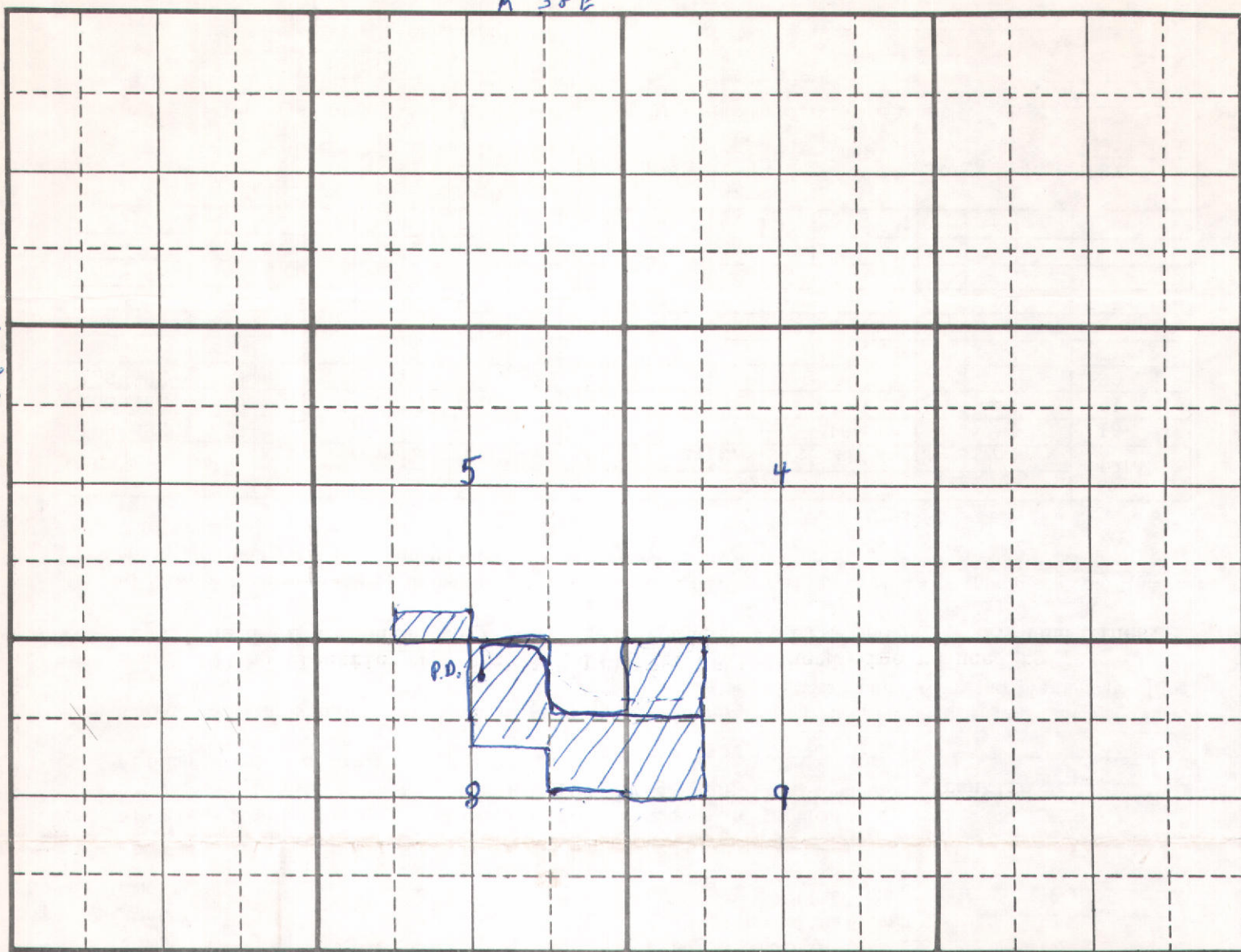


(8) Remarks This was done with help of A.S.C.S. Personel.

A 38E



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)
County of Franklin) ss.

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 affiant's knowledge.

Lichay L. Schwanewelt
(Claimant)

Sworn to before me this 28th day of December, 19 79.

[Signature]
Notary Public
Residing at Preston, Idaho

My commission expires Lifetime

Received by kw Date 1/18/80 Exception filed by: _____ Date _____
Prelim. check by je Date 12/31/79 Fowarded to claimant by: _____
\$20.00 fee received by kw Date 1/18/80 #15526
Published in Preston Citizen
Dates 1/31 & 2/7/80

13 JIS0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that SIDNEY L. SCHVANEVELDT
(Name of Claimant)
Route #1, Box 27, Weston, ID 83286 Telephone No. 747-3778
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) June 26, 1962

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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
groundwater tributary to _____

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

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
Quantity		Use		(Mo., Day)	(Mo., Day)
2.8 cfs		irrigation		4/1	11/1
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 2.8 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ NE ¼, Sec. 8 Twp. 16S Rge. 38E B.M., County of Franklin
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. Describe any changes in the system and give the date of the change. 100 hp electric pump with 15" 1300 ft. of 10" head pipe reduced to 8" 2480' head pipe reduced to 7" 400' head reduced 5" 1030' head 4½ ml. hand lines.

