NOTICE OF AMENDED CLAIM TO A WATER RIGHT

Notice is hereby given that Claim to a Water Right No. 98-4070 was filed by Eugene E. &/or Janice M. Swett, claiming a right to the diversion and beneficial use of 11 gallons per minute of water from a Spring with point of diversion within Lots 3 and 4, Sec. 18, Twp. 61N, Rge. 1E, B.M., Boundary County. The water was claimed to be used from Jan. 1 to Dec. 31 for domestic purposes and dairy use within Lots 3 and 4, Sec. 18, Twp. 61N, Rge. 1E, B.M.

The claimants now propose to amend Claim to a Water Right No. 98-4070, claiming a right to the diversion and beneficial use of 11 gallons per minute of water from a Spring, tributary to Deep Creek with point of diversion within the SE¼SE¼, Sec. 13, Twp. 61N, Rge. 1W, B.M., Boundary County. The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes and dairy use within the SE¼SE¼, Sec. 13, Twp. 61N, Rge. 1W, B.M.

Any exception to the proposed amending of the above claim may be filed with the Idaho Department of Water Resources, 4055 Government Way, Suite No. 1, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho, on Nov. 18 and Nov. 25, 1976.-idwr

RECEIVED
DEC 17 1976
Department of Water Resources
Northern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Boundary } ss.

Echo Turnbull, bkpr. for W. H. Chubb being first duly sworn upon his oath, deposes and says that he is the publisher (or foreman) Publisher of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that the advertisement of Idaho Dept. of Water Resources a Notice of Amended Claim #98-4070 Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated Nov. 18, 19 76, and ending with the issue dated Nov. 25, 19 76.

E. T. Turnbull, bkpr.

Subscribed and sworn to before me this 14 day of Dec, 19 76

C Don Kirby

Notary Public in and for the County of Boundary, State of Idaho, residing at Bonners Ferry, Idaho.

MICROFILMED
MAY 24 1993

AMENDED Claim No. 98-4070

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

A M E N D E D
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only**. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Eugene E. &/or Janice M. Swett (name of claimant)

of Route 1, Naples, Idaho 83847 (mailing address), claims a right to the diversion and beneficial use of the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Spring, tributary to, Deep Creek

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	Use	Period of Use: From	To
11 g.p.m.	Dairy Use	Jan. 1	Dec. 31
11 g.p.m.	Domestic	Jan. 1	Dec. 31
(cfs, gpm or a/f)	(dom., irri., stock, etc.)	(both dates inclusive)	

(3) Total quantity of water claimed: _____ cubic feet per second, or _____ acre feet per annum, and/or 11 gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) 1956

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)

SE ¼ SE ¼, Sec. 13 Twp. 61N Rge. 1 West B.M. County of Boundary

Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Approximately 1,000 feet of pipeline (gravity flow).

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
61N	1 W	13																X	

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Water is used for dairy operation and domestic purposes.

(7) If you are claiming water as a member of an organization, list name of organization: _____

MICROFILMED
MAY 24 1993
State of Idaho

(8) Remarks

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 Boundary)

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.

Eugene E. Scott
(Claimant)

Sworn to before me this 5 day of November, 19 76.

Lucil M. Hoglan
Notary Public
Residing at Bonners Ferry, Idaho

My ~~commission~~ Bond expires 2-27-78

For Department Use Only

Received by cp	Date 11-9-76	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by	Date			
$10.00 fee received by NA	Date			
Approved for publication by				
Published in Bonners Ferry Herald				
Dates 11-18 & 11-25-76				

MICROFILMED
MAY 24 1993

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

Notice is hereby given that Claim to a Water Right No. 98-4070 was filed by Eugene E. &/or Janice M. Swett, claiming a right to the diversion and beneficial use of 11 gallons per minute of water from a Spring with point of diversion within Lots 3 and 4, Sec. 18, Twp. 61N, Rge. 1E, B.M., Boundary County. The water was claimed to be used from Jan. 1 to Dec. 31 for domestic purposes and dairy use within Lots 3 and 4, Sec. 18, Twp. 61N, Rge. 1E, B.M.

The claimants now propose to amend Claim to a Water Right No. 98-4070, claiming a right to the diversion and beneficial use of 11 gallons per minute of water from a Spring, tributary to Deep Creek with point of diversion within the SE¼SE¼, Sec. 13, Twp. 61N, Rge. 1W, B.M., Boundary County. The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes and dairy use within the SE¼SE¼, Sec. 13, Twp. 61N, Rge. 1W, B.M.

