

Claim No. 13 4057

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 Heber &/or Geneal B. Swainston
(name of claimant)
of Rt. 3 Box 203 Preston, Idaho 83263, 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) unnamed springs
 _____, tributary to, Spring Creek thence Battle 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 0.50 Cfs Use Irrigation Period of Use: From April 1 To Nov. 1

Amount 0.04 cfs Use Domestic Period of Use: From Jan. 1 To Dec. 31

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: 0.50 _____ cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) June 10, 1913

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)
NW ¼ NW ¼ Sec. 35 Twp. 13 S Rge. 39 E B. M. County of Franklin
 Additional points of diversion: SW ¼ NW ¼ Sec. 35, SE ¼ NE ¼, NE ¼ SE ¼ Sec. 34 T13 S R39 E.

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. Small reservoir, ditch and headgates.

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

[illegible]

Total No. of acres 25

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

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

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R 39 E

T 13 S

34 35

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.

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)

1977
Donald P. Baker

Notary Public

Residing at Idaho Falls, Idaho

My commission expires Feb. 14, 1978

Received by RDC Date 10/21/77 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by EMC Date 10/25/77 claimant by: _____
\$10.00 fee received by RDC Date 10/21/77
Approved for publication by The 12-01-77 _____
Published in Vol. 1, No. 1 _____
Dates 11-51-77 to 1-1-78 _____

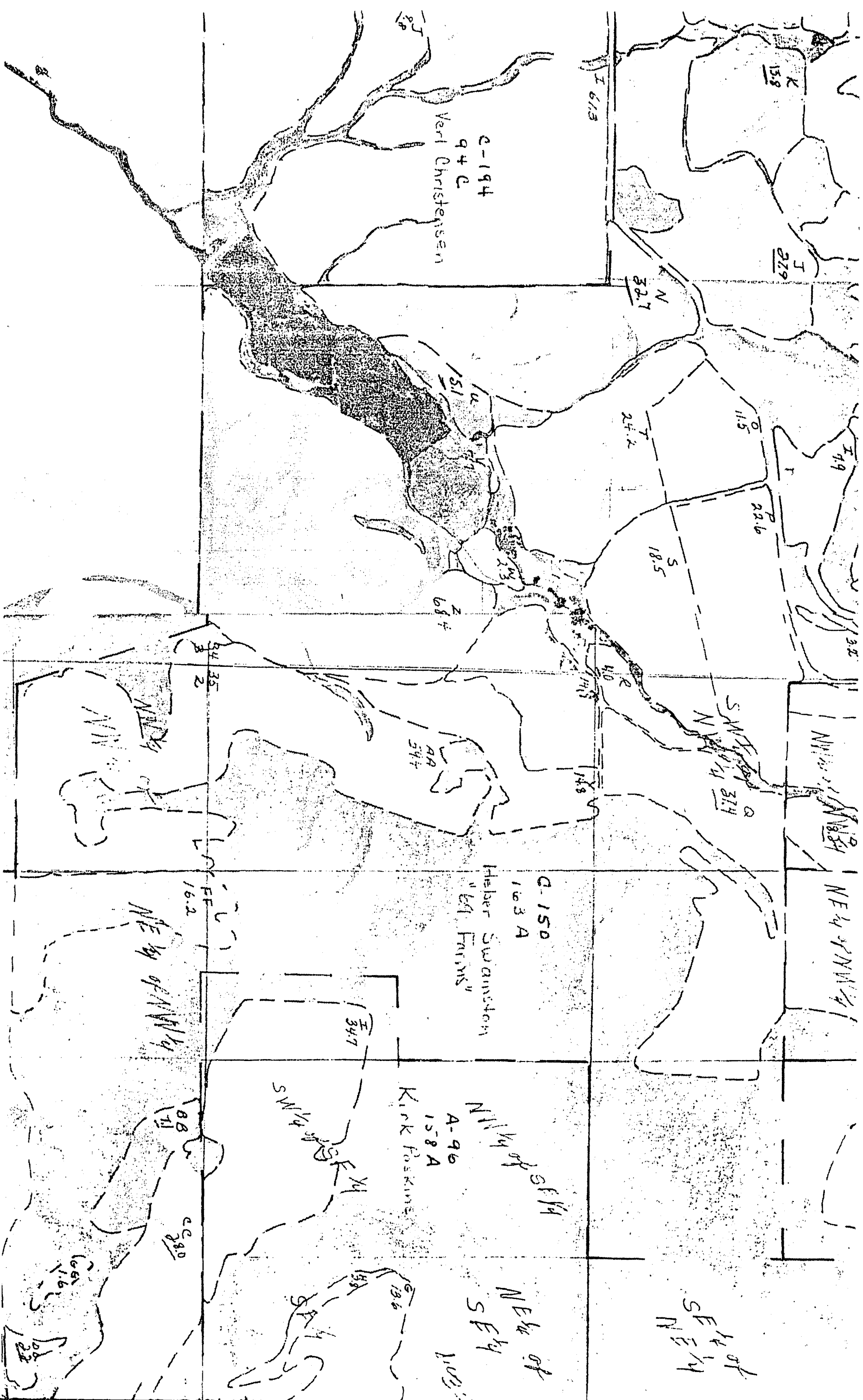
I started living on the farm
in april 1934 and lived there
until may 1938 and used
the described water on the
Property

James T Williams

RECEIVED
OCT 15 1937

OCT 15 1937

U.S. DEPT. OF AGRICULTURE
BUREAU OF RECLAMATION



A F F I D A V I T

NOTARY PUBLIC
My Comm. Expires _____
Eugene, Oregon

STATE OF IDAHO)
County of Franklin)

I, THE UNDERSIGNED, being first duly sworn do
depose and state that WILFORD L. BOSWORTH and his wife, JANNETTE
B. BOSWORTH, used water for culinary and irrigation purposes
between the approximate years of 1931 - 1971, at the following
location:

Township 13 South, Range 39 East of the Boise Meridian

Section 34 and 35: Seepage in the W1/2 of NW1/4
Section 35 SE1/4 NE1/4 Section 34 and Spring
in the NE1/4 SE1/4 Section 34

THIS AFFIDAVIT is made from my personal knowledge
as to all of the statements contained herein.

Wilford L. Bosworth
WILFORD L. BOSWORTH
Jannette B. Bosworth
JANNETTE B. BOSWORTH

STATE OF IDAHO)
County of Franklin)

SUBSCRIBED TO IN my presence and sworn to before
me this 19th day of October, 1977.

Karen P. Child
NOTARY PUBLIC for State of Idaho
Residing at Preston, Idaho

Commission expires: Lifetime

A F F I D A V I T

Utah
STATE OF IDAHO)
County of Franklin)
Utah

I, THE UNDERSIGNED, being first duly sworn do
depose and state that JAMES T. WILLIAMS and his wife, ANNETTE
S. WILLIAMS, used water for culinary and irrigation purposes
between the approximate years of 1937 - 1941 at the following
location:

Township 13 South, Range 39 East of the Boise Meridian
Section 34 and 35: Seepage in the W1/2 of NW1/4
Section 35 SE1/4 NE1/4 Section 34 and Spring
in the NE1/4 SE1/4 Section 34

THIS AFFIDAVIT is made from my personal knowledge
as to all of the statements contained herein.

James T. Williams

JAMES T. WILLIAMS
Annette S. Williams

ANNETTE S. WILLIAMS

Utah
STATE OF IDAHO)
County of Franklin)
Utah

SUBSCRIBED TO IN my presence and sworn to before
me this 1st day of October, 1977.

Donald B. Swapp

NOTARY PUBLIC for State of Idaho
Residing at *Provo, Utah*

Commission expires:
April 10, 1981

See Rules and Regulations
enclosed herewith

Wilford J. Bosworth
Name of Sender

P. O. Oxford Idaho

OCT 21 1977

No. 14143

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of Applicant: Wilford J. Bosworth

Postoffice address: Oxford Idaho

County: Bannock State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) The amount of capital stock:
- (c) The amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. The quantity of water claimed is One - Half of one ^{foot} cubic ~~foot~~ per second.

3. Source of water supply: Seepage in the W $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec 35 SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 34 and Spring in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 34 Tp 13 South of range 39 about equal amount in each

4. Location of point of diversion: In the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 34 in same Tp and Range 39 E 13 S

County of Bannock

5. To be used for: Irrigation and domestic use.

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: Twenty Five acres

(b) In the following legal subdivisions: N $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 34 Tp 13 S

(A list of the lands to be irrigated may be appended as a part of this application)

of Range 39 E.B.M.

II. Mining, milling power, manufacturing, transportation or other purposes:

- (a) At what point:
- (b) Amount of power to be generated: H. P. under ft. head.
- (c) Is water to be returned to any stream:
- (d) If so, name stream and locate point of return:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Recorded in Book *Page* *Approved*

Bond in the sum of \$.....to be filed on or before

One-fifth of the work above specified to be completed on or before.....

The whole of said work to be completed on or before

Witness my hand this.....day of.....

.....
State Engineer.

No.

PERMIT

Date of first receipt at office of State Engineer

9th Mth Jth - 9 1913

Returned to applicant for correction

Jth 10 1913

Corrected application received

Fees, \$ 100.00

No 501

AFFIDAVIT OF PUBLICATION

RECEIVED

DEC 1 1977

Department of Water Resources
Eastern District Office

STATE OF IDAHO, }
County of Franklin } ss.

RICHARD D. STOCKDALE

being duly sworn,

deposes and says:

That he is the Office Manager 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

November 3rd, 1977, and ending

with the issue of November 10th, 1977.

Richard D. Stockdale

Fee \$ 14.00

Subscribed and sworn to before me this 23rd day

of November, 1977.

Notary Public, Residing at Preston, Idaho

My Commission Expires August 11, 1988

NOTICE OF CLAIM TO A WATER RIGHT NO. 13-4057

Notice is hereby given that Heber &-or Geneal B. Swainston, Preston, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.50 cubic feet per second of water from unnamed springs tributary to Spring Creek thence Battle Creek with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, T. 13S, R. 39E, B.M., Franklin County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes and from Apr. 1 to Nov. 1 for the irrigation of 25 acres, with a priority of June 10, 1913; the place of use is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, T. 13S, R. 39E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
Director

Published in the Preston Citizen, Preston, Idaho on November 3 and November 10, 1977.

Legal No. 501 — Pub. Nov. 3, 10, 1977.

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4057

Notice is hereby given that Heber &/or Geneal B. Swainston,
Preston, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.50 cubic feet per second ~~acre feet per annum~~ XXXXXXXXXXXXXXXXXXXX
of water from unnamed springs tributary to Spring Creek thence Battle Creek
with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec.
34, T. 13S, R. 39E, B.M., Franklin County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes and from Apr. 1 to Nov. 1 for the irrigation of 25 acres,
with a priority of June 10, 1913;
the place of use is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.
35, T. 13S, R. 39E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
~~XXXXXXXXXXXXXXXXXXXX~~
R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho
on November 3 and November 10, 1977

*the - J.
the - D.*

October 28, 1977

RE: Claim to a Water Right No. 13-4056 PAGE
13-4057 SWAINSTON

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Enclosed you will find 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 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 the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 12-01-77 by Reed

RDC:CW

Enc: Legal Notice (2)

November 21, 1977

RE: Claim to a Water Right No. 13-4056 PAGE
13-4057 SWAINSTON

Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on November 3, and November 10, 1977.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

December 1, 1977

RE: Claim to a Water Right No. 13-4057

Heber &/or Geneal U. Swainston
Rt. #3, Box 203
Preston, ID 83263

Dear Mr. Swainston:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 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 your 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 this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Enclosure

No 1551

AFFIDAVIT OF PUBLICATION

JAN 8 1982

Department of Water Resources
Eastern District Office

STATE OF IDAHO, }
County of Franklin }

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

Dec 10

, 1981, and ending

with the issue of Dec 17, 1981.

Fee \$ 23.13

Subscribed and sworn to before me this 31st day of Dec, 1981.

