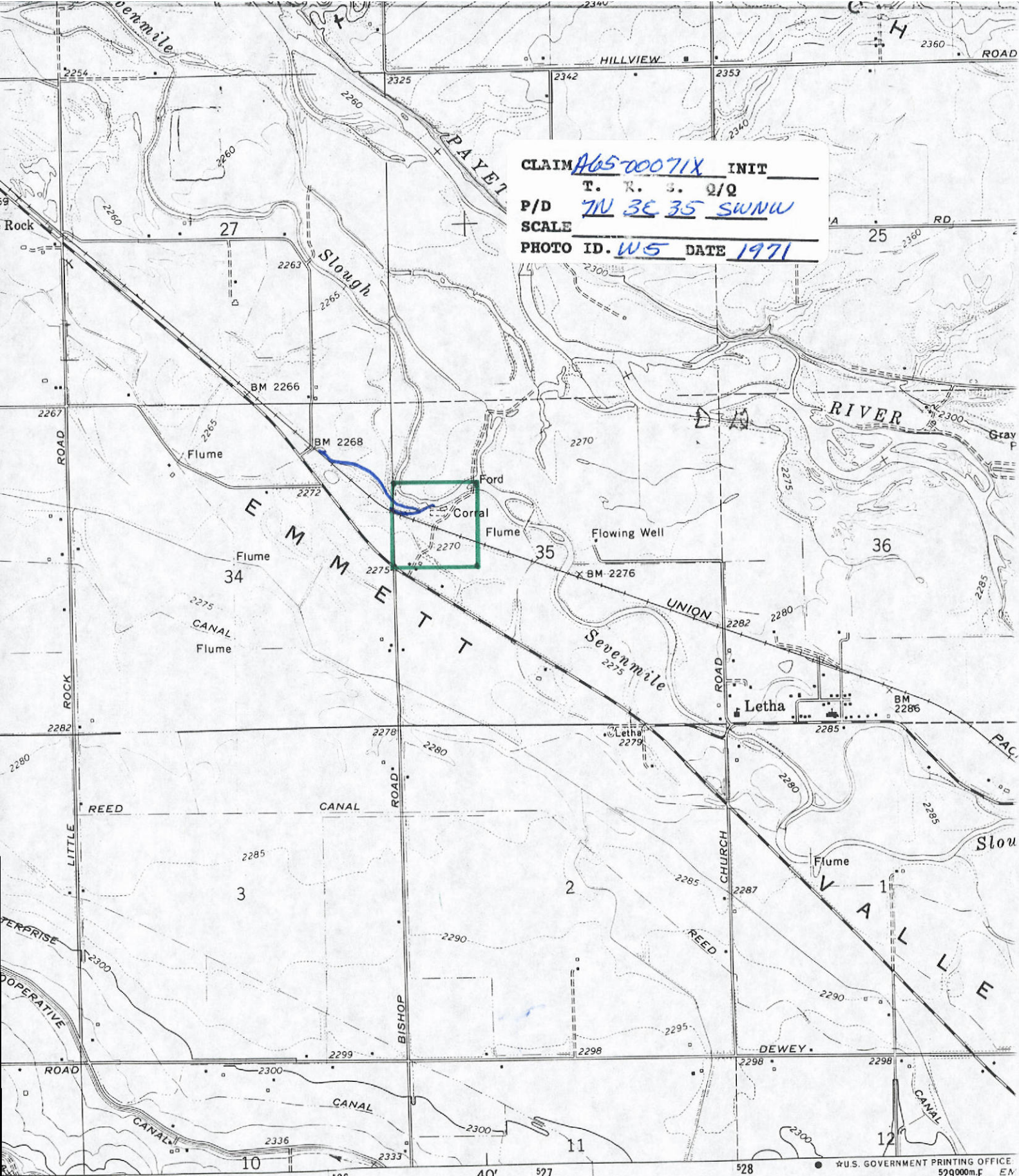
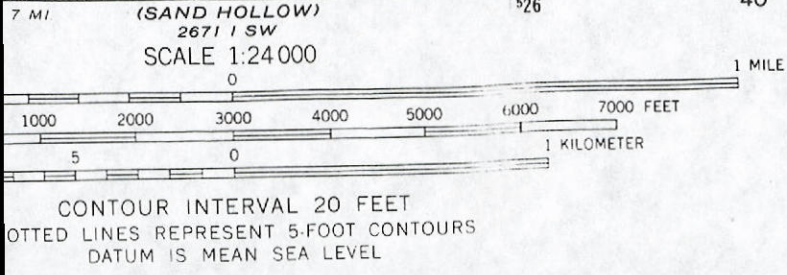




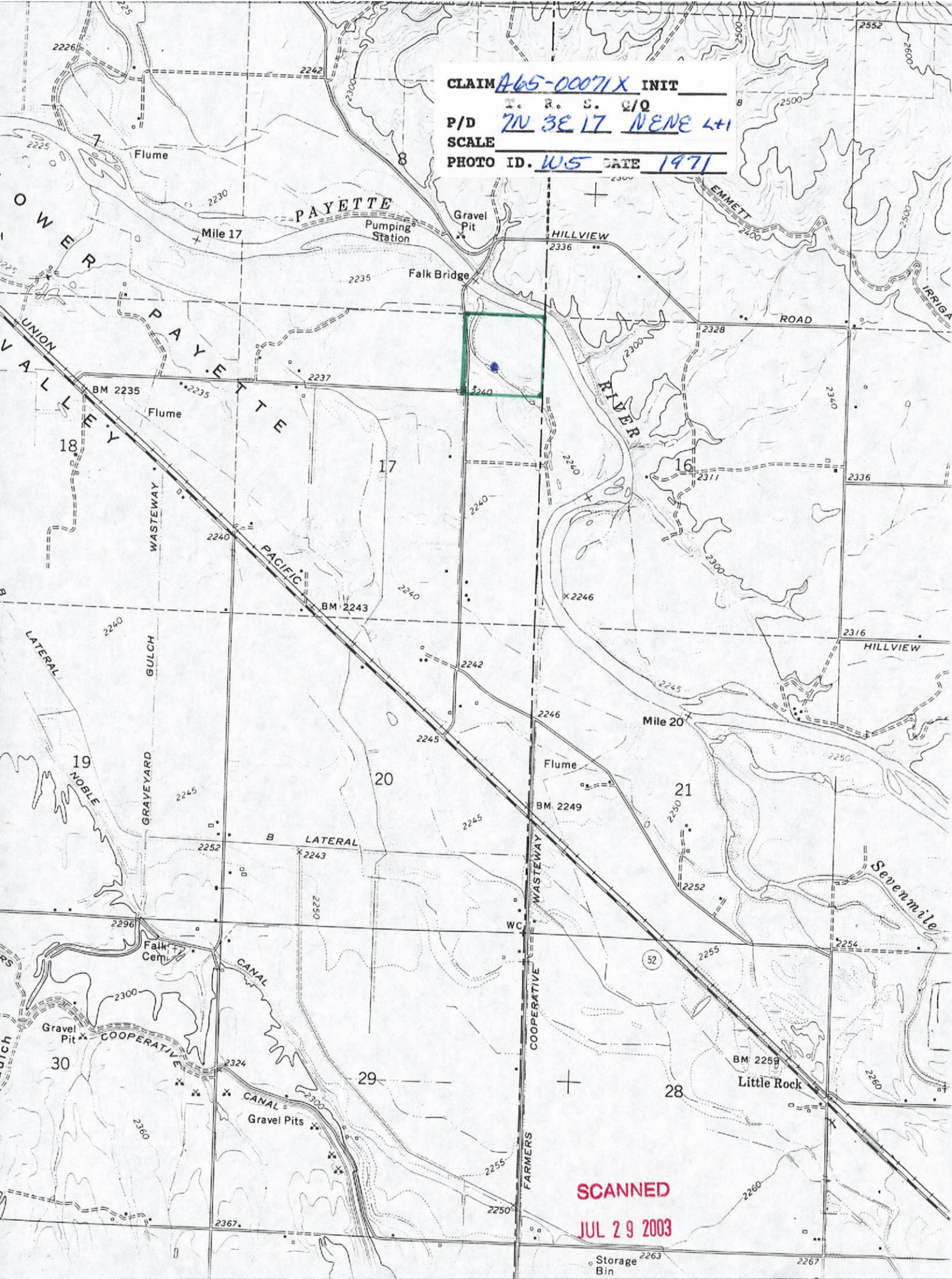
CLAIM #6500071X INIT T. R. S. Q/Q
P/D 7N 3E 35 SWNW
SCALE _____
PHOTO ID. W5 DATE 1971



SCANNED
JUL 29 2003

★ U.S. GOVERNMENT PRINTING OFFICE: 1967 O 529 000
ROAD CLASSIFICATION
Primary highway, hard surface _____ Light-duty improved _____
Secondary highway, hard surface _____ Unimproved _____
Interstate Route _____ U. S. Route _____

CLAIM 465-00071X INIT
T. R. S. Q/Q
P/D 7N 3E 17 NENE 4+1
SCALE
PHOTO ID. W5 DATE 1971



SCANNED

JUL 29 2003

IN THE FIRST COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF IDAHO

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN

NOTICE OF CLAIM

IDENT. NO. MAY 7 1970

TO A

WATER RIGHT

65-0071 Department of Reclamation

Notice is hereby given that

STEWART DITCH COMPANY

(Name of Claimant)

7 Donald Vickrey, Rt. 2 New Plymouth, Idaho
(Mailing Address)

claims a right to the diversion and beneficial use of the surface or groundwater, or of tributary to the Payette River;

The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) December 27, 1880
- (2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) PAYETTE RIVER
WATER DIVERTED THROUGH SEVEN MILE SLough
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: (Both Dates Inclusive)
Use Irrigation Period of Use From APRIL 10 To OCT. 25
(Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive) (Mo., Day)
Use Stock Period of Use From Jan 1 To Dec 31
(Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive) (Mo., Day)
Use _____ Period of Use From _____ To _____
(Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive) (Mo., Day)
- (4) Quantity of water claimed: 34.5 Cubic Feet Per Second, or _____ Acre Feet Per Annum, and/or _____ Gals. Per Minute.
- (5) A) Point of Diversion: Give location of point where water is diverted from its source NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35 Twp. 7 Rge. 3W, B.M.; additional points: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. DIVERSION DAM IN SEVEN MILE SLough WITH 2-41" WIDE HEADGATES 42" HIGH WITH ABOUT 500 YD MILES OF DITCH IN A MEANDERING NORTHWESTERLY DIRECTION

(6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
-16-																			
7	3W	16	33								✓ 16								
7	3W	17	37.9								6.0								41.2
7	3W	20	38.5	18.1	33.1	23.0	39.6	40.0	39.3	39.8	36.6			33.9	33.4			39.9	182.0
7	3W	21		8.7	0.4	4.3	29.7	30.2	31.1	31.6	34.7	37.3	33.7					40.0	390.3
7	3W	28	37.2	32.0	37.3	31.0	36.3	36.0	38.2	37.6	15.0			38.2	19.8	28.2	26.7	33.5	353.9
																			360.9

Total No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Used for water plunges through the year. Could be as many as 600 head

- (7) Effluent, sewage waste, or return water from this use is discharged into DRAIN DITCH IN SE $\frac{1}{4}$ OF SECTION 20 TOWNSHIP 7 RANGE 3W
- (8) If you are claiming water as a member of an organization, list name of organization.