Any exception to the proposed amending of the above claim may be filed with the Idaho Department of Water Resources, 4055 [redacted] Way, [redacted] Alene, Idaho 83814.

[redacted]

Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho, on Nov. 18 and Nov. 25, 1976.-idwr

AFFIDAVIT OF PUBLICATION

RECEIVED
DEC 17 1976
Department of Water Resources
Northern District Office

STATE OF IDAHO }
County of Boundary } ss.

Echo Turnbull, bkpr. for W. R. Chubb being first duly sworn upon his oath, deposes and says that he is the publisher (or foreman)

Publisher

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of Idaho Dept. of Water Resources

a Notice of Amended Claim 98-4070

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated Nov. 18, 19 76, and ending with the issue dated Nov. 25, 19 76.

E. Turnbull, bkpr.

Subscribed and sworn to before me this 17 day of Dec, 19 76

C Don Kirby

Notary Public in and for the County of Boundary, State of Idaho, residing at Bonners Ferry, Idaho.

RECEIVED
SEP 24 1976
Department of Water Resources
Northern District Office

September 24, 1976

Re: Claim to a Water Right No. 98-4070 - Eugene E. Swett

Idaho Department of Water Resources
Northern Regional Office
4055 Government Way - Suite #1
Coeur d'Alene, ID 83814

Gentlemen:

I would like to file an exception to the above referenced Claim to a Water Right filed by Eugene E. &/or Janice M. Swett.

The point of diversion listed on the claim appears to be incorrect. I believe it is in the SE¼ of the SE¼ of Section 13, Township 61 North, Range 1 West, B.M., The amount of water listed on the claim is more than was actually used and more than can pass through a one-inch pipeline which is the existing system.

Very truly yours,

Fern Cox

FERN COX
Route 1, Box 264
Bonners Ferry, ID 83805

Subscribed and sworn to before me on this 24th Day of September, 1976.

Coda M. Patterson
Notary Public

Residing at Coeur d'Alene, Idaho

My commission expires Life.

MAY 24 1993

Claim No. 98-4070

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Eugene E. &/or Janice M. Swett (name of claimant)

of Route 1, Naples, Idaho 83847 (mailing address), claims a right to the diversion and beneficial use of the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Spring, tributary to ,

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount (cfs, gpm or a/f)	Use (dom., irri., stock, etc.)	Period of Use: From	To (both dates inclusive)
11 g.p.m.	Dairy Use	Jan. 1	Dec. 31
11 g.p.m.	Domestic	Jan. 1	Dec. 31

(3) Total quantity of water claimed: _____ cubic feet per second, or _____ acre feet per annum, and/or 11 gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) 1956

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)

Lots 3&4 ¼ ____ ¼, Sec. 18 Twp. 61N Rge. 1E B. M. County of Boundary

Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Approximately 1,000 feet of pipeline (gravity flow).

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
61N	1E	18																	

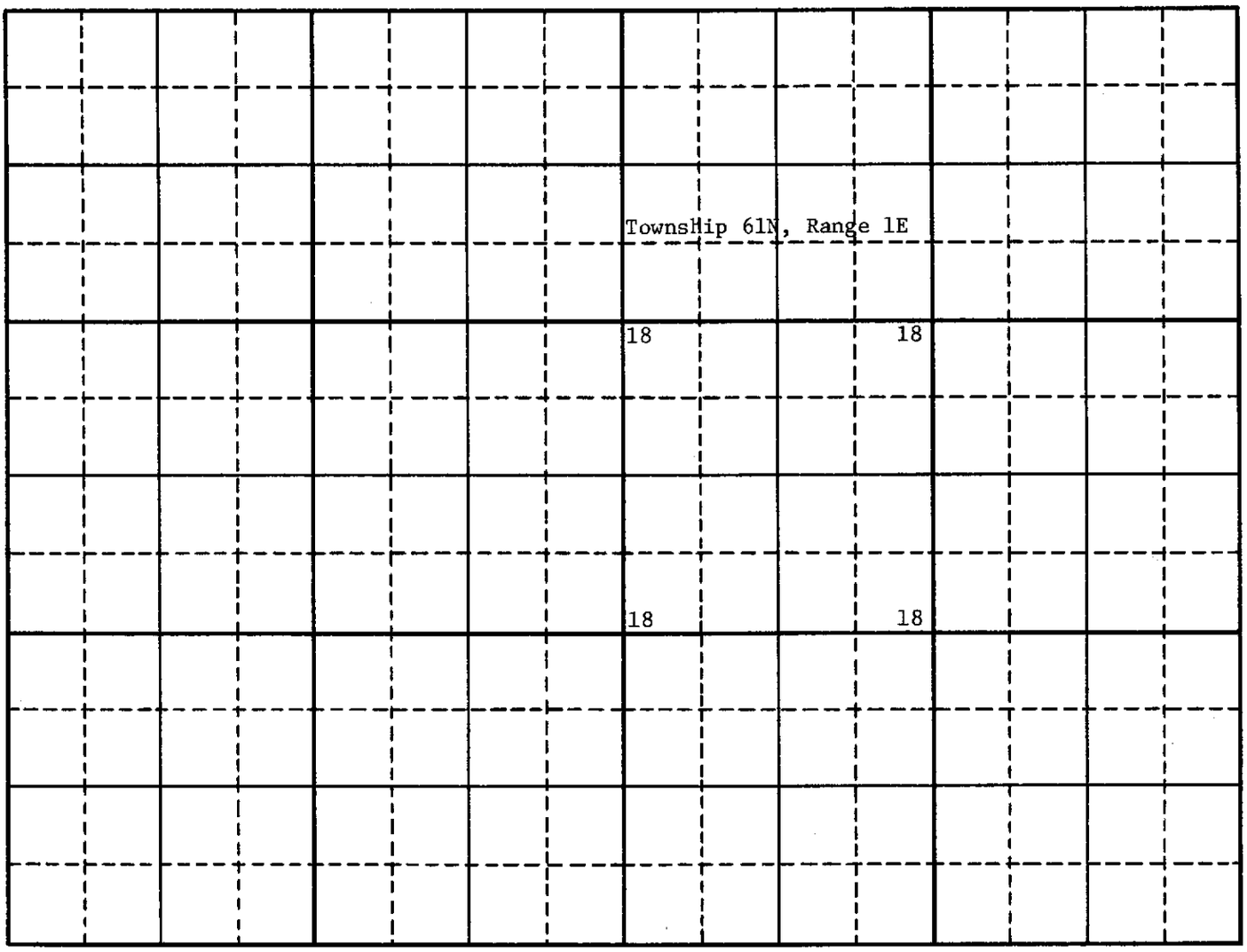
Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Water is used for dairy operation and domestic purposes.

(7) If you are claiming water as a member of an organization, list name of organization: _____

MAY 24 1993

(8) Remarks _____



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 Boundary)

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.

James M. Smith
(Claimant)

Sworn to before me this 15th day of September, 1976.

William C. Johnston
Notary Public
Residing at Bonners Ferry Idaho

My commission expires _____

Rec. #4387

For Department Use Only

Received by	CL	Date	9-16-76	Exception filed by:	Forwarded to claimant by: Date
Prelim. check by	RWA	Date	9-16-76		
$10.00 fee received by	CP	Date	9-16-76		
Approved for publication by	RWA				
Published in	Bonners Ferry Herald				
Dates	9-23 & 9-30-76				

APPROVED
MAY 24 1993

NOTICE OF CLAIM TO A WATER RIGHT
NO. 98-4070

Notice is hereby given that Eugene E. &/or Janice M. Swett, Route 1, Naples, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 11.0 gallons per minute of water from a Spring with point of diversion in Lots 3 and 4, Sec. 18, T. 61N, R. 1E, B.M., Boundary County.

The water is claimed to be used from Jan. 1 to Dec. 31 for dairy use and domestic purposes with a priority of 1956; the place of use is within Lots 3 and 4, Sec. 18, T. 61N, R. 1E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on Sept. 23 and Sept. 30, 1976.-idwr

AFFIDAVIT OF PUBLICATION

RECEIVED
OCT 12 1976
Department of Water Resources
Northern District Office

STATE OF IDAHO }
County of Boundary } ss.

Echo Turnbull, bkpr. for W. H. Chubb first duly sworn upon his oath, deposes and says that he is the publisher (or foreman)

Publisher

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of Idaho Dept. of Water Resources

a Notice of Claim #98-4070

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated Sept. 23, 1976 and ending with the issue dated Sept. 30, 1976

Echo Turnbull, bkpr.