(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	
16S	38E	5												16					16
16S	38E	8	3	36	15	37													91
16S	38E	9						40	40										80

No. of acres 187

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

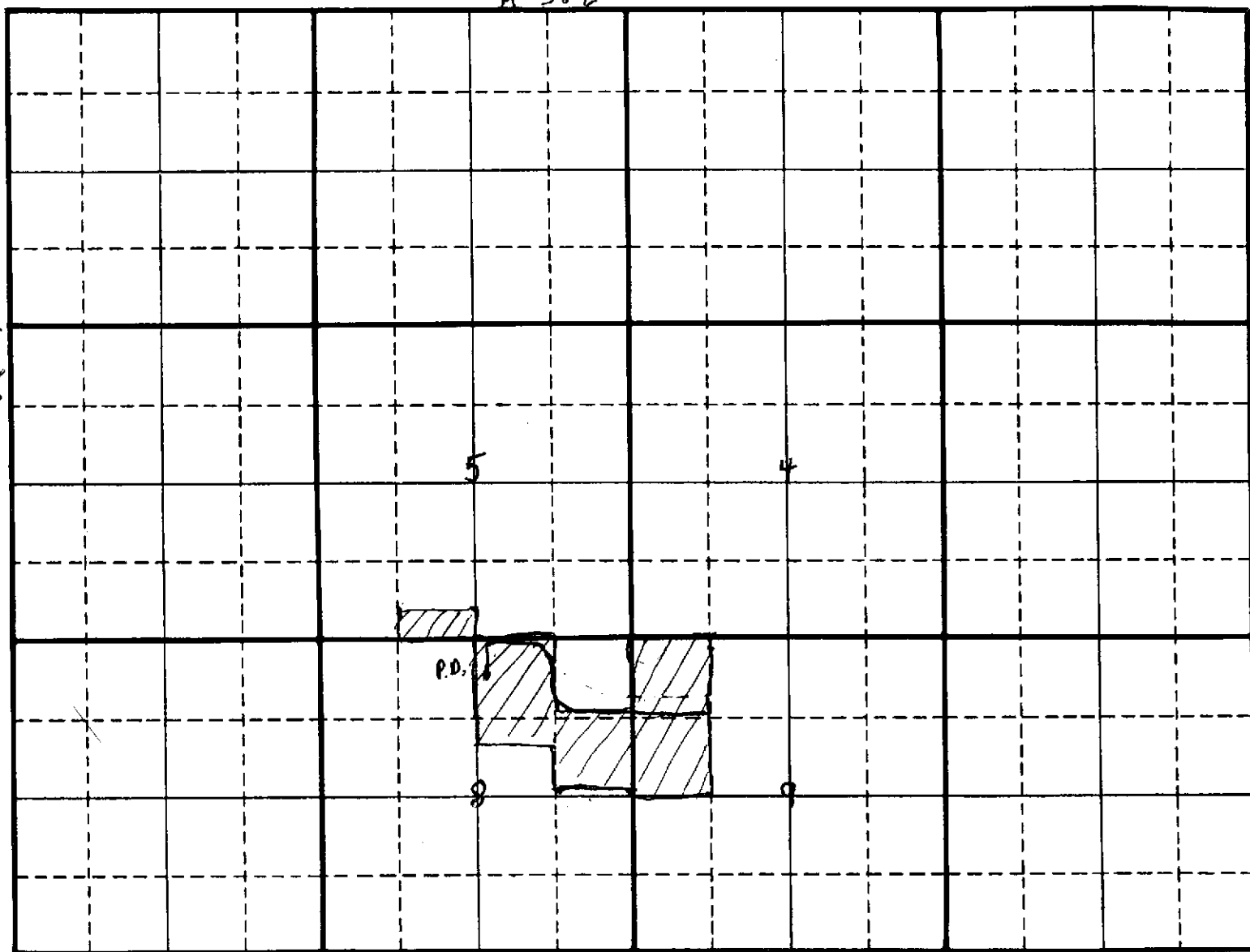
NOTE: Include here the type and number of stock watered: _____

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

NOT RECORDED

(8) Remarks This was done with help of A.S.C.S. Personel.

A 38 E



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)
County of Franklin) ss.

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 affiant's knowledge.