(9) Remarks

(10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.

☐ B) Right decreed by court, cite title of case

☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.:

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

May 7, 1970
(Date)

(Signature of Claimant)

State of IDAHO

County of ADA

Organization
Seal

Organization

(Signature of Spouse)

Stewart Ditch Co.
Thomas F. Pence, V. Pres.
(Signature of Authorized Agent)

On this 7 day of May, in the year 1970, before me,

a notary public, personally appeared Thomas F. Pence known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same

Notary Public residing at

My commission expires May 1, 1972

REV 3/3/77

9KN

BOISE, IDAHO

William Stuart

Locator

Payette River

Notice,

Whereas, It is the intention of the undersigned to construct a ditch or canal commencing in the outside Slough, on the South side of the Payette River, and about four hundred (400) yards South Easterly from the corners of Sections 26, 27, 34 and 35 in Township No 7 North, of Range No. 3 West, of the Boise Meridian, and also about one hundred and fifty (150) yards westerly from the head of said Slough said canal to be in size and capacity as follows: twelve feet wide on the bottom and sixteen feet wide wide on the top, and sufficiently deep to carry twenty thousand cubic inches of water.

The whole line and location of said ditch or canal to be on the South side of said Payette River, and to follow when completed a meandering course in a North Easterly direction, and I do hereby appropriate, and claim the right to appropriate, and divert, and take from the waters of said Slough at stake number one (1), containing this notice the number of cubic inches above stated, for the purpose of milling, manufacturing, agricultural, and for irrigating and subjecting waste and desert land to settlement use and cultivation, and which rights and privileges I claim under and by virtue of the laws of the United States, and the customs usages rules and regulations, governing such rights and privileges.

Boise City, Idaho Territory, December 27th 1880

William Stuart of
Falks Store, Ada Co. I T.
per Rinearson

Recorded at the request of Wm. Stuart Dec. 27th 1880 at 24 min. past 10 A.

N. M. Hanthorn
Recorder

69
9 Canyon Co.

Payette River.

Notice.

Whereas, It is the intention of the undersigned, to construct a ditch or canal commencing on the big slough, on the South side of Payette River, and about two hundred (200) yds South Easterly from the corners of Sections 26, 27, 34 and 35 in Township No 7, North of Range No 3 West, of the Boise Meridian and thence westerly across the outside slough to a point 200 yds below Stuarts upper head gate, The said canal to be in size and capacity as follows: ten feet (10) wide on the bottom and sufficiently deep to carry Thirty Thousand (30000) inches of water. The whole line and location of said ditch or canal to be on the South side of Payette River, and to follow when completed, a meandering course in a North westerly direction, for a distance of twelve (12) miles and emptying in the Payette River Lower end of Hunts place, and I do hereby appropriate and divert and to take the waters from said Slough at the point designated above, and the number of inches of water above stated for the purpose of Milling, manufacturing, agricultural and for Irrigating, and subjecting waste and desert land to settlement, use and cultivation, and which rights and privileges, I claim under and by virtue of the Laws of the United States and the customs, usages, rules, and regulations governing such rights and privileges.

Boise City, Idaho Territory, March 30th 1881.

J. C. Sims
C. N. Nichols
by J. C. Sims

Recorded at the request of J. C. Sims March 31st 1881 at 7 A. M.

D Heron,
Recorder

STATE OF IDAHO } ss.
COUNTY OF GEM }

I, Donald H. Woodman, Ex-Officio Recorder in and for Gem County, Idaho, do hereby certify that the foregoing is a full, true and correct copy of the instrument of record on page 280 of Book 2 of Miscellaneous Records of Gem County, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 31st day of March, 1881.

Donald H. Woodman
Ex-Officio Recorder

By _____ Deputy

IN THE PROBATE COURT OF COUNTY OF CANYON
STATE OF IDAHO

In the Matter of the estate of)
William Stuart Deceased) Decree of Distribution of Estate

The petition of A B Anderson, Administrator praying for the distribution of the residue of the estate of William Stuart deceased, in the hands of said Administrator among the persons entitled thereto, coming on regularly for hearing, and it appearing that due and legal notice of such hearing has been given as directed by the order of this Court heretofore made and entered herein, that all claims against said estate are fully paid that the final account of said administrator has been duly made and has been confirmed by this Court, that all taxed due from said estate has been paid that the whole of said residue is the community property of said decedent and his surviving widow, Sarah E Stuart, who as such survivor is entitled to one half thereof.

The said deceased, died intestate, and his only heirs at law are his widow, Sarah E Stuart, William A B Anderson, and Emma B Anderson heirs of Rebecca E Anderson deceased a daughter of deceased, Margaret L Pool, daughter of deceased, Annie McCrossen daughter of deceased, Charles A Patton assignee of William E Stuart son of deceased Emma B Stuart, daughter of deceased, and Nellie E Stuart daughter of deceased, all residents of Canyon County, State of Idaho, who as such heirs are each entitled to the following: the widow one half, and to the sons and daughters a one seventh each, of the balance.

* a minor
It is therefore ordered adjudged, and decreed that said residue of said estate lying and being in Canyon County Idaho be distributed as follows, to wit:

* situate To Sarah E Stuart widow, of deceased, The South east quarter of the South west quarter and lot seven section six, the North half of the South east quarter and South half of the North east quarter of section twenty the North east quarter of the North west quarter and lot five section seven, the lots five and six section six the south west quarter of the south east quarter, and lot one section sixteen, and the lot four section seven all in township seven north of range three, west of the Boise Meridian and the lots one, two, three four five and six section one and lot four section twelve in township seven north of range four west of the Boise Meridian: Also all water rights and ditches belonging to the William Stuart estate located and situate on the North side of the Payette River in Township seven north of ranges three and four west of the Boise Meridian in Idaho.

That William A B Anderson and Emma B Anderson minor heirs of Rebecca E Anderson deceased daughter of the deceased. The south half of the north east quarter of section nine, and the north east quarter of the North east quarter of section twenty in township seven north of range three, west of the Boise Meridian containing one hundred and twenty acres.

Also an undivided one seventh interest in and to the interest of said estate in the Stewart Ditch located by William Stuart December 27th 1880. Commencing on the South side of the Payette River, about four hundred yards south easterly from the corner of sections 26, 27, 34, and 35 in township seven, north of range three west of the Boise Meridian directed from Out Side saugh and about one hundred and fifty yards from the head thereof, running thence in a north westerly direction, as appears of record in Book 1 of water rights at page 19 Canyon County Idaho To Margaret L Poole daughter of deceased the lot five in section sixteen, lot two in section eighteen township seven north of range three west of the Boise Meridian and the south east quarter of the north east quarter of section seven in township seven north of Range four, west of the Boise Meridian containing one hundred and twenty four and ninety two hundredths acres. Also an undivided one seventh interest in and to the interest of said estate in the Stuart Ditch as described above.

To Annie McCrossen, daughter of deceased the lots six and seven in section sixteen, the southeast quarter of the southwest quarter section eighteen the north west quarter of the north east quarter and the north east quarter of the north west quarter section nineteen, all in township seven, north of range three, west of the Boise Meridian.

Also an undivided one seventh interest in and to the interest of said estate in the Stuart ditch.

To Charles A Patton Assignee of William Stuart son of deceased, the south east quarter of the south east quarter of section seventeen and the north east quarter of the north east quarter of section nineteen all in township seven north of Range three West of the Boise Meridian containing eighty acres.

Also an undivided one seventh interest in and to the interest of said estate in the Stuart Ditch as described above.

To Emma B Stuart, daughter of deceased the south east quarter of the north east quarter of section seventeen township seven north of range three, west of the Boise Meridian, containing forty acres.

Also an undivided one seventh interest in and to the interest of said estate in the Stuart Ditch, as described above.

Wm. Stuart
To
S. E. Stuart

This Indenture made the twelveth day of October in the year of our Lord One thousand eight hundred and eighty eight Between William Stuart of Falls Store Ada County Territory of Idaho party of the first part and Mrs. Sarah E. Stuart of same place the party of the second part, Witnesseth, That the said party of the first part for and in consideration of the sum of One thousand (1000) dollars in gold coin of the United States of America to him in hand paid by the said party of the second part the receipt whereof is hereby acknowledged has granted, bargained, and sold and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part and to her heirs and assigns forever all his right title and interest to One thousand (1000) inches of water from his ditch or canal:

Commencing in the outside Slough on the South side of the Payette River and about four hundred (400) yards from the corner to Section 26-27-34- and 35 in Township No. 7 North of Range No. 3 West of the Boise Meridian and also about one hundred and fifty yards from the head of said Slough The whole line of said ditch or canal is situated on the South side of said Payette River and follows a Meandering Course in a North westerly direction.

Together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions remainder and remainders rents, issues and profits thereof and also all estate right title interest whatsoever in said property possession claim and demand whatsoever as well in law as in equity of the said party of the first part of in or to the said premises and every part and parcel thereof with the appurtenances unto the said party of the second and her heirs and assigns forever, and the said party of the first part and his heirs the said premises in the quiet and peaceable possession of the said party of the second part her heirs and assigns against the said party of the first part and his heirs and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will. Warrent and by these presents forever defend.

In Witness Whereof the said party of the first part has hereunto set his hand and seal the day and year first above written.

(Seal)

William Stuart

Signed Sealed and Delivered
in the presence of:

Charles A. Patten

W. E. Stuart

Territory of Idaho)
County of Ada) SS.

On this Twelveth day of October A. D. One thousand eight hundred and eighty eight personally appeared before me J. E. Fouts a Notary Public in and for the said Ada County William Stuart whose name is subscribed to the Annexed instrument as a party thereto personally known to me to be the same person described in and who executed the same annexed instrument as a party thereto and he the said William Stuart duly acknowledged to me that he the said William Stuart executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Seal)

J. E. Fouts
Notary Public

Recorded at request of William Stuart March 5th 1889 at 5 Min.
past 2 P. M.

Compared

B 14 P 94

B 5 P 52 Can. Co.Re.

S. B. Mann,
Recorder

I HEREBY CERTIFY THAT THE FOREGOING
INSTRUMENT IS A TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN THIS OFFICE

DATED March 31, 1970

Alice D. Smith

CLERK OF THE DISTRICT COURT AND

EX-OFFICIO AUDITOR AND RECORDER

Arthur M. Smith, Deputy

COMPARED

236
Wm. Stuart
To
S. E. Stuart

65 0071

This Indenture made the twelveth day of October in the year of our Lord One thousand eight hundred and eighty eight Between William Stuart of Palms Store Ada County Territory of Idaho party of the first part and Mrs. Sarah E. Stuart of same place the party of the second part, Witnesseth, That the said party of the first part for and in consideration of the sum of One thousand (1000) dollars in gold coin of the United States of America to him in hand paid by the said party of the second part the receipt whereof is hereby acknowledged has granted, bargained, and sold and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part and to her heirs and assigns forever all his right title and interest to One thousand (1000) inches of water from his ditch or canal:

Commencing in the outside Slough on the South side of the Payette River and about four hundred (400) yards from the corner to Section 26-27-34- and 35 in Township No. 7 North of Range No. 3 West of the Boise Meridian and also about one hundred and fifty yards from the head of said Slough The whole line of said ditch or canal is situated on the South side of said Payette River and follows a Meandering Course in a North westerly direction.