Ken D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

NOTICE OF AMENDED CLAIM
TO A WATER RIGHT
No. 13-4057

Notice is hereby given that Claim to a Water Right No. 13-4057 in the name of Heber and/or General B. Swainston, Preston, Idaho, was filed with a priority of June 10, 1913 for the diversion and application to beneficial use of 0.39 cfs of water from unnamed springs tributary to Spring Creek thence Battle Creek with the point of diversion within the NW 1/4 NW 1/4, SW 1/4 NW 1/4, Sec. 35, SE 1/4 NE 1/4, NE 1/4 SE 1/4, Sec. 36, T. 12S, R. 39E, B.M., Franklin County, Idaho. The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes and from Apr. 1 to Nov. 1 for the irrigation of 25 acres within the SE 1/4 NW 1/4, N 1/4 SE 1/4, SW 1/4 SE 1/4, Sec. 34, SW 1/4 NW 1/4, Sec. 35, T. 12S, R. 39E.

The claimant now proposes to amend the claim to a water right of AMOUNT: 1.30 cfs

PRIORITY: April 1, 1968

Any objection to any claim of water right may be filed with the Idaho Department of Water Resources, 160 Shoup, Idaho Falls, Idaho, 83402.

A. KENNETH DUNN

Director

Legal No. 1050 -271- Publish
Dec. 10 & 17, 1981.

IN THE MATTER OF:)

Claim to a Water
Right No. 13-4057)

AFFIDAVIT

State of Idaho)
County of Bonneville)

JANNETTE BOSWORTH being first duly sworn,

deposes and says: THE WATER FROM THE SPRINGS UNDER CLAIM NO.
13-4057 HAS BEEN USED ON THE PROPERTY UNDER THE PLACE OF USE SINCE
THE PRIORITY DATE CLAIMED (1908). I HAVE LIVED AT THE LOCATION
FROM 1931 TO 1973 AND THE WATER WAS USED BEFORE I LIVED THERE AND
HAS BEEN USED CONTINUOUSLY SINCE.

Jannette Bosworth

(Signature)

Subscribed and sworn to before me this 1st day of December, 1981.

Calvin Wray

(Notary Public)

Residing at Idaho Falls, Idaho
My Commission Expires 6/15/85

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

CLAIM TO A WATER RIGHT

AMENDED

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 Heber &/or Geneal Swainston
(Name of Claimant)

Rt. #3, Box 203, Preston, Idaho 83263
(Mailing Address)

Telephone No. _____

(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) April 1, 1908

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)

Springs tributary to Spring Creek

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

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>1.50cfs</u>		Use <u>Irrigation</u>		Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity <u>.04cfs</u>		Use <u>Domestic</u>		Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

- (4) 1.50cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

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

NW ¼ NW ¼, Sec. 35 Twp. 13S Rge. 39E B.M., County of Franklin
Additional points of diversion: SWNW, Sec. 35, SENE, NESE, Sec. 34, T. 13S, R. 39E

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. Diversion dam for small reservoir, ditches and headgates

- (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	
13S	39E	34				1									14	10	1		21
		35							4										4

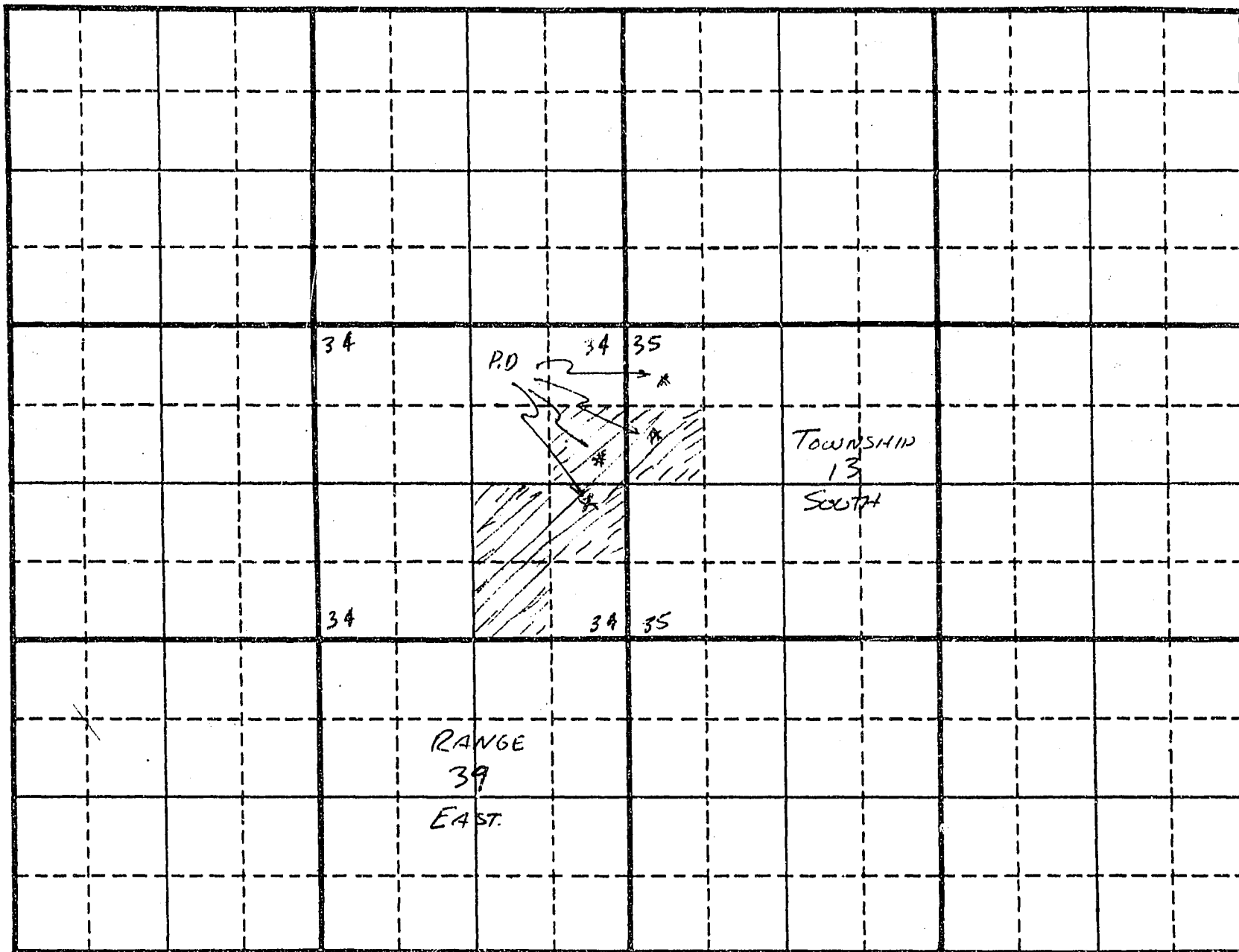
No. of acres 25

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: _____

(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 Bonneville)

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.

Sworn to before me this 1st day of December

Geneal B. Swainston
 (Claimant)

Cullen Wray
 Notary Public
 Residing at Idaho Falls, ID

My commission expires 6/15/85

FOR DEPARTMENT USE ONLY

Received by <u>S.M.</u>	Date <u>12/1/1981</u>	Exception filed by:	Forwarded to	Date
Prelim. check by	Date		claimant by:	
\$20.00 fee received by <u>N.A.</u>	Date <u>12-01-81</u>			
Published in <u>Chester Citizen</u>				
Dates <u>Dec 10 & 17-1981</u>				

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402 on or before DECEMBER 28, 1981.

A. KENNETH DUNN

Director

Published 12/10 & 12/17/81.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83402
(208) 525-7161

DECEMBER 3, 1981

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 DECEMBER 28, 1981.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

NO. 13-4057

Notice is hereby given that Claim to a Water Right No. 13-4057 in the name of Heber &/or Geneal B. Swainston, Preston, Idaho, was filed with a priority of June 10, 1913 for the diversion and application to beneficial use of 0.50 cfs of water from unnamed springs tributary to Spring Creek thence Battle Creek with the point of diversion within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, T. 13S, R. 39E, B.M., Franklin County; the water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes and from Apr. 1 to Nov. 1 for the irrigation of 25 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, T. 13S, R. 39E.

The claimant now proposes to amend Claim No. 13-4057 as follows:

AMOUNT: 1.50 cfs

PRIORITY: April 1, 1908

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83402.

A. KENNETH DUNN

Director

Published in the Preston Citizen, Preston, ID on Dec. 10 & 17, 1981

January 18, 1982

CLAIM TO A WATER RIGHT NO. 13-4057 Amended

Heber &/or Geneal Swainston
Rt. #3, Box 203
Preston, Idaho 83263

Dear Mr. & Mrs. Swainston:

The Department of Water Resources has completed the processing of your amended claim to a water right and no further action is authorized under Sections 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 your amended 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 amended claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your amended claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

RECEIVED

JAN 19 1982

Department of Water Resources

urtenances thereinto belonging or in anywise appertaining, and the reversion and reversions, reamainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part;

To have and to hold all and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns, forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

In Witness whereof, the said parties of the first part have hereunto set their hands and seals, the day and year first above written.

