

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 63-4489  
Date Received: 2/22/1990  
Receipt No: C014867  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

**AMENDED**

1. Name of Claimant(s)

KENNETH LEROY SEWARD Phone: (208)674-2081

29476 HWY 20-26  
PARMA ID USA 83660

2. Date of Priority: 03/01/1920

3. Source: UNNAMED DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 06N      | 05W   | 6       | 3                     | PAYETTE |      |

5. Description of diverting works:

HEADGATE; GRAVITY FLOW DITCH

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 3/15 | 11/15 | 0.898  |            |

7. Total Quantity Appropriated is:  
0.898 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 |
|----------|-------|---------|------------|-----|-----|-------|
|----------|-------|---------|------------|-----|-----|-------|

06N

05W 6

3 IRRIGATION

44.9

Section Acres 44.9

Total Acres 44.9

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

THIS WATER RIGHT MAY BE DESCRIBED IN FILING 63-04489; HOWEVER FURTHER RESEARCH IS NECESSARY CHANGE OF ADDRESS 7/7/98 JG.

15. Basis of Claim: Statutory Claim

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): *Samuel Gary Sewell* Date: 5-17-06

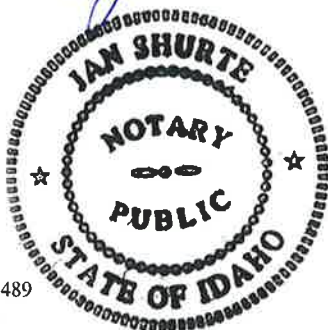
Date:

State of Idaho )

County of ADA ) SS.

Subscribed and sworn (or affirmed) before me this

of May 2006



Notary Public

Residing at *Meredian ID*

My commission Expires 9-14-06

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: A63-04489  
Date Received: 2/22/1990  
Receipt No: C014867  
Received By: \_\_\_\_\_

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: KENNETH LEROY SEWARD  
Address: RT 2 BOX 2442  
PARMA ID

83660

2. Date of Priority: MAR 1, 1940

3. Source: UNNAMED DRAIN

Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 | Lot | County  |
|----------|-------|---------|-------------------|-----|---------|
| 06N      | 05W   | 6       |                   | 3   | PAYETTE |

5. Description of diverting works:  
HEADGATE; GRAVITY FLOW DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.898  |      |        |

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

A.F.A.

8. Total consumptive use is 157.1 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|-----|-------|
| 06N      | 05W   | 6       |            | 3   | IRR | 44.9  |

Section Acres 44.9

Total Acres 44.9

A63-04489

Page

1

Date: 02/04/93

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JUL 25 1994

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:  
NONE

14. Remarks:  
THIS WATER RIGHT MAY BE DESCRIBED IN FILING 63-04489; HOWEVER  
FURTHER RESEARCH IS NECESSARY

15. Basis of Claim: STATUTORY CLAIM

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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 A63-04489Date Received 2/22/90Receipt Number C014867

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED  
FEB 22 1990

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Kenneth Leroy Seward Phone (208) 674-2081Mailing Address RR.#2, Box 2442, Parma, ID Zip 836602. Date of Priority (Only one (1) per claim) March 1, 19403. Source of water supply (a) Drain water  
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 6N Range 5W Section 6,  
1/4 of 1/4 of 1/4, Govt. Lot, 3 B.M., County of Payette

Additional points of diversion if any: \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, 1/4 of 1/4 of 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, 1/4 of 1/4 of 1/4 of

1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. Headgate, gravity flow ditch

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## HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount .898 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) .898 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 157.15 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4       |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4        | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 6N  | 5W  | 6   | Lot 3 - 44.9 |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       | 44.9   |
|     |     |     |              |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |              |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |              |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |              |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |              |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |              |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 44.9

11. In which county (ies) are lands listed above as place of use located? Payette Co.

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (X)

14. Remarks: This water right may be described in filing 63-04489;  
however, further research is necessary.

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

**MICROFILMED**  
Copies: White - State, Yellow - Claimant  
**JUL 25 1994**

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

1. (in which county (ies) are lands listed above as place of use located?) Payette Co.

2. Do you own the property listed above as place of use? Yes ☒ No ☐

3. If your answer is No, describe in Part 2 below the authority you have to claim the water right.

4. Describe any other water rights used at the same place and for the same purposes as described above.

5. Remarks: This water right may be described in 2140-0-0489. However, further research is necessary.

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_

Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_

Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_

Plaintiff vs Defendant \_\_\_\_\_

16. Signature (s)

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

Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) X Kenneth Leroy Savard Date X 1/29/90

Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

Title

of \_\_\_\_\_, that I have signed the foregoing

Organization

document in the space below as \_\_\_\_\_ of \_\_\_\_\_

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )

County of Canyon ) SS.

Subscribed and sworn (or affirmed) before me this 29<sup>th</sup> day of January 19 90

SEAL

Notary Public Helen Harrington

Residing at \_\_\_\_\_

Helen Harrington, Notary Public

My Commission Expires \_\_\_\_\_

Residing at Boise, Idaho

My Commission Expires December 1, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

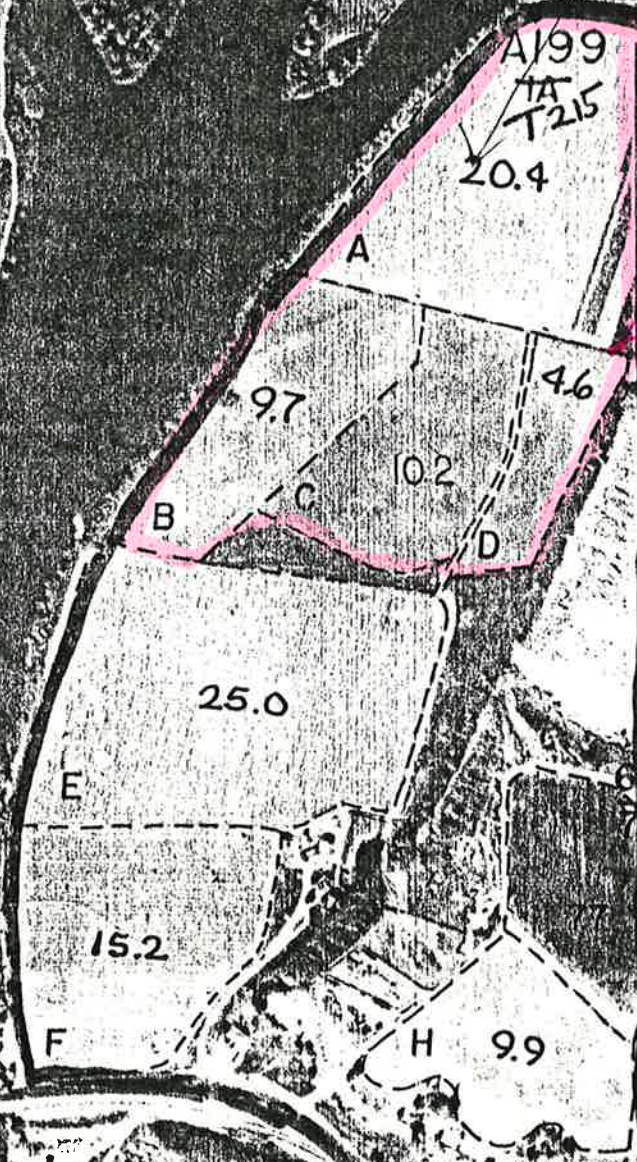
Last Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

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COPIES White-State, Yellow-Claimant  
JUL 25 1991

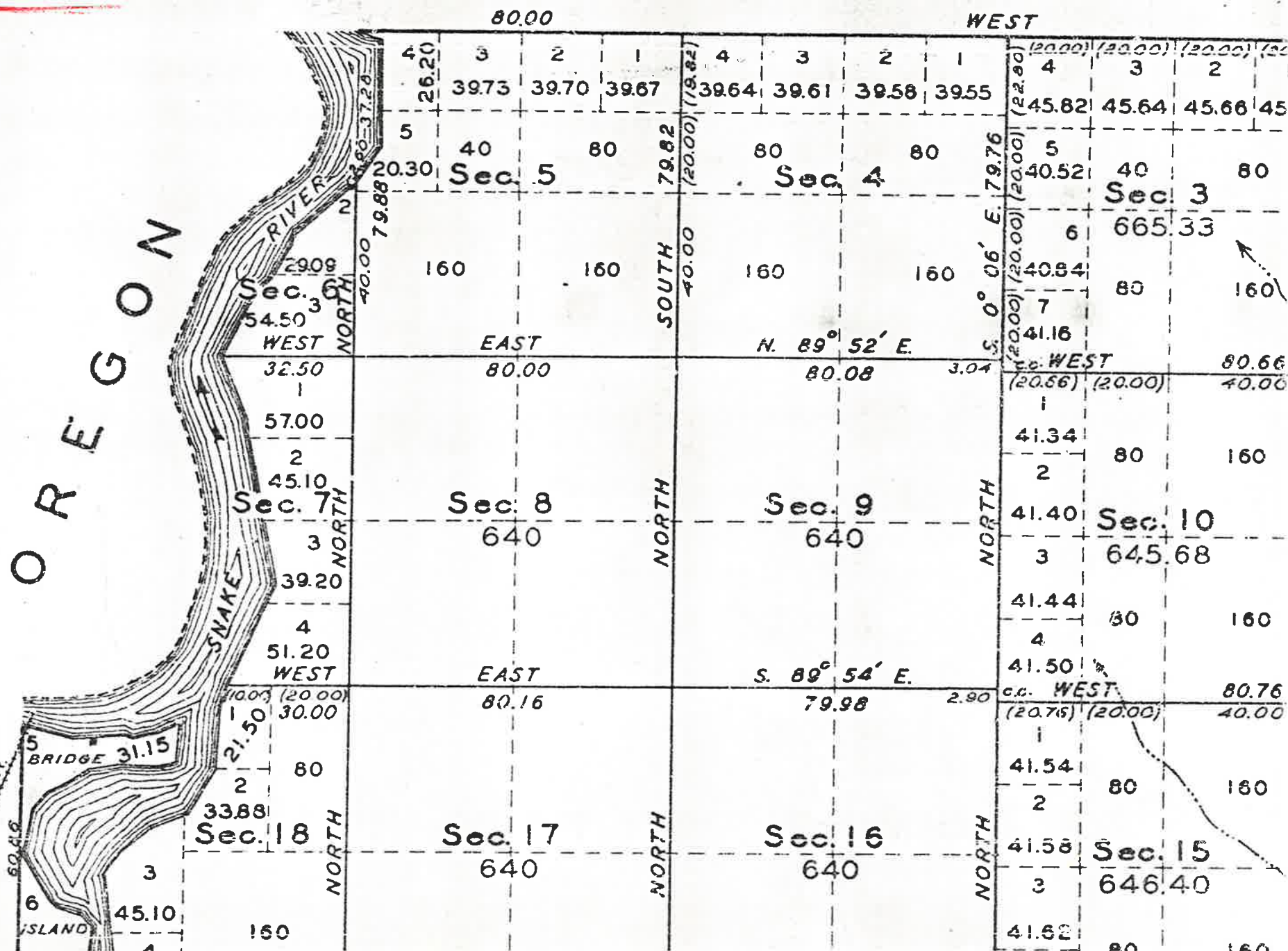
POOR ORIGINAL

*A. F. Seward farm*  
*Lucille Pett farm*



MICROFILMED  
JUL 7 1991

POOR ORIGINAL



8-750  
MICROFILMED  
JUL 25 1994

Water Right Number - 63-04489

Prefix Translation: WATER RIGHT

Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*  
SEWARD

DWIGHT F.

1 - RT. 2

2 -

3 -

City- PARMA

State- ID Zip- 83660

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +  
03/01/1940 14 WESTERN S - STATUTORY CLAIM

+ - - - - - Source - - - - - + + - - - - - Tributary - - - - - +  
GROUNDWATER

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

06N 05W 6 NE SE 2 (75) PAYETTE

+ - - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 03/15 11/15 0.900 202.50

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +  
0.900 202.50

+ - - - - - Place of Use - - - - - +  
TwN Rng Sec Tract Lot Acres Code Description County

06N 05W 6 NE SE 2 20.0 01 IRRIGATION (75) PAYETTE  
06N 05W 6 SE SE 3 25.0 01 IRRIGATION (75) PAYETTE

Total Acres: 45.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +  
No Remarks found.

+ - - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +  
00/00/0000

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JUL 25 1994

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JUL 25 1994

## ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME Seward, KennethCLAIM IDENT. NO. A63-04489DATE RECEIVED 2-22-90 RECEIPT # 0014867 FEE PAID \$ 25<sup>00</sup> FEE REQ'D \$ 25<sup>00</sup>