Together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions remainder and remainders rents, issues and profits thereof and also all estate right title interest whatsoever in said property possession claim and demand whatsoever as well in law as in equity of the said party of the first part of in or to the said premises and every part and parcel thereof with the appurtenances unto the said party of the second and her heirs and assigns forever, and the said party of the first part and his heirs the said premises in the quiet and peaceable possession of the said party of the second part her heirs and assigns against the said party of the first part and his heirs and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will. Warrant and by these presents for-

In Witness whereof the said party of the first part has hereunto set his hand and seal the day and year first above written.

(Seal)

William Stuart

Signed Sealed and Delivered
in the presence of:

Charles A. Patten

W. E. Stuart

Territory of Idaho)
County of Ada)SS.

On this Twelveth day of October A. D. One thousand eight hundred and eighty eight personally appeared before me J. E. Fouts a Notary Public in and for the said Ada County William Stuart whose name is subscribed to the Annexed instrument as a party thereto personally known to me to be the same person described in and who executed the same annexed instrument as a party thereto and he the said William Stuart duly acknowledged to me that he the said William Stuart executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Seal)

J. E. Fouts
Notary Public

Recorded at request of William Stuart March 5th 1889 at 5 Min.
past 2 P. M.

Compared

S. B. Mann,
Recorder.

B 14 P 94

B 5 P 52 Can. Co.Re.

STATE OF IDAHO
COUNTY OF PAYETTE

I HEREBY CERTIFY THAT THE FOREGOING
INSTRUMENT IS A TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN THIS OFFICE.

DATED March 31, 1890

CLERK OF THE DISTRICT COURT AND
EX-OFFICIO AUDITOR AND RECORDER

COMPARED

Alisa J. Smith
Arden M. Smith
Deputy

THIS INDENTURE, Made this 5th day of January in the year of our Lord one thousand nine hundred and five between C. A. Chrestesen and Minnie Chrestesen His wife of Falks Store County of Canyon State of Idaho the , part y of the first part, and Edward T. Hoagland of Falks Store the part y of the second part;

County of Canyon State of Idaho WITNESSETH, That the said part y of the first part, for and in consideration of the sum of Seven thousand DOLLARS. lawful money of the United States of America, to him in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said part y of the second part, and to his heirs and assigns forever, all the following described real estate situated in Canyon County, State of Idaho, to-wit:

Lots numbered Five (5) six (6) and seven (7) in Section sixteen (16); and the North East quarter (1/4) of the North East quarter (1/4); and the South East quarter (1/4) of the North East quarter (1/4) and the South East quarter (1/4) of the South east quarter (1/4) of section seventeen (17) in township seven, north of Range three (3) West of Boise Meridian Also the North East quarter of the North East quarter (1/4) of section twenty (20) in said township seven (7) North of Range Three (3) West of Boise Meridian save and except therefrom the tract of ground from alley occupied by John Nelson lying near the South West corner of said tract of about seventy five feet frontage on the road and running back to a slough a distance of about one hundred feet, to be hereafter definitely measured and staked off, and another piece of land on the South end of said subdivision about three hundred feet in width at the west end on the west side of said subdivision and running East to the telephone line of poles when the same comes to a point on the South line of said subdivision, containing about three acres, which is also hereafter to be measured and staked off. And also an interest in and to the Steward ditch or canal covering said tract of land, and the water to flow therein in the same proportion to all the waters to flow therein, as the tracts above conveyed, bear to the whole tract of land heretofore irrigated from said ditch or canal. And also conveys the South West quarter (1/4) of the North West quarter (1/4) and lots numbered four (4) and five (5) of section twenty and (21) Township seven (7) North of Range three (3) West of the Boise Meridian. All in the County of Canyon, State of Idaho, Subject to a certain real estate mortgage securing a note of \$10,000 payable to the Bank of Weiser, Weiser Idaho, which the grantee herein assumes and agrees to pay.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said part y of the first part. TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part y of the second part, and to his heirs and assigns forever.

And the said part y of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, his heirs and assigns, against the said part y of the first part, and his heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant, and by these presents forever defend. IN WITNESS WHEREOF, The said part y of the first part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF C. A. Chrestesen [SEAL] Minnie Chrestesen [SEAL] Geo P Rhea [SEAL] Evert Rhea [SEAL]

STATE OF IDAHO,) ss. On this fifth day of January in the year 1905, before me, Geo. P. Rhea, a Notary Public in and for said County, personally appeared C. A. Chrestesen known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same, and on this fifth day of January in the year 1905, before me, the officer above described, personally appeared Minnie Chrestesen known to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written. (SEAL) Geo. P. Rhea Notary Public

STATE OF IDAHO,) ss. I hereby certify that this instrument was filed for record at the request of Idaho Title and Trust Co at 26 minutes past 9 o'clock A. M., this 13th day of August 1907 By A. O. Christopher Deputy. OV. Badley Ex-Officio Recorder. Fee, \$ 2.20 Compared Book 44 of Deeds page 117 Canyon Co. records.

INSTRUCTIONS TO DELIVERING EMPLOY

☐ Show to whom, date, and address where delivered

☐ Deliver ONLY to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

21682

INSURED NO.

DATE DELIVERED

2 25 70

SHOW WHERE DELIVERED (only if requested)

65 0071

c55-16-71549-10 GPO

POST OFFICE DEPARTMENT OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE \$300

POSTMARK OF
DELIVERING OFFICE

LB
25
PM
1970
82655

RETURN
TO

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Annex #2 State use

Boise, Idaho 83707

POST OFFICE DATE, AND ZIP CODE

POD Form 3811 Apr. 1967 c55-16-71549-10

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: A65-00071X
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: DEC 27, 1880

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	03W	17	NE	NE		1	GEM
		35	SW	NW			GEM

5. Description of diverting works:
HEADGATE AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	37.920		

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

8. Total consumptive use is 4522.0 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	16	SW	NW	5	IRR	34.0
			NW	SW	6	IRR	4.0
			SW	SW	7	IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	40.0
		17	NE	NE	1	IRR	33.0
			SE	NE		IRR	37.0
			NW	SW		IRR	7.0
			SW	SW		IRR	32.0
			NE	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	189.0
		18	SW	NE		IRR	1.0
			SE	NE		IRR	3.0
			NE	SE		IRR	13.0
						Section Acres	17.0
		20	NE	NE		IRR	38.0
			NW	NE		IRR	1.0
			SW	NE		IRR	34.0
			SE	NE		IRR	32.0
			NE	NW		IRR	23.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	39.0
			NE	SW		IRR	39.0
			NE	SE		IRR	34.0
			NW	SE		IRR	40.0
			SE	SE		IRR	7.0
						Section Acres	367.0
		21			4	IRR	30.0
					5	IRR	35.0
					6	IRR	8.0
			SW	NW		IRR	30.0
			NE	SW		IRR	32.0
			NW	SW		IRR	34.0
			SW	SW		IRR	37.0
			SE	SW		IRR	34.0
			NE	SE		IRR	38.0
			NW	SE		IRR	19.0
			SW	SE		IRR	28.0
			SE	SE		IRR	27.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	352.0
		28	NE	NE	IRR	37.0
			NW	NE	IRR	32.0
			SW	NE	IRR	37.0
			SE	NE	IRR	31.0
			NE	NW	IRR	36.0
			NW	NW	IRR	35.0
			SW	NW	IRR	7.0
			SE	NW	IRR	38.0
			NE	SW	IRR	17.0
			NE	SE	IRR	24.0
			NW	SE	IRR	33.0
					Section Acres	327.0
					Total Acres	1292.0

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:

LANDS IRRIGATED THROUGH STEWART DITCH.
CLAIM AMENDED PER STIPULATION FROM PAYETTE RIVER BASIN
ADJUDICATION. 03/01/1996 MM. A

15. Basis of Claim: BENEFICIAL USE

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: _____

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): A45-00071A, -00071B, -00071C, -00071X RECEIVED

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 Lysgaard
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:

SCANNED

JUL 29 2003

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

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

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

2. Date of Priority: DEC 27, 1880

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	03W	17	NE	NE		1	GEM
		35	SW	NW			GEM

5. Description of diverting works:
HEADGATE AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	37.920		

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

8. Total consumptive use is 4522.0 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	16	SW	NW	5	IRR	34.0
			NW	SW	6	IRR	4.0
			SW	SW	7	IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	40.0
		17	NE	NE	1	IRR	33.0
			SE	NE		IRR	37.0
			NW	SW		IRR	7.0
			SW	SW		IRR	32.0
			NE	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	189.0
		18	SW	NE		IRR	1.0
			SE	NE		IRR	3.0
			NE	SE		IRR	13.0
						Section Acres	17.0
		20	NE	NE		IRR	38.0
			NW	NE		IRR	1.0
			SW	NE		IRR	34.0
			SE	NE		IRR	32.0
			NE	NW		IRR	23.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	39.0
			NE	SW		IRR	39.0
			NE	SE		IRR	34.0
			NW	SE		IRR	40.0
			SE	SE		IRR	7.0
						Section Acres	367.0
		21			4	IRR	30.0
					5	IRR	35.0
					6	IRR	8.0
			SW	NW		IRR	30.0
			NE	SW		IRR	32.0
			NW	SW		IRR	34.0
			SW	SW		IRR	37.0
			SE	SW		IRR	34.0
			NE	SE		IRR	38.0
			NW	SE		IRR	19.0
			SW	SE		IRR	28.0
			SE	SE		IRR	27.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	352.0
		28	NE	NE		IRR	37.0
			NW	NE		IRR	32.0
			SW	NE		IRR	37.0
			SE	NE		IRR	31.0
			NE	NW		IRR	36.0
			NW	NW		IRR	35.0
			SW	NW		IRR	7.0
			SE	NW		IRR	38.0
			NE	SW		IRR	17.0
			NE	SE		IRR	24.0
			NW	SE		IRR	33.0
						Section Acres	327.0
						Total Acres	1292.0

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:

LANDS IRRIGATED THROUGH STEWART DITCH.
CLAIM AMENDED PER STIPULATION FROM PAYETTE RIVER BASIN
ADJUDICATION. 03/01/1996 MM. A

15. Basis of Claim: BENEFICIAL USE

RECEIVED

FEB 10 1993

Department of Water Resources

LARRY ECHOHAWK
Attorney General

DANIEL L. STECKEL
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720-9000
(208) 327-7900

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	
DETERMINATION OF THE RIGHT	)	CIVIL NO. 3667
TO THE USE OF SURFACE AND	)	
GROUNDWATERS OF THE PAYETTE	)	STIPULATION RESOLVING
RIVER DRAINAGE BASIN	)	OBJECTIONS TO WATER
	)	RIGHT NOS. 65-00071A,
	)	65-00071X

The Director of the Idaho Department of Water Resources, R. Keith Higginson, by and through counsel, and Stewart Ditch Co. stipulate as follows:

1. That water right claim Nos. 65-00071A and 65-00071X, be accepted and included in the Proposed Finding of Water Rights in the Payette River Drainage as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

2. That Stewart Ditch Co. withdraws all pending objections, including those based on the objection filed by Richard Frasier, William Conrad, Don Craig, Jay Sisler and Stan Brown in July 1982, in the above captioned matter.

DATED this _____ day of _____, 1993.

LARRY ECHOHAWK
Attorney General

DANIEL L STECKEL
Deputy Attorney General
Department of Water Resources

DATED THIS 8 day of Feb, 1993.

Howard Blatz Pres.
Letha Berg

AUTHORIZED AGENT
STEWART DITCH CO.

The above stipulation having come before the court, it is
hereby approved this _____ day of _____, 1993.

JAMES R. DOOLITTLE
District Judge

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: PAYETTE RIVER		TRIBUTARY: SNAKE RIVER				
65-00071A	STEWART DITCH CO. 6550 DALLAS RD. NEW PLYMOUTH ID 83655	12/27/1880	IRRIGATION	03-15 11-15	11.66 CFS	BENEFICIAL USE
TOTAL QUANTITY:					11.66 CFS	
POINT OF DIVERSION: T07N R03W S21 PLACE OF USE: IRRIGATION		SWSE				
T07N R03W S07		Lot 7 (NESW)25.0	Lot 6 (NWSW)24.0	Lot 8 (SWSW)22.0	SESW 31.0	
S17		Lot 9 (SWSE)29.0	Lot 10 (SESE)21.0			
S18		NWNW 10.0	SWNW 34.0	NWSW 32.0		
		NENE 37.0	NWNE 38.0	SWNE 20.0	SENE 31.0	
		NENW 31.0	Lot 1 (NWNW)28.0	NESE 3.0		
416.0 ACRES TOTAL						
REMARKS: WATER IS DELIVERED THROUGH RASMUSSEN DITCH.						
RIGHT NOS. 65-00071B AND 65-00081 ARE ALSO DIVERTED THROUGH						
POINT OF DIVERSION DESCRIBED ABOVE.						
USE OF THIS RIGHT WITH RIGHT NO. 65-00071B IS LIMITED TO A						
TOTAL COMBINED DIVERSION RATE OF 14.10 CFS, A TOTAL COMBINED						
ANNUAL CONSUMPTIVE USE VOLUME OF 1,456 AF, AND TO THE IRRIGATION						
OF A COMBINED TOTAL OF 416 ACRES IN A SINGLE IRRIGATION SEASON.						
1.78 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES						
IN DELIVERY OF THIS RIGHT.						
A DIVERSION RATE OF .034 CFS PER ACRE ON 200 ACRES, .029 CFS						
PER ACRE ON 64 ACRES AND .02 CFS PER ACRE ON 61 ACRES AT THE						
FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE						
OF USE DESCRIBED ABOVE. THE BALANCE OF THE PLACE OF USE DESCRIBED						
ABOVE IS IRRIGATED WITH RIGHT NO. 65-00071B.						
.40 CFS OF RIGHT NO. 65-00071B IS LIMITED TO USE FOR						
CONVEYANCE LOSSES IN DELIVERY OF RIGHT NO. 65-00071B.						
2.57 CFS OF RIGHT NO. 65-00081 IS LIMITED TO USE FOR						
CONVEYANCE LOSSES IN DELIVERY OF RIGHT NO. 65-00081.						

SCANNED
JUL 29 2003

MICROFILMED
OCT 18 1996

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: PAYETTE RIVER			TRIBUTARY: SNAKE RIVER			
65-00071X	STEWART DITCH CO. 6550 DALLAS RD. NEW PLYMOUTH ID 83655	12/27/1880	IRRIGATION	03-15 11-15	37.92	CFS BENEFICIAL USE
					TOTAL QUANTITY: CONSUMPTIVE USE:	37.92 4522.0 CFS AFY
POINT OF DIVERSION:						
T07N R03W S17 LOT 1 (NENE)						
S35 SWNW						
PLACE OF USE: IRRIGATION						
T07N R03W S16 Lot 5 (SWNW)34.0 Lot 6 (NWSW) 4.0 Lot 7 (SWSW) 2.0						
S17 Lot 1 (NENE)33.0 SENE 37.0 NWSW 7.0 SWSW 32.0						
SESE 40.0						
S18 SWNE 1.0 SENE 3.0 NESE 13.0						
S20 NENE 38.0 NWNE 1.0 SWNE 34.0						
NENW 23.0 NWNW 40.0 SWNW 40.0						
SESE 7.0						
S21 Lot 4 (NWNW)30.0 Lot 5 (SENE)35.0 Lot 6 (SWNE) 8.0						
SWNW 30.0						
SESE 34.0						
S28 NESE 38.0 NWSE 19.0 SWSE 28.0						
SESE 27.0						
SENE 31.0						
SENE 38.0						
NENW 36.0 NWNW 35.0 SWNW 7.0						
SENE 24.0 NWSE 33.0						
1292.0 ACRES TOTAL						
REMARKS: WATER IS DELIVERED THROUGH STEWART DITCH.						
3.11 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE						
LOSSES IN DELIVERY OF THIS RIGHT.						
A DIVERSION RATE OF .034 CFS PER ACRE FOR 379 ACRES, .029 CFS						
PER ACRE FOR 407 ACRES, AND .02 CFS PER ACRE FOR 506 ACRES AT THE						
FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE						
OF USE DESCRIBED ABOVE.						

SCANNED
JUL 29 2003

MICROFILMED
OCT 18 1996

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: A65-00071X
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: DEC 27, 1880

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	03W	35		SW	NW		GEM

5. Description of diverting works:
HEADGATE AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	51.680		

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

8. Total consumptive use is 4522.0 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	16	SW	NW	5	IRR	34.0
			NW	SW	6	IRR	4.0
			SW	SW	7	IRR	2.0

MICROFILMED

A65-00071X

Page 1

Date: 03/08/93 1994

SCANNED

JUL 29 2003

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	40.0
		17	NE	NE	1 IRR	33.0
			SE	NE	IRR	37.0
			NW	SW	IRR	7.0
			SW	SW	IRR	32.0
			NE	SE	IRR	40.0
			SE	SE	IRR	40.0
					Section Acres	189.0
		18	SW	NE	IRR	1.0
			SE	NE	IRR	3.0
			NE	SE	IRR	13.0
					Section Acres	17.0
		20	NE	NE	IRR	38.0
			NW	NE	IRR	1.0
			SW	NE	IRR	34.0
			SE	NE	IRR	32.0
			NE	NW	IRR	23.0
			NW	NW	IRR	40.0
			SW	NW	IRR	40.0
			SE	NW	IRR	39.0
			NE	SW	IRR	39.0
			NE	SE	IRR	34.0
			NW	SE	IRR	40.0
			SE	SE	IRR	7.0
					Section Acres	367.0
		21		4	IRR	30.0
				5	IRR	35.0
				6	IRR	8.0
			SW	NW	IRR	30.0
			NE	SW	IRR	32.0
			NW	SW	IRR	34.0
			SW	SW	IRR	37.0
			SE	SW	IRR	34.0
			NE	SE	IRR	38.0
			NW	SE	IRR	19.0
			SW	SE	IRR	28.0
			SE	SE	IRR	27.0

MICROFILMED

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	352.0
		28	NE	NE	IRR	37.0
			NW	NE	IRR	32.0
			SW	NE	IRR	37.0
			SE	NE	IRR	31.0
			NE	NW	IRR	36.0
			NW	NW	IRR	35.0
			SW	NW	IRR	7.0
			SE	NW	IRR	38.0
			NE	SW	IRR	17.0
			NE	SE	IRR	24.0
			NW	SE	IRR	33.0
					Section Acres	327.0
					Total Acres	1292.0

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:

LANDS IRRIGATED THROUGH STEWART DITCH.

15. Basis of Claim: BENEFICIAL USE

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: _____

MICROFILMED

AUG 03 1994

Date: 03/30/93

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

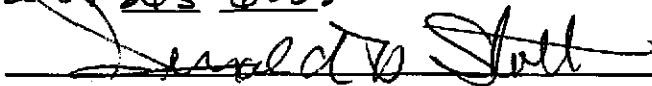
CHANGE IN ADDRESS OF NOTICE OF CLAIM

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

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

[] New Mailing Address: Stewart Ditch Co.
Co 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: ADL

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date: 3-30-93

By: ADL

MICROFILMED

AUG 03 1994

SCANNED

JUL 29 2003

Jodi

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: A65-00071X
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: DEC 27, 1880

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	03W	35	SW	NW			GEM

5. Description of diverting works:
HEADGATE AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	51.680		

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

8. Total consumptive use is 4522.0 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	16	SW	NW	5	IRR	34.0
			NW	SW	6	IRR	4.0
			SW	SW	7	IRR	2.0

Section Acres 40.0

A65-00071X

Page 1

Date: 04/16/90

MICROFILMED

SCANNED

SEP 15 1992

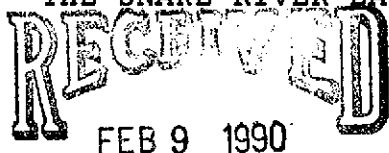
JUL 29 2003

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: A65-00071X
Date Received: ~~2/01/1990~~ 2/9/90
Receipt No: X999997
Received By: _____



Department of Water Resources 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: DEC 27, 1880

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	03W	35	SW	NW			GEM

5. Description of diverting works:
HEADGATE AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	51.680		

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

8. Total consumptive use is 4522.0 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	16	SW	NW	5	IRR	34.0
			NW	SW	6	IRR	4.0
			SW	SW	7	IRR	2.0

Section Acres 40.0

A65-00071X

Page 1

Date: 02/01/90

SCANNED

JUL 29 2003

MICROFILMED

SEP 15 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	03W	17	NE		NE	1	IRR	33.0
			SE		NE		IRR	37.0
			NW		SW		IRR	7.0
			SW		SW		IRR	32.0
			NE		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					189.0
		18	SW		NE		IRR	1.0
			SE		NE		IRR	3.0
			NE		SE		IRR	13.0
			Section Acres					17.0
		20	NE		NE		IRR	38.0
			NW		NE		IRR	1.0
			SW		NE		IRR	34.0
			SE		NE		IRR	32.0
			NE		NW		IRR	23.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	39.0
			NE		SW		IRR	39.0
			NE		SE		IRR	34.0
			NW		SE		IRR	40.0
			SE		SE		IRR	7.0
			Section Acres					367.0
		21				4	IRR	30.0
						5	IRR	35.0
						6	IRR	8.0
			SW		NW		IRR	30.0
			NE		SW		IRR	32.0
			NW		SW		IRR	34.0
			SW		SW		IRR	37.0
			SE		SW		IRR	34.0
			NE		SE		IRR	38.0
			NW		SE		IRR	19.0
			SW		SE		IRR	28.0
			SE		SE		IRR	27.0
			Section Acres					352.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	03W	28	NE	NE		IRR	37.0
			NW	NE		IRR	32.0
			SW	NE		IRR	37.0
			SE	NE		IRR	31.0
			NE	NW		IRR	36.0
			NW	NW		IRR	35.0
			SW	NW		IRR	7.0
			SE	NW		IRR	38.0
			NE	SW		IRR	17.0
			NE	SE		IRR	24.0
			NW	SE		IRR	33.0

Section Acres 327.0

Total Acres 1292.0

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:

LANDS IRRIGATED THROUGH STEWART DITCH.

15. Basis of Claim: BENEFICIAL USE

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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am PRESIDENT of
Title
LETHA IRRIGATION & WATER CO., that I have signed the foregoing
Organization
document in the space below as PRESIDENT of
Title
LETHA IRRIGATION & WATER CO. and that the statements contained in the
Organization
foregoing document are true and correct.

Harold Stutz
Signature of Authorized Agent
PRESIDENT
LETHA IRRIGATION & WATER CO.
Title and Organization

February 6, 1990
Date

State of Idaho)
County of Payette) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of February 19 90

Seal

Cathy M. Myers
Notary Public

Residing at New Plymouth

My Commission Expires 4-22-91

Water Right Number - 65-00071X 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 - - - - +
12/27/1880 14 J - BENEFICIAL USE

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

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

07N 03W 35 SW NW (45) GEM

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

01 - IRRIGATION 03/15 11/15 30.830

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
30.830

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

07N	03W	16	SW NW	5	34.0	01	IRRIGATION	(45) GEM
07N	03W	16	NW SW	6	4.0	01	IRRIGATION	(45) GEM
07N	03W	16	SW SW	7	2.0	01	IRRIGATION	(45) GEM
07N	03W	17	NE NE	1	33.0	01	IRRIGATION	(45) GEM
07N	03W	17	SE NE		37.0	01	IRRIGATION	(45) GEM
07N	03W	17	NW SW		7.0	01	IRRIGATION	(45) GEM
07N	03W	17	SW SW		32.0	01	IRRIGATION	(45) GEM
07N	03W	17	NE SE		40.0	01	IRRIGATION	(45) GEM
07N	03W	17	SE SE		40.0	01	IRRIGATION	(45) GEM
07N	03W	18	SW NE		1.0	01	IRRIGATION	(45) GEM
07N	03W	18	SE NE		3.0	01	IRRIGATION	(45) GEM
07N	03W	18	NE SE		13.0	01	IRRIGATION	(45) GEM
07N	03W	20	NE NE		38.0	01	IRRIGATION	(45) GEM
07N	03W	20	NW NE		1.0	01	IRRIGATION	(45) GEM
07N	03W	20	SW NE		34.0	01	IRRIGATION	(45) GEM
07N	03W	20	SE NE		32.0	01	IRRIGATION	(45) GEM
07N	03W	20	NE NW		23.0	01	IRRIGATION	(45) GEM
07N	03W	20	NW NW		40.0	01	IRRIGATION	(45) GEM
07N	03W	20	SW NW		40.0	01	IRRIGATION	(45) GEM
07N	03W	20	SE NW		39.0	01	IRRIGATION	(45) GEM
07N	03W	20	NE SW		39.0	01	IRRIGATION	(45) GEM
07N	03W	20	NE SE		34.0	01	IRRIGATION	(45) GEM

111 2 9 2003

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SEP 15 1992

MICROFILMED

Water right number - 65-00071X

Adj. flag translation: Standard Water Right Number

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
07N	03W	20	NW SE		40.0	01	IRRIGATION	(45) GEM
07N	03W	20	SE SE		7.0	01	IRRIGATION	(45) GEM
07N	03W	21		4	30.0	01	IRRIGATION	(45) GEM
07N	03W	21		5	35.0	01	IRRIGATION	(45) GEM
07N	03W	21		6	8.0	01	IRRIGATION	(45) GEM
07N	03W	21	SW NW		30.0	01	IRRIGATION	(45) GEM
07N	03W	21	NE SW		32.0	01	IRRIGATION	(45) GEM
07N	03W	21	NW SW		34.0	01	IRRIGATION	(45) GEM
07N	03W	21	SW SW		37.0	01	IRRIGATION	(45) GEM
07N	03W	21	SE SW		34.0	01	IRRIGATION	(45) GEM
07N	03W	21	NE SE		38.0	01	IRRIGATION	(45) GEM
07N	03W	21	NW SE		19.0	01	IRRIGATION	(45) GEM
07N	03W	21	SW SE		28.0	01	IRRIGATION	(45) GEM
07N	03W	21	SE SE		27.0	01	IRRIGATION	(45) GEM
07N	03W	28	NE NE		37.0	01	IRRIGATION	(45) GEM
07N	03W	28	NW NE		32.0	01	IRRIGATION	(45) GEM
07N	03W	28	SW NE		37.0	01	IRRIGATION	(45) GEM
07N	03W	28	SE NE		31.0	01	IRRIGATION	(45) GEM
07N	03W	28	NE NW		36.0	01	IRRIGATION	(45) GEM
07N	03W	28	NW NW		35.0	01	IRRIGATION	(45) GEM
07N	03W	28	SW NW		7.0	01	IRRIGATION	(45) GEM
07N	03W	28	SE NW		38.0	01	IRRIGATION	(45) GEM
07N	03W	28	NE SW		17.0	01	IRRIGATION	(45) GEM
07N	03W	28	NE SE		24.0	01	IRRIGATION	(45) GEM
07N	03W	28	NW SE		33.0	01	IRRIGATION	(45) GEM

Total Acres: 1292.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +
LANDS IRRIGATED THROUGH STEWART 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

+ - - Audit Fields - 09/05/86 04/30/88 CONVERT 11/01/88 CURTIS 02/28/90 HARRIS

JUL 29 2003

SCANNED

MICROFILMED

SEP 15 1992

Water right number - 65-00071X

Adj. flag translation: Standard Water Right Number

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

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 65
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 01/21/1986	Presumption Flag	-	Microfilm Roll Number	-

SCANNED
JUL 29 2003

MICROFILMED
SEP 15 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Stewart Ditch Co.

CLAIM IDENT. NO.

A65-00071X

DATE RECEIVED

2-9-90

CK #

AMOUNT \$

Exempt

YES

NO

Required Info?

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

Claim checked by: rad

Date:

4/3/90

Claim must be returned to claimant: ☐ (Yes) ☒ (No)Claimant must be notified of modifications: ☐ (Yes) ☒ (No)

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

Date: _____
 Date: 4/11/90
 Date: _____

Checked by: _____

Date: _____

Comments: _____

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MICROFILMED

JUL 29 2003

SEP 15 1992

AJ0749NP
No. R65-00071X

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

DATE: 04/01/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STEWART DITCH CO 6550 DALLAS RD NEW PLYMOUTH ID 83655 (208) 278-3040	12/27/1880	IRRIGATION	03-15 11-15	37.92 CFS	
					TOTAL DIVERSION:	37.92 CFS
					CONSUMPTIVE USE:	4522.00 AFA

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T07N R03W S17 Lot01(NENE)
S35 SWNW

GEM County
GEM County

Place of use Legal Description for: IRRIGATION

NE																NW				SW				SE																																									
				NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE																															
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM																															
07N	03W	16	:											05-34								06-04	07-02											40.0																															
07N	03W	17	:	01-33																		07	32				40					40		189.0																															
07N	03W	18	:					01	03																		13							17.0																															
07N	03W	20	:		38		01		34		32		23	40	40	39					39					34		40			07		367.0																																
07N	03W	21	:					06-08					04-30	30	05-35						32	34	37	34		38	19	28	27				352.0																																
07N	03W	28	:		37		32		37		31		36	35	07	38					17					24		33					327.0																																
																																				TOTAL ACRES																													1292.0

POU County: GEM

Remarks: GEN WATER IS DELIVERED THROUGH STEWART DITCH.
3.11 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
A DIVERSION RATE OF .034 CFS PER ACRE FOR 379 ACRES, .029 CFS
PER ACRE FOR 407 ACRES, AND .02 CFS PER ACRE FOR 506 ACRES AT THE
FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE
OF USE DESCRIBED ABOVE.

Dates: Exam Made Date: Verified Date:

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

Comments: Date: 04/01/1996 User-ID: MMINICUC Subject: STIPULATION
THIS RECORD REFLECTS THE PAYETTE RIVER BASIN ADJUDICATION
STIPULATION. NO ADDITIONAL FIELD EXAM OR CVR REQUIRED.

Audit: 04/01/96 MMINICUC

SCANNED
JUL 29 2003

MICROFILMED
OCT 18 1996

MEMORANDUM

April 6, 1995

TO: Any PRBA Claim with a Stipulation
FROM: RON HOWERTON

RE: RECOMMENDATIONS/STIPULATION

I. CONVERSATION WITH DON SHAFF:

1. Met with Don 4/5/95 at S.O. on how to proceed with "R" file recommendations.
2. Don re-confirmed that the stipulation amends the "A" claim, thus for the split ownership of this right both the "A" and "R" files can be completed.
3. He said that because of the stipulation no field exam is needed, nor do I need to print a CVR. In place of the CVR I'm to print out a profile report with comments pertaining to the stipulation.
4. I asked him if the copy of the stipulation he gave me had enough signatures on it to make the recommendation? He said yes.

II. CONVERSATION WITH JEFF PEPPERSACK

1. Met with Jeff 4/5/95 at S.O. asked if he had any paperwork pertaining to how much water was recommended for this right. He said that he thought Dan Steckel had all of it.

III. CONVERSATION WITH DAN STECKEL

1. Called Dan at S.O. 4/6/95 asked if he had the paperwork that showed how much water was to be recommended for this right. He said Don had it in his Boyd Jackson's file.

IV. CONVERSATION WITH DON SHAFF

1. Called Don at S.O. 4/6/95 asked him if he had the paperwork for the amount of water recommended? He said yes he did. He said that eventually that file would come over to Western. I asked if I needed to put the paperwork showing how much water was to be recommended in that file? He said yes, but it may be several months before he would send that file to us. So I asked was it necessary for me to have it to make the "R" file recommendation? He said no, proceed with the recommendations.

May 23, 1995

SPRING MEETING WITH DAVE SHAW & HIS ATTORNEYS:
Ref: OWNERSHIP CHANGES

1. Dan Steckel said that after an ownership change has been made, he needs a copy of the Ownership Change when completed. He doesn't need a copy of the claim.
2. During our conversation with Dave Shaw and Don Shaff, the Attorney's were in agreement that the stipulation's we have copies of now can be used to amend the "A" claim the same way as a Transfer would.
3. A recently licensed permit can also be used to amend the claim with an ownership change with an added requirement. A letter must accompany the ownership changed claim, stating that the claimed permit was licensed since this claim was filed, the claim has been revised to correspond to the licensing. If they have any difficulty with this clarification, they need to contact our office within 30 days of the letter. (The "A" claim is given a "T" status for the 30 day period.

SCANNED

JUL 29 2003

MICROFILMED

OCT 18 1996



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 our 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

SCANNED

JUL 29 2003

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

STATE OF IDAHO
District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

65-00071 A
00071 B
00071 C
00071 X

NAME AND ADDRESS:

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

CODING

DAVENPORT, IDAHO

83303-2707*9721

RECEIVED

JUL 17 2002

WATER RESOURCES
WESTERN REGION



HEMINGWAY

RECEIVED

JUL 16 2002

Department of Water Resources

LYSGAARD 83617-0001 150 05 07/10/02
FORWARD TIME EXP RTN TO SEND
LYSGAARD
2221 TANGLEWOOD LN
EMMETT ID 83617-9021

RETURN TO SENDER



SCANNED

JUL 29 2003

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 65-00071X

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

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 37.92 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 60.12 CFS. COMBINED RIGHT NOS.:
65-00071B, 65-00071C & 65-00071A.^^^

PRIORITY DATE: 12/27/1880

POINT OF DIVERSION: T07N R03W S17 LOT 1 (NENE) Within Gem County
S35 SWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	37.92 CFS

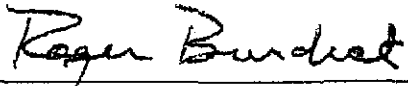
PLACE OF USE:
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1292 ACRES IN A
SINGLE IRRIGATION SEASON WITHIN THE BOUNDARY OF THE STEWART
DITCH COMPANY.^^^

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: 65-71X

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

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 37.92 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 60.12 CFS. COMBINED RIGHT
NOS.: 65-00071B, 65-00071C & 65-00071A

PRIORITY DATE: 12/27/1880

POINT OF DIVERSION: T07N R03W S17 LOT 1 NENE Within GEM County
T07N R03W S35 SWNW 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	37.92 CFS

PLACE OF USE:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1292 ACRES IN A
SINGLE IRRIGATION SEASON WITHIN THE BOUNDARY OF THE STEWART
DITCH COMPANY

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 - Beneficial Use

THE FOLLOWING RIGHT IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE AS T07N, R03W, S35, SWNW: RIGHT NO.:
65-00079

AJ0749NP
No. R65-00071X

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

DATE: 04/04/00
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	12/27/1880	IRRIGATION	03-15 11-15	37.920 CFS	
TOTAL DIVERSION:					37.920 CFS	

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T07N R03W S17 Lot01(NENE)
S35 SWNW

GEM County
GEM County

POU County:

Remarks: QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 60.12 CFS. COMBINED RIGHT NOS.:
65-00071B, 65-00071C & 65-00071A.

POU1 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1292 ACRES IN A
SINGLE IRRIGATION SEASON WITHIN THE BOUNDARY OF THE STEWART DITCH
COMPANY.

EXP THE FOLLOWING RIGHT IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE AS T07N, R03W, S35, SWNW: RIGHT NO.:
65-00079.

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

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

Comments: Date: 04/01/1996 User-ID: MMINICUC Subject: STIPULATION
THIS RECORD REFLECTS THE PAYETTE RIVER BASIN ADJUDICATION
STIPULATION. NO ADDITIONAL FIELD EXAM OR CVR REQUIRED.

Date: 04/04/2000 User-ID: MSCHULTE Subject: COPIED FROM REMARKS
A DIVERSION RATE OF .034 CFS PER ACRE FOR 379 ACRES, .029 CFS
PER ACRE FOR 407 ACRES, AND .02 CFS PER ACRE FOR 506 ACRES AT THE
FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE
OF USE DESCRIBED ABOVE.

Date: 04/04/2000 User-ID: MSCHULTE Subject: DELIVERY LOSS
3.11 CFS OF THIS RIGHT IS FOR DELIVERY LOSS AS PROVIDED IN THE

SCANNED

1111 9 0 2009

AJ0749NP
No. R65-00071X

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

DATE: 04/04/00
PAGE: 2

=====

Comments: Date: 04/04/2000 User-ID: MSCHULTE Subject: DELIVERY LOSS
PAYETEE RIVER BASIN ADJUDICATION.

Audit: 04/04/00 MSCHULTE

SCANNED

JUL 29 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:23:57
04/04/00
24

PAGE: 24
PROFILE REPORT

CLAIM NUMBER: A65-00071X

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STEWART DITCH CO	12/27/1880	IRRIGATION	03-15 11-15	37.920 CFS	
TOTAL DIVERSION:					37.920 CFS	
~~CONSUMPTIVE USE:~~						~~4522.00 AFA~~

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07N R03W S17 Lot01(NENE)
S35 SWNW

GEM County
GEM County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE							
T	R	S	NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		NESE		NWSE		SWSE		SESE		SUM
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
07N	03W	16	:								:																40.0
07N	03W	17	:	01	33	:					:																189.0
07N	03W	18	:			:					:																17.0
07N	03W	20	:	38		:	01				:	23															367.0
07N	03W	21	:			:					:																279.0
07N	03W	28	:	37		:	32				:	36															327.0
TOTAL ACRES																								1292.0			

Lots Without 1/4 1/4 Description: IRRIGATION
07N 03W 21 04-30 05-35 06-08

SUM
73.0

POU County: GEM

Remarks: GEN LANDS IRRIGATED THROUGH STEWART DITCH.
CLAIM AMENDED PER STIPULATION FROM PAYETTE RIVER BASIN
ADJUDICATION. 03/01/1996 MM. A

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

EXP- F06 (SWNW, S35) -00079

QNT

POU1

Delivery Loss = 3.11 cfs

SCANNED

JUL 29 2003

WR5809NP
No. 65-00071X

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/30/00
PAGE: 4

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	12/27/1880	IRRIGATION	03/15 11/15	30.830 CFS	
				TOTAL DIVERSION:	30.830 CFS	
C	STEWART DITCH CO. C/O LENARD PLATZ 1215 LITTLE ROCK RD. EMMETT ID 83617					

Water Source: PAYETTE RIVER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T07N R03W S35

SWNW

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	SUM
07N	03W	16	:									05-34				06-04	07-02			40.0
07N	03W	17	:	01-33												07	32		40	189.0
07N	03W	18	:				01	03										13		17.0
07N	03W	20	:	38		01	34	32		23	40	40	39			39		34	40	367.0
07N	03W	21	:									30				32	34	37	34	279.0
07N	03W	28	:	37		32	37	31		36	35	07	38			17		24	33	327.0
																			TOTAL ACRES	1292.0

Lots Without 1/4 1/4 Description: IRRIGATION
07N 03W 21 04-30 05-35 06-08

SUM
73.0

Pou County: GEM

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-00079 65-03372

Other Water Rights Listing Overlapping Place(s) of use:
65-00070X 65-00071A 65-00071C 65-00081 65-00403X 65-02324 65-02473 65-05452 65-05849 65-11268
65-13310

Remarks: GEN LANDS IRRIGATED THROUGH STEWART DITCH.

Dates: App. Received: Priority Date: 12/27/1880
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

SCANNED
JUL 29 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:16:07
04/04/00

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QUICKLOOK INFORMATION

23
CLAIM NUMBER: A65-00071X

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	Y		MS 4-4-2000 In office	N		MS 4-4-00	MS 4-4-00	
POINT OF DIV	Y			N				
SOURCE	Y			N				
PLACE OF USE	Y			Y				
DIV. AMOUNT CFS/VOLUME	Y			N				
CONSUMPTIVE USE	-			Y				
PURPOSES OF USE				N				
PERIOD OF USE				N				
BASIS OF CLAIM	Y			N				
REMARKS	Y			Y				

BARCODE UPDATED
WHOM/DATE

SCANNED
JUL 29 2003

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()
(x) TOPOGRAPHIC	DATE FIELD CHECKED <u>1971 maps (2)</u> IDWR ID NO. <u>W5</u>	Y(<u>X</u>) 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()
(x) OTHER <u>Stipulation & Order</u>	DATE <u>2-93</u>	Y(<u>X</u>) N()
(x) OTHER <u>Summary Sheet</u>	DATE _____	Y(<u>X</u>) 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 _____	_____	_____

SCANNED
JUL 29 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:16:07
04/04/00

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A65-00071X

LAST: STEWART DITCH CO
ADDRESS: C/O BRUCE LYSGAARD
2068 COUNTY LINE RD
CITY: EMMETT
PHONE NUMBER: 208-278-3806
STATE: ID ZIP: 83617

FIRST:

OWNER CODE: C

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

FIRST:

OWNER CODE: O

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN LANDS IRRIGATED THROUGH STEWART DITCH.
CLAIM AMENDED PER STIPULATION FROM PAYETTE RIVER BASIN
ADJUDICATION. 03/01/1996 MM. A

SCANNED
JUL 29 2003

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:

In office exam 4-4-2000. This recommendation is based on the stipulation and order entered in the PRBA.

See loose leaf map for boundary of Stewart Dutch company. This right is delivered by the Letha Irrigation & Water Co.

SCANNED

JUL 29 2003

A. AJ CLAIM: # A65-00071X PRIORITY DATE: 12-27-1880 STAGE: J

B. WR RECORD: # 65-00071X PRIORITY DATE: 12-27-1880 STAGE: J

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y(☐) N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y(☐) N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A(☒) Y(☐) N(☐)

FIELD EXAM COMPLETED

N/A(☒) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE

N/A(☒) Y(☐) N(☐)

LICENSE ISSUED

N/A(☒) Y(☐) N(☐)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A(☐) Y(☐) N(☒)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☒) N(☐)

NOTES:

Recommended as stipulated in the PRBA.

RECOMMENDED PRIORITY DATE:

12-27-1880
REVIEWED BY *Meel Schulte*

DATE *4-4-2000*

SCANNED
JUL 29 2003

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-00071X	07N	03W	17		NE	NE	1		GEM		
A65-00071X	07N	03W	35		SW	NW			GEM		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A65-00079 65-04479
A65-04479 65-21811
A65-21811 R65-00079

WR RECORDS IN SAME 40 ACRE TRACT
65-00079
65-03372

SOURCE: PAYETTE RIVER

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-00071X	07N	03W	35		SW	NW			GEM		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
65-00079 65-21811
65-03372 R65-00079

SOURCE: PAYETTE RIVER

TRIB:

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(☒) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N(☒)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(☒) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N(☒)

SCANNED
JUL 29 2003

1. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____)

Y() N(5)

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____)

Y() N(5)

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: Recommended as stipulated in the PRBA. The source
and POD's were verified on topo map Letta, Idaho,
WS

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
07N	03W	17		NE	NE	1		GEM		
07N	03W	35		SW	NW			GEM		
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—

SOURCE: Payette River TRIB: Snake River

REVIEWED BY: Mel Schulte DATE: 4-4-2000

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

SCANNED
JUL 29 2003

A. ROOT WATER RIGHT NUMBERS:

A65-00071A
A65-00071B
A65-00071C
A65-00071X
R65-00071A
R65-00071X
R65-00071B
R65-00071C

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07N	03W	16	SW	NW	5	STEWART DITCH CO	A65-00071X / 34.0	65-00071X / 34.0	30.0		
			SW	NW		COOPER, MARJORIE A	A65-02695 / 1.0	65-02695 / 1.0			
			SW	NW	5	STEWART DITCH CO	R65-00071X / 34.0	- /			
07N	03W	16	NW	SW	6	STEWART DITCH CO	A65-00071X / 4.0	65-00071X / 4.0	16.0		
			NW	SW	2	CM RANCHES	R65-02847 / 11.5	65-02847 / 11.5			
			NW	SW	6	STEWART DITCH CO	R65-00071X / 4.0	- /			
07N	03W	16	SW	SW	7	STEWART DITCH CO	A65-00071X / 2.0	65-00071X / 2.0	6.0		
			SW	SW	1	CM RANCHES	R65-02847 / 24.8	65-02847 / 24.8			
			SW	SW	7	STEWART DITCH CO	R65-00071X / 2.0	- /			
07N	03W	17	NE	NE	1	STEWART DITCH CO	A65-00071X / 33.0	65-00071X / 33.0	33.0		33.0
			NE	NE	1	WILLIAMS, FORREST J	A65-04479 /	65-04479 /			
			NE	NE	1	STEWART DITCH CO	R65-00071X / 33.0	- /			
			NE	NE	1	WILLIAMS, KAY L	65-04479 /	- /			
07N	03W	17	SE	NE		STEWART DITCH CO	A65-00071X / 37.0	65-00071X / 37.0	40.0		
			SE	NE		STEWART DITCH CO	R65-00071X / 37.0	- /			
07N	03W	17	NW	SW		STEWART DITCH CO	A65-00071X / 7.0	65-00071X / 7.0	37.0		
			NW	SW		STEWART DITCH CO	A65-00071A / 32.0	65-00071A / 32.0			
			NW	SW		STEWART DITCH CO	A65-00071B / 32.0	- /			
			NW	SW		STEWART DITCH CO	R65-00071X / 7.0	- /			
			NW	SW		COBURN, T. H.		65-05849 / 15.0			
			NW	SW		COBURN, T. H.		65-05850 /			
07N	03W	17	SW	SW		STEWART DITCH CO	A65-00071X / 32.0	65-00071X / 32.0	36.0		
			SW	SW		STEWART DITCH CO	R65-00071X / 32.0	- /			
			SW	SW		PORTER, STUART T	A65-21506 /	- /			

SCANNED
JUL 29 2003

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			SW	SW		PORTER, STUART T	65-21506 /	- /			
07N	03W	17	NE	SE		STEWART DITCH CO	A65-00071X / 40.0	65-00071X / 40.0	36.0		
			NE	SE		STEWART DITCH CO	R65-00071X / 40.0	- /			
07N	03W	17	SE	SE		STEWART DITCH CO	A65-00071X / 40.0	65-00071X / 40.0	34.0		
			SE	SE		VICKERY, LAWRENCE W	A65-04435 /	65-04435 /			
			SE	SE		STEWART DITCH CO	R65-00071X / 40.0	- /			
			SE	SE		VICKERY, LAWRENCE W	65-04435 /	- /			
07N	03W	18	SW	NE		STEWART DITCH CO	A65-00071X / 1.0	65-00071X / 1.0	34.0		
			SW	NE		STEWART DITCH CO	A65-00071A / 20.0	65-00071A / 20.0			
			SW	NE		STEWART DITCH CO	A65-00071B / 20.0	- /			
			SW	NE		STEWART DITCH CO	A65-00071C / 11.0	65-00071C / 11.0			
			SW	NE		STEWART DITCH CO	R65-00071X / 1.0	- /			
			SW	NE		ZIEGLER, W. A.		65-05992 /			
07N	03W	18	SE	NE		STEWART DITCH CO	A65-00071X / 3.0	65-00071X / 3.0	34.0		
			SE	NE		STEWART DITCH CO	A65-00071B / 31.0	- /			
			SE	NE		STEWART DITCH CO	R65-00071X / 3.0	- /			
			SE	NE		PLATZ, HOWARD	R65-21501 /	- /			
			SE	NE		PLATZ, HOWARD J	65-09240 /	65-09240 /			
			SE	NE		PLATZ, NELDA A	A65-09240 /	- /			
			SE	NE		PLATZ, HOWARD	A65-21501 /	- /			
			SE	NE		STEWART DITCH CO	A65-00071A / 31.0	65-00071A / 31.0			
			SE	NE		BISHOP, DOUGLAS F.		65-09239 /			
07N	03W	18	NE	SE		STEWART DITCH CO	A65-00071X / 13.0	65-00071X / 13.0	39.0		
			NE	SE		STEWART DITCH CO	A65-00071A / 3.0	65-00071A / 3.0			
			NE	SE		STEWART DITCH CO	A65-00071B / 3.0	- /			
			NE	SE		STEWART DITCH CO	A65-00071C / 12.0	65-00071C / 12.0			
			NE	SE		STEWART DITCH CO	R65-00071X / 13.0	- /			
			NE	SE		STOREY, JAY E	R65-21560 /	- /			
			NE	SE		STOREY, JAY E	A65-21560 /	- /			
			NE	SE		BAYES, JAMES L.		65-10570 /			
07N	03W	20	NE	NE		STEWART DITCH CO	A65-00071X / 38.0	65-00071X / 38.0	39.0		
			NE	NE		WATSON, JAMES A	A65-04343 /	65-04343 /			
			NE	NE		WATSON, BONNIE	A65-11016 /	65-11016 /			
			NE	NE		STEWART DITCH CO	R65-00071X / 38.0	- /			
			NE	NE		WATSON, BONNIE	65-11016 /	- /			
			NE	NE		WATSON, JAMES A	65-04343 /	- /			
07N	03W	20	NW	NE		STEWART DITCH CO	A65-00071X / 1.0	65-00071X / 1.0	40.0		
			NW	NE		LETHA IRRIGATION & WATER CO	INR65-00081 / 33.0	65-00081 / 33.0			
			NW	NE		STEWART DITCH CO	R65-00071X / 1.0	- /			
			NW	NE		CONGER, WAYNE	A65-21782 /	- /			
			NW	NE		CONGER, WAYNE	65-21782 /	- /			

SCANNED

JUL 29 2003

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			NW	NE		LETHA IRRIGATION & WATER CO	INA65-00081 / 33.0	- /			
			NW	NE		DERRICK, H. M.		65-06276 /			
07N	03W	20	SW	NE		STEWART DITCH CO	A65-00071X / 34.0	65-00071X / 34.0	32.0		
			SW	NE		STEWART DITCH CO	R65-00071X / 34.0	- /			
			SW	NE		WATSON, JAMES A		65-13310 / 8.0			
07N	03W	20	SE	NE		STEWART DITCH CO	A65-00071X / 32.0	65-00071X / 32.0	37.0		
			SE	NE		WATSON, JAMES A	A65-11017A /	- /			
			SE	NE		BONFIGLIO, JOHN J	A65-11017B /	- /			
			SE	NE		LETHA IRRIGATION & WATER CO	INR65-00081 / 1.0	65-00081 / 1.0			
			SE	NE		WATSON, JAMES A	R65-11017A /	- /			
			SE	NE		STEWART DITCH CO	R65-00071X / 32.0	- /			
			SE	NE		LETHA IRRIGATION & WATER CO	INA65-00081 / 1.0	- /			
			SE	NE		WATSON, JAMES A.		65-11017 /			
07N	03W	20	NE	NW		STEWART DITCH CO	A65-00071X / 23.0	65-00071X / 23.0	33.0		
			NE	NW		METZER, KENNETH	A65-02473 / 8.0	65-02473 / 8.0			
			NE	NW		STEWART DITCH CO	R65-00071X / 23.0	- /			
			NE	NW		SPENCER, GEORGE T	A65-00412 /	65-00412 /			
			NE	NW		SPENCER, GEORGE T	65-00412 /	- /			
			NE	NW		METZER, KENNETH	R65-02473 / 8.0	- /			
07N	03W	20	NW	NW		STEWART DITCH CO	A65-00071X / 40.0	65-00071X / 40.0	38.0		
			NW	NW		STEWART DITCH CO	R65-00071X / 40.0	- /			
07N	03W	20	SW	NW		STEWART DITCH CO	A65-00071X / 40.0	65-00071X / 40.0	21.0		
			SW	NW		MILLER, KENNETH	A65-18242 /	- /			
			SW	NW		STEWART DITCH CO	R65-00071X / 40.0	- /			
			SW	NW		MILLER, KENNETH	65-18242 /	- /			
			SW	NW		PAYTON, W. O.		65-08695 /			
07N	03W	20	SE	NW		STEWART DITCH CO	A65-00071X / 39.0	65-00071X / 39.0	27.0		
			SE	NW		METZER, KENNETH	A65-09321 /	65-09321 /			
			SE	NW		STEWART DITCH CO	R65-00071X / 39.0	- /			
			SE	NW		METZER, DARLENE	65-09321 /	- /			
			SE	NW		WATSON, JAMES A		65-13310 / 2.0			
07N	03W	20	NE	SW		STEWART DITCH CO	A65-00071X / 39.0	65-00071X / 39.0	41.0		
			NE	SW		STEWART DITCH CO	R65-00071X / 39.0	- /			
07N	03W	20	NE	SE		STEWART DITCH CO	A65-00071X / 34.0	65-00071X / 34.0	33.0		
			NE	SE		STEWART DITCH CO	R65-00071X / 34.0	- /			
			NE	SE		HALLBERG, FRITZ A.		65-09344 /			
07N	03W	20	NW	SE		STEWART DITCH CO	A65-00071X / 40.0	65-00071X / 40.0	37.0		
			NW	SE		STEWART DITCH CO	R65-00071X / 40.0	- /			

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TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07N	03W	20	SE	SE		STEWART DITCH CO	A65-00071X / 7.0	65-00071X / 7.0	40.0		
			SE	SE		STEWART DITCH CO	R65-00071X / 7.0	- /			
			SE	SE		NAEGLE, DANNIE L.		65-02324 / 15.0			
			SE	SE		NAEGLE, LEONARD		65-05448 /			
			SE	SE		NAEGLE, JESSIE		65-05452 / 15.0			
07N	03W	21			4	STEWART DITCH CO	A65-00071X / 30.0	65-00071X / 30.0	16.0		
			NW	NW	4	STEWART DITCH CO	R65-00071X / 30.0	- /			
07N	03W	21			5	STEWART DITCH CO	A65-00071X / 35.0	65-00071X / 35.0	37.0		
			SE	NW	5	STEWART DITCH CO	R65-00071X / 35.0	- /			
07N	03W	21			6	STEWART DITCH CO	A65-00071X / 8.0	65-00071X / 8.0	27.0		
			SW	NE	6	STEWART DITCH CO	R65-00071X / 8.0	- /			
07N	03W	21	SW	NW		STEWART DITCH CO	A65-00071X / 30.0	65-00071X / 30.0	30.0		30.0
			SW	NW		STEWART DITCH CO	R65-00071X / 30.0	- /			
07N	03W	21	NE	SW		STEWART DITCH CO	A65-00071X / 32.0	65-00071X / 32.0	36.0		
			NE	SW		STEWART DITCH CO	R65-00071X / 32.0	- /			
07N	03W	21	NW	SW		STEWART DITCH CO	A65-00071X / 34.0	65-00071X / 34.0	42.0		
			NW	SW		PLATZ, LENARD	A65-21901 /	- /			
			NW	SW		PLATZ, LENARD	A65-04687 /	65-04687 /			
			NW	SW		PLATZ, MARCHIA LEIGH	65-04687 /	- /			
			NW	SW		PLATZ, LENARD	65-21901 /	- /			
			NW	SW		STEWART DITCH CO	R65-00071X / 34.0	- /			
07N	03W	21	SW	SW		STEWART DITCH CO	A65-00071X / 37.0	65-00071X / 37.0	35.0		
			SW	SW		STEWART DITCH CO	R65-00071X / 37.0	- /			
			SW	SW		WILSON, BESSIE DE MASTERS		65-05022 /			
07N	03W	21	SE	SW		STEWART DITCH CO	A65-00071X / 34.0	65-00071X / 34.0	40.0		
			SE	SW		STEWART DITCH CO	R65-00071X / 34.0	- /			
07N	03W	21	NE	SE		STEWART DITCH CO	A65-00071X / 38.0	65-00071X / 38.0	39.0		
			NE	SE		STEWART DITCH CO	R65-00071X / 38.0	- /			
07N	03W	21	NW	SE		STEWART DITCH CO	A65-00071X / 19.0	65-00071X / 19.0	39.0		
			NW	SE		HERR, RODNEY H	A65-22169 /	- /			
			NW	SE		HERR, RODNEY	A65-04407 /	65-04407 /			
			NW	SE		HERR, RODNEY H	R65-22169 /	- /			
			NW	SE		STEWART DITCH CO	R65-00071X / 19.0	- /			
			NW	SE		HERR, MARCIA H	65-04407 /	- /			
07N	03W	21	SW	SE		STEWART DITCH CO	A65-00071X / 28.0	65-00071X / 28.0	45.0		
			SW	SE		HERR, RODNEY H	A65-03666 /	65-03666 /			
			SW	SE		STEWART DITCH CO	R65-00071X / 28.0	- /			

