

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-21620
Date Received: 12/8/2005
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

RECEIVED
JAN 23 2006
Department of Water Resources
Southern Region

1. Name of Claimant(s)

JUDY E DOWNHILL Phone: (208)788-3556
PO BOX 112
BELLEVUE ID USA 83313

2. Date of Priority: 01/01/1940

3. Source: UNNAMED STREAM Trib. to: CAIN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	19E	17	NE NE	BLAINE	Beginning Point
01S	19E	17	NE NE	BLAINE	Ending Point

5. Description of diverting works:

in-stream stockwater use

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.02 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
01S	19E	17	NE NE	STOCKWATER	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

The place of use is within lot 1A of the Au Da Urrutian Serua Subdivision.

15. Basis of Claim: Beneficial use

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): Judy Womble

Date: Dec 30, 2005

State of Idaho

County of Blaine) SS.

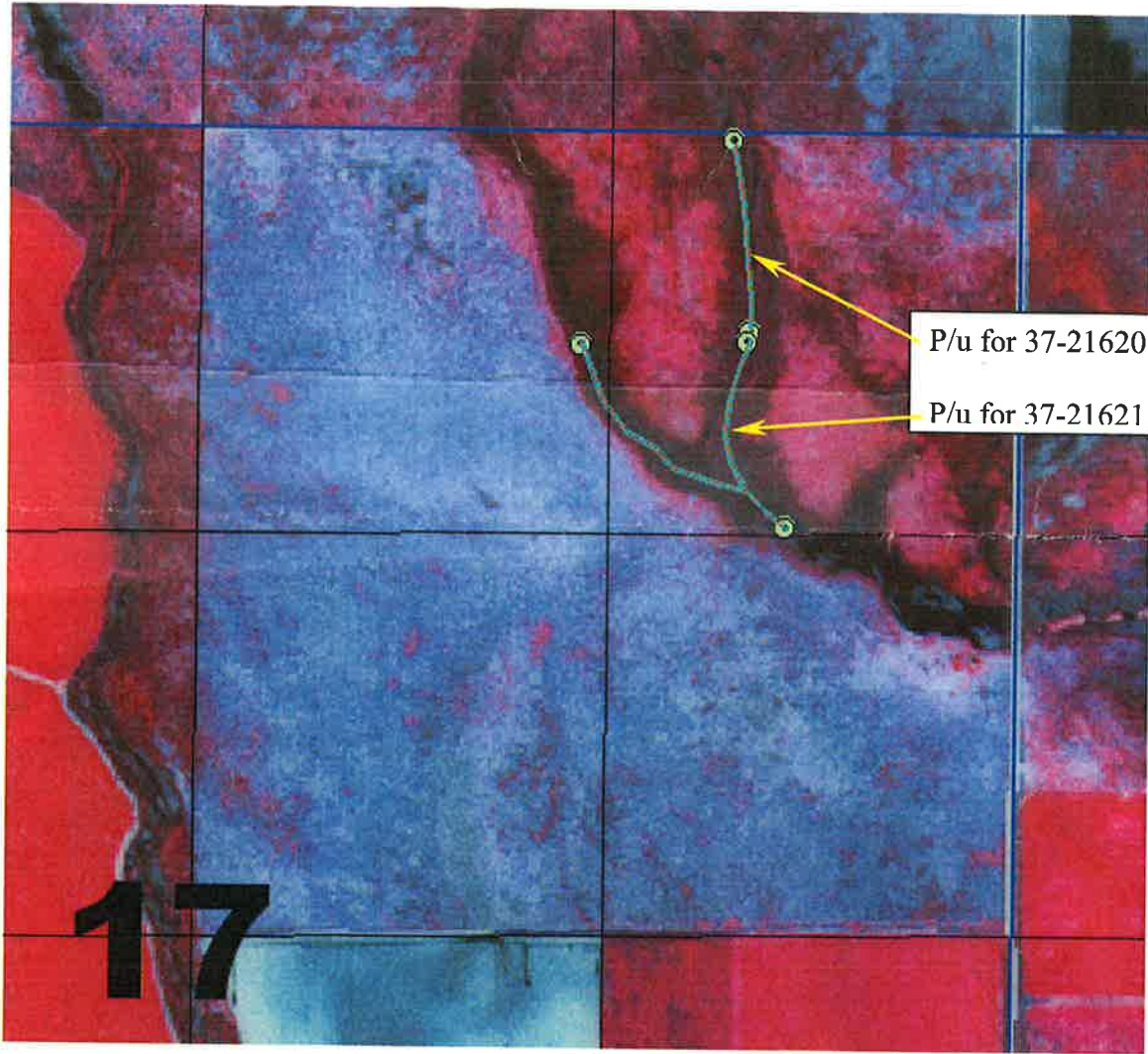
Subscribed and sworn (or affirmed) before me this 19 day of Jan 2006

Winnie D. Bird
Notary Public

Residing at Hailey Idaho

My commission Expires 6/23/2011





11/22/2006

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

RIGHT NUMBER: 37-21620

NAME AND ADDRESS: JUDY E DOWNHILL
PO BOX 112
BELLEVUE ID 83313

SOURCE: CAIN CREEK

TRIBUTARY: SILVER CREEK

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1940

POINT OF DIVERSION:

T01S R19E S17 NWNENE Begin of Stream Flow Within BLAINE County

T01S R19E S17 NWNENE End of Stream Flow Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE: STOCKWATER in BLAINE County

T01S R19E S17 NENE

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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

The place of use is within lot 1A of the Au Da Urrutian Serua Subdivision.