Subscribed and sworn to before me this 7th day of Oct, 1976

C. Don Kelly
Notary Public in and for the County of Boundary, State of Idaho, residing at Bonners Ferry, Idaho.

Documents concerning ownership change(s)
have been reviewed and database has been changed
to reflect new present owners

No correspondence is required

S Curtis Date 2/10/93

98-4070

MICROFILMED

MAY 24 1993

Form 42-1409(7)

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED
JAN 25 1993
Department of Water Resources

DATE OF CLOSING: 12-10-92
December 10, 1992

LEGAL DESCRIPTION OF PROPERTY: Township 61N Range 1 East
Section 13, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block, _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.
See attached "Exhibit A"

RECEIVED
JAN 28 1993
NORTHERN REGION
IDWR

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[✓] Water Right Number(s) Assigned by IDWR: 98-4070

[✓] Name and Address of Former Owner/Claimant(s)(Seller): Eugene & Janice Swett
414 Fir Crest
Othello, WA 99344

[✓] New Owner/Claimant (Purchaser): Linda M. Sanders

[✓] New Mailing Address: 8782 Bronson Drive
Roseville, CA 95746

[✓] New Telephone Number: (916) 791 - 4589

[ ] Does the change in ownership result in a splitting of the water right owned/claimed? ___ yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Full and complete water rights to be transferred to new owner pursuant to purchase and sale agreement dated November 12, 1992.

ID # 144351

[✓] Attach proof of ownership, describe proof attached: Warranty Deed Recorded with change of ownership.

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[✓] Signature of New Owner/Claimant(s): Linda M. Sanders Date 1-20-93
Date

[ ] Signature of Former Owner/Claimant(s): Date
Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: **By:**
Further Action Needed:

Further Action Taken
Date: **By:**
Final Review and Data-Entry
Date: **By:**
Claim Numbers of Split, if any:

MAY 24 1993

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

RECEIVED

MAY 24 1993

E-1569 3660

COPY

Furnished by First American Title Co.

WARRANTY DEED

RECEIVED
JAN 25 1993
Department of Water Resources

For Value Received EUGENE E. SWETT and JANICE M. SWETT, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto LINDA M. SANDERS, a single woman

the grantee, whose current address is 8782 Bronson Dr. Rooseville, CA 95746

the following described premises, in Boundary County Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

SUBJECT TO easements, rights of way, reservations, restrictions, conditions and covenants now of record; and easements and rights of way of view or of use upon the property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, her heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

EUGENE E. SWETT

JANICE M. SWETT

Washington
TATE OF ~~IDAHO~~, COUNTY OF
On this day of , 19 ,
efore me, a notary public in and for the said State, per-
onally appeared

EUGENE E. and JANICE M. SWETT

nown or proved to me upon the basis of satisfactory
dentification to be the person whose names are
ubscribed to the within instrument, and acknowledged to
e that they executed the same.

Notary Public
esiding at , ~~IDAHO~~
Comm. Expires Washington

INSTRUMENT NO.

MAY 24 1993

Printed by Selkirk Press, Sandpoint

EXHIBIT "A"

The East Half of the East Half of the Southwest Quarter of the Northeast Quarter of Section 13, Township 61 North, Range 1 West, Boise Meridian, Boundary County, Idaho;

AND ALSO that part of the North Half of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 13, Township 61 North, Range 1 West, Boise Meridian, Boundary County, Idaho, lying West of the right of way of Spokane International Railroad Company. (A subsidiary of the Union Pacific Railroad);

AND ALSO a tract of land in Lots 3 and 4 of Section 18, Township 61 North, Range 1 East, Boise Meridian, Boundaty County, Idaho, more patticulatly described as follows:

Commencing at the Southwest corner of said Section 18; thence East to the Western boundary line of the Spokane International Railroad Company's right of way; thence Northerly along said Westerly boundary line to the North line of Lot 3 in said Section 18; thence West along the said Northerly line of said Lot 3, to the Northwest corner of said Lot 3; thence South along the West line of said Lot 3 and 4 in said Section 18 to the Southwest corner of said Lot 4, which is in the Southwest corner of said Section 18, to the PLACE OF BEGINNING.

