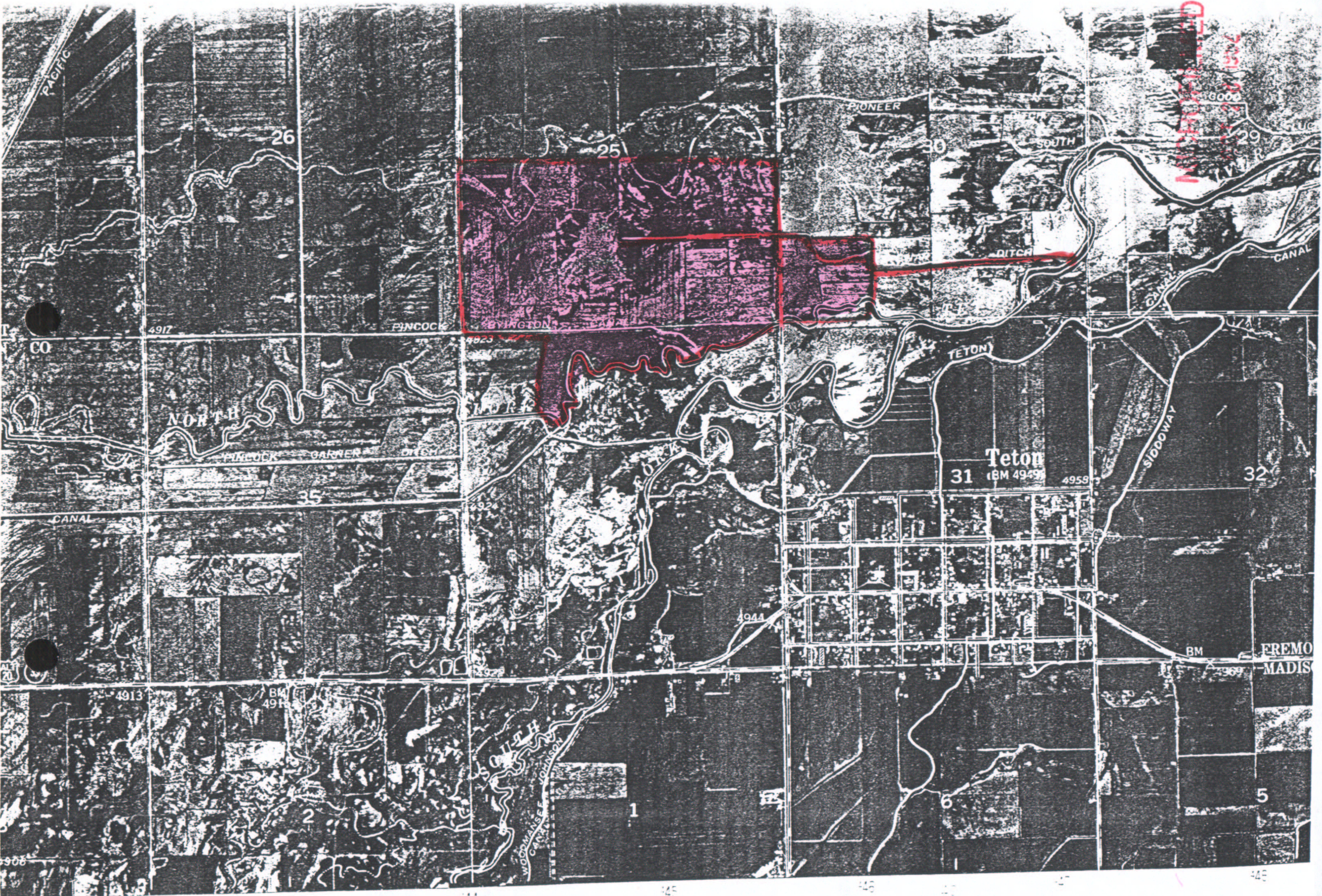
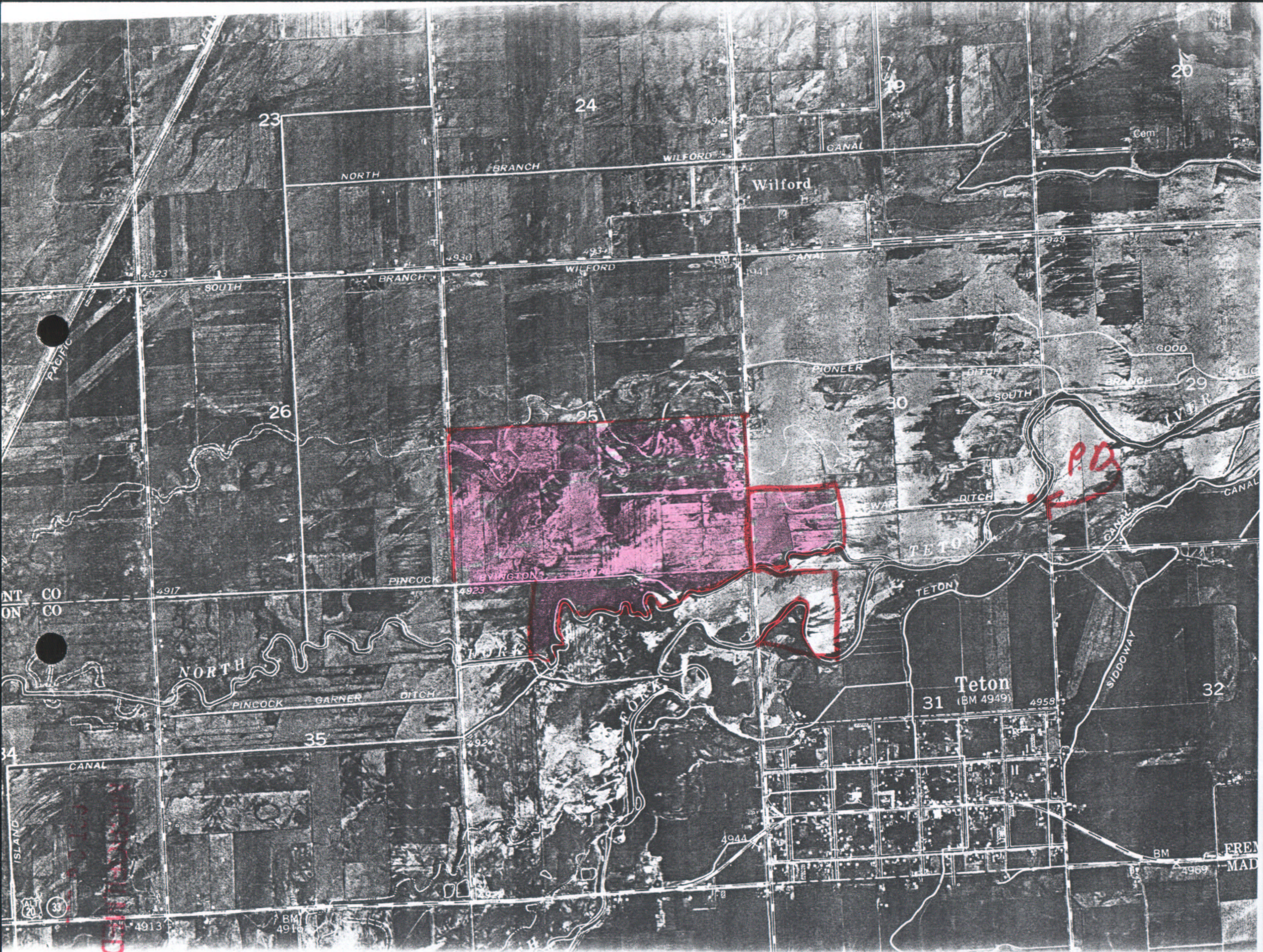