Idaho Department of Water Resources

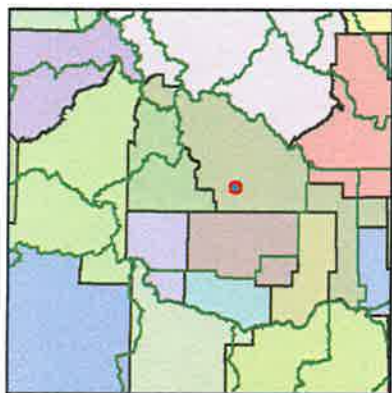
SRBA Recommendation:

37-21620

(Stockwater)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by J. Stanton
On Wednesday, November 22, 2006
2004 Aerial Photography

Owner: Judy E Downhill

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

Stanton, Jim

From: Stanton, Jim
Sent: Tuesday, November 28, 2006 9:54 AM
To: 'watermstr@filertel.com'
Cc: Stanton, Jim
Subject: Marke Swenke Water Rights In District Canal

Kevin - Cindy told me yesterday that Swenke has 0.05 cfs of Rt. 37-353 (6-12-1886). But he has not claimed this right, and the property deeds we have for his land (which is just south of the Dean Ranch Sub) all say that he gets 6.875 inches of Rt. 37-665 (10-15-1884). Do you have documents showing that he is entitled to the 1886 water? Instead of the 0.24 cfs that you show for James Super & the 0.05 that you show for Swenke, we still have 0.29 cfs claimed by Fosnot. Fosnot transferred 1884 water to this property, and 1886 water to Lot1 of the Dean Ranch (now owned by Gower), but claimed both rights on both parcels as an accomplished transfer in the SRBA. Gower claimed parts of both rights. Please check it out and let me know what you find. Thanks.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-11689B V1

WATER RIGHT NUMBER: 37-11689B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MAURICE D MILLER JR PO BOX 2007 HAILEY, ID 83333 (208)788-9548
Original Owner	SHELLEY R MILLER PO BOX 2007 HAILEY, ID 83333 (714)788-9548
Current Owner	MARK J SWENKE PO BOX 3630 HAILEY, ID 83333 (208)788-1160

Priority Date: 10/15/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.137 CFS	
<u>Total Diversion:</u>		0.137 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	NE1/4SW1/4NW1/4	Sec. 36, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	24													2.0				2.0

Total Acres: 2

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 37-11689B V1

Comments:

1. JROBERTS 5/11/1995 COPIED FROM REMARKS

Comment: THIS CLAIM WAS PART OF DECREED RIGHT NUMBER 37-00665

This is a portion of A37-11689 which was split into parts A and B through an ownership change. This represents the 2.75 acre parcel sold to the Millers along with 6.875 inches of water. jr 5/11/95

2. TFAWCETT 3/30/2000 OWNER CHANGE

Comment: OWNERSHIP CHANGED MILLER TO SWENKE PER 1409(6) AND QUITCLAIM DEED RECD 3/10/2000.

3. tfawcett 12/28/2000 owner change

Comment: ownership changed David Swenke to Mark Swenke per 1409(6) and warranty deed received 10/5/00.

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: NONE RECEIVED

State or Federal: S

Owner Name Connector: AND

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:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-21147

WATER RIGHT NUMBER: 37-21147

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PAUL R FOSNOT 837 LAUREL AVE POMONA, CA 91767
Original Owner	ROBERT EARL FOSNOT PO BOX 290 BELLEVUE, ID 83313 (208)788-3642
Current Owner	JAMES R SUPER PO BOX 598 BELLEVUE, ID 83313 (208)788-7731
Current Owner	JANET A SUPER PO BOX 598 BELLEVUE, ID 83313 (208)788-7731

Priority Date: 10/15/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.590 CFS	
	<u>Total Diversion:</u>	0.590 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	NE1/4SW1/4NW1/4	Sec. 36, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	24																	17.2
																			17.2

Total Acres: 17.2

Conditions of Approval:

- COPIED FROM REMARKS CLAIM 37-11689:
OTHER WATER RIGHTS USED - 37-11688. THIS THIS CLAIM WAS PART OF DECREED RIGHT
NUMBER 37-665.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-21147

2. 8/05/2003: CLAIM 37-11689A WAS SPLIT BY OWNERSHIP INTO 37-21147 (FOSNOT) AND 37-21148 (GOWEN). - VH

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 8/5/2003
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
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:

Water Supply Bank: