

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: A65-00071B
Date Received: 2/ 9/1990
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEWART DITCH CO 208-278-3806
Address: C/O BRUCE LYSGAARD
2068 COUNTY LINE RD
EMMETT ID 83617

2. Date of Priority: APR 1, 1919

3. Source: PAYETTE RIVER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	03W	21	SW	SE			GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.440		

7. Total Quantity Appropriated is:
2.440 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	03W	7	NE	SW	7	IRR	25.0
			NW	SW	6	IRR	24.0
			SW	SW	8	IRR	22.0
			SE	SW		IRR	31.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	03W	7	SW	SE	9	IRR	29.0
			SE	SE	10	IRR	21.0
			Section Acres				152.0
		17	NW	NW		IRR	10.0
			SW	NW		IRR	34.0
			NW	SW		IRR	32.0
			Section Acres				76.0
		18	NE	NE		IRR	37.0
			NW	NE		IRR	38.0
			SW	NE		IRR	20.0
			SE	NE		IRR	31.0
			NE	NW		IRR	31.0
			NW	NW	1	IRR	28.0
			NE	SE		IRR	3.0
			Section Acres				188.0
			Total Acres				416.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

SEE 65-0071A.

STEWART WATER DELIVERED BY RASMUSSEN DITCH.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs

Decree Defendant

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): A65-00071A, -00071B, RECEIVED
-00071C, -00071X

APR 03 2000

WATER RESOURCES
WESTERN REGION

[] Old Mailing Address: Stewart Ditch Co.
C/O Gary Stott
2001 Little Rock Rd.
Emmett, ID 83617

[] New Mailing Address: Stewart Ditch Co
C/O Bruce Lysegard
2068 County Line Rd.
Emmett, ID 83617

New Telephone Number: (208) 278-3806

[] Signature of Claimant: X Terry Shipper, President
Date: 3-30-00

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:

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: A65-00071B
Date Received: 2/ 9/1990
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEWART DITCH CO 208-365-6835
Address: C/O GARY STOTT
2001 LITTLE ROCK RD
EMMETT ID 83617

2. Date of Priority: APR 1, 1919

3. Source: PAYETTE RIVER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	03W	21	SW	SE			GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.440		

7. Total Quantity Appropriated is:
2.440 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

MICROFILMED

AUG 03 1994

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	03W	7	NE	SW	7	IRR	25.0
			NW	SW	6	IRR	24.0
			SW	SW	8	IRR	22.0
			SE	SW		IRR	31.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	03W	7	SW	SE	9	IRR	29.0
			SE	SE	10	IRR	21.0
			Section Acres				152.0
		17	NW	NW		IRR	10.0
			SW	NW		IRR	34.0
			NW	SW		IRR	32.0
			Section Acres				76.0
		18	NE	NE		IRR	37.0
			NW	NE		IRR	38.0
			SW	NE		IRR	20.0
			SE	NE		IRR	31.0
			NE	NW		IRR	31.0
			NW	NW	1	IRR	28.0
			NE	SE		IRR	3.0
			Section Acres				188.0
			Total Acres				416.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

SEE 65-0071A.

STEWART WATER DELIVERED BY RASMUSSEN DITCH.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

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AUG 03 1994

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 _____

MICROFILMED

AUG 03 1994

RECEIVED

MAR 22 1993

Department of Water Resources
Western Regional Office

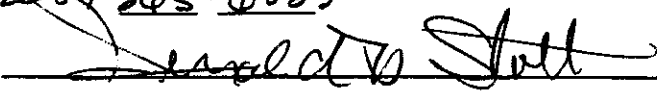
CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): AGS-00071A, 00071B
00071C, 00071X

[] Old Mailing Address: Stewart Ditch Co,
40 Nelda Platz 6550 Dallas Rd
New Plymouth, ID 83655

[] New Mailing Address: Stewart Ditch Co.
40 Gary Stott 2001 Little Rock Rd
Emmett, ID 83617

New Telephone Number: (208) 365-6835

[] Signature of Claimant: 

Date: March 15, 1993

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 3-30-93

By: AD

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date: 3-30-93

By: AD

MICROFILMED

AUG 03 1994

Jid.