|                                                                                                                                                                                                           | YES                                 | NO                       | Required Info? |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code? . . . . .                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 2. Is a priority date entered? . . . . .                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| Is the priority date acceptable in view of mandatory filing dates? . . . . . <input checked="" type="checkbox"/> *                                                                                        |                                     |                          |                |
| See Adjudication Memos #1 and #4 to determine if a Permit is required.                                                                                                                                    |                                     |                          |                |
| 3. (a) Is a source entered? . . . . .                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| (b) Is a tributary to entered? (if required) . . . . . N/A                                                                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                |
| 4. Is the legal description of the p.d. sufficient? . . . . .                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 5. Is there a description of the diverting works? . . . . .                                                                                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                |
| 6. Are the water uses appropriate for the form? . . . . .                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim. |                                     |                          |                |
| Is the period of use included? . . . . .                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                |
| Is a quantity claimed for each use? . . . . .                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 7. Is a total quantity claimed entered? . . . . .                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                |
| 8. If required is a consumptive use entered? . . . . . N/A                                                                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                |
| Is the consumptive use correct? . . . . . N/A                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                |
| 9. Are the non-irrigation uses listed showing # of homes, hd. of stock? . . . . .                                                                                                                         | <u>NA</u>                           | <input type="checkbox"/> | *              |
| If multiple domestic, is single ownership indicated? . . . . .                                                                                                                                            | <u>NA</u>                           | <input type="checkbox"/> |                |
| 10. Is (are) the place(s) of use and purpose(s) indicated? . . . . .                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 11. Is (are) the county(ies) entered? . . . . .                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                |
| 12. Is the ownership of p.u. checked? . . . . .                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                |
| 13. Are other water rights listed or "none" indicated? . . . . .                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) . . . . . N/A                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                |
| 15. Is the basis of the claim indicated? . . . . .                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                |
| 16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? . . . . . N/A                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                |
| If yes, compare claim w/existing right and attach proof report noting any differences in comments.                                                                                                        |                                     |                          |                |
| If no, was water right no. found? . . . . .                                                                                                                                                               | <u>NA</u>                           | <input type="checkbox"/> | *              |
| 17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? . . . . . N/A                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                |
| (If yes, attach a proof report & complete number change)                                                                                                                                                  |                                     |                          |                |
| NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.                                                               |                                     |                          |                |
| 18. If the claimant requested a monthly docket sheet, was the fee paid? . . . . . N/A                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                |
| 19. Is the claim signed by the claimant, and is the signature appropriate? . . . . .                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 20. Has the claim been signed, sealed, and dated by a notary? . . . . .                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 21. Was this claim filed on time? . . . . .                                                                                                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| (Check ML3 for date mailed-not all were mailed on the planned date)                                                                                                                                       |                                     |                          |                |
| If no, was an extension of time filed & approved? . . . . .                                                                                                                                               | <u>NA</u>                           | <input type="checkbox"/> | *              |
| 22. Is the fee enclosed correct? . . . . . Exempt                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |

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|                                                                      | YES | NO |
|----------------------------------------------------------------------|-----|----|
| 23. Is this claim being rejected and returned to claimant? . . . . . | —   | ✓  |
| 24. Can this claim be data entered? . . . . .                        | ✓   | —  |
| 25. Was claim modified? . . . . .                                    | —   | ✓  |
| If yes, do modifications require notification to claimant? . . .     | NA  | —  |

Note: Modifications made must be explained in comments stating where the information for any changes was found.

Claim reviewed by: CA Date 1-29-92  
 Claim data entered by: MM Date 2/4/93

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: See letter in claim file 63-04489 from water  
Resource Agent Bill Macallister. This claim appears  
to be an attempt to describe the same water  
right that was assigned no. 63-04489.

12/10/2006

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

RIGHT NUMBER: 63-4489

NAME AND ADDRESS: KENNETH LEROY SEWARD  
29476 HWY 20-26  
PARMA ID 83660

SOURCE: UNNAMED DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.900 CFS

PRIORITY DATE: 03/01/1940

POINT OF

DIVERSION: T06N R05W S6 NESE Lot 2 Within PAYETTE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.900 CFS

PLACE OF USE: IRRIGATION in PAYETTE County

|                          |       |                          |       |
|--------------------------|-------|--------------------------|-------|
| T06N R05W S06 Lot 2 NESE | 29.00 | T06N R05W S06 Lot 2 NWSE | 0.70  |
| T06N R05W S06 Lot 3 SWSE | 3.20  | T06N R05W S06 Lot 3 SESE | 12.00 |

44.9 ACRES TOTAL

T06N, R05W S6 SWSE & NWSE is unsurveyed, nonfederal land except where noted by GCDB lot number.

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

09/16/2006

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

RIGHT NUMBER: 63-4489

NAME AND ADDRESS: KENNETH LEROY SEWARD  
29476 HWY 20-26  
PARMA ID 83660

SOURCE: UNNAMED DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.900 CFS

PRIORITY DATE: 03/01/1940

POINT OF DIVERSION:

T06N R05W S6 NESE Lot 2 Within PAYETTE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.900 CFS

PLACE OF USE: IRRIGATION Within PAYETTE County

|                          |       |                          |       |
|--------------------------|-------|--------------------------|-------|
| T06N R05W S06 Lot 2 NESE | 29.00 | T06N R05W S06 Lot 2 NWSE | 0.70  |
| T06N R05W S06 Lot 3 SWSE | 3.20  | T06N R05W S06 Lot 3 SESE | 12.00 |

44.9 ACRES TOTAL

T06N, R05W S6 SWSE & NWSE is unsurveyed, nonfederal land except where noted by GCDB lot number.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho  
Idaho Department of Water Resources  
Western Region

T6N R5W SECTION(S) 6  
WATER RIGHT(S) : 63-4489



○ Point of Diversion

□ Place of Use

□ Section Lines

□ Quarter Quarter Lines

Total Irrigated Acres = 44.9 acre(s)

GIS Place of Use Illustration  
1987 NAPP Photography  
Prepared by: Dan Nelson  
Date: September 2006



## MEMORANDUM

TO: ADJUDICATION FILES 63-4489

FROM: DANIEL A. NELSON

DATE: 9/16/06

SUBJECT: CLAIM REVIEW

This claim was based on a statutory claim. The priority date was confirmed through an affidavit of a friend who worked the farm in 1920. The season was changed to the department standards. Burke Scholer performed a field exam on this claim. Mr. Scholer found that the ditch system had the capacity to carry 2.00 cfs. The diversion rate requested was 0.898, which was rounded to 0.90 cfs. Therefore, this diversion rate of 0.90 cfs, which based on the standard 0.02 cfs per acre, is acceptable.

The acre determination was difficult, because the irrigation practices have changed from 1987 to the present. Using the 1987 aerial photos, I found 44.9 acres of irrigation for this right. Some of these lands are in the SWSE and NWSE, and these tracts are un-surveyed, and are only included as government lots on the GCDB. There should not be any issues with the acre descriptions in the SESE S6 and NESE. The confusion between 40-acre tract designations and government lots also caused a mistake in the description of the point of diversion. The point of diversion is actually located in Lot 2, NESE S6 T6N R5W.

There are no overlapping rights on the lands irrigated with this claim. It should be considered a primary right.