SCALE 1:400



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: A22-00537C
Date Received: 3/08/1989
Receipt No: MO02921
Received By: Joe

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEWART DITCH
Address: RT. 1 BOX 72
ST. ANTHONY, ID 83445 208-458-4420
2. Date of Priority: APR 01, 1898
3. Source: TETON RIVER Trib. to: HENRYS FORK SNAKE R
4. Point of Diversion:

A2200537C



Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	41E	30	NE	SE	SE		FREMONT

5. Description of diverting works:
CONCRETE COFFER DAM WITH STEEL GATES WITH DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	10.000		

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

8. Total consumptive use is 997.8 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	40E	25	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	38.0

A22-00537C

Page 1

Date: 03/08/89

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OCT 28 1989

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	40E	25	SE		SW		IRR	39.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	317.0
		36	NE		NE		IRR	7.0
			NW		NE		IRR	14.0
			NE		NW		IRR	22.0
							Section Acres	43.0
	41E	30	SW		SE		IRR	40.0
							Section Acres	40.0
							Total Acres	400.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:
22-0538C,12648,12647.12646,00632

14. Remarks:
P/D PUMP ON TETON RIVER.
TRANS. 2063.
THIS IS A COMBINATION OF A22-00537A+B. THE CANAL COMPANY DID
NOT APPROVE THE TRANSFER WHICH IS SHOWN ABOVE.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL.
Decree Defendant

