

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

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

CIVIL CASE NUMBER: 79576

Ident. Number: 13-4057
Date Received: 4/8/2024
Receipt No: *P001428*
Claim Fee: *\$54.00*
Received By: *m3*

RECEIVED

OCT 15 2024

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

IDWR/Preston

1. Name of Claimant(s)

HEBER C SWAINSTON & SONS LAND COMPANY LLC
4035 N 1600 W
PRESTON ID 83263

Phone: (208) 221-6902

2. Date of Priority: 4/1/1908

3. Source:

SPRING
UNNAMED STREAM
UNNAMED STREAM

Trib. to:

BATTLE CREEK
BATTLE CREEK

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
13S	39E	34	NE SE		FRANKLIN	
13S	39E	35	SW NW		FRANKLIN	
13S	39E	34	NE SE		FRANKLIN	

5. Description of diverting works:

This spring is the original water source that was developed to supply the domestic use. Spring is shallow dug approximately 15ft deep.

Original dam and ditch that diverts water for flood irrigation.

Culvert with a headgate that dams water and diverts it for flood irrigation.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
DOMESTIC	1/01	12/31	0.04		
IRRIGATION	04/15	10/31	0.4		

7. Total Quantity Appropriated is:

0.44 C.F.S. and/or A.F.A.

8. Non-irrigation uses:

1 home and barn.

9. Place of use:

DOMESTIC within FRANKLIN County

Township	Range	Section	¼	of	¼	Lot	Acres
13S	39E	34	NE		SE		

IRRIGATION within FRANKLIN County

Township	Range	Section	¼	of	¼	Lot	Acres
13S	39E	34	SE		NE		1.5
13S	39E	34	NE		SE		7.8
13S	39E	34	NW		SE		2.9
13S	39E	35	SW		NW		2.8

Total Acres = 15

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

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

13-2042 supplies the same home and irrigation. See maps on other claim for Point of Diversions and Places of Use.

12. Remarks:

Priority Date Explanation:

This is the date originally claimed, see water right backfile. To the best of my knowledge this is when the use began and continues to today in conjunction with license 13-2042.

13. Basis of Claim: Statutory Claim

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the BEAR River Basin Adjudication." (b.) I/We do

_____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am, and I have signed the foregoing document in the space below as the

_____ Member _____ of _____ HEBER C SWAINSTON & SONS LAND COMPANY LLC _____
Agents Title (please print) Name of Organization (please print)

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

Signature of Authorized Agent  Date 4/08/2024

Printed Name of Authorized Agent Allan Swainston

Signature of Authorized Agent  Date 4/08/2024

Printed Name of Authorized Agent Kay Swainston