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4489 V1

WATER RIGHT NUMBER: 63-4489 V1

|                   |                                                                             |
|-------------------|-----------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                     |
| Original Owner    | DWIGHT F SEWARD<br>RT 2<br>PARMA, ID 83660                                  |
| Current Owner     | KENNETH LEROY SEWARD<br>29476 HWY 20-26<br>PARMA, ID 83660<br>(208)674-2081 |

Priority Date: 03/01/1940

Basis: Beneficial Use

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| UNNAMED DRAIN | SNAKE RIVER      |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 03/01 to 11/15          | 0.900 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.900 CFS             |                      |

Location of Point(s) of Diversion

|                |                 |         |          |               |
|----------------|-----------------|---------|----------|---------------|
| UNNAMED DRAIN  | L2 (NE1/4SE1/4) | Sec. 6, | Twp 06N, | Rge 05W, B.M. |
| PAYETTE 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 |        |
| 06N | 05W | 6   |      |     |     |      |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     | 29.0 | .7  | 3.2 | 12.0 |    |    |    |    |    |    |    |    |    |    |    |    | 44.9   |
|     |     |     | L 2  | L 2 | L 3 | L 3  |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total Acres: 44.9

Conditions of Approval:

1. T06N, R05W S6 SWSE & NWSE is unsurveyed, nonfederal land except where noted by GCDB lot number.
2. 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 63-4489 V1

Comments:

1. dnelson 9/16/2006 Claim Revire

Comment: This claim was based on a statutory claim. The priority date was confirmed through an affidavit of a friend who worked the farm in 1920. The season was changed to the department standards. Burke Scholer performed a field exam on this claim. Mr. Scholer found that the ditch system had the capacity to carry 2.00 cfs. The diversion rate requested was 0.898, which was rounded to 0.90 cfs. Therefore, this diversion rate of 0.90 cfs, which based on the standard 0.02 cfs per acre, is acceptable.

The acre determination was difficult, because the irrigation practices have changed from 1987 to the present. Using the 1987 aerial photos, I found 44.9 acres of irrigation for this right. Some of these lands are in the SWSE and NWSE, and these tracts are un-surveyed, and are only included as government lots on the GCDB. There should not be any issues with the acre descriptions in the SESE S6 and NESE. The confusion between 40-acre tract designations and government lots also caused a mistake in the description of the point of diversion. The point of diversion is actually located in Lot 2, NESE S6 T6N R5W.

There are no overlapping rights on the lands irrigated with this claim. It should be considered a primary right.

2. dnelson 9/16/2006 Text

Comment: THIS WATER RIGHT MAY BE DESCRIBED IN FILING 63-04489; HOWEVER FURTHER RESEARCH IS NECESSARY CHANGE OF ADDRESS 7/7/98 JG.

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

Combined Use Limits: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> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Summary        |                           |                 | 04/23/2006                | scurtis         | Active        |
| Contacts       | 9/16/2006 12:40:47 PM     | dnelson         |                           |                 | Active        |
| Priority Date  | 9/16/2006 12:42:02 PM     | dnelson         |                           |                 | Active        |
| POD            | 9/16/2006 12:43:16 PM     | dnelson         |                           |                 | Active        |
| Source         | 9/16/2006 12:43:48 PM     | dnelson         |                           |                 | Active        |
| POU            | 9/16/2006 12:49:46 PM     | dnelson         |                           |                 | Active        |
| Use            | 9/16/2006 12:50:16 PM     | dnelson         |                           |                 | Active        |
| Season         | 9/16/2006 12:50:59 PM     | dnelson         |                           |                 | Active        |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4489 V1

Summary

09/16/2006

dnelson

Active

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------|------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POU            | 9/16/2006 12:49:46 PM  | dnelson         | (No) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2b. Is the POU required?<br>(No) 3. Is the basis of claim a Application or Permit?<br>(No) 7. Is there evidence that there has been a change in the POU?<br>(Yes) 13. Does the file contain all the necessary information to verify the POU?<br>(No) 14. Is a POU remark and/or condition required?<br>Description for Question 13 - Field Exam by Contractor.                                                                                                                                                       |
| Use            | 9/16/2006 12:50:17 PM  | dnelson         | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the Purpose of Use?<br>(Yes) 11. Does the file contain all the necessary information to verify the Water Use?<br>(No) 13. Is a Purpose of Use remark and/or condition required?<br>Description for Question 10,11,12 - Field Exam by Contractor.                                                                                                                                                  |
| Season         | 9/16/2006 12:51:00 PM  | dnelson         | (No) 1. Is the basis of claim Decree or License?<br>(No) 2. Is the basis of claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the Period of Use?<br>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?<br>(No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?<br>(Yes) 15. Is irrigation claimed as a Purpose of Use?<br>(No) 18. Is a Period of Use remark and/or condition required?              |
| Summary        | 9/16/2006 12:53:01 PM  | dnelson         | (No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?<br>(No) 5. Does this right have any combined use limits with other rights?<br>(Yes) 6. Is an additional remark and/or condition required?<br>(Yes) 7. Would you like to view the recommended right?<br>(No) 8. Is this a split or combined right?<br>(No) 9. Do you have documents you would like to attach or link to the file?<br>(Yes) 10. Would you like to set the verification date? |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-4489 V1

|          |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------|-----------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contacts | 9/16/2006 12:40:48 PM | dnelson | <p>(Yes) 1. Do you want to schedule an appointment?</p> <p>(No) 2. Do you want to update the field exam contact information?</p> <p>Contact Person: KENNETH LEROY SEWARD -<br/> Contact Phone Number: (208) 674-2081<br/> Date of Field Exam: 7/12/06 &amp; 7/26/06<br/> Directions to Property:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| General  | 9/16/2006 12:42:03 PM | dnelson | <p>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?</p> <p>(No) 4. Is the basis of claim decree or license?</p> <p>(No) 7. Is the basis of claim a Application or Permit?</p> <p>(No) 8. Is the basis of claim a posted notice?</p> <p>(No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use?</p> <p>(Yes) 12. Does the claim file contain sufficient evidence of Priority Date?</p> <p>(Yes) 15. Is the basis of claim coded correctly?</p> <p>(No) 16. Is a Priority Date remark and/or condition required?</p> <p>Description for Question 12/13 - Affidavit from friend that used to work on the property in 1920</p> |
| Source   | 9/16/2006 12:43:49 PM | dnelson | <p>(No) 1. Is the basis of claim Decree or License?</p> <p>(No) 2. Is the basis of claim an Application or Permit?</p> <p>(No) 6. Is the basis of claim a Posted Notice?</p> <p>(No) 7. Is there evidence that there has been a change in the source?</p> <p>(Yes) 10. Does the file contain all the necessary information to verify the source?</p> <p>(No) 11. Is a Source remark and/or condition required?</p> <p>Description for Question 10 - Field Exam by Contractor.</p>                                                                                                                                                                                                                                                                     |
| POD      | 9/16/2006 12:43:00 PM | dnelson | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| POD      | 9/16/2006 12:43:16 PM | dnelson | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the POD?</p> <p>(Yes) 9. Does the file contain all the necessary information to verify the POD?</p> <p>(No) 10. Is a POD remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                                                                         |
| POU      | 9/16/2006 12:48:58 PM | dnelson | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Summary  | 4/23/2006 5:36:01 PM  | scurtis | <p>(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 63-4489

WATER RIGHT NUMBER: 63-4489

Owner Type                      Name and Address  
Original Owner                  DWIGHT F SEWARD  
RT 2  
PARMA, ID 83660  
Current Owner                  KENNETH LEROY SEWARD  
29476 HWY 20-26  
PARMA, ID 83660  
(208)674-2081

Priority Date: 03/01/1920  
Basis: Statutory Claim  
Status: Active

Source                                      Tributary  
UNNAMED DRAIN                      SNAKE RIVER

Beneficial Use                      From   To                      Diversion Rate                      Annual Volume  
IRRIGATION                      3/15 to 11/15                      ~~0.898 CFS~~ .90  
Total Diversion:                      0.898 CFS .90

Location of Point(s) of Diversion

UNNAMED DRAIN                      L2  
PAYETTE County                      L3 () NESE                      Sec. 6,    Twp 06N,    Rge 05W, B.M.

