

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: A22-00538C  
Date Received: 3/08/1989  
Receipt No: MO029a  
Received By: Joe

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: STEWART DITCH 208-458-4420  
Address: RT. 1 BOX 72  
ST. ANTHONY, ID 83445
2. Date of Priority: JUN 01, 1884
3. Source: TETON RIVER Trib. to: HENRYS FORK SNAKE R.
4. Point of Diversion:

| 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:  
5.000 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  |

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Date: 03/08/89

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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:  
22-0537C,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

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): Reed W. Bakcraft Date: 3/8/89  
\_\_\_\_\_  
Date: \_\_\_\_\_

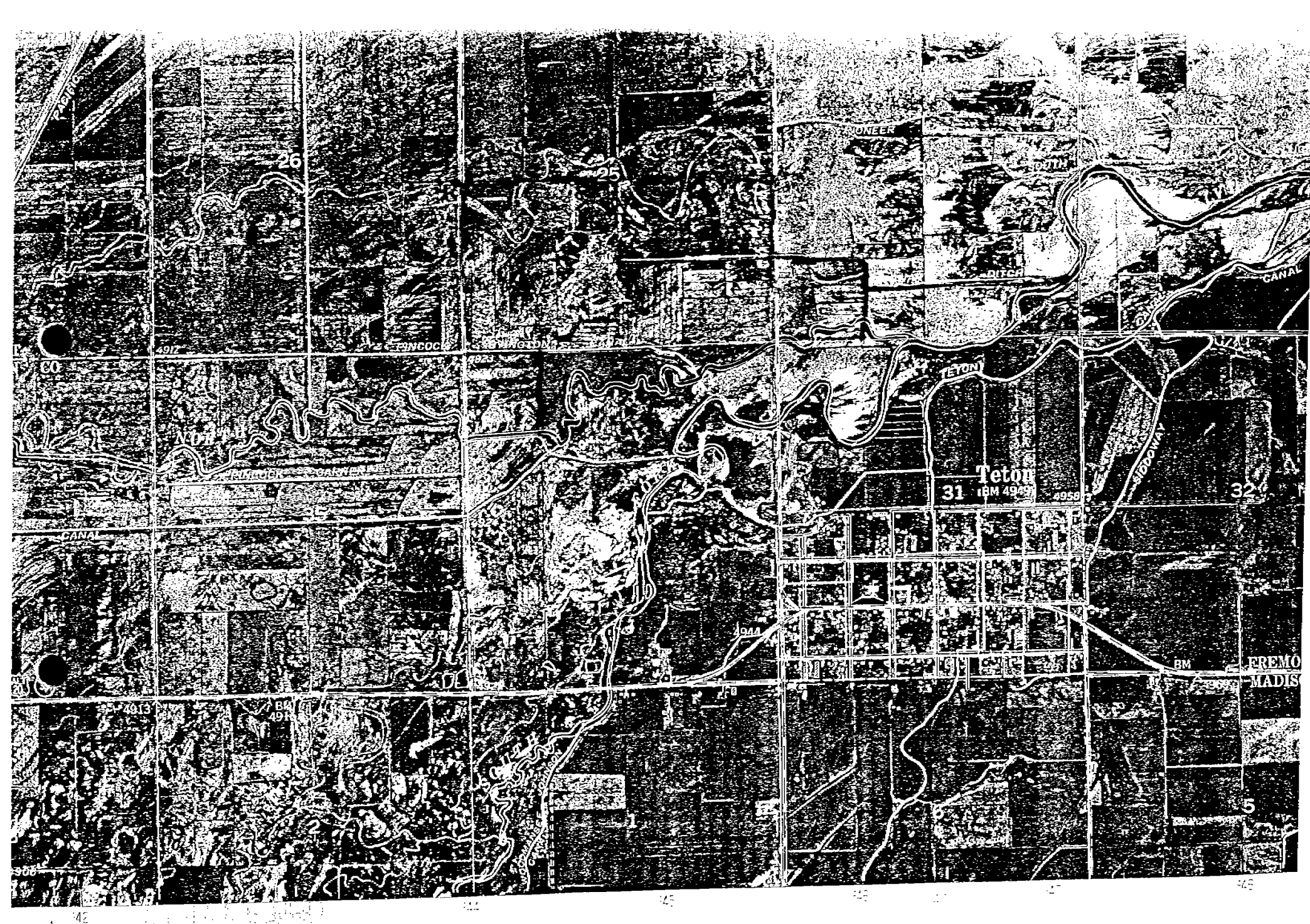
State of Idaho )  
County of \_\_\_\_\_ ) SS.

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 A22-00538e

Date Received 03/06/89

Receipt Number M002921

M003923

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 (<sup>208</sup>) 458-4420  
Mailing Address Rt. 1 Box 72 St. Anthony, Idaho Zip 83445

2. Date of Priority (Only one (1) per claim) June 1 1885

3. Source of water supply (a) Seton River  
which is tributary to (b) North Forks of the 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 S. 3. 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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**Scale: 2 inches equals 1 mile**

[illegible]

OCT 28 1964

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 5 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 5 (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>326</u> | <u>39</u> | <u>40</u> | <u>40</u> | <u>40</u> | <u>395</u> | <u>316.1</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 X 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:

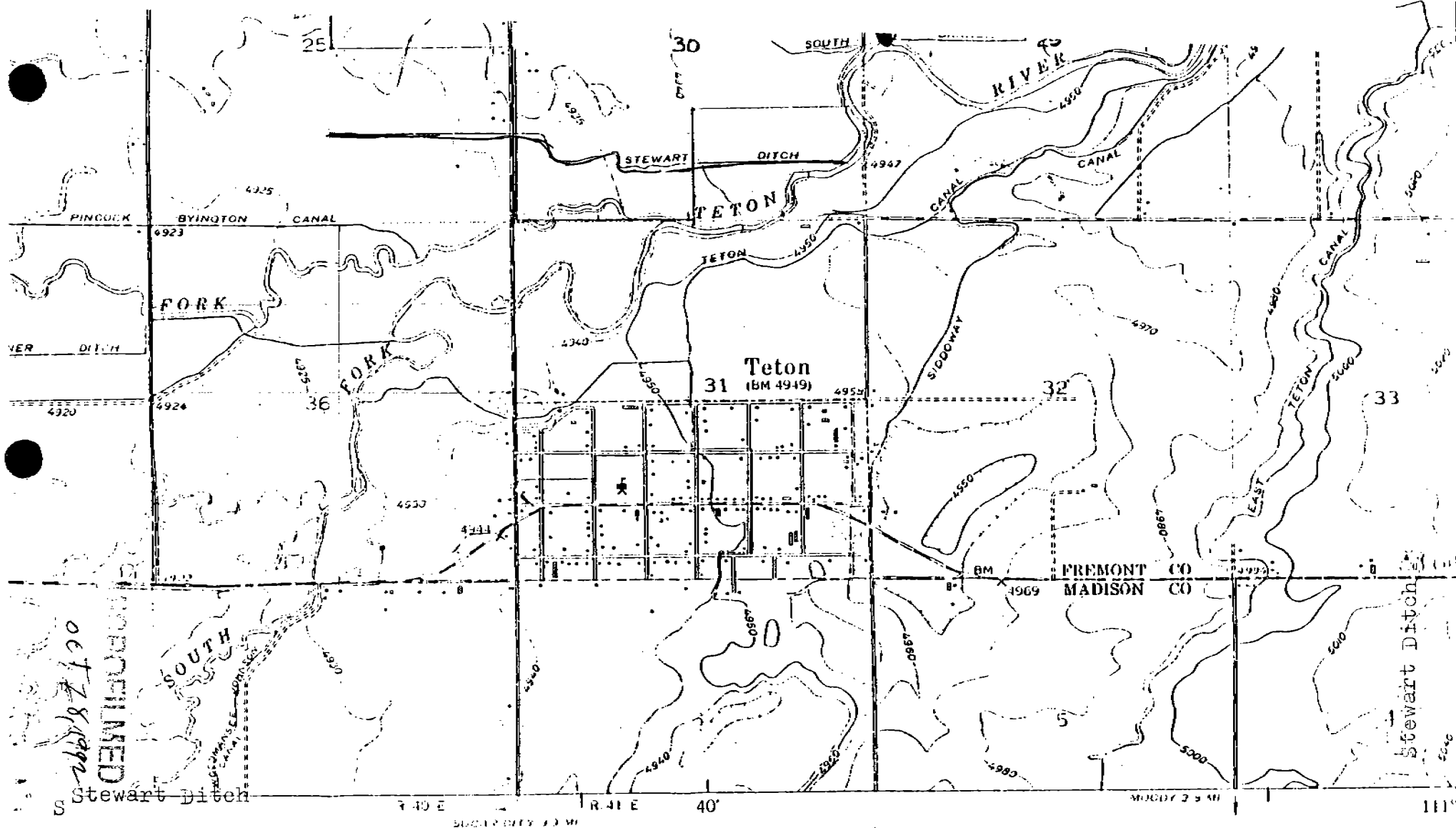
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Last Name Stewart Ditch

Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant



15. Basis of Claim (check one) ☒ Official Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ ☒ Consent \_\_\_\_\_ Permit \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date 6/1/1984  
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 17

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 \_\_\_\_\_

\_\_\_\_\_  
President

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_ Title \_\_\_\_\_

of Stewart Ditch \_\_\_\_\_, that I have signed the foregoing  
Organization

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 Reed W. Chisraft

Title and Organization President, Stewart Ditch Date 2/13/1989

State of Idaho/or \_\_\_\_\_ )  
County of Madison ) SS.

Subscribed and sworn (or affirmed) before me this 6th day of March 19 89

SEAL

Notary Public Richard E. Nielsen

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 \_\_\_\_\_

RECORDED

OCT 28, 1992

Last Name Stewart Ditch Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant

205 Acres:

① Reed W. Ashcraft

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  $89^{\circ}49'14''$  East, along the Quarter section line 966.47 feet; Then South  $2^{\circ}27'52''$  West 816.46 feet; Then South  $71^{\circ}12'42''$  East, 204.41 feet. Then South  $15^{\circ}14'09''$  West, 218.09 feet; Then South  $89^{\circ}24'03''$  West, to the West Line of Section 25, 1062.81 feet; Then along said Section Line North  $0^{\circ}00'00''$  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.

② Dee Ard. 14 Acres:

Beginning 1178 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.

③ ~~Boyd-Hollist~~

Norval Birch 40 Acres:

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

④ Del Ray Burnside 5 Acres

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.

⑤ Boyd Hollist 70 Acres

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 of Teton River.

⑥ Calvin Wickham. 40 Acres

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

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Log for claim 22-00538C

Spatial Dynamics LTD

6/21/01

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>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             |         |
| <b>Totals:</b> |     |      | 400              | 386            |         |