

15
Vicki Kelly

08/08/2001

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

RIGHT NUMBER: 35-13271A MODIFIED PER TRANSFER #68463

NAME AND ADDRESS: REID G STEWART
3100 W 1000 S
ABERDEEN, ID 83210

SOURCE: GROUND WATER

QUANTITY: 0.62 CFS
226.4 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.36 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 500 AF. COMBINED RIGHT NOS.:
35-02312C, 35-07882A AND 35-13271A.

PRIORITY DATE: 04/01/1987

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT
DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO
CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS
PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY
RIGHT IS THE SUPERIOR RIGHT.

POINT OF DIVERSION: T04S R31E S31 SESWSW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	0.62 CFS 226.40 AFY

PLACE OF USE:

<u>IRRIGATION Within BINGHAM County</u>					
T04S R31E S31	NESW	30	T04S R31E S31	NWSW	35
T04S R31E S31	SWSW	30	T04S R31E S31	SESW	30

125 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 125 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 35-02312C, 35-07882A AND 35-
13271A.

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.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 35-
02312C, 35-07882A PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 56.6 ACRES WITHIN THE
PLACE OF USE DESCRIBED FOR THIS RIGHT.



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 10, 2001

REID G STEWART
3100 W 1000 S
ABERDEEN ID 83210

RE: Transfer #68463 for water right(s) 35-2312C, 35-7882A and
35-13271A and Notice of Completed Administrative Proceeding
(NCAP)

Dear Sir:

On August 6, 2001, the Idaho Department of Water Resources (IDWR) approved Transfer #68463, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Cheri Vandermeulen
Records Clerk

**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

)

**Water Rights: 35-2312C, 35-7882A
AND 35-13271A**

)

Case No. 39576

)

)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer **68463**

☐ point of diversion ☒ place of use

☐ period of use ☐ nature of use

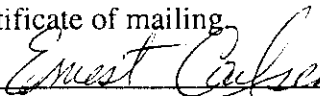
☐ split of water right ☐ change in ownership

☐ other

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Aug 10, 2001


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Aug. 10, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
REID G STEWART
3100 W 1000 S
ABERDEEN ID 83210
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Cheri Undermeulen

Signature of person or attorney mailing the form



STATE OF IDAHO

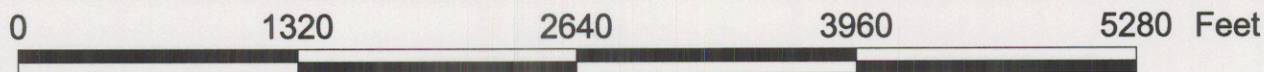
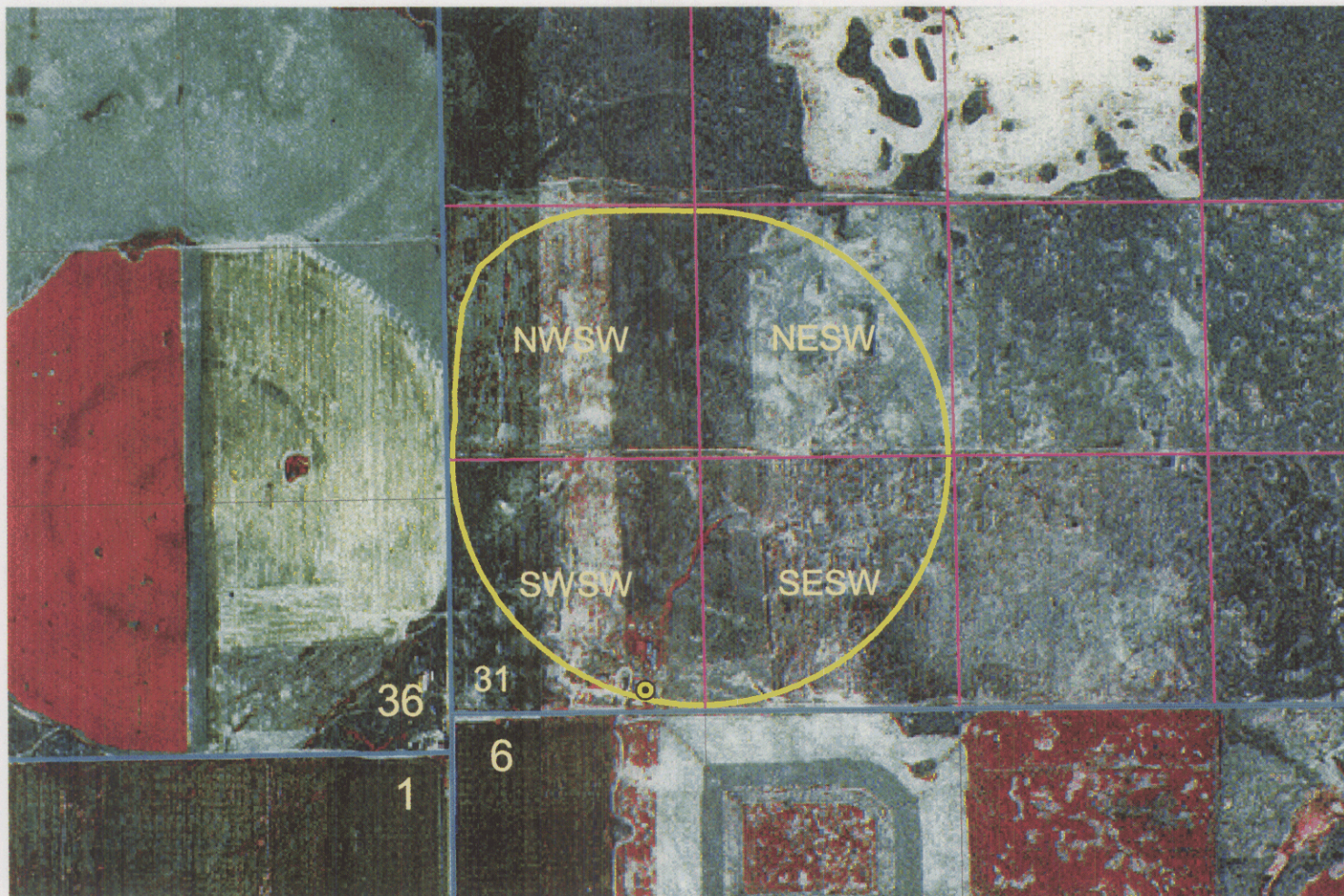
Department of Water Resources

Water Right(s): 35-2312C

35-7882A

35-13271A

T04S R31E



LEGEND



Point of Diversion



Place of Use

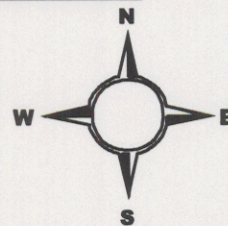


Section Line



Quarter-section line

Irrigated Acres = 125



GIS Place of Use illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: ☐ August 2001

TRANSFER APPLICATION STAGE

1) Recommended rights being transferred (from Part 2). Check IWTRS for partial decrees.

- | | |
|--------------|----|
| 1. 35-02312C | 4. |
| 2. 35-07887A | 5. |
| 3. 35-13271A | 6. |

*2) Overlapping recommended rights before and after proposed change. Check IWTRS for partial decrees.

- | | |
|--------------|----|
| 1. <u>NA</u> | 4. |
| 2. _____ | 5. |
| 3. | 6. |

TRANSFER APPROVAL STAGE

*1) Pedigree for parents and splits (children) due to approved transfer

NO SPLIT.

NAP sent
7/14/00

NCAP
Sent
8-10-01

*2) Any additional overlapping recommended rights

- | | |
|--------|----|
| 1. PA. | 4. |
| 2. | 5. |
| 3. | 6. |

* To be completed by agent EMC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68463

RECEIVED

AUG 09 2001

Department of Water Resources
Eastern Region

This is to certify that: REID STEWART
3100 W 1000 S
ABERDEEN ID 83210
(208)397-4572

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
35-2312C	AJC/License	03/17/1953	0.96 cfs	194.0 af	125.0	125.0	GROUND WATER
35-7882A	AJC/License	12/26/1979	0.40 cfs	79.6 af	125.0	125.0	GROUND WATER
35-13271A	AJC/Beneficial Use	04/01/1987	0.62 cfs		125.0	125.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

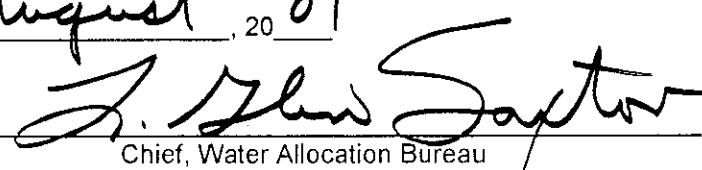
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
35-2312C	NO	NO	YES	NO	NO	NO
35-7882A	NO	NO	YES	NO	NO	NO
35-13271A	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
35-2312C	35-2312C	0.96 cfs	194.0 af	48.5	125.0		N/A	N/A	N/A	N/A
35-7882A	35-7882A	0.40 cfs	79.6 af	19.9	125.0		N/A	N/A	N/A	N/A
35-13271A	35-13271A	0.62 cfs	226.4 af	125.0	125.0		N/A	N/A	N/A	N/A
TOTALS		1.36 cfs	500.0 af	125.0	125.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6th day of August, 2001


Chief, Water Allocation Bureau

WATER RIGHT NO. 35-2312C**As Modified by Transfer No. 68463**

In accordance with the approval of Transfer No. 68463, Water Right No. 35-2312C is now described as follows.

Right Holder: REID G STEWART And/Or
 HEIDI F STEWART
 3100 W 1000 S
 ABERDEEN ID 83210

Priority Date: 03/17/1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.96 CFS	194.0 AF
			0.96 CFS	194.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESWSW Sec. 31 Twp 04S Rge 31E BINGHAM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S 31E 31									30.0	35.0	30.0	30.0					125.0

Total Acres: 125

CONDITIONS OF APPROVAL

1. Right 35-2312C is limited to the irrigation of 48.5 acres within the place of use described above in a single irrigation season.
2. Rights 35-02312C, 35-7882A and 35-13271A when combined shall not exceed a total diversion rate of 1.36 cfs, a total annual maximum diversion volume of 500.0 af at the field headgate, and the irrigation of 125.0 acres.
3. Right 35-13271 is based upon an enlargement of Rights 35-2312C and 35-7882A pursuant to Section 42-1426, Idaho Code.
4. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
5. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

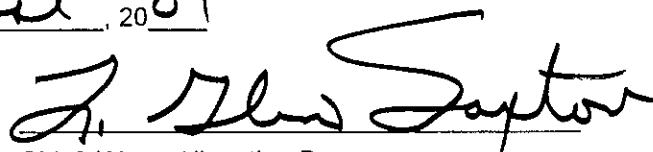
WATER RIGHT NO. 35-2312C
As Modified by Transfer No. 68463

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of August, 2001


Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7882A
As Modified by Transfer No. 68463

In accordance with the approval of Transfer No. 68463, Water Right No. 35-7882A is now described as follows.

Right Holder: REID G STEWART And/Or
 HEIDI F STEWART
 3100 W 1000 S
 ABERDEEN ID 83210

Priority Date: 12/26/1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	0.40 CFS	79.6 AF
		0.40 CFS	79.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESWSW Sec. 31 Twp 04S Rge 31E BINGHAM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S 31E 31									30.0	35.0	30.0	30.0					125.0

Total Acres: 125

CONDITIONS OF APPROVAL

1. Right 35-7882A is limited to the irrigation of 19.9 acres within the place of use described above in a single irrigation season.
2. Rights 35-02312C, 35-7882A and 35-13271A when combined shall not exceed a total diversion rate of 1.36 cfs, a total annual maximum diversion volume of 500.0 af at the field headgate, and the irrigation of 125.0 acres.
3. Right 35-13271 is based upon an enlargement of Rights 35-2312C and 35-7882A pursuant to Section 42-1426, Idaho Code.
4. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
5. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

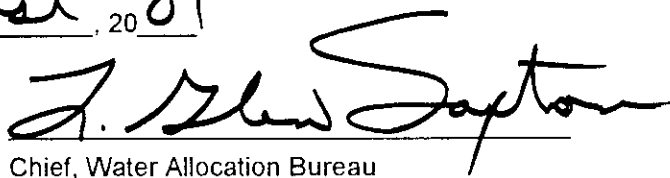
WATER RIGHT NO. 35-7882A
As Modified by Transfer No. 68463

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of August, 2001


Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13271A**As Modified by Transfer No. 68463**

In accordance with the approval of Transfer No. 68463, Water Right No. 35-13271A is now described as follows.

Right Holder: REID G STEWART And/Or
 HEIDI F STEWART
 3100 W 1000 S
 ABERDEEN ID 83210

Priority Date: 04/01/1987

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	0.62 CFS	226.4 AF
		0.62 CFS	226.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESWSW Sec. 31 Twp 04S Rge 31E BINGHAM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S 31E 31									30.0	35.0	30.0	30.0					125.0

Total Acres: 125

CONDITIONS OF APPROVAL

1. Rights 35-02312C, 35-7882A and 35-13271A when combined shall not exceed a total diversion rate of 1.36 cfs, a total annual maximum diversion volume of 500.0 af at the field headgate, and the irrigation of 125.0 acres.
2. Right 35-13271 is based upon an enlargement of Rights 35-2312C and 35-7882A pursuant to Section 42-1426, Idaho Code.
3. Right 35-13271A is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
4. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
5. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

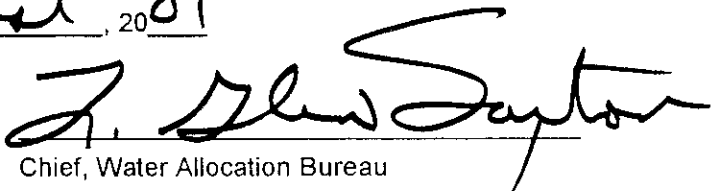
WATER RIGHT NO. 35-13271A
As Modified by Transfer No. 68463

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of August, 2001


Chief, Water Allocation Bureau