AND ALSO the East Half of the East Half of the Northwest Quarter of the Southeast Quarter of Section 13, Township 61 North, Range 1 West, Boise Meridian, Boundary County, Idaho.

1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT
Route 5, Box 203 - Suite #1
4055 N. Government Way
COEUR D' ALENE, IDAHO 83814
(208) 667-6484

December 20, 1976

Re: Claim to a Water Right No. 98-4070 (AMENDED)

Mr. and Mrs. Eugene E. Swett
Route 1
Naples, ID 83847

Dear Mr. and Mrs. Swett:

The Department of Water Resources has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of a claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with our office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we may be of any further assistance, please contact us.

Very truly yours,

ROBERT G. HAYNES
District Supervisor

RGH:CP

Enclosure

MAY 24 1993
End of Retake

December 6, 1976

Re: Claim to a Water Right No. 98-4070 - Eugene E. &/or Janice M. Swett

Bonners Ferry Herald
P.O. Box 539
Bonners Ferry, ID 83805

Gentlemen:

Could you please submit the affidavit of publication and bill in connection with the above referenced item. The legal notice was to have been published in your newspaper on November 18 and November 25, 1976.

Your assistance in this matter is appreciated.

Very truly yours,

Corda M. Patterson
Secretary

CP

MAY 24 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

November 12, 1976

Re: Claim to a Water Right No. 98-4070 - Eugene E. &/or Janice M. Swett

Bonners Ferry Herald
P.O. Box 539
Bonners Ferry, ID 83805

Gentlemen:

Enclosed is a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:cp

Enc: Legal Notice(s)

MAY 24 1983

Bill: 12-20-76 cp

NOTICE OF AMENDED

CLAIM TO A WATER RIGHT

Notice is hereby given that Claim to a Water Right No. 98-4070 was filed by Eugene E. &/or Janice M. Swett, claiming a right to the diversion and beneficial use of 11 gallons per minute of water from a Spring with point of diversion within Lots 3 and 4, Sec. 18, Twp. 61N, Rge. 1E, B.M., Boundary County. The water was claimed to be used from Jan. 1 to Dec. 31 for domestic purposes and dairy use within Lots 3 and 4, Sec. 18, Twp. 61N, Rge. 1E, B.M.

The claimants now propose to amend Claim to a Water Right No. 98-4070, claiming a right to the diversion and beneficial use of 11 gallons per minute of water from a Spring, tributary to Deep Creek with point of diversion within the SE¼SE¼, Sec. 13, Twp. 61N, Rge. 1W, B.M., Boundary County. The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes and dairy use within the SE¼SE¼, Sec. 13, Twp. 61N, Rge. 1W, B.M.

Any exception to the proposed amending of the above claim may be filed with the Idaho Department of Water Resources, 4055 Government Way, Suite #1, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho, on Nov. 18 and Nov. 25, 1976.

October 25, 1976

Mr. Eugene E. Swett
Route 1
Naples, ID 83847

Dear Mr. Swett:

We have typed an "Amended Claim to a Water Right" form which is enclosed for your review and signature. Please note that we have not listed the "Range" number under Items (5) and (6), since we were uncertain if the correct location was "Range 1 East" or "Range 1 West." Please list the correct location under both of these items. If all other information appears to be in order, please have your signature notarized and return the form to our office. No additional filing fee is required.

On the "Application for Permit" form you submitted to us, you mentioned that irrigation is planned during 1977. We wish to advise you that any surface water diverted after May 20, 1971, requires a permit from our Department. Enclosed is an Application for Permit form which you should complete and submit to our office for your proposed irrigation. The correct filing fee for the application can be determined from the Fee Schedule listed on Page 4 of the enclosed instructions.

If there are any questions in this matter, please do not hesitate to contact us.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:CP

Enclosures

MICROFILMED

MAY 24 1993

Amended copy for description

Identification No. 98-4090

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

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

1. Name of applicant Eugene E + or Janice Scott Phone: 208-267-2188
   post office address Rt. 1 Naples, Idaho 83847
2. Source of water supply Spring which is a tributary of Deep Creek
3. a. Location of point of diversion is S.E. ¼ of S.E. ¼ of Section 13 Township 61 N.
   Range 1 E B.M. Boundary County; additional points of diversion if any: _____

   b. If water is not consumed, it will be discharged into _____ at a point in _____ ¼
   of _____ ¼ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
   Amount 1 1/9 PM (cfs or acre-feet per annum) for Dairy purpose from Jan 1 to Dec 31 (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for Domestic purpose from Jan 1 to Dec 31 (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated:
   a. 1 1/9 PM cubic feet per second and/or
   b. _____ acre feet per annum.
6. Proposed diverting works:
   a. Description of ditches, flumes, pumps, headgates, etc. approx 1000 ft. of pipeline (gravity flow)

   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 _____ (Mo. Day) to _____ (Mo. Day) inclusive.
   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is _____ years.
   b. Estimated construction cost is $ _____.
8. Description of proposed uses:
   a. If water is **not** for irrigation: Irrigation in planning for 1997
   (1) Give the place of use of water: S ¼ of S ¼ of Section 13 Township 61 N
   Range 1 E B.M. Boundary
   (2) Amount of power to be generated: _____ hp under _____ feet of head.
   (3) List number of each kind of livestock to be watered 60 head holstein cows

   (4) Name of municipality to be served _____, or number of families to be supplied with domestic water 2.
   (5) If water is to be used for other purposes describe: Plan fishponds and Irrigations for 150 acres

RECEIVED

MAY 24 1993

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	

Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes as described above._____

9. a. Who owns the property at the point of diversion_____

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

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 _____

MAY 24 1955

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

Scale: 2 inches equal 1 mile

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

APPROVED

MAY 24 1993

Don Scott
(Applicant)

Received by CD Date 10-21-76 Time 11:30 A.M.

Preliminary check by_____ Fee $ No Fee

Receipted by_____ Date_____

Publication prepared by_____ Date _____

Published in_____

Publication dates_____

Publication approved_____ Date_____

Priority reduced to_____ Reason_____

Protests filed by: _____

Copies of protests forwarded by_____

Hearing held by_____ Date_____

Recommended for approval denial by_____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby_____.

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 _____, 19____.

   c. Other: _____

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

Witness my hand this 14 day of Oct 19 76

Director

MAY 24 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT
Route 5, Box 203 - Suite #1
4055 N. Government Way
COEUR D'ALENE, IDAHO 83814
(208) 667-6484

October 13, 1976

Re: Claim to a Water Right No. 98-4070

Eugene E. &/or Janice M. Swett
Route 1
Naples, ID 83847

Dear Mr. and Mrs. Swett:

The Department of Water Resources has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of a claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with our office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we may be of any further assistance, please contact us.

Very truly yours,

ROBERT G. HAYNES
District Supervisor

RGH:CP

Enclosure

MICROFILMED
MAY 24 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

September 28, 1976

Re: Claim to a Water Right No. 98-4070

Eugene E. &/or Janice M. Swett
Route 1
Naples, ID 83847

Dear Mr. and Mrs. Swett:

In reference to the above claim, the enclosed is a copy of an exception filed by Fern Cox in connection with this claim under the provisions of Chapter 2, Section 42-225b of the Idaho Code, which states the following:

> "At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

If we may be of any further assistance, feel free to contact us.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:CP

Enclosure

MAY 24 1998

September 28, 1976

Re: Claim to a Water Right No. 98-4070 - Eugene E. &/or Janice M. Swett

Mr. Fern Cox
Route 1, Box 264
Bonners Ferry, ID 83805

Dear Mr. Cox:

We have received your correspondence concerning the above referenced Claim to a Water Right. The following is a quote from the provisions under which this claim has been filed (Section 42-225b of the Idaho Code):

> "At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

If we may be of any further assistance, feel free to contact us.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:CP

MICROFILMED
MAY 24 1993

September 22, 1976

Re: Claim to a Water Right No. 98-4070 - Eugene E. Swett

Mr. Lewis E. Mace
Box 874
Bonners Ferry, ID 83805

Dear Mr. Mace:

Pursuant to your letter, enclosed is a copy of the above referenced Claim to a Water Right which Mr. Swett has filed with our office.

Claims are filed with our Department to record existing water rights. We have no authority to justify or disprove such claims and are only authorized to keep them on record for future use.