Place of Use  
IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 06N | 05W | 6   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total Acres: 44.9

Conditions of Approval:

- THIS WATER RIGHT MAY BE DESCRIBED IN FILING 63-04489; HOWEVER FURTHER RESEARCH IS NECESSARY CHANGE OF ADDRESS 7/7/98 JG.

Remarks:

Comments:

Dates and Other Information:

*when combine with 07-02-01*

This is an aerial photograph of a rural area, likely in Montana, showing land parcels. A grid of yellow lines represents township and range boundaries. A blue line indicates a section boundary. A green outline highlights a specific parcel. Various parcels are labeled with their section abbreviations, acreage, and lot numbers. The background is a mix of red, blue, and green, representing different land uses or ownership.

**NWSE**  
**0.7**  
**LT 2**

**NESE**  
**29 ac**  
**LT 2**

**NWSW**

**R5W S6**  
**TE COUNTY**

**T6N**

**SWSE**  
**3.2 ac**  
**LT 3**

**SESE**  
**12 ac**  
**LT 3**

**SWSW**

**NWNE**  
**LT 1**

**NENE**  
**LT 1**

**NWNW**

**R5W S7**

**T6N R5W**

## ADDITIONAL INFORMATION NEEDED FOR IRRIGATION FIELD EXAMS

Field Examiners, please complete the following checklist. Mark "unknown" or N/A if information doesn't apply or information is unavailable.

**IF CURRENT OWNER DOES NOT MATCH PROOF REPORT PLEASE GIVE NEW OWNER CHANGE OF OWNERSHIP FORM TO COMPLETE.**

### 1.) Pump information:

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

2.) Lift (distance from pump to water) \_\_\_\_\_

3.) How was lift determined (well log, measurement, owner)? \_\_\_\_\_

4.) Pressure against pump (this is checked using the owner's psi gauge, your gauge, or an estimate by owner) \_\_\_\_\_

5.) Was a measurement made? \_\_\_\_\_ If no can a measurement be made at a latter time? \_\_\_\_\_

6.) What type of measurement device was used? \_\_\_\_\_

7.) Is there a pump curve available for pump? \_\_\_\_\_

8.) Please fill out the following:

Number of sprinklers \_\_\_\_\_

Sprinkler nozzle size \_\_\_\_\_

Number of Pivots (include gpm rating for each pivot) \_\_\_\_\_

9.) Please outline all acres irrigated on attached aerial photo. \_\_\_\_\_ DONE

10.) Please clearly mark all points of diversion on map and GPS. ✓ DONE

11.) Please clearly mark all mainlines, ditches, and other conveyances.

✓ DONE

12.) Pictures taken of place of use and point of diversion. ✓ DONE

**13.) Please show where and how water from other sources are diverted into the irrigation system.**

**OTHER INFORMATION NEEDED:**

IRRIGATION DITCHES ARE 16" CONCRETE LINED  
I HAVE INCLUDED A FLOW RATE CHART TO VERIFY THAT  
CAPACITY IS ADEQUATE FOR WATER RIGHTS.

**FIELD EXAMINERS NOTES (descriptions, other uses, questions, ect.)**

DATE EXAM CONDUCTED 7/12/07 7/26/06

FIELD EXAMINER Bruce H. Scholz



LOOKING N.W.



07 12 2006

P.O.D.  
~~63-4488-6~~ (63-4489)

PAYETTE CO.  
 SIDE  
 SITE TAG  
 A0002414  
 ON POWER  
 SERVICE POLE

16"  
 CONCRETE  
 DITCH

TURBULENT  
 FOUNTAIN  
 SCREEN  
 AT OUTLET  
 PIPE AT  
 P.O.D.

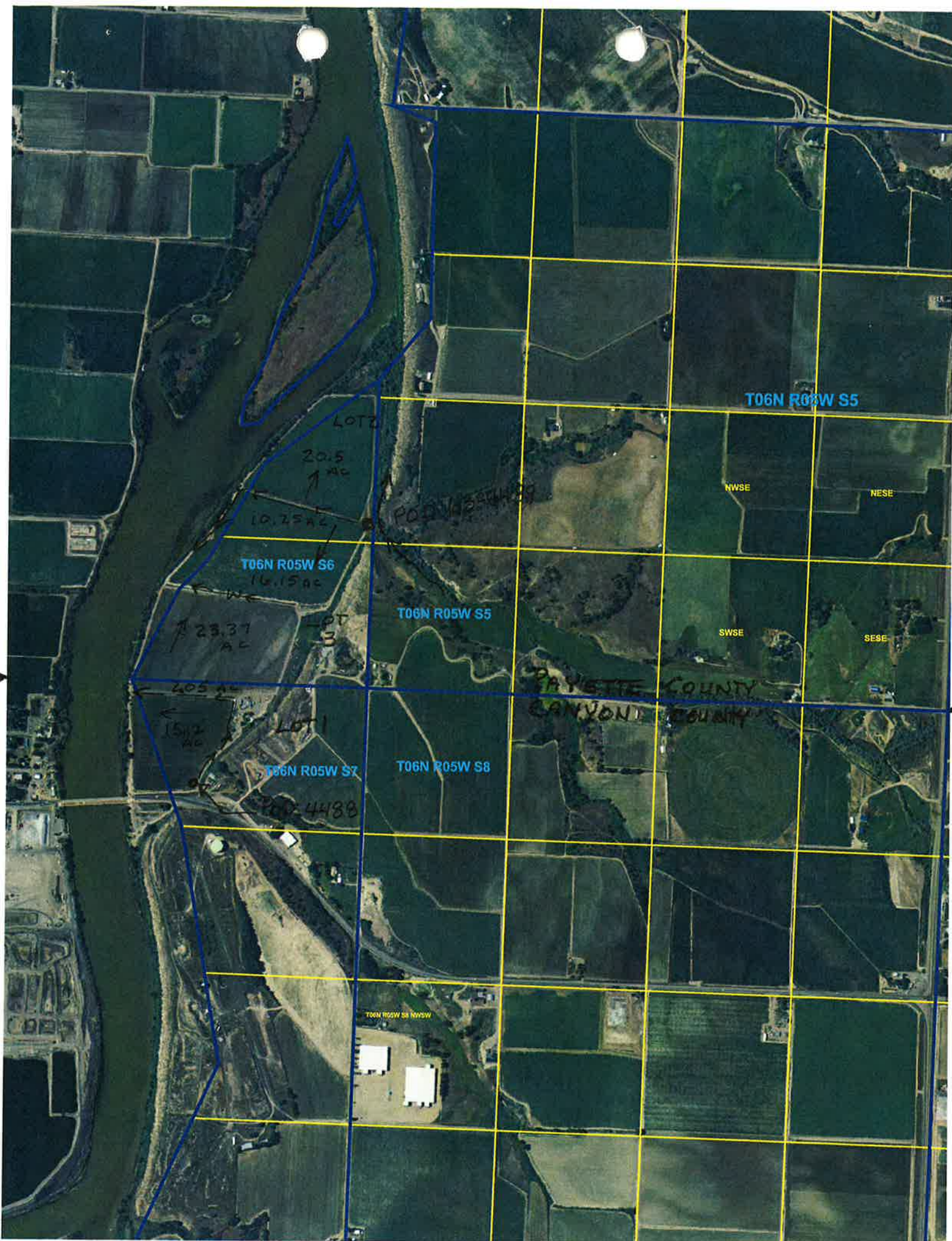


LOOKING S.E



07 12 2006

PUMP USED TO PRESSURIZE  
 SPRINKLERS WHEN GROWING  
 POTATOES

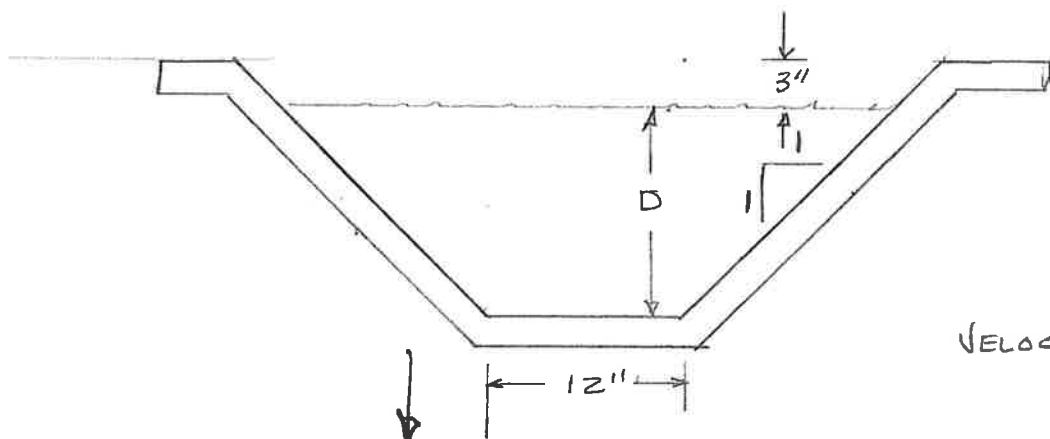


APPLICABLE TO: 63-4489  
SEWARD'S W.R.

CONCRETE DITCH LINING

$$V = \frac{1.486}{n} r^{2/3} S^{1/2}$$

$$n = 0.014$$



VELOCITY IS SUB-CRITICAL

$V < 4' / \text{SEC}$

| TOP<br>WIDTH | DEPTH | MIN<br>SLOPE | FREE-<br>BOARD | $Q$ cfs | $S_t$<br>=.01<br>$Q$ =cfs | $S_2$<br>.015 | $S_3$<br>.02 | $S_4$<br>.025 |
|--------------|-------|--------------|----------------|---------|---------------------------|---------------|--------------|---------------|
| 36"          | 12"   | .0015        | 3"             | 1.0 CFS | 2.5                       | 3.3           | 3.75         | 4.3           |
| 40"          | 14"   | .0015        | 3"             | 1.75    | 3.75                      | 4.4           | 5.0          | 6.0           |
| 44"          | 16"   | .0015        | 3"             | 2.0     | 5.3                       | 6.5           | 7.7          | 8.5           |
| 48"          | 18"   | .0015        | 3"             | 2.6     | 6.8                       | 8.5           | 9.7          | 12.0          |
| 52"          | 20"   | .0015        | 3"             | 3.4     | 8.8                       | 12.0          | 13.5         | 14.5          |

Roy Seward

7/12/8

DAYETTE Co. DIVERSION

P.O.D. SITETAG: A0002414

GPS = 2261054  
#109 1413523

63-4489

Pump @ RIVER

P.O.D. =

7 1/2 HP MOTOR

1800 RPM  
20 AMP

SN = 118102

RATIO = (16:6 1/2)

PARMA  
WATER LIFTER

LIFT 18' TOTAL

GPS = 2260391  
#110 1412791

A0002415  
SITETAG

IDAHO POWER

METER # 87011922  $GPM = \frac{(7.5)(.5)(3960)}{18'}$

$K_R = 21.6$

DEMAND = 4.57

= 825 GPM

= 530 GPM  
@ 28'

CANYON P.O.D.

SITE TAG  
A0002416

GPS = 2260569  
#111 1412817

63-4488

## WATER RIGHT NUMBER: 63-4489

87.44 TOTAL

70.27      4489  
17.17      4488  

---

87.44

MATTER OF:

ALBERT SEWARD

AFFIDAVIT

State of ~~Idaho~~ Oregon

County of Malheur

I, Robert F. Thompson being first duly sworn,

deposes and says: I was born in the townsite of Arcadia, Malheur County,  
Oregon in 1908. I have lived in or near Nyssa, Oregon all of my life  
with a few brief interruptions when I lived in other areas, but even  
during those times I frequently visited Nyssa and my relatives in  
Nyssa. I presently reside approximately two miles west of Nyssa,  
Oregon.

In 1920 I picked strawberries on a farm owned and operated by  
a Mr. White, which was across the Snake River Bridge east from  
Nyssa. This farm is the same farm that is described in the Claim To  
A Water Right, to which this Affidavit is attached. I worked off and  
on on the farm until 1924 or 1925. During those years the farm was  
irrigated and the water supply either came from Snake River or from  
creeks in the area. This was before the Black Canyon Irrigation  
Project was constructed.

The farm then owned by Mr. White has been in continuous cul-  
tivation since that time. I know of my own knowledge that it has  
been irrigated and farmed continuously since 1920.

Robert F. Thompson  
(signature)

Subscribed and sworn to before me this 23 day of January 19 79.