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: A65-00071B
Date Received: 2/09/1990
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEWART DITCH CO. 208-278-3040
Address: C/O NELDA PLATZ
6550 DALLAS RD.
NEW PLYMOUTH, ID 83655

2. Date of Priority: APR 01, 1919

3. Source: PAYETTE RIVER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	03W	21		SW	SE		GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.440		

7. Total Quantity Appropriated is:
2.440 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	03W	7	NE	SW	7	IRR	25.0
			NW	SW	6	IRR	24.0
			SW	SW	8	IRR	22.0

A65-00071B

Page 1

Date: 04/16/90

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SEP 15 1992

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. No.

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

Please type or print clearly:

Name of Claimant(s) Stewart Ditch Co
% Nelda Platz - 6550 Dallas Rd
New Plymouth, Id 83655

Mailing Address
(include Zip Code) _____

Phone Number (208) 278 - 3040

MICROFILMED
SEP 15 1992

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: 65-00071B
DATE RECEIVED: 2-9-90
RECEIPT NO: X999999
RECEIVED BY: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: STEWART DITCH CO.
ADDRESS: C/O LENARD PLATZ
1215 LITTLE ROCK RD.
EMMETT, ID

83617

RECEIVED
FEB 9 1990

Department of Water Resources

2. DATE OF PRIORITY: APR 01, 1919

3. SOURCE: PAYETTE RIVER TRIB. TO:

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
07N	03W	21	SW	SE			GEM

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	03/15	11/15	2.440		

7. TOTAL QUANTITY APPROPRIATED IS:
2.440 C.F.S. (AND/OR)

A.F.A.

8. TOTAL CONSUMPTIVE USE IS ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
----------	-------	---------	--------	-----	-----	-----	-------

11. PLACE OF USE IN COUNTIES: GEM, GEM

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

65-00071B

PAGE 1

DATE: 10/28/89

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SEP 15 1992

13. OTHER WATER RIGHTS USED:

14. REMARKS:

SEE 65-0071A.

STEWART WATER DELIVERED BY RASMUSSEN DITCH.

15. BASIS OF CLAIM: DECREED

CASE NUMBER:

COURT :

DECREE DATE: 1/21/1986

STATE OF IDAHO

DECREE PLAINTIFF

A & C CORP., ET AL.

VS

DECREE DEFENDANT

MICROFILMED

SEP 15 1992

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: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM President OF
LETHA IRRIGATION & WATER CO. TITLE
ORGANIZATION, THAT I HAVE SIGNED THE FOREGOING

DOCUMENT IN THE SPACE BELOW AS PRESIDENT OF
TITLE
LETHA IRRIGATION AND WATER CO. AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

Howard Platt
SIGNATURE OF AUTHORIZED AGENT
PRESIDENT

LETHA IRRIGATION & WATER CO.
TITLE AND ORGANIZATION

February 8, 1990
DATE

STATE OF IDAHO)
COUNTY OF Payette) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 8th DAY
OF February 19 90

Betty M. Myers
NOTARY PUBLIC

SEAL

RESIDING AT New Plymouth

MY COMMISSION EXPIRES 4-22-91
DATE: 10/28/89

MICROFILMED
SEP 15 1992

Water Right Number - 65-00071B Adj. Flag Translation: Standard Water Right Number Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
STEWART DITCH CO.

1 - C/O LENARD PLATZ
2 - 1215 LITTLE ROCK RD.
3 -
City- EMMETT State- ID Zip- 83617
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/01/1919 14 D - DECREED

+ - - - - Source - - - - + + - - - - Tributary - - - - - +
PAYETTE RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

07N 03W 21 SW SE (45) GEM

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 03/15 11/15 2.440

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.440

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

Total Acres:

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
SEE 65-0071A.
STEWART WATER DELIVERED BY RASMUSSEN DITCH.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
STATE OF IDAHO A & C CORP., ET AL. 01/21/1986

MICROFILMED
SEP 15 1992

Water right number - 65-00071B

Adj. flag translation: Standard Water Right Number

+ - - Audit Fields - 09/05/86

04/30/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000
Approved/Denied - 00/00/0000
Proof Made Date - 00/00/0000
Start Work Date - 00/00/0000
Order Show Cause - 00/00/0000
Licensed Date - 00/00/0000
Decree Date - 01/21/1986

Field Exam Made - 00/00/0000
Protested Date - 00/00/0000
Hearing Date - 00/00/0000
Verified Date - 00/00/0000
Receipt Number -
Appl Received - 00/00/0000
Presumption Flag -

Field Exam Fee -
Swan Falls -
Temporary Right - P
DLE/Carey Act -
Water District - 65
Transfer/Amended -
Microfilm Roll Number -

MICROFILMED
SEP 15 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Stewart Ditch Co.CLAIM IDENT. NO. AGS-00071BDATE RECEIVED 2-9-90

CK # _____

AMOUNT \$ exempt

YES

NO

Required
Info?

1. Is the name and address complete with zip code? YES NO Required Info? *
2. Is a priority date entered? YES NO Required Info? *
- Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a permit is required. YES NO *
3. (a) Is a source entered? YES NO *
- (b) Is a tributary to entered? (if required) N/A YES NO *
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? N/A YES NO *
- Is the consumptive use correct? N/A YES NO *
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. N/A YES NO *
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.) N/A YES NO *
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.) N/A YES NO *
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? Exempt YES NO *
21. If this claim is based on an existing water right, has the identification number been entered? N/A YES NO *
22. Should this claim be data entered? YES NO *

Claim checked by: RADate: 4/3/90Claim must be returned to claimant: (Yes) (No)Claimant must be notified of modifications: (Yes) (No)

Receipt Prepared by: _____
Claim data entered by: Jodie
Sent to claimant by: _____

Date: _____

Date: _____

Date: _____

Checked by: _____

Date: _____

Comments: _____

MICROFILMED

SEP 15 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

(208) 334-2348

November 12, 2002

STEWART DITCH CO
C/O BRUCE LYSGAARD
2221 TANGLEWOOD LN
EMMETT ID 83617-9021

Re: Snake River Basin Adjudication (SRBA)
Water Right No. 65-00071A, 65-00071B, 65-00071C & 65-00071X
Change of Address

Dear Water Right Holder(s):

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation that this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your claim or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to our office. Make corrections to your name and address if necessary before returning this letter. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update or records.

If there has been a change in ownership of any of the properties connected with the water right referenced above, please call this office to obtain a form to make this required change to the water right records.

Sincerely,

Adjudication Section
Western Region

The address is correct as shown above or as otherwise changed.

Bruce Lysgaard
Signature of water right claimant

365-3338
Telephone number

All rights are
decreed.

forwarded original
to S.O. to process
11-21-02

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RECEIVED

NOV 20 2002

WATER RESOURCES
WESTERN REGION

RECEIVED
JUL 17 2002
WATER RESOURCES
WESTERN REGION

05-0071 A
00071 B
00071 C
00071 X

STEWART DITCH CO
C/O BRUCE LYGGAARD
2068 COUNTY LINE RD
EMMETT, ID 83617

DATE _____

8303-26721

LYSG069 036172001 1501 05 07/10/02
FORWARD TIME EXP RTN TO SEND
LYSGAARD
3321 TANGLEWOOD LN
EMMETT ID 83617-9021

RETURN TO SENDER

[illegible]

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-00071B

NAME AND ADDRESS: STEWART DITCH CO
C/O BRUCE LYSGAARD
2068 COUNTY LINE RD
EMMETT, ID 83617

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 2.44 CFS

USE OF THIS RIGHT WITH RIGHT NO. 65-00071A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 14.10 CFS. USE OF THIS RIGHT
WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 60.12 CFS. COMBINED RIGHT NOS.: 65-00071A,
65-00071C & 65-00071X.