If there are any questions in this matter, please do not hesitate to contact us.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:CP

Enclosure

MICROFILMED

MAY 24 1993

RECEIVED
SEP 17 1976
Department of Water Resources
Northern District Office

Bonners Ferry, Idaho
Sept. 16, 1976

Mr. Fred Eisenbarth
Dist. Supervisor
State of Idaho
Dept. of Water Resources

Dear Sir:

Mr. Gene Swett of Bonners Ferry, More particularly of Moravia; Tells me he has filed for and received a water right to a spring located in the Northeast quarter of the Southeast quarter of Section 13, Township 61 north, Range 1 west of Boise Meridian.

Would you confirm or dispute his claim for me?

MICROFILMED
MAY 24 1993

Very Truly Yours,
Lewis E. Mace, Box 874
Bonners Ferry Idaho, 83805

September 21, 1976

Re: Claim to a Water Right No. 98-4070

Mr. and Mrs. Eugene E. Swett
Route 1
Naples, ID 83847

Dear Mr. and Mrs. Swett:

Attached is your receipt No. 4387 in the amount of $10 for the filing fee on the above referenced claim which was received in this office.

Very truly yours,

Corda M. Patterson
Secretary

CP

Attachment

MICROFILMED
MAY 24 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

September 17, 1976

Re: Claim No. 98-4070 - Eugene E. &/or Janice M. Swett

Bonners Ferry Herald
P.O. Box 539
Bonners Ferry, ID 83805

Gentlemen:

Enclosed is a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:cp

Enc: Legal Notice(s)

MICROFILMED
MAY 24 1993

Bill: 10-12-76.cp

NOTICE OF CLAIM TO A WATER RIGHT

NO. 98-4070

Notice is hereby given that Eugene E. &/or Janice M. Swett, Route 1, Naples, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 11.0 gallons per minute of water from a Spring with point of diversion in Lots 3 and 4, Sec. 18, T. 61N, R. 1E, B.M., Boundary County.

The water is claimed to be used from Jan. 1 to Dec. 31 for dairy use and domestic purposes

with a priority of 1956;

the place of use is within Lots 3 and 4, Sec. 18, T. 61N, R. 1E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho

on Sept. 23 and Sept. 30, 1976

MICROFILMED

MAY 24 1993

NOTICE OF CLAIM TO A WATER RIGHT
NO. 98-4070

Notice is hereby given that Eugene E. &/or Janice M. Swett, Route 1, Naples, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 11.0 gallons per minute of water from a Spring with point of diversion in Lots 3 and 4, Sec. 18, T. 61N, R. 1E, B.M., Boundary County.

The water is claimed to be used from Jan. 1 to Dec. 31 for dairy use and domestic purposes with a priority of 1956; the place of use is within Lots 3 and 4, Sec. 18, T. 61N, R. 1E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on Sept. 23 and Sept. 30, 1976.-idwr

ok.
9-23-76
d

MICROFILMED
MAY 24 1993

September 9, 1976

Mr. and Mrs. Eugene Swett
Route 1
Naples, ID 83847

Dear Mr. and Mrs. Swett:

We have typed your Claim to a Water Right for your convenience, and we are returning it for your review and signature. Also enclosed is your Check No. 92-142 in the amount of $10.

Please check all items on the Claim carefully and if your water right is described accurately, please have your signature notarized on the back of the form and return it to our office, along with the required $10 fee.

Feel free to contact us if there are any questions.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:CP

Enclosures

DOCUMENTED
MAY 24 1993

Claim No. _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Eugene Earl Swett & Janice M. Swett
(name of claimant)

of Rt. 1 Naples Idaho 83847, claims a right to the diversion and beneficial use of
(mailing address)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) spring under ground _____, tributary to, _____

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount 300,000 gal. Use Dairy & household use Period of Use: From May 1971 To Aug 1976
Amount _____ Use _____ Period of Use: From _____ To _____
Amount _____ Use _____ Period of Use: From _____ To _____
(cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)

(3) Total quantity of water claimed: .20 cubic feet per second, or _____ acre feet per annum, and/or 11 gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) ~~May 2 1971~~ at least 1956

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)
Lots 3 & 4 ¼, Sec. 18 Twp. 61 Rge. 1 B. M. County of Boundary
Additional points of diversion: southwest corner of property is where water is taken

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. pipe line of gravity flow about one thousand feet

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	80 acres

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: used for watering stock & cleaning barns, household use