Signed, sealed and delivered in presence of	Hugh S. Geddes	(Seal)
	Martena Geddes	(Seal)
	Robert C. Geddes	(Seal)
Earl Randall William Randall A. W. Hart	Kate Geddes	(Seal)

State of Idaho

County of Oneida ss. On this 11th day of May A. D. 1908, before me, Arthur W. Hart, a Notary Public in and for said county, personally appeared Hugh S. Geddes and Robert C. Geddes known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same. And on this 11th day of May in the year 1908, before me, the officer above described, personally appeared Matena Geddes and Kate Geddes known to me to be the persons whose names are subscribed to the within instrument, described as married women; wives of the said Hugh S. Geddes and Robert C. Geddes respectively and upon an examination without the hearing of their husbands, I made them acquainted with the contents of the instrument, they thereupon acknowledged to me that they executed the same, and that they do not wish to retract such execution.

In Witness whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

My commission expires Jan'y 10, 1912 Arthur W. Hart, Notary Public
(Seal)

Filed for record the 16 day of May A. D. 1908 at 9-20 o'clock A. M.

J. J. Evans, ex-officio recorder By B. E. Jones, deputy
REFERENCE: Book "3" of deeds at page 247 Original Oneida County Records
NOTE: Now found of record in Book 8 of Deeds, page 277, records of Franklin County, Idaho.

Instrument No 9287

EXCISE

RECEIVED

This Indenture, made this 11th day of May in the year NOV 16 1938 Lord one thousand nine hundred and eight between Park B. Goddes ^{deceased} and his wife, and Robert C. Goddes, and Kate Goddes, his wife of Oxford county of Oneida State of Idaho parties of the first part, and John A. Randall of Ogden county of Weber State of Utah the party of the second part, Witnesseth: That the said parties of the first part, for and in consideration of the sum of four thousand and no/100 dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in Oneida County, State of Idaho, to-wit:

The south two thirds of the south half of the south east quarter (S 2/3 of S $\frac{1}{2}$ of SE $\frac{1}{4}$) of section seven (7) the south two thirds of the south west quarter of the south west quarter (S 2/3 of SW $\frac{1}{4}$ of SW $\frac{1}{4}$) of section eight (8) the west half of the north west quarter (W $\frac{1}{2}$ of NW $\frac{1}{4}$) of section seventeen (17) and the north half of the north east quarter (N $\frac{1}{2}$ of NE $\frac{1}{4}$) of section eighteen (18) all in township 14 south range 39 east of Boise Meridian.

Together with the following water right to wit:

One half of the water of Spring Creek reservoir and of Spring Creek above said reservoir excepting therefrom a perpetual water right sufficient to irrigate 2 acres of land, the same belonging to and to belong to the estate of Francis Armstrong, deceased, the dam of said Spring Creek Reservoir is located at about the north line of section 3 Twp 14 South range 39 East Boise Meridian, Idaho

All the waters and springs arising below the said dam of said spring Creek reservoir are not conveyed by this deed, but are expressly reserved therefrom, the same belonging to the estate of Francis Armstrong, deceased.

Also one half of the waste waters of Battle Creek, being the water that is not used or reasonably necessary for the filling of reservoirs belonging to the estate of Francis Armstrong, deceased, and to William T. Armstrong, and for the proper cultivation of the lands now owned by the said estate and by William T. Armstrong it being understood that the grantees herein acquire only the right to use said waters when they are not reasonably necessary for filling of reservoirs owned by said Armstrong estate and William T. Armstrong and for the cultivation of their land.

Together with all and singular, the tenements, hereditaments and

State of Utah
County of Salt Lake ss

On this 27th day of December 1904 personally appeared before me a Notary Public in and for said County of Salt Lake, William F Armstrong and Isabella S Armstrong, each known to me to the persons whose names are subscribed to the within instrument and each of whom acknowledged to me that they executed the same, and that they did it as executors of and trustees under the will of Francis Armstrong, deceased.