PRIORITY DATE: 04/01/1919

POINT OF DIVERSION: T07N R03W S21 SWSE Within Gem County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.44 CFS

PLACE OF USE:
USE OF THIS RIGHT WITH RIGHT NO. 65-00071A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 416 ACRES IN A SINGLE
IRRIGATION SEASON WITHIN THE BOUNDARIES OF THE STEWART DITCH CO.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

02/05/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-71B

NAME AND ADDRESS: STEWART DITCH CO
C/O BRUCE LYSGAARD
2068 COUNTY LINE RD
EMMETT, ID 83617

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.44 CFS

USE OF THIS RIGHT WITH RIGHT NO. 65-00071A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 14.10 CFS
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 60.12 CFS. COMBINED RIGHT
NOS.: 65-00071A, 65-00071C & 65-00071X

PRIORITY DATE: 04/01/1919

POINT OF DIVERSION: T07N R03W S21 SWSE Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3-15 11-15	2.44 CFS

PLACE OF USE:

USE OF THIS RIGHT WITH RIGHT NO. 65-00071A IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 416 ACRES IN A SINGLE
IRRIGATION SEASON WITHIN THE BOUNDARIES OF THE STEWART DITCH
CO.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 65-00071A & 65-00081

AJ0749NP
No. R65-00071B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 04/03/00
PAGE: 1

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STEWART DITCH CO C/O BRUCE LYSGAARD 2068 COUNTY LINE RD EMMETT ID 83617 (208) 278-3806	04/01/1919	IRRIGATION	03-15 11-15	2.440 CFS	
TOTAL DIVERSION:					2.440 CFS	

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T07N R03W S21 SWSE

GEM County

POU County:

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 65-00071A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 14.10 CFS.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 60.12 CFS. COMBINED RIGHT NOS.:
65-00071A, 65-00071C & 65-00071X.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 65-00071A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 416 ACRES IN A SINGLE
IRRIGATION SEASON WITHIN THE BOUNDARIES OF THE STEWART DITCH CO.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 65-00071A & 65-00081.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

Comments: Date: 04/03/2000 User-ID: MSCHULTE Subject: COPIED FROM REMARKS
STEWART WATER DELIVERED BY RASMUSSEN DITCH.

Date: 04/03/2000 User-ID: MSCHULTE Subject: DELIVERY LOSS
WHEN THIS RIGHT IS COMBINED WITH 65-00071A, 1.78 CFS OF THE
DIVERSION RATE IS FOR DELIVERY LOSS AS PROVIDED IN THE PAYETTE
RIVER BASIN ADJUDICATION.

Audit: 04/03/00 MSCHULTE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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03/22/00
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PAGE: 21
PROFILE REPORT

CLAIM NUMBER: A65-000718

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STEWART DITCH CO	04/01/1919	IRRIGATION	03-15 11-15	2.440 CFS	
					TOTAL DIVERSION:	2.440 CFS

Water Source: PAYETTE RIVER Tributary to: Stage: DECREED
Point(s) of Diversion: T07N R03W S21 SWSE GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07N	03W	7	:											07-25	06-24	08-22	31			09-29	10-21	:	152.0
07N	03W	17	:							10	34				32							:	76.0
07N	03W	18	:	37	38	20	31			31	01-28							03				:	188.0
																					TOTAL ACRES		416.0

POU County: GEM

Remarks: GEN SEE 65-0071A.
STEWART WATER DELIVERED BY RASMUSSEN DITCH.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

