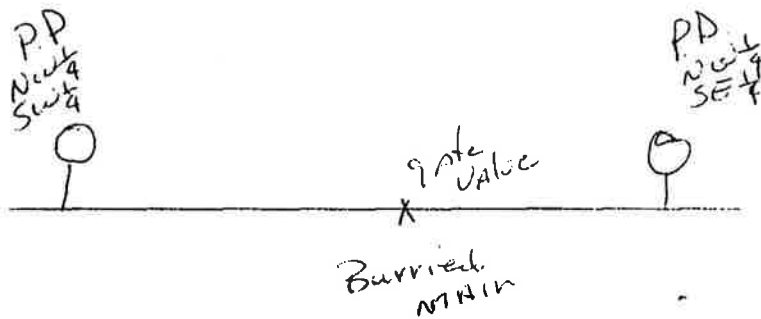


Diagram of System



213
C



DATE OF EXAM June 27, 1974

ACREAGE
Found 205
Recommended 190

Note

Irrigation Requirement 35 Ac Ft/Ac

USE
Irrigation Q = 3.11 c.f.s. V = 665 AF/Ann. from Apr 1 to Oct 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: N.A.
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no ☒

Name source exchanged with: N.A.
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 3.78 cfs Method of measurement In Line Meter

Total Q recommended 3.11 cfs Meter No. 7310419 Type McCrack Condition New

Total V recommended 665 AF/Ann

Recommended Amendments:

P.D. ☒ To Include PD in New 1/4 SW 1/4 Sec 5
Place of Use ☒ Included and in E 1/2 of SW 1/4 Sec 4
Other same
None _____

MEASUREMENT CALCULATION:

$$Q = 1700 \text{ gpm} = 3.78 \text{ cfs}$$

$$V = 190 \text{ Ac} \times 35 = 665 \text{ AF/Ann}$$

SYSTEM DESCRIPTION:

U.S. MOTORS 125 Hp Ser # HC1004005
Berkeley Pump Ser # 6920398
10" discharge South To Buried MAIN 9 Lines with 32 Noz/june
5/32" No 2

REMARKS:

System and land shown by Lynn Thompson
Both wells operate together and should
be considered as one system

Examiner's Signature William Edwards Date June 27, 74

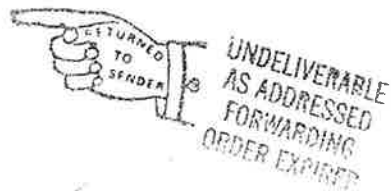
Checked by JO Holm Date Sept 9, 1974

Approved by _____ Date _____

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

83201+3412



SCANNED

MAY 14 2001

Log for claim A29-10265

Spatial Dynamics AMH

7/18/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s33e	4	NESW	14	14	
06s33e	4	NWSW	38	40	
06s33e	4	SWSW	16	19	
06s33e	4	SESW	2	2.8	
06s33e	5	NESW	39	39	
06s33e	5	NWSW	11	12	
06s33e	5	SWSW	38	38	
06s33e	5	SESW	39	39	
06s33e	5	NESE	40	39	
06s33e	5	NWSE	40	38	
06s33e	5	SWSE	40	39	
06s33e	5	SESE	40	40	
Totals:			357	359.8	

AJ5809NP
No. A29-10265

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/23/00
PAGE: 82

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN P EVANS	02/02/1970	IRRIGATION	04-01 11-01	7.340 CFS	
C	JANE R EVANS					
	51 FORDHAM					
	POCATELLO ID 83201			TOTAL DIVERSION:	7.340 CFS	
	(208) 232-2110			CONSUMPTIVE USE:		1071.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T06S R33E S05

NWSW

NWSE

POWER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	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	4	:					:					:	14	38	16	02	:					:	70.0
06S	33E	5	:					:					:	39	11	38	39	:	40	40	40	40	:	287.0
																					TOTAL ACRES			357.0

POU County: POWER

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of Use:
A29-07045 A29-07046

Conditions of Approval:

- R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.

Remarks: GEN THIS RIGHT IS A COMBINATION OF 29-07045 & 29-07046

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 01/29/90 WILSON 08/01/94 THOMPSON 03/29/95 POST-STD

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 29-10265
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: 02/02/1970

3. Source: GROUND WATER , GROUND WATER Trib. to: ,

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
06S	33E	5	NW	SW		POWER	
06S	33E	5	NW	SE		POWER	

5. Description of diverting works:

TWO WELLS PUMPS 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	7.34	

7. Total Quantity Appropriated is:
7.34 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	4	NW	SW	IRRIGATION	38
			SW	SW	IRRIGATION	16
			NE	SW	IRRIGATION	14
			SE	SW	IRRIGATION	2
Section Acres						70
06S	33E	5	NE	SW	IRRIGATION	39
			NW	SW	IRRIGATION	11
			SW	SW	IRRIGATION	38
			SE	SW	IRRIGATION	39
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			NE	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
Section Acres						287
Total Acres						357

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:

THIS RIGHT IS A COMBINATION OF 29-07045 & 29-07046

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

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.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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436 POLK
AMERICAN FALLS ID USA 83211

2. Date of Priority: 02/02/1970

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	5	NW SW	POWER	
06S	33E	5	NW SE	POWER	

5. Description of diverting works:

TWO WELLS PUMPS 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	7.34	

7. Total Quantity Appropriated is:
7.34 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	4	NW SW	IRRIGATION	38

			SW	SW	IRRIGATION	16
			NE	SW	IRRIGATION	14
			SE	SW	IRRIGATION	2
					Section Acres	70
06S	33E	5	NE	SW	IRRIGATION	39
			NW	SW	IRRIGATION	11
			SW	SW	IRRIGATION	38
			SE	SW	IRRIGATION	39
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			NE	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	287
					Total Acres	357

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:

THIS RIGHT IS A COMBINATION OF 29-07045 & 29-07046

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

15. Basis of Claim: License

SCANNED

MAY 14 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: A29-10265

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

A2910265



2. Date of Priority: FEB 02, 1970

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	33E	5	NW	SW			POWER
			NW	SE			POWER

5. Description of diverting works:

TWO WELLS PUMPS 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	7.340		

7. Total Quantity Appropriated is:

7.340 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 1071.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

A29-10265

Page 1

Date: 01/29/90

MICROFILMED
NOV 16 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	33E	4	NE	SW		IRR	14.0
			NW	SW		IRR	38.0
			SW	SW		IRR	16.0
			SE	SW		IRR	2.0
					Section Acres		70.0
		5	NE	SW		IRR	39.0
			NW	SW		IRR	11.0
			SW	SW		IRR	38.0
			SE	SW		IRR	39.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
SE	SE			IRR	40.0		
			Section Acres		287.0		
			Total Acres		357.0		

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:
THIS RIGHT IS A COMBINATION OF 29-07045 & 29-07046

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

NOV 16 1992
MICHAUD

756

R 33 E

T 5 S
T 6 S

PLACE OF USE

POINT OF DIVERSION

A29-10265