INDEXED
OCT 28 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): Rud W. Bahr Date: 3/8/89

Date: _____

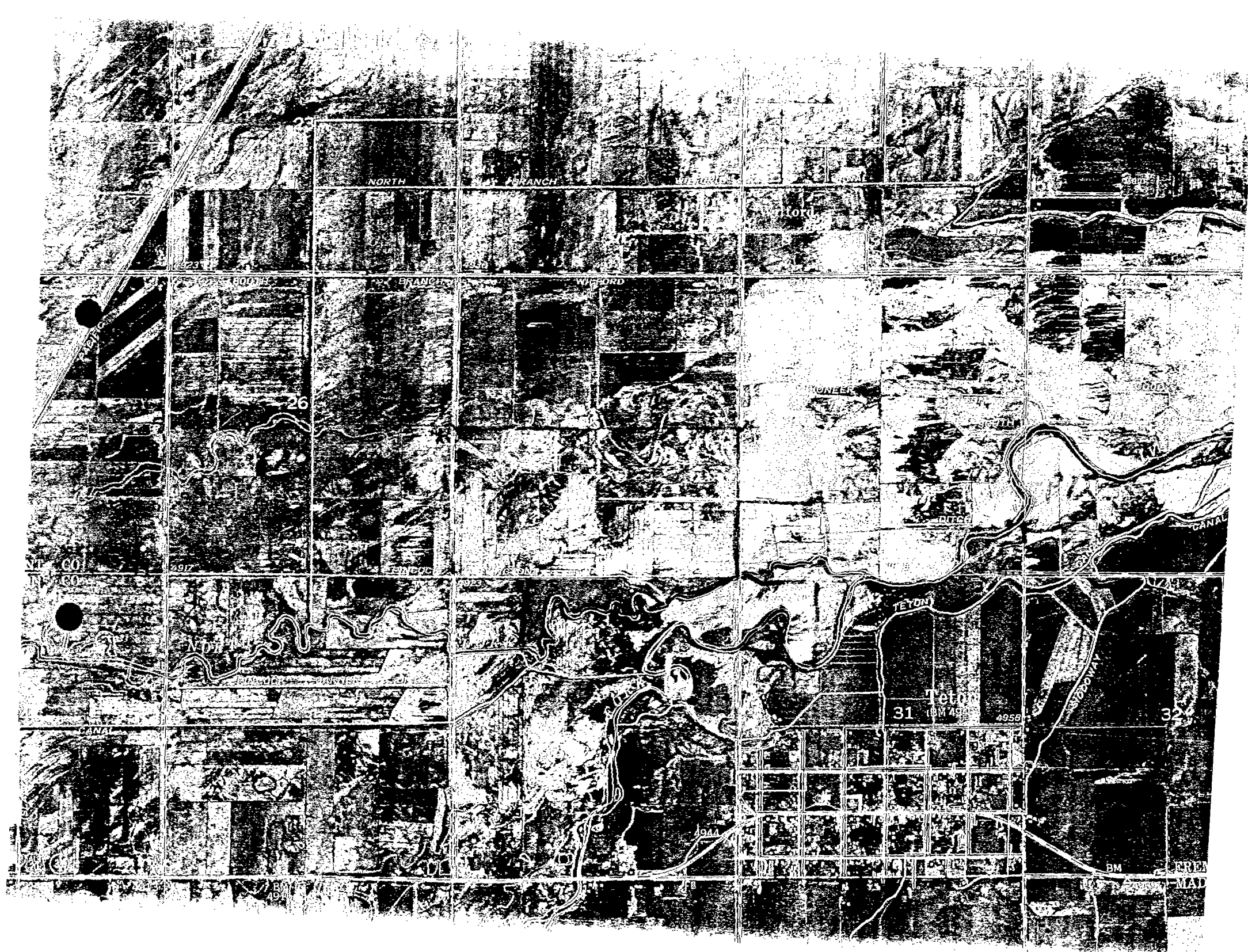
State of Idaho)
County of _____) SS.

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: 39356

Ident. Number A22-00537C

Date Received 03/06/89

Receipt Number MC02921

MC02923

2924

2926

2927

2929

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Stewart Ditch Phone (208) 4534420

Mailing Address Rt. 1 Box 72 St. Anthony, Idaho Zip 83445

2. Date of Priority (Only one (1) per claim) April 1 1898

3. Source of water supply (a) Leton River
which is tributary to (b) North Fork of Snake River SNAKE RIVER

4. a. Location of existing point of diversion is: Township 7 North Range 41 East Section 30,
NE 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Fremont

Additional points of diversion if any: _____

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 _____

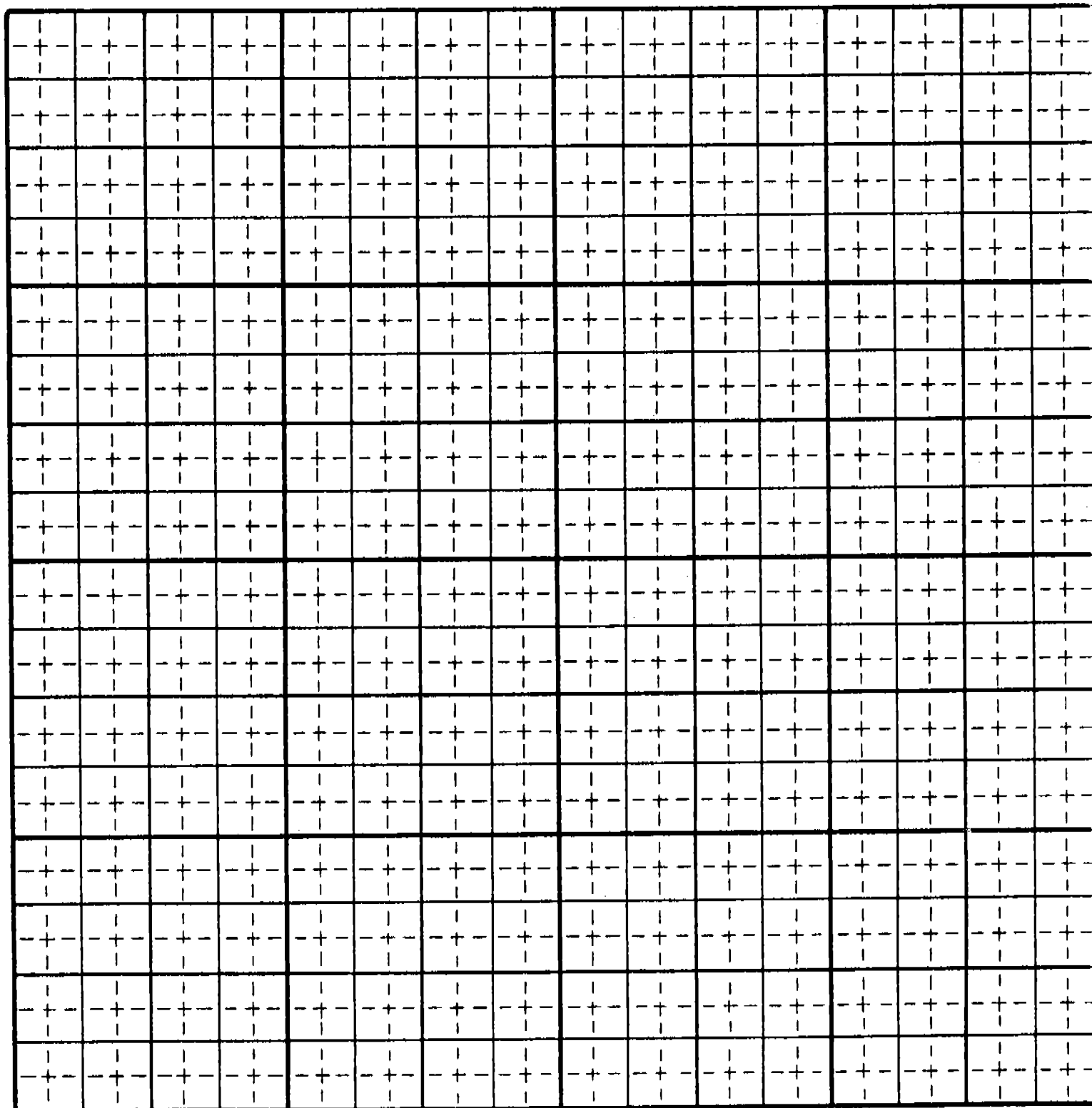
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Dam and diversionary gates into
the Stewart Ditch

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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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OCT 28 1992

Last Name Stewart Ditch Ident No. _____

Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 10 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 10 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 997.75 acre feet per annum.

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

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>7N</u>	<u>40E</u>	<u>25</u>									<u>40</u>	<u>40</u>	<u>32</u>	<u>6</u>	<u>39</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>39.53</u>
<u>7</u>	<u>40</u>	<u>36</u>	<u>7</u>	<u>14</u>			<u>22</u>												<u>43</u>
<u>7</u>	<u>41</u>	<u>30</u>															<u>40</u>		<u>40</u>

Total number of acres irrigated 399.1

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

12. Do you own the property listed above as place of use? Yes XX No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right. Unincorporated company, list of land owners and land they own attached.

13. Describe any other water rights used at the same place and for the same purposes as described above. Within the boundaries of Fremont Irrigation Dist. or None ()

14. Remarks:

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OCT 28 1992

Last Name Stewart Ditch Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) ☒ Official Use _____ ☐ Posted Notice _____ ☐ License _____ ☐ Permit _____
Decree ☒
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date 4/1/1998
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 7
For Individuals: I 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 Stewart Ditch Title _____
Organization Stewart Ditch, that I have signed the foregoing
document in the space below as President of Stewart Ditch
Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Rand W. Ruskraft
Title and Organization "President, Stewart Ditch" Date 2/15/1989

State of Idaho/or _____)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 6th day of March 19 89
Notary Public Mitchell & Neuman
Residing at Rexburg
My Commission Expires 8-4-90
Please Print Name _____

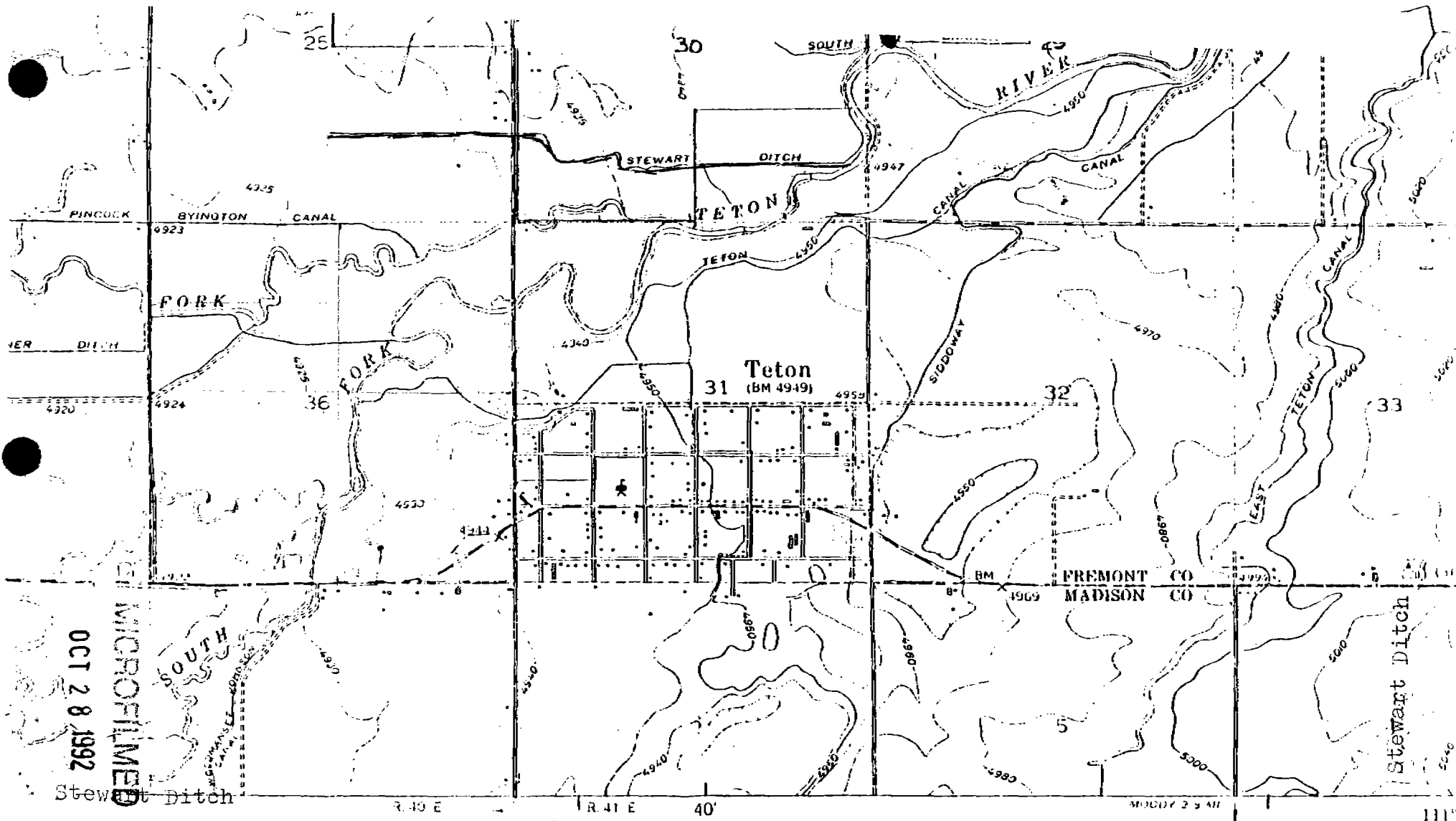
17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.
Signature _____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

Last Name Stewart Ditch Ident. Number _____
Copies White-State, Yellow-Claimant

RECORDED
Oct 28 1992

NORTH

BR.



OCT 28 1992

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Stewart Ditch

R. 40 E

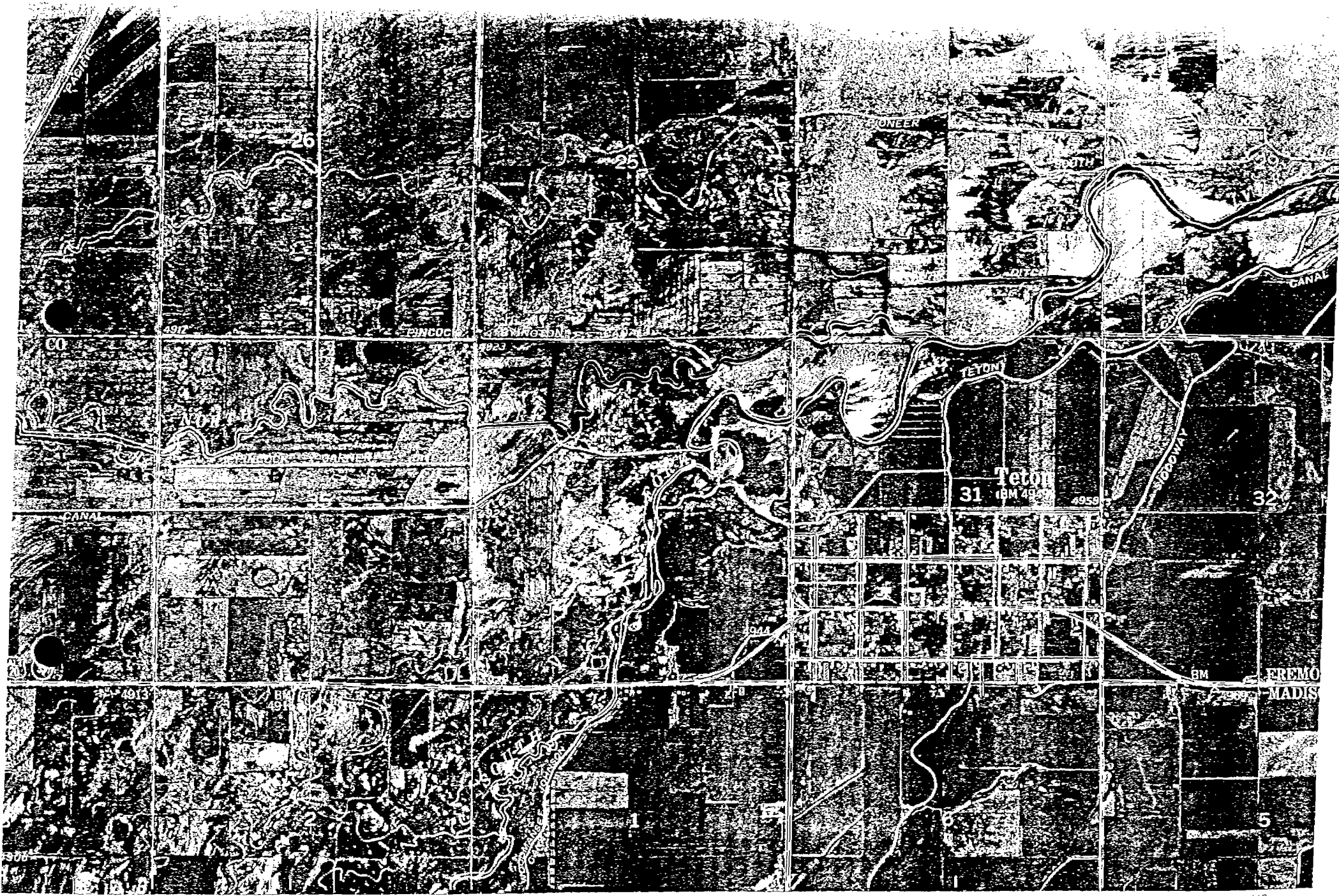
R. 41 E

40'

MOODY 2 3 411

SUNAR CITY 13 MI

111°



442 443 444 445 446 447 448

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

205 Acres:

Reed W. Ashcraft

① The West 67 Rods of the Southwest Quarter of the Southwest Quarter; and the Southwest Quarter of Section 25, T 7 North, Range 40 E. E. M. Fremont County Idaho, LESS THE FOLLOWING PROPERTY: Beginning at the West Quarter corner of Section 25, and running North 89°49'14" East, along the Quarter section line 966.47 feet; Then South 2°27'52" West 816.46 feet; Then South 71°12'42" East, 204.41 feet. Then South 15°14'09" West, 218.09 feet; Then South 89°24'03" West, to the West Line of Section 25, 1062.81 feet; Then along said Section Line North 0°00'00" East 1100.05 feet to the point of beginning.

ALSO:

The South 40 Rods. Southeast 1/4. Section 25 Township 7 North Range 40 East, Boise Meridian, Fremont County, Idaho.

Dee Ard. 14 Acres:

② Beginning 1176 feet. North of Southeast corner. Sec. 25, Township 7 North, Range 40 East, Boise Meridian, Fremont County, Idaho. ^{and} running West 1534.5 feet. Then South 411.58 feet. Then East 1534.5 ; Then North 411.58 feet to point of beginning.

~~Beyá-Hellist~~

Norval Birch 40 Acres:

③ Section 30 Township 7 North, Range 41 East, Boise Meridian, Lot 4 Southeast 1/4 Southwest 1/4.

Del Ray Burnside 5 Acres

④ Beginning 30 Rods North of Southwest corner of Section 25. Township 7 North Range 40 East. Boise Meridian. Fremont County Idaho. Then going West 93 Rods. Then South 142 Feet. Then East 93 Rods. Then North 142 Feet to the point of beginning.

Boyd Hollist 70 Acres

⑤ Beginning at Southeast corner of Section 25. Township 7 North. Range 40 East. Boise Meridian. Then going North 46.45 Rods. Then going West 93 Rods. Then So 46.45 Rods. Then East 93 Rods to the point of beginning.

ALSO:

Section 36; Northeast 1/4 of Northwest 1/4, North 1/2 Northeast 1/4 lying or being North and west of Fork Fork of Teton River.

Calvin Wickham. 40 Acres

⑥ North 40 Rods. Southeast 1/4 . Section 25. Township 7 North.. Range 40 East. Boise Meridian

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OCT 28 1992

Lee Collett

~~CONN BAUER~~ PROPERTY DESCRIPTIONS

7
PARCEL NO. 1 Conn

Commencing at the west quarter corner of Section 25, T. 7 N., R. 40 E., B.M., Fremont County, Idaho and running thence N89°49'14" E, along the quarter section line, 966.47 ft.; thence S2°27'52" W, 816.46 ft.; thence S71°12'42" E, 204.41 ft.; thence S15°14'09" W, 218.09 ft.; thence S89°24'03" W, to the west line of Section 25, 1062.81 ft.; thence along said section line N0°15'02" W, 325.06 ft.; thence N89°56'59" E, 586.35 ft.; thence N29°40'50" E, 132.58 ft. thence N36°23'04" W, 82.69 ft.; thence N47°30'26" W, 241.13 ft.; thence N53°12'05" W, 117.97 ft.; thence N58°23'57" W, 79.50 ft.; thence N63°28'45" W, 90.96 ft.; thence N73°39'40" W, 70.54 ft.; thence N79°43'14" W, to said west line of Section 25, 118.14 ft.; thence N0°15'02" W, along said section line 235.97 ft. to the point of beginning.

Contains 18.93 acres.

8
PARCEL NO. 2 Eldon Struks

Commencing at a point that is S0°15'02" E, along the section line, 774.99 ft. from the west quarter corner of Section 25, T. 7 N., R. 40 E., B.M., Fremont County, Idaho and running thence N89°56'59" E, 586.35 ft.; thence N29°40'50" E, 132.58 ft.; thence N36°23'04" W, 82.69 ft.; thence N47°30'26" W, 241.13 ft.; thence N53°12'05" W, 117.97 ft.; thence N58°23'57" W, 79.50 ft.; thence N63°28'45" W, 90.96 ft.; thence N73°39'40" W, 70.54 ft.; thence N79°43'14" W, to said west line of Section 25, 118.14 ft.; thence S0°15'02" E, along said section line, 539.02 ft. to the point of beginning.

Contains 5.73 acres.

SURVEYOR'S CERTIFICATE

I, John B. Hegsted, do hereby certify that I am a Registered Land Surveyor
that I hold Certificate No. 4561 as prescribed under the laws of

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OCT 28 1992

MEMORANDUM

DATE: May 1, 2001

TO: Harold Jones

FROM: Ron Carlson *RDC*

RE: Applica *Please put in*

I have three questions *claim file* *ater rights.*

1. WD1 records :

Rouech	4.00 cfs
S. Stew	5.00 cfs
S. Stew	10.00 cfs
Rouech	8.00 cfs
W.D. H	2.08 cfs
	<u>30.00 cfs</u>
	59.08 cfs

A22-00537C
when it comes back.
5-3-01

WD 1 recent compilation of records show the following rights for the Stewart Ditch:

22-00000 (A22-12648)	May 1, 1883	4.00 cfs
22-00000 (A22-12646)	May 1, 1898	8.00 cfs
<u>22-00538 A</u>	June 1, 1884	4.16 cfs
<u>22-00537 A</u>	Apr. 1, 1898	8.31 cfs
22-00632	Dec. 1, 1903	2.08 cfs
22-00657	Apr. 1, 1939	<u>30.00 cfs</u>
		56.55 cfs

A copy of the rights claimed in the adjudication is attached. The total of the claim is 59.08 cfs. The important issue is - the claim was filed as a canal company not as individuals who shared a ditch as common conveyance convenience. It is not clear to me that the Stewart Ditch Co. is the entity initiating this transfer. This should be confirmed.

2. It seems strange that two of the oldest rights were singled out for transfer. I suppose that is OK if there is general agreement.
3. It is not clear that the Wilford Canal has agreed to carry the water being transferred. Will the Wilford Canal be simply carrying the water for Dick Hill and Meloay Barney or will the Wilford issue shares of corporate stock to Hill and Barney? Is the intent of this transfer is to transfer the equivalent of the shares of stock held by these two users to the Wilford, I am not sure this accomplishes that.

It appears that trans #2063 may not have taken place & all the right is back with the Stewart Ditch Comp.
5-3-01

MEMORANDUM

DATE: May 1, 2001
 TO: Harold Jones
 FROM: Ron Carlson *RDC*
 RE: Application for Transfer 69049

I have three questions concerning the above referenced change of water rights.

1. WD1 records show the following rights for the Stewart Ditch:

Roueché & Rice (Supp. Decree)	May 1, 1883	4.00 cfs
S. Stewart Estate	June 1, 1884	5.00 cfs
S. Stewart Estate	April 1, 1898	10.00 cfs
Roueché & Rice (Supp. Decree)	April 1, 1898	8.00 cfs
W.D. Hollist (Supp. Decree)	Dec. 1, 1903	2.08 cfs
	Apr. 1, 1939	<u>30.00 cfs</u>
		59.08 cfs

WD 1 recent compilation of records show the following rights for the Stewart Ditch:

22-00000 (A22-12648)	May 1, 1883	4.00 cfs
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It appears that trans #2063 may not have taken place & all the right is back with the Stewart Ditch Comp. 5-3-01

SD-0601-2 Last Name: STEWART DITCH

STATE

S	O	First	W	Water	Priority	Total	Use
L	N	Name	Right No.	Date	Source	Diversion	Code Desc

STEWART DITCH

C A22-00537C	04/01/1898	TETON RIVER	10.000	01	IRR
C A22-00538C	06/01/1884	TETON RIVER	5.000	01	IRR
C A22-00632	12/01/1903	TETON RIVER	2.080	01	IRR
C A22-12646	04/01/1898	TETON RIVER	8.000	01	IRR
C A22-12647	04/01/1898	TETON RIVER	30.000	01	IRR
C A22-12648	05/01/1883	TETON RIVER	4.000	01	IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu

_____)

Log for claim 22-00537C

Spatial Dynamics LTD

6/21/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07n40e	25	NESW	40	40	
07n40e	25	NWSW	40	34	
07n40e	25	SWSW	38	39	
07n40e	25	SESW	39	40	
07n40e	25	NESE	40	38	
07n40e	25	NWSE	40	40	
07n40e	25	SWSE	40	38	
07n40e	25	SESE	40	33	
07n40e	36	NENE	7	5	
07n40e	36	NWNE	14	20	
07n40e	36	NENW	22	20	
07n41e	30	SWSE	40	39	
Totals:			400	386	