Sam Henry  
(notary public)

Notary Public for Oregon

Residing at Nyssa, Oregon 97913

My commission expires 2/23/80



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

May 9, 2006

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

KENNETH LEROY SEWARD  
29476 HWY 20-26  
PARMA ID 83660

**RE: EVIDENCE OF PRIORITY**

Snake River Basin Adjudication Claim No(s): A63-4488 AND A63-4489

Dear Claimants,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated printout of the claim(s) for your reference only, it is not necessary to return this printout. You indicated, when this claim was filed, that the water right(s) was based on a "Statutory Claim" or "Beneficial Use" of the water.

Water rights of this type are established by historical beneficial use of the water, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources, since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled. "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date.**"

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

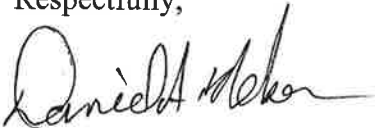
Page 2  
Seward

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. In the near future, you will be receiving a call from us in order to set-up an appointment for a field exam.

The required evidence supporting the priority date(s) requested and the aerial photo needs to be returned to me by June 2, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

If you have any questions or concerns, please contact me at the above address.

Respectfully,

A handwritten signature in dark ink, appearing to read "Daniel A. Nelson", written in a cursive style.

Daniel A. Nelson  
Senior Agent  
Western Region Office - IDWR

Enclosure: "Evidence of Priority" pamphlet  
Notice of Claims A63-4488 & A63-4489

**NOTE:** If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

# Receipt Details for ID C014867

| Status | Adjustment Type     | Version |
|--------|---------------------|---------|
|        | Water Right Receipt | 1       |

**General Information:**

| Date Received         | Date Deposited | Region                  | Total Amount | Payment Type |
|-----------------------|----------------|-------------------------|--------------|--------------|
| 2/22/1990 11:40:22 AM | 2/22/1990      | State                   | \$260.00     | Check        |
| Payer                 |                | UNITED FARMS/SEWARD, K. |              |              |

**Account Information:**

| Check #              | Account #                 | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 6423                 |                           |                  |                 |
| Card Expiration Date | Credit Card Transaction # |                  |                 |
|                      |                           |                  |                 |

**Comment** ADJUDICATION FEE**Fee Detail:**

| Amount   | Description      | PCA    | Fund | Fund Detail | Subsidiary | Object |
|----------|------------------|--------|------|-------------|------------|--------|
| \$260.00 | ADJUDICATION FEE | 410162 | 9337 | 0           | 0          | 6490   |

**Refund(s):**

| Amount | Payee | Date | Document Number |
|--------|-------|------|-----------------|
|--------|-------|------|-----------------|

**Water Right Information:**

| Basin Number | Sequence Number | Split Suffix | Amount  | Type  |
|--------------|-----------------|--------------|---------|-------|
| 3            | 2040            |              | \$90.00 | Claim |
| 63           | 4488            |              | \$50.00 | Claim |
| 63           | 4489            |              | \$95.00 | Claim |
| 63           | 28911           |              | \$25.00 | Claim |

[Print Report](#)

April 26, 1977

Dwight F. Seward  
Route 2  
Parma, ID 83660

RE: Claim to a Water Right

Dear Mr. Seward:

In reviewing the Claims to a Water Right that you recently submitted, I found several things that were confusing. The rate of diversion that you claim is 3 cubic feet per second and/or 897.3 gallons per minute, but 897.3 gallons per minute is 2 cubic feet per second. Also, the statutory limit for irrigation on licensed water rights is 0.02 cubic feet per second which for a 45 acre plot would be 0.90 cubic feet per second. Although you may claim any water use you feel is appropriate, I felt your claim would be clearer if several changes were made.

I have taken the liberty of filling out two new claims for you. If you agree with my changes please sign the claims before a notary and return them to us. If I can be of any assistance, feel free to contact me.

Sincerely,

BILL MACALLISTER  
Water Resource Agent

BM:cs

enclosure

MICROFILMED

RECEIVED

(8) Remarks --- Drain Ditch --- by Boundary  
--- Levee Ditch  
--- Country Lane  
② Point of Diversion VA Area Inspected



State of Idaho )  
County of Ada ) ss.

Sworn to before me this 2nd day of May, 19 77 (Claimant)

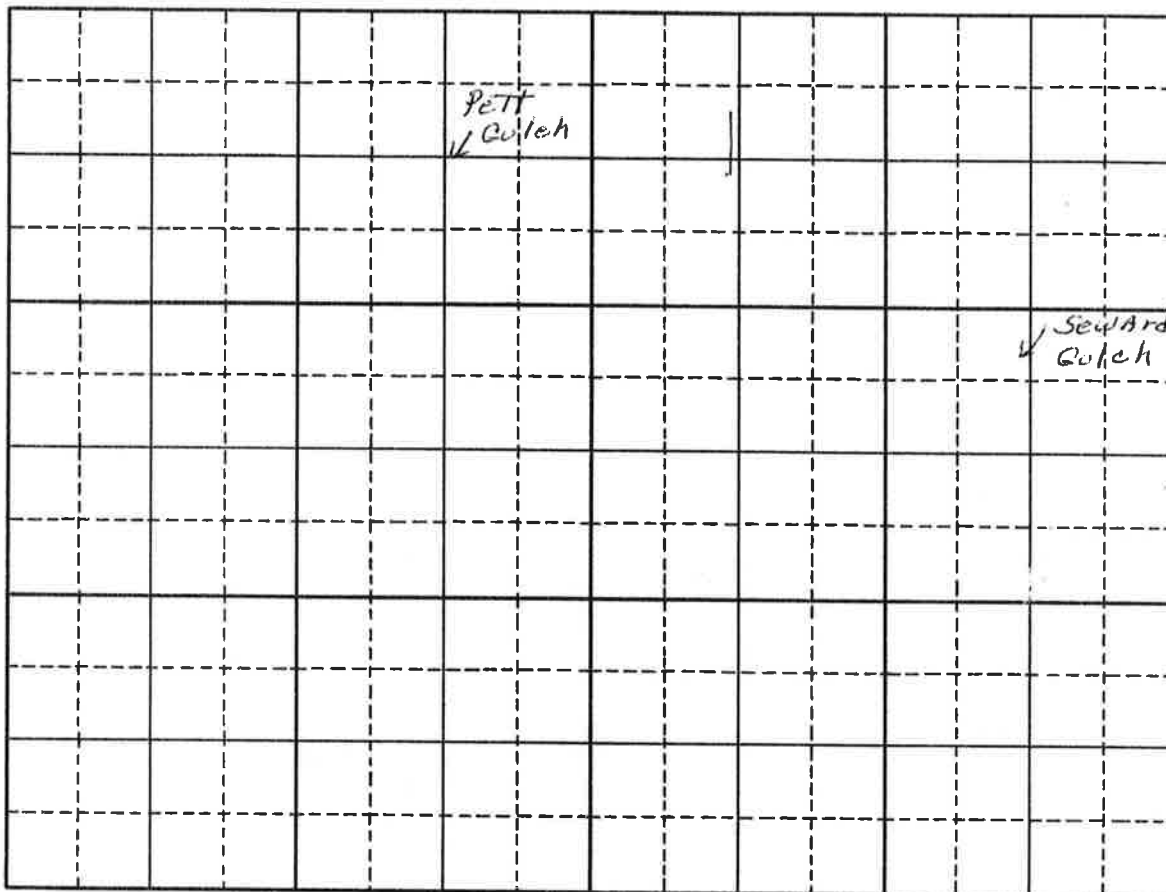
(Claimant)  
y Rita Bandele, 19 77.