*See A65-00071A CVR and file.
Recommended as decreed in the PRBA.*

WR5809NP
No. 65-00071B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/30/00
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
P	STEWART DITCH CO. C/O NELDA PLATZ 6550 DALLAS RD. NEW PLYMOUTH ID 83655 (208) 278-3040	04/01/1919	IRRIGATION	03/15 11/15	2.440 CFS	
				TOTAL DIVERSION:	2.440 CFS	
C	STEWART DITCH CO. C/O LENARD PLATZ 1215 LITTLE ROCK RD. EMMETT ID 83617					

Water Source: PAYETTE RIVER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T07N R03W S21 SWSE

GEM County

Pou County:

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-00081 65-03666

Remarks: GEN SEE 65-0071A.
STEWART WATER DELIVERED BY RASMUSSEN DITCH.

Dates: App. Received: Priority Date: 04/01/1919
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

Audit: 09/05/86 04/30/88 CONVERT 08/05/92 NAME-ADD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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03/22/00

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QUICKLOOK INFORMATION

41
CLAIM NUMBER: A65-000718

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			MS Angelle 4-3-00	N		MS 4-3-00	MS 4-3-00	
POINT OF DIV				N				
SOURCE				N				
PLACE OF USE	Y			Y				
DIV. AMOUNT CFS/VOLUME				N				
CONSUMPTIVE USE				N				
PURPOSES OF USE				N				
PERIOD OF USE				N				
BASIS OF CLAIM	Y			N				
REMARKS	Y			Y				

BARCODE UPDATED
WHOM/DATE

See A65-00071A

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
☒ TOPOGRAPHIC	DATE FIELD CHECKED <u>1970 map</u> IDWR ID NO. <u>W5</u>	Y(☒) N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:23:11
03/22/00

PAGE: 1
GENERAL INFORMATION

22
CLAIM NUMBER: A65-00071B

LAST: STEWART DITCH CO
ADDRESS: C/O LENARD PLATZ
1215 LITTLE ROCK RD
CITY: EMMETT
PHONE NUMBER: 208-000-0000
STATE: ID ZIP: 83617

FIRST:

OWNER CODE: 0

LAST: STEWART DITCH CO
ADDRESS: C/O NELDA PLATZ
6550 DALLAS RD
CITY: NEW PLYMOUTH
PHONE NUMBER: 208-278-3040
STATE: ID ZIP: 83655

FIRST:

OWNER CODE: 0

LAST: STEWART DITCH CO
ADDRESS: C/O GARY STOTT
2001 LITTLE ROCK RD
CITY: EMMETT
PHONE NUMBER: 208-365-6835
STATE: ID ZIP: 83617

FIRST:

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN SEE 65-0071A.
STEWART WATER DELIVERED BY RASMUSSEN DITCH.

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FIELD EXAMINATION INFORMATION

