

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A29-10618
Date Received: 4/26/1990
Receipt No: E012406
Received By: DW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LARRY M. STEWART 208-233-2280
Address: 8793 N. KRAFT RD.
POCATELLO, ID 83204

OR

Name: MARGIE J. STEWART 208-233-2280
Address: 8793 N. KRAFT RD.
POCATELLO, ID 83204

2. Date of Priority: MAY 15, 1947

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	34E	21	NE	NW			BANNOCK

5. Description of diverting works:

WELL AND PUMP TO ONE HOUSE, STOCK, AND IRRIGATION FOR TWO ACRES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		
IRRIGATION	04/01	09/01	0.060		

7. Total Quantity Appropriated is:

0.120 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 6.0 Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC FOR ONE HOUSE AND STOCKWATER FOR HORSE, CHICKENS, AND COWS

A29-10618

Page 1

Date: 04/26/90

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A2910618



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	34E	21	NE	NW		DOMEST	
			NE	NW		STOCK	
			NE	NW		IRR	

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576
Ident. Number A29-10618
Date Received 3-16-90
Receipt Number E012406

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Larry M or Margie J. Stewart Phone (208) 253 2280
Mailing Address 8793 N Kraft Rd. Burley Idaho Zip 83204
2. Date of Priority (Only one (1) per claim) MAY 15 1947
3. Source of water supply (a) ground water
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 6S Range 34E Section 521,
NE 1/4 of NW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Bannock County
Additional points of diversion if any: NONE
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 100 feet Deep 8 inch
casing 1 1/2 horse motor.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For DOMESTIC purposes from 01-01 to 12-31 amount .04 or _____

For STOCKWATER purposes from 01-01 to 12-31 amount .02 or _____

For IRRIGATION purposes from 4-01 to 9-01 amount .06 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .12 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 13 households served

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>6S</u>	<u>34E</u>	<u>21</u>					<u>2</u>												<u>2</u>

Total number of acres irrigated 2

11. In which county (ies) are lands listed above as place of use located? BANNOCK

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks:

6

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Last Name Stumpf Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Larry M Stewart Date 3,16,1990

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 16th day of March 19 90

SEAL

Notary Public Betty J Thompson

Residing at BETTY J. THOMPSON, NOTARY PUBLIC

My Commission Expires RESIDENCE: 1000 N. 1000 E., IDAHO

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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NOV 16 1992

Last Name Stewart Ident. Number _____

Copies White-State, Yellow-Claimant

Log for claim A29-10618

Spatial Dynamics BTD

9/25/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s34e	21	NENW	2	1.7	POD Placement?
Totals:			2	1.7	

Priority Evidence May, 22 1952 - Claimant Requested
Amended claim to
Adjust Priority

AJ5809NP
No. A29-10618

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 146

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LARRY M STEWART	05/15/1947	IRRIGATION	04-01 09-01	0.060 CFS	
C	MARGIE J STEWART		STOCKWATER	01-01 12-31	0.020 CFS	
	8793 N KRAFT RD		DOMESTIC	01-01 12-31	0.040 CFS	
	POCATELLO ID 83204					
	(208) 233-2280					
				TOTAL DIVERSION:	0.120 CFS	
				CONSUMPTIVE USE:		6.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T06S R34E S21 NENW

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
---	---	---	---	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	---
06S	34E	21	:					:					:					:							:	2.0
																							TOTAL ACRES	:	2.0	

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE										
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			
---	---	---	---	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
06S	34E	21	:					:					:					:						:		

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE										
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			
---	---	---	---	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
06S	34E	21	:					:					:					:						:		

POU County: BANNOCK

Non-Irrigation Uses: DOMESTIC FOR ONE HOUSE AND STOCKWATER FOR HORSE,CHICKENS,AND COWS

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-10844 A29-10845 A29-12260

Other Water Rights Listing Overlapping Place(s) of Use:
A29-10844 A29-10845

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

AJ5809NP
No. A29-10618

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 147

=====

Audit: 04/26/90 WALRATH 07/23/92 SHAFF 08/03/94 THOMPSON 03/29/95 POST-STD

March 3, 1995

Dave Carlson
Water Right Agent, Adjudications
State of Idaho
Department of Water Resources
900 N. Skyline Drive
Idaho Falls, ID 83402-1718

RE: Water Right Number A29-10618, 8793 N. Kraft Rd. Pocatello

Dear Mr. Carlson,

In response to your January 3, 1995 correspondence, I am submitting the information asked for in order to support the PRIORITY DATE of use on our well.

Since the time we submitted our original PRIORITY DATE, we have been able to pinpoint more closely the well drilling date and when the well was used for commercial and other beneficial use.

The property was sold by Keith B. McCardell to Odell P. Reich on May 22, 1952. Mr. McCardell lives and has lived on the neighboring acreage since approximately 1944. Shortly after the exchange, Mr. Reich had a well drilled by Chris Vollmer, who has been deceased since sometime in the 1950's. The well was drilled before the basement was poured and the house constructed. Mr. McCardell's sons, Mike and Pete, were hired by Mr. Reich to sprinkle the concrete of the basement until it was cured. Also, Mr. Reich's business was installing septic tanks. The boys were also hired to sprinkle the concrete used in the construction of these. The upstairs of the house, was used as a business location with Mr. Reich and his family living in the basement.

In light of the above information, we would like to set our PRIORITY DATE as May 22, 1952.

On April 21, 1953, Mr. Reich sold the property to Russell Black.

On October 19, 1953 Russell Black sold the property to William Mottishaw.

William Mottishaw rented the acreage, not the house, to myself (Larry M. Stewart) from 1960 until I purchased the house and the property.

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NOV 13 1996

Page 2

On December 16, 1964, William Mottishaw sold the property to myself (Larry M. Stewart). I have had livestock on the property since 1960. The livestock has consisted of horses, cows, chickens, pigs, sheep and goats.

Please accept this notarized letter, with the signatures of myself and Keith B. McCardell as the necessary proof to support the PRIORITY DATE.

Sincerely,

Larry M Stewart
Larry M. Stewart
8793 N. Kraft Rd.
Pocatello, ID 83204

Keith B McCardell
Keith B. McCardell
8853 N. Kraft Rd.
Pocatello, ID 83204

3-3-85

Leigh Ann Languein
1896 Capite
Pocatello, ID.
Expires 5-3-99

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NOV 13 1990

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Stewart

CLAIM NO.

A29-10618

DATE RECEIVED

3/16/90

CK #

AMOUNT \$

1. Is the name and address complete with zip code? ☒ YES ☐ NO
2. Is a priority date entered? ☒ YES ☐ NO
Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO
See Adjudication Memos #1 and #4 to determine if a Permit is required.
3. (a) Is a source entered? ☒ YES ☐ NO
(b) Is a tributary to entered? (if required) ☐ YES ☒ NO N/A
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO
5. Is there a description of the diverting works? ☒ YES ☐ NO
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO
Is the period of use included? ☐ YES ☐ NO
Is a quantity claimed for each use? ☐ YES ☐ NO
7. Is a total quantity claimed entered? ☐ YES ☐ NO
8. If required is a consumptive use entered? ☐ YES ☒ NO N/A
Is the consumptive use correct? ☐ YES ☒ NO N/A
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO N/A
10. Is (are) the place(s) of use and purpose(s) indicated? ☐ YES ☐ NO
11. Is (are) the county(ies) entered? ☐ YES ☐ NO
12. Is the ownership of p.u. checked? ☐ YES ☐ NO
13. Are other water rights listed or "none" indicated? ☐ YES ☐ NO
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☐ NO N/A
15. Is the basis of the claim indicated? ☒ YES ☐ NO
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☐ NO N/A
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☐ YES ☐ NO
18. Has the claim been signed, sealed, and dated by a notary? ☐ YES ☐ NO
19. Was this claim filed on time, or was an extension granted? ☐ YES ☐ NO
20. Is the fee enclosed correct? ☐ YES ☐ NO Exempt
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☐ NO N/A
22. Should this claim be data entered? ☒ YES ☐ NO

Required info?

1
2
4
0
6should be
6 A/A/AD

Claim checked by:

DC

Date:

3/21/90

Claim must be returned to claimant:

(Yes) ☒ (No)

Claimant must be notified of modifications:

(Yes) ☒ (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

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Comments:

NOV 16 1992