Notary Public  
Residing at Boise, Idaho

My commission expires March 8, 1980

Received by 5-2-77 Date if Exception filed by: \_\_\_\_\_ Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by \_\_\_\_\_ Date \_\_\_\_\_  
\$10.00 fee received by if Date 4-15-77 # 6949  
Approved for publication by if 5-13-77  
Published in Newa Tribune  
Dates May 19, 1977 & May 26, 1977

(8) Remarks Drain Ditch LOT BOUNDRY  
Irrigation Ditch  
County line AREA IRRIGATED  
@ Point of Diversion



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
 ) ss.  
 County of Ada )

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 15<sup>th</sup> day of April 1977  
Dwight F. Seward (Claimant)  
Blanche Edwards  
 Notary Public  
 Residing at Baize, Ida.

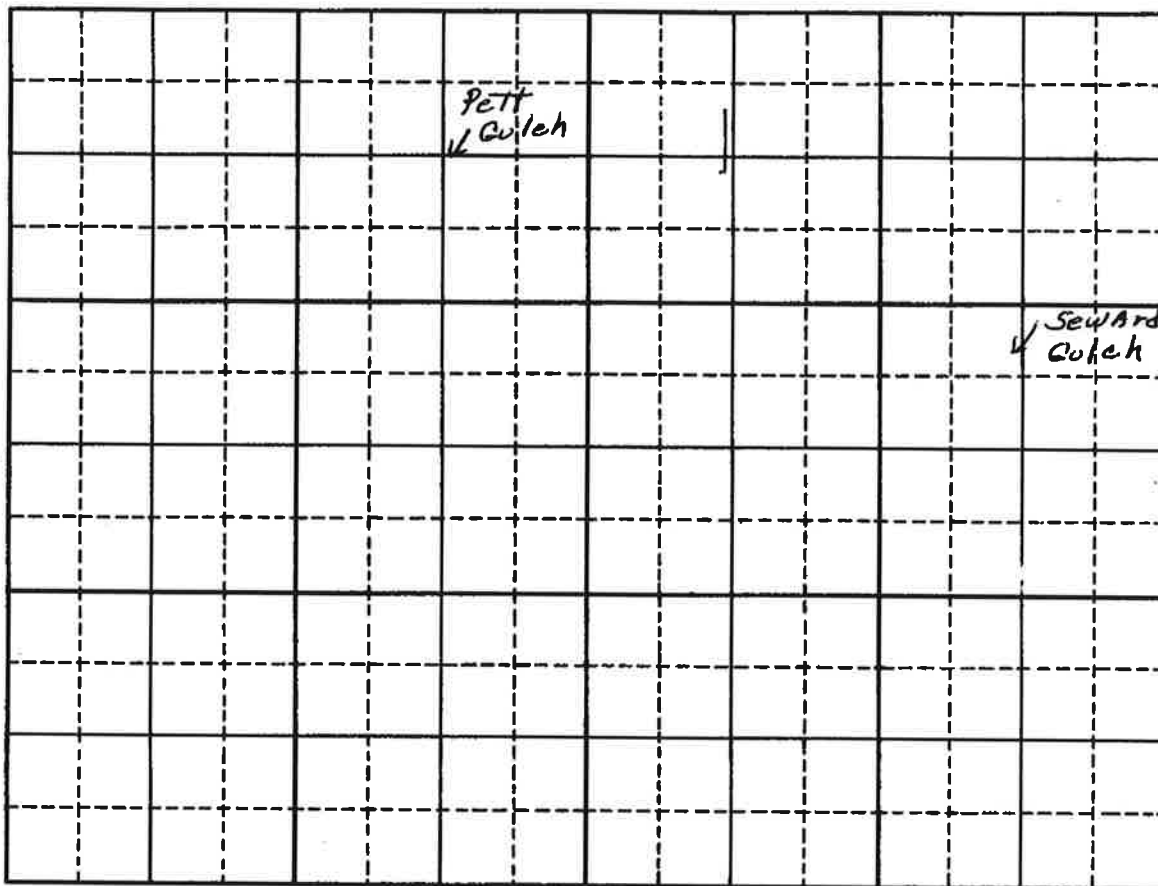
My commission expires 6/15/77

For Department Use Only

|                                    |                                   |                     |              |      |
|------------------------------------|-----------------------------------|---------------------|--------------|------|
| Received by <u>ggg</u>             | Date <u>4-15-77</u>               | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>ggg</u>        | Date <u>4-15-77</u>               |                     | claimant by: |      |
| \$10.00 fee received by <u>ggg</u> | Date <u>4-15-77</u> # <u>6968</u> |                     |              |      |
| Approved for publication by        |                                   |                     |              |      |
| Published in                       |                                   |                     |              |      |
| Dates                              |                                   |                     |              |      |

# MICROFILM

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Irrigation Ditch  
County line AREA IRRIGATED  
Point of Diversion



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Dwight F. Seward  
 (Claimant)

Glenn E. Seward  
 Notary Public  
 Residing at Baise, Ida.

My commission expires 6/15/77

For Department Use Only

|                                            |                                   |                     |              |      |
|--------------------------------------------|-----------------------------------|---------------------|--------------|------|
| Received by <u>[Signature]</u>             | Date <u>4-15-77</u>               | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>[Signature]</u>        | Date <u>4-15-77</u>               |                     | claimant by: |      |
| \$10.00 fee received by <u>[Signature]</u> | Date <u>4-15-77</u> # <u>6948</u> |                     |              |      |
| Approved for publication by _____          |                                   |                     |              |      |
| Published in _____                         |                                   |                     |              |      |
| Dates _____                                |                                   |                     |              |      |

4/24/2006

# Idaho Dept. of Water Resources Place of Use Comparison Report

Page1

[illegible]

# Idaho Dept. of Water Resources Place of Use Comparison Report

[illegible]



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

May 9, 2006

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

KENNETH LEROY SEWARD  
29476 HWY 20-26  
PARMA ID 83660

**RE: EVIDENCE OF PRIORITY**

Snake River Basin Adjudication Claim No(s): A63-4488 AND A63-4489

Dear Claimants,

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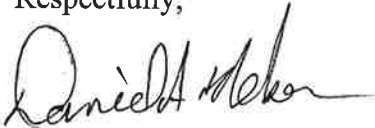
Page 2  
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Senior Agent  
Western Region Office - IDWR

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