23
CLAIM NUMBER: A65-00071B

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

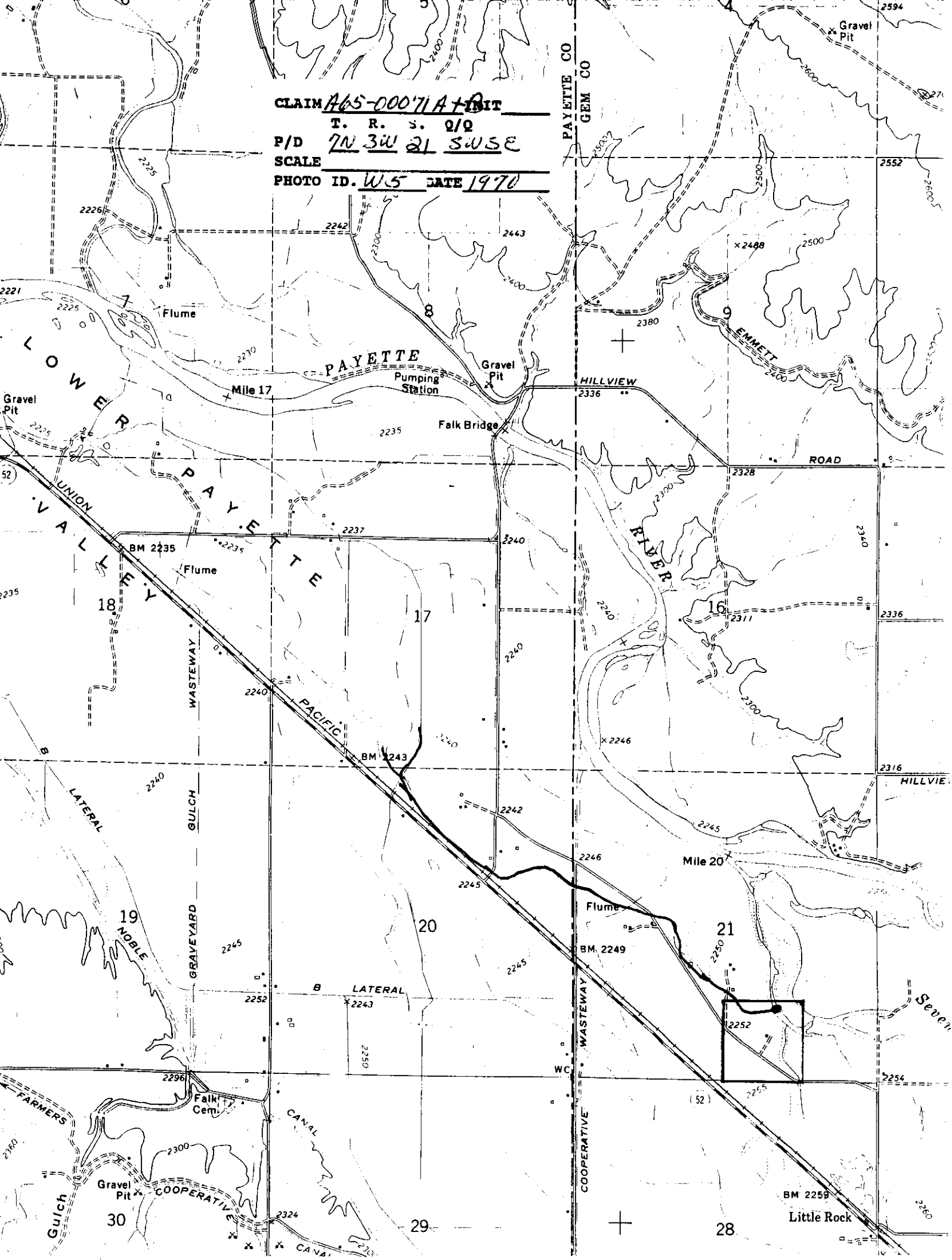
CLAIM A65-00071A + BIT

T. R. S. Q/Q

P/D 7N 3W 21 S WSE

SCALE

PHOTO ID. W5 DATE 1970



Stewart Ditch Co.

Summary of Diversion Rates & Acres

	<u>DR</u>	<u>Ac</u>
A65-00071A	11.66 cfs	* 4/6 ac.
-00071B	2.44	* 4/6
-00071C	8.10	341
-00071X	<u>37.92</u>	<u>1292</u>
	60.12 cfs	2049.

* same place of use.

Points of Diversion overlaps

6N, 3W, S1, SWNW = A65-00071C, -00080, -00403A, -0040
7N, 3W, S17, NENE L+1 = A65-00071X,
 , S21, SWSE = A65-00071A, -00071B, -00081
 , S35, SWNW = A65-00071X, -00079



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

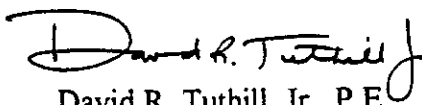
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,


David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief