

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

35-02312C, 35-02312D, 35-07882, ~~35-07882A~~, 35-07882B, 35-13271, 35-13271A, 35-13271B

Case No. 39576

Water Rights: 35-02312A,

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDINGS

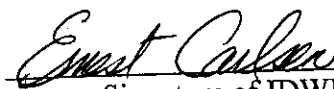
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☒ Substitution of Party/Split Water Right
- ☒ I.C. § 42-222 transfer 5479
 - ☒ point of diversion ☒ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

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: 9 Dec 1999

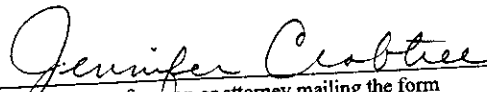


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 12/10, 1999, 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 STEWART
3100 W 1000 S
ABERDEEN ID 83210
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
RUFF TIMES TWO
3005 W 2100 S
ABERDEEN ID 83210
4. One copy to:
Each party in the subcase, or attorney of record
JOHN ROSHOLT
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906
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



Signature of person or attorney mailing the form



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

December 8, 1999

REID STEWART
3100 W 1000 S
ABERDEEN ID 83210

RE: Transfer #5479 (water right 35-02312A, 35-07882, 35-13271)
and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Stewart:

On October 1, 1999, the Idaho Department of Water Resources (IDWR) approved Transfer #5479, modifying a portion of the above referenced water right(s). Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right.

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,

Jennifer Crabtree
Technical Records Specialist

Eastman

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

35-07882A

TRANSFER NO. 5479
WATER RIGHT NO(S). 35-02312D/35-07882B/35-13271B

This is to certify that: REID STEWART
3100 W 1000 S
ABERDEEN ID 83210

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-02312D : IRRIGATION Priority: 03/17/1953	04/01 to 10/31	1.37 CFS	278.0 AF
Right No. 35-07882B : IRRIGATION Priority: 12/26/1979	04/01 to 10/31	0.62 CFS	124.4 AF
Right No. 35-13271B : IRRIGATION Priority: 04/01/1987	04/01 to 10/31	0.90 CFS	329.6 AF
TOTAL:		* 1.99 CFS	732.0 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 18, Township 06S, Range 30E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S 30E 17	NENW 32	NWNW 32	SWNW 32	128
	SEnw 32			55
18	NENE 32	NWNE 23		
Total number of acres irrigated:				** 183

CONDITIONS OF APPROVAL AND REMARKS

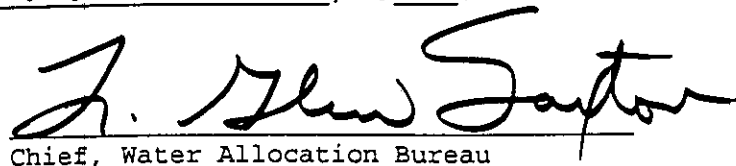
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

TRANSFER NO. 5479
WATER RIGHT NO(S). 35-02312D/35-07882B/35-13271B

CONDITIONS OF APPROVAL AND REMARKS

3. 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.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
- ** 8. Right 35-02312D is limited to the irrigation of 69.5 acres in the place of use described above in a single irrigation season.
- ** 9. Right 35-07882B is limited to the irrigation of 31.1 acres in the place of use described above in a single irrigation season.
- ** 10. Right 35-13271B is limited to the irrigation of 82.4 acres in the place of use described above in a single irrigation season.
- * 11. Rights 35-02312D, 35-07882B, and 35-13271B when combined shall not exceed a total diversion rate of 1.99 cfs.
12. Approval of Transfer 5479 does not confirm SRBA Claimed Right 35-13271B.
13. Right 35-13271B is an enlargement of Rights 35-02312D and 35-07882B pursuant to Section 42-1426, Idaho Code.
14. Right 35-13271B 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.

Dated this 1st day of October, 1999.


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 35-02312A, 35-07882 & 35-13271

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5479

DATE: September 30, 1999

Transfer 5479 changes the point of diversion & place of use under a portion of Rights 35-02312A (C & D), 35-07882 (A & B) and 35-13271 (A & B), splitting each right. The applicant is selling the transferred portion of the rights and a change of ownership will be required upon approval of the transfer.

These rights have been recommended in the SRBA and are currently under review by the court. The approval is based on these rights as recommended. These rights are used on a common system and no other rights appear to overlap. No drilling permit was identified for the new point of diversion.

Recommended conditions include drilling permit requirements, measuring & annual reporting, irrigation overlap, combined right limits, non-confirmation of claim, enlargement right conditions (35-13271), conjunctive management of sources and standard transfer conditions.

\$100 Fee

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5479
RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT JUN 22 1999

PART 1

Department of Water Resources
Eastern Region

Name of applicant REID STEWART Phone 208-397-4572
Post Office address 3100 W. 1000 S. Aberdeen ID 83210

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes I'm selling this portion of my
water right to my neighbor.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>35-02312 D</u>	<u>3/17/1953</u>	<u>1.39</u> ^{1.41}	<u>Irrigation</u>	<u>4-01</u> to <u>10-31</u>
<u>35-07882 B</u>	<u>12/26/1979</u>	<u>0.60</u> ^{0.59}	<u>"</u>	<u>"</u> to <u>"</u>
<u>35-13271 B</u>	<u>4/01/1987</u>	<u>0.83</u>	<u>"</u>	<u>"</u> to <u>"</u>

2. Total amount of water being transferred 1.99 ^{1.90} cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot:	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			<u>NE</u>	<u>NE</u>	<u>18</u>	<u>6S</u>	<u>30E</u>	<u>Bingham</u>

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>6S</u>	<u>30E</u>	<u>17</u>					<u>32</u>	<u>32</u>	<u>32</u>	<u>32</u>									<u>128</u>
		<u>18</u>	<u>32</u>	<u>23</u>															<u>55</u>

Total acres 183

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by Recommendation
 - a. SRBA Decree No. 35-02312A Decreed to Reid G. Stewart
in case of _____ vs. _____
dated _____ in _____ county of _____
 - b. License No. _____ issued by the Idaho Department of Water Resources.
 - c. Claim No. _____ on file with the Idaho Department of Water Resources.
 - d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
☒ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water Groundwater tributary to _____
4. Date or priority 3/17/1953
5. Water is used for the following purpose:
amount 2.33 cfs for Irrigation purposes from 4/01 to 6/31
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
6. Total amount of water under right 2.33 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
				31	4S	3E	Bingham	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	3E	31									40	40	30	40	40	40	39	39	308

Total acres 308

9. Describe any other water rights used for the same purpose as described above

35-07882 & 35-13271

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: Recordation
 - a. SRBA Decree No. 35-07882 Decreed to Reid G. Stewart
in case of _____ vs. _____
dated _____ in _____ county of _____
 - b. License No. _____ issued by the Idaho Department of Water Resources.
 - c. Claim No. _____ on file with the Idaho Department of Water Resources.
 - d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
☒ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water Groundwater tributary to _____
4. Date or priority 12/26/1979
5. Water is used for the following purpose:
amount 1.02 cfs for Irrigation purposes from 4/01 to 10/31
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
6. Total amount of water under right 1.02 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
				31	4S	31E	Bingham	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	31E	31									40	40	30	40	40	40	39	39	308

Total acres 308

9. Describe any other water rights used for the same purpose as described above 35-023124 + 35-13271

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by Recommendation
~~SRBA~~ 35-13271 Decreed to Reid G. Stewart
in case of _____ vs. _____
dated _____ in _____ county of _____
 - b. License No. _____ issued by the Idaho Department of Water Resources.
 - c. Claim No. _____ on file with the Idaho Department of Water Resources.
 - d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
☒ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water Groundwater tributary to _____
4. Date or priority 4/01/1987
5. Water is used for the following purpose:
amount 1.52 cfs for Irrigation purposes from 4/01 to 6/31
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
6. Total amount of water under right 1.52 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
				31	4S	31E	Bingham	

8. Lands irrigated or place of use:

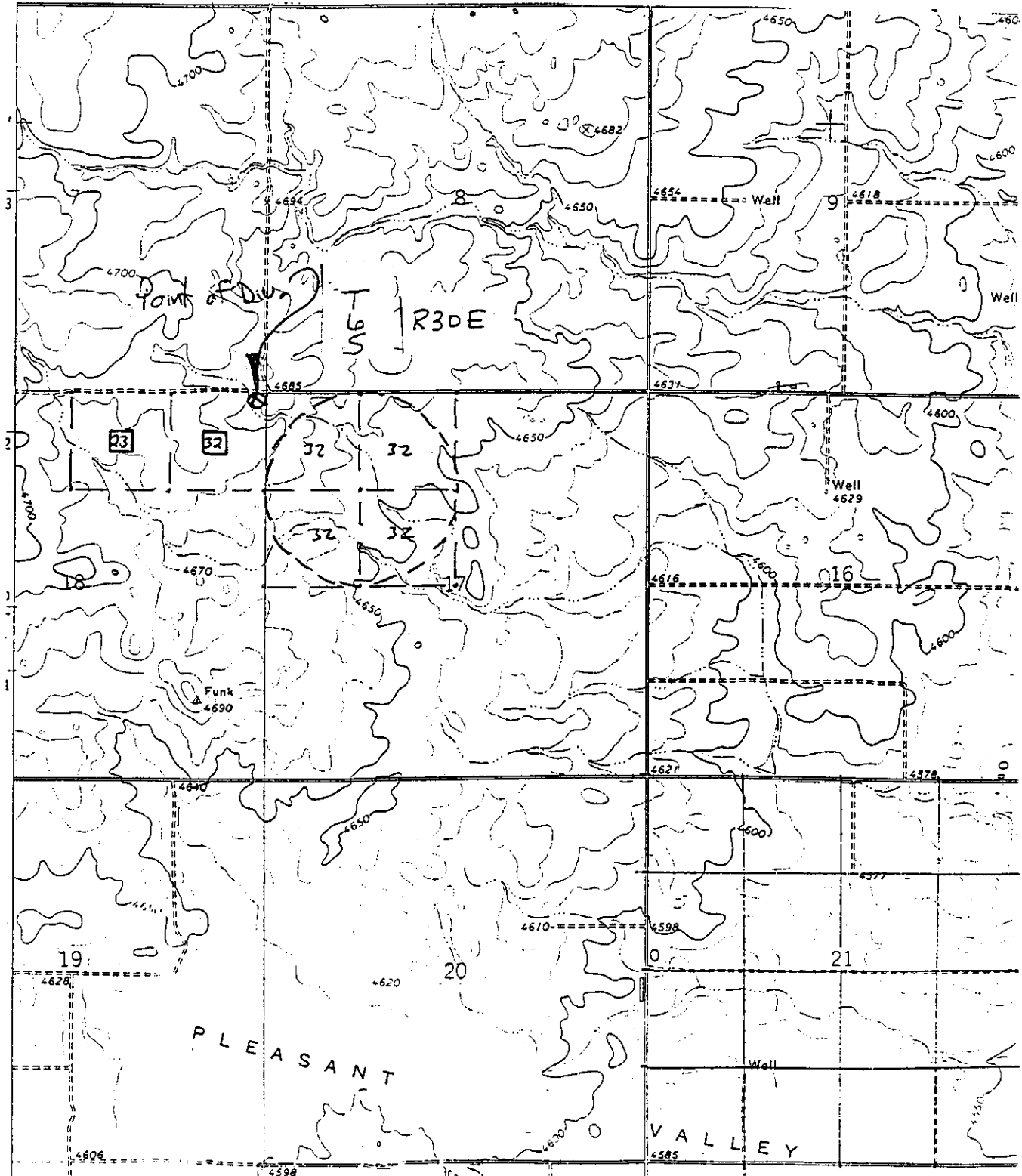
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	31E	31									40	40	30	40	40	40	39	39	308

Total acres 308

9. Describe any other water rights used for the same purpose as described above 35-07882 + 35-02312A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: DEC-10-1999
PAGE: A-5-----
RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-07882A

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

SOURCE: GROUNDWATER

QUANTITY: 0.4 CFS
79.6 AFY

USE OF THIS RIGHT WITH 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, 35-13271A.

PRIORITY DATE: 12/26/1979

POINT OF DIVERSION: T04S R31E S31 SWSW Within BINGHAM County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	0.4 CFS
			79.6 AFY

PLACE OF USE:	IRRIGATION	Within BINGHAM County			
	T04S R31E S31	NESE 31	NWSE 31	SWSE 31	SESE 32
	125 ACRES TOTAL				

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 19.9 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH 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, 35-13271A.

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

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

DATE: DEC-10-1999

PAGE: A-6

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-07882A (CONT)

OTHER PROVISIONS: (CONT)

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 35:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

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 - LICENSE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 35-02312C, 35-13271A

RIGHT NO. 35-13271A IS AN ENLARGEMENT OF THIS RIGHT PURSUANT
TO SECTION 42-1426, IDAHO CODE.