In witness whereof I have hereunto set my hand and affixed my official seal hereto the day and year in this certificate first above written.

Seal

Oscar W Moyle--Notary Public

My commission expires Sept 21st 1908

Recorded at the request of Young and Moyle March 14th 1905 at 9:12 A M

W H Richards--Co. Recorder

Reference: Book "U" page 340 Deed Record Original Oneida County Records.

ABSTRACTERS NOTE: Now found of record in Book 6 of Deeds, page 95, records of Franklin County, Idaho.

Inst No 2372

Wm F Armstrong et al executors

To

Elizabeth A Beam

EXCEPT

This Indenture made this 27th day of December 1904 between William F Armstrong and Isabella S Armstrong executors of and trustees under the will of Francis Armstrong, deceased, residents of Salt Lake County State of Utah parties of the first part and Elizabeth A Beam a resident of Oneida County Idaho party of the second part, WITNESSETH:

That whereas Francis Armstrong is now deceased, and said parties of the first part were duly appointed executors of and trustees under the will of said deceased, and have qualified as such and are acting in that capacity, and are authorized by the will of said deceased to sell and convey any of the property of the estate of said deceased upon such terms and conditions as to them seems to the best interest of the estate of said deceased without application to or authority from or confirmation by any court, and it seems to the best interest of the estate of said deceased that the sale hereinafter referred to be made.

Now, therefore, in consideration of the sum of \$1.00 and other valuable considerations, receipt of which is hereby acknowledged, said parties of the first part have and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, her heirs and assigns forever, the following described water rights situated in Oneida County, State of Idaho to wit:

All the right, title and interest of said estate in and to the waters of Spring Creek and what is known as Spring Creek Reservoir, excepting therefrom however, a perpetual water right of sufficient water to irrigate two (2) acres of land to be taken from said stream or reservoir and to be used wherever said parties may elect; and excepting and reserving, also, to said parties of the first part all the springs and waters arising below the dam of said Spring Creek Reservoir as now constructed, the same being situated immediately north of the north line of section 3 township 14 south range 39 east Boise meridian.

To have and to hold the dame unto said party of the second part her heirs and assigns forever.

In witness whereof the parties of the first part have signed their names the day and year first above written.

Witness

Oscar W. Moyle

RECEIVED

NOV 16 1981

Department of Resources
Office

Isabella S Armstrong
William F Armstrong
Executors of and Trustees under
the will of Francis Armstrong
deceased.

RECEIVED

NOV 16 1981

Department of Water Resources
Eastern District Office

November 16, 1981

Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83402

COMES NOW STRONGARM RESERVOIR IRRIGATION DISTRICT, whose address is Rt. #3, Preston, Idaho, 83263 and files an exception to Claim No. 13-4057 for the following reason:

The water from the springs and reservoir was never sold or conveyed to the claimant nor any of his predecessors, i.e., Wilford Bosworth. The only water right which was owned by the claimant or his predecessor was a perpetual right for the irrigation of two acres of land.

Joseph C. Hedin

President, Strongarm Reservoir
Irrigation District

I hereby acknowledge that Joseph C. Hedin signed in my presence
this 16th day of November, 1981.

Patricia Wray

NOTARY PUBLIC

Residing at: Idaho Falls, ID

My commission expires: 6/15/85

November 25, 1981

RE: Claim to a Water Right No. 13-4057

Heber &/or Geneal B. Swainston
Rt. #3, Box 203
Preston, Idaho 83263

Dear Mr. & Mrs. Swainston:

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
.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 Administration (renamed Department of Water Resources July 1, 1974) 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 conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

November 25, 1981

RE: Claim to a Water Right No. 13-4057 SWAINSTON

Joseph C. Hedin, President
Strongarm Reservoir Company
Rt. #3
Preston, Idaho 83263

Dear Mr. Hedin:

We have received the exception dated November 16, 1981, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department----Corrections.-----

.....
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 Administration (renamed Department of Water Resources, July 1, 1974) 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 conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

I started living on the farm
in april 1934 and lived there
until may 1938 and used
the described water on the
Property

James T Williams

RECEIVED

OCT 21 1977

Department of Water Resources
Eastern District Office