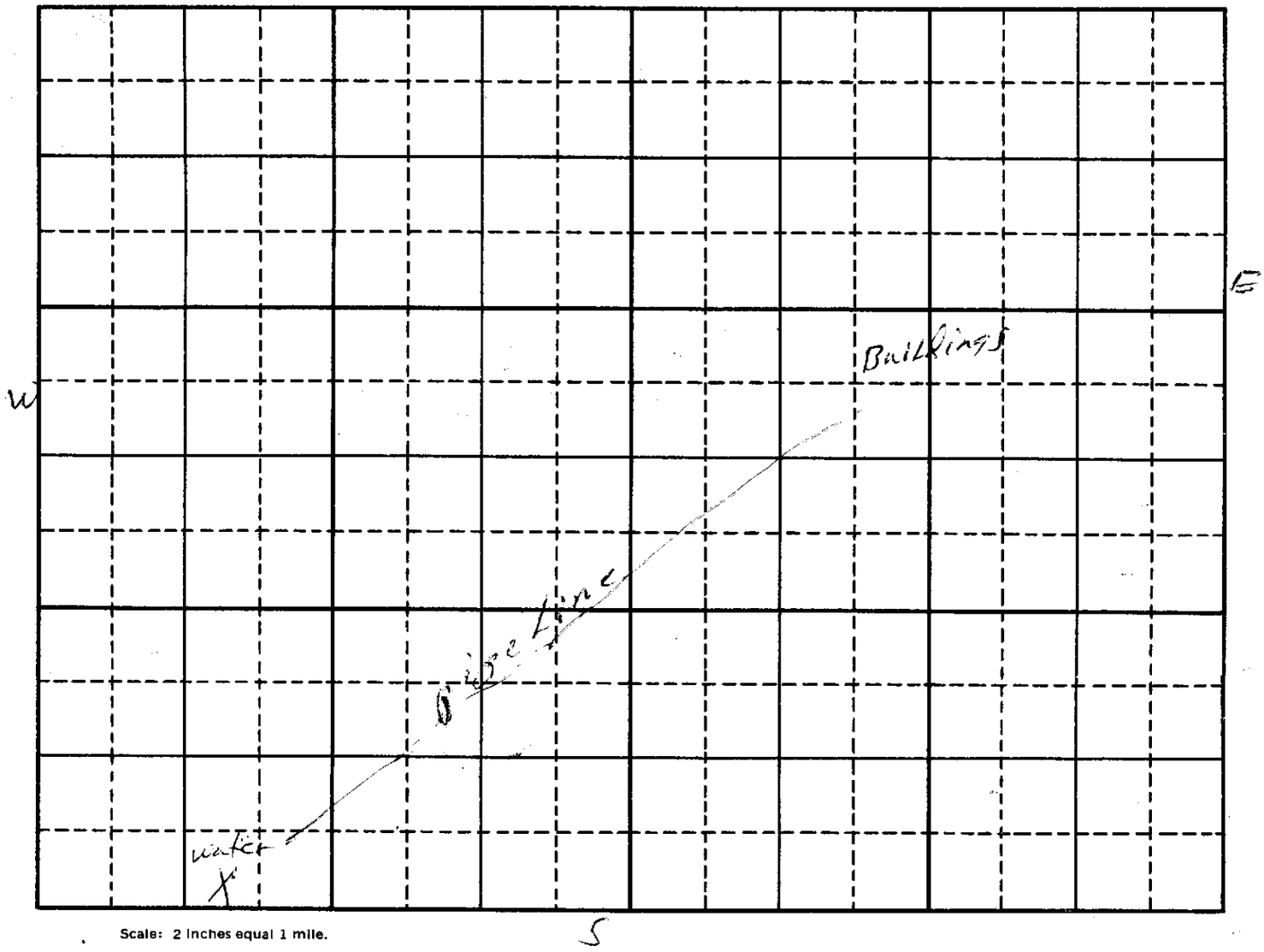
(7) If you are claiming water as a member of an organization, list name of organization: NO

MICROFILMED

MAY 24 1993

N

(8) Remarks _____



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 _____)

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.

_____
(Claimant)

Sworn to before me this _____ day of _____, 19 ____.

_____
Notary Public
Residing at _____

My commission expires _____

For Department Use Only

Received by CP Date 9-8-76 Exception filed by: Forwarded to claimant by: Date
Prelim. check by _____ Date _____
$10.00 fee received by _____ Date _____
Approved for publication by _____
Published in _____
Dates _____

MISCONSTRUED
MAY 24 1993