Sidney L. Schwaneveldt
(Claimant)

Sworn to before me this 28th day of December

19 79

[Signature]
Notary Public
Residing at Preston, Idaho

My commission expires Lifetime

Received by kw Date 1/18/80 Exception filed by: _____ Date _____
Prelim. check by je Date 2/3/79 Forwarded to claimant by: _____ Date _____
\$20.00 fee received by kw Date 1/18/80 # 15526
Published in Preston Citizen
Dates 1/31 & 2/7/80

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. Walter Ross

being duly sworn,

deposes and says:

That he is the Co-Publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

1-31

, 1980, and ending

with the issue of 2-7, 1980.

J. Walter Ross

Fee \$ 11.23

Subscribed and sworn to before me this 29th day

of Feb, 1980.

Kevin D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Schvaneveldt, Sidney L.

Route 1, Box 27, Weston, ID 83286

Source: Groundwater

Priority Date: 06-28-1962

Amount: 2.80 CFS

Diversion Point: NWNE Sec. 08 T 16S

R38E, Franklin Co.

Use: Irrigation (2.80 CFS from 04-01 to 11-01)

Place of Use: SESW Sec 05 T 16S R 38E

NENE NWNE SWNE SENE Sec 08 T

16S R 38E NWNW SWNW Sec 09 T 16S

R 38E for 187 acres

Diversion Means: Well, pump and pipe.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Boise, Idaho 83709.

C. Stephen Allred

Director

Legal No. 1052 - 31L - Pub. 1-31 and 2-7-80

RECEIVED

MAR 5 1980

Department of Water Resources
Eastern District Office

MEMORANDUM

TO: File 13-4120

FROM: KAY WALKER *Kay*

RE: Change in Ownership

Date: April 12, 2005

.....

Mr. Jay Fannesbeck contacted me this morning in regard to the change in ownership that had been processed on Rt. 13-4120. Mr. Fannesbeck stated the change in ownership was in error and he thought the right should be split by land ownership. He stated that the lands in Sec. 5 and the NWNW, Sec. 9 should not have been changed to the new owners. I told him I would run a metes and bounds on the deed and find out which lands should not have been included in the ownership change.

Further review of this file found that there is a "Bill of Sale" that specifically lists this right as part of the sale. I discussed this with Jeff and it is determined that the bill of sale is included in our records as part of the change in ownership and IDWR did not error in changing the entire right to the Astons. It is also noted that in January of this year, our office did request more information regarding evidence of water right ownership and legal description of property – specifically the letter requested ownership evidence for lands located in Sec. 5, SESW. The new owners submitted additional information, which I think included the bill of sale, and the ownership change was processed.

In light of this I did not run a metes and bounds on the deed and have left Mr. Fannesbeck a message on his answering machine regarding what I found in the file. The landowners need to resolve this among themselves and if that is not possible it could become a civil matter.

To contact Mr. Fannesbeck:
Jay Fannesbeck
6022 W. Hwy 36
Weston ID 83286
(208)747-3295

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

FEBRUARY 20, 1980

SIDNEY L. SCHVANEVELDT
ROUTE 1
BOX 27
WESTON

ID 83286

RE: Claim No. 13-4120

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: W. R. Kozlowski

Right Number 13-4120 13 4120 Applicant Sidney L. Schwanereldt

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date 3/7/80

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jain Date 3/11/80

MICROFILMED

February 20, 1980

RE: Claim to Water Right No. 13-4120

Jim Crowther
Onieda Title Co.
Box 388
Preston, ID 83263

Dear Mr. Crowther:

Enclosed herewith is a copy of the above referenced claim to a water right in the name of Sidney L. Schvaneveldt as per your request.

If we can be of any further assistance please feel free to contact us.

Sincerely,

ERNEST M. CARLSEN
Sr. Resource Analyst

EMC:kw
Enclosure

January 25, 1980

RE: Claim to a Water Right No. 13-4120

Bidney L. Schvaneveldt
Route #1, Box 27
Weston, ID 83286

Dear Mr. Schvaneveldt:

Attached herewith is Departmental Receipt No. 15526 in the amount of \$20.00 for the above referenced claim.

Sincerely,

KAY WALKER
Secretary

Attachment

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

JANUARY 24, 1980

The Preston Citizen
P. O. Box 472
Preston, Idaho 83263

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 18, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

RECORDED

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Boise, Idaho 83709.

C. STEPHEN ALLRED
Director

Published 1/31 & 2/07/80.

MICROFILMED

SCHVANEVELDT, SIDNEY L.

ROUTE 1, BOX 27, WESTON, ID 83286

Source: GROUNDWATER

Priority Date: 06/26/1962

Amount: 2.80 CFS

Diversion Point: NWNE Sec 08 T 16S R 38E, FRANKLIN Co.

Use: IRRIGATION (2.80 CFS) from 04/01 to 11/01

Place of Use: SESW Sec 05 T 16S R 38E NENE NWNE SWNE SENE Sec 08 T 16S R 38E
NWNW SWNW Sec 09 T 16S R 38E FOR 187 ACRES

Diversion Means: WELL, PUMP AND PIPE.

APPROVED