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TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			SW	SE		HERR, RODNEY H	65-03666 /	- /			
07N	03W	21	SE	SE		STEWART DITCH CO	A65-00071X / 27.0	65-00071X / 27.0	40.0		
			SE	SE		STEWART DITCH CO	R65-00071X / 27.0	- /			
07N	03W	28	NE	NE		STEWART DITCH CO	A65-00071X / 37.0	65-00071X / 37.0	39.0		
			NE	NE		STEWART DITCH CO	R65-00071X / 37.0	- /			
07N	03W	28	NW	NE		STEWART DITCH CO	A65-00071X / 32.0	65-00071X / 32.0	38.0		
			NW	NE		STEWART DITCH CO	R65-00071X / 32.0	- /			
07N	03W	28	SW	NE		STEWART DITCH CO	A65-00071X / 37.0	65-00071X / 37.0	39.0		
			SW	NE		STEWART DITCH CO	R65-00071X / 37.0	- /			
07N	03W	28	SE	NE		STEWART DITCH CO	A65-00071X / 31.0	65-00071X / 31.0	33.0		
			SE	NE		STEWART DITCH CO	R65-00071X / 31.0	- /			
07N	03W	28	NE	NW		STEWART DITCH CO	A65-00071X / 36.0	65-00071X / 36.0	38.0		
			NE	NW		STEWART DITCH CO	R65-00071X / 36.0	- /			
07N	03W	28	NW	NW		STEWART DITCH CO	A65-00071X / 35.0	65-00071X / 35.0	38.0		
			NW	NW		NOBLE DITCH CO LTD	A65-00403X / 1.0	65-00403X / 1.0			
			NW	NW		STEWART DITCH CO	R65-00071X / 35.0	- /			
			NW	NW		SCOTT L CAMPBELL, ELAM & BURKE	A65-02927G / 1.0	- /			
07N	03W	28	SW	NW		STEWART DITCH CO	A65-00071X / 7.0	65-00071X / 7.0	40.0		
			SW	NW		SSI FARMS INC	A65-18368 /	- /			
			SW	NW		NOBLE DITCH CO LTD	A65-00403X / 31.0	65-00403X / 31.0			
			SW	NW		SSI FARMS INC	65-18368 /	- /			
			SW	NW		STEWART DITCH CO	R65-00071X / 7.0	- /			
			SW	NW		SCOTT L CAMPBELL, ELAM & BURKE	A65-02927G / 31.0	- /			
07N	03W	28	SE	NW		STEWART DITCH CO	A65-00071X / 38.0	65-00071X / 38.0	39.0		
			SE	NW		BROYLES, JAKE OBE	A65-11268A / 33.0	- /			
			SE	NW		ARREGUY, EVELYN M	R65-11268A / 33.0	- /			
			SE	NW		STEWART DITCH CO	R65-00071X / 38.0	- /			
			SE	NW		BATEMAN, CALVIN S.		65-11268 / 33.0			
07N	03W	28	NE	SW		STEWART DITCH CO	A65-00071X / 17.0	65-00071X / 17.0	42.0		
			NE	SW		BROYLES, JAKE OBE	A65-11268A / 40.0	- /			
			NE	SW		ENTERPRISE DITCH CO	A65-00070A / 23.0	- /			
			NE	SW		ENTERPRISE DITCH CO	A65-00070X / 23.0	65-00070X / 23.0			
			NE	SW		ARREGUY, EVELYN M	R65-11268A / 40.0	- /			
			NE	SW		STEWART DITCH CO	R65-00071X / 17.0	- /			
			NE	SW		BATEMAN, CALVIN S.		65-11268 / 40.0			
07N	03W	28	NE	SE		STEWART DITCH CO	A65-00071X / 24.0	65-00071X / 24.0	40.0		
			NE	SE		ENTERPRISE DITCH CO	A65-00070A / 9.0	- /			

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TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			NE	SE		ENTERPRISE DITCH CO	A65-00070X / 9.0	65-00070X / 9.0			
			NE	SE		STEWART DITCH CO	R65-00071X / 24.0	- /			
			NE	SE		MAY, MACEL E	A65-22047 /	- /			
			NE	SE		MAY, MACEL E	A65-22048 /	- /			
			NE	SE		MAY, MACEL E	65-22047 /	- /			
			NE	SE		MAY, MACEL E	65-22048 /	- /			
			NE	SE		BATEMAN, CALVIN S.		65-11268 / 17.0			
07N	03W	28	NW	SE		STEWART DITCH CO	A65-00071X / 33.0	65-00071X / 33.0	42.0		
			NW	SE		ENTERPRISE DITCH CO	A65-00070A / 5.0	- /			
			NW	SE		ENTERPRISE DITCH CO	A65-00070X / 5.0	65-00070X / 5.0			
			NW	SE		STEWART DITCH CO	R65-00071X / 33.0	- /			
			NW	SE		BATEMAN, CALVIN S.		65-11268 / 33.0			

ADDITIONAL POU FOUND

TOTAL ACRES A65-00071X 1292.00 1292.00 1647.00

POU COUNTY: GEM

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

1305 1292 acres within the boundary of Stewart Ditch
Y() N()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-00071X	PAYETTE RIVER	STEWART DITCH CO	37.920	0.029		
A65-00070A	PAYETTE RIVER	ENTERPRISE DITCH CO	62.600	0.021		
A65-00070X	PAYETTE RIVER	ENTERPRISE DITCH CO	13.270	0.004		
A65-00071A	PAYETTE RIVER	STEWART DITCH CO	11.660	0.028		
A65-00071B	PAYETTE RIVER	STEWART DITCH CO	2.440	0.005		
A65-00071C	PAYETTE RIVER	STEWART DITCH CO	8.100	0.023		
R65-00071X	PAYETTE RIVER	STEWART DITCH CO	37.920	0.029		
A65-00081	PAYETTE RIVER	LETHA IRRIGATION & WATER CO IN	16.830	0.037		
R65-00081	PAYETTE RIVER	LETHA IRRIGATION & WATER CO IN	16.830	0.037		

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CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-00403X	PAYETTE RIVER	NOBLE DITCH CO LTD	49.050	0.005		
A65-02473	WASTE WATER	METZER, KENNETH	0.160	0.020		
R65-02473	WASTE WATER	METZER, KENNETH	0.160	0.020		
A65-02695	UNNAMED STREAM	COOPER, MARJORIE A	1.200	0.019		
R65-02847	PAYETTE RIVER	CM RANCHES	3.360	0.019		
A65-02927G	PAYETTE RIVER, NORTH FORK	SCOTT L CAMPBELL, ELAM & BURKE			10000.00	1.19
A65-11268A	WASTE WATER	BROYLES, JAKE OBE	3.000	0.020		
R65-11268A	WASTE WATER	ARREGUY, EVELYN M	3.000	0.020		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A65-04479	DOMESTIC	WILLIAMS, FORREST J	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-04479	STOCKWATER	WILLIAMS, FORREST J	FROM 01-01 TO 12-31	0.020 CFS	0.20 AF/A
65-04479	DOMESTIC	WILLIAMS, KAY L	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-04479	STOCKWATER	WILLIAMS, KAY L	FROM 01-01 TO 12-31	0.020 CFS	0.20 AF/A
A65-21506	DOMESTIC	PORTER, STUART T	FROM 01-01 TO 12-31	0.040 CFS	
65-21506	DOMESTIC	PORTER, STUART T	FROM 01-01 TO 12-31	0.040 CFS	
A65-04435	DOMESTIC	VICKERY, LAWRENCE W	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-04435	STOCKWATER	VICKERY, LAWRENCE W	FROM 01-01 TO 12-31	0.020 CFS	0.70 AF/A
65-04435	DOMESTIC	VICKERY, LAWRENCE W	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-04435	STOCKWATER	VICKERY, LAWRENCE W	FROM 01-01 TO 12-31	0.020 CFS	0.70 AF/A
R65-21501	STOCKWATER	PLATZ, HOWARD	FROM 01-01 TO 12-31	0.040 CFS	
R65-21501	DOMESTIC	PLATZ, HOWARD	FROM 01-01 TO 12-31	0.040 CFS	
65-09240	DOMESTIC	PLATZ, HOWARD J	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-09240	DOMESTIC	PLATZ, NELDA A	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-21501	STOCKWATER	PLATZ, HOWARD	FROM 01-01 TO 12-31	0.040 CFS	
A65-21501	DOMESTIC	PLATZ, HOWARD	FROM 01-01 TO 12-31	0.040 CFS	
R65-21560	DOMESTIC	STOREY, JAY E	FROM 01-01 TO 12-31	0.040 CFS	
R65-21560	STOCKWATER	STOREY, JAY E	FROM 01-01 TO 12-31	0.020 CFS	
A65-21560	DOMESTIC	STOREY, JAY E	FROM 01-01 TO 12-31	0.040 CFS	
A65-21560	STOCKWATER	STOREY, JAY E	FROM 01-01 TO 12-31	0.020 CFS	
A65-04343	DOMESTIC	WATSON, JAMES A	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-11016	DOMESTIC	WATSON, BONNIE	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-11016	DOMESTIC	WATSON, BONNIE	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-04343	DOMESTIC	WATSON, JAMES A	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-21782	DOMESTIC	CONGER, WAYNE	FROM 01-01 TO 12-31	0.040 CFS	
A65-21782	STOCKWATER	CONGER, WAYNE	FROM 01-01 TO 12-31	0.040 CFS	
65-21782	DOMESTIC	CONGER, WAYNE	FROM 01-01 TO 12-31	0.040 CFS	
65-21782	STOCKWATER	CONGER, WAYNE	FROM 01-01 TO 12-31	0.040 CFS	
A65-11017A	DOMESTIC	WATSON, JAMES A	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-11017B	DOMESTIC	BONFIGLIO, JOHN J	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
R65-11017A	DOMESTIC	WATSON, JAMES A	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-00412	DOMESTIC	SPENCER, GEORGE T	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A

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CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
65-00412	DOMESTIC	SPENCER, GEORGE T	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-18242	DOMESTIC	MILLER, KENNETH	FROM 01-01 TO 12-31	0.040 CFS	
A65-18242	STOCKWATER	MILLER, KENNETH	FROM 01-01 TO 12-31	0.020 CFS	
65-18242	DOMESTIC	MILLER, KENNETH	FROM 01-01 TO 12-31	0.040 CFS	
65-18242	STOCKWATER	MILLER, KENNETH	FROM 01-01 TO 12-31	0.020 CFS	
A65-09321	DOMESTIC	METZER, KENNETH	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-09321	STOCKWATER	METZER, KENNETH	FROM 01-01 TO 12-31	0.050 CFS	2.70 AF/A
65-09321	DOMESTIC	METZER, DARLENE	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-09321	STOCKWATER	METZER, DARLENE	FROM 01-01 TO 12-31	0.050 CFS	2.70 AF/A
A65-21901	DOMESTIC	PLATZ, LENARD	FROM 01-01 TO 12-31	0.040 CFS	
A65-04687	DOMESTIC	PLATZ, LENARD	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-04687	STOCKWATER	PLATZ, LENARD	FROM 01-01 TO 12-31	0.040 CFS	2.00 AF/A
65-04687	DOMESTIC	PLATZ, MARCHIA LEIGH	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-04687	STOCKWATER	PLATZ, MARCHIA LEIGH	FROM 01-01 TO 12-31	0.040 CFS	2.00 AF/A
65-21901	DOMESTIC	PLATZ, LENARD	FROM 01-01 TO 12-31	0.040 CFS	
A65-22169	STOCKWATER	HERR, RODNEY H	FROM 01-01 TO 12-31	0.050 CFS	
A65-04407	DOMESTIC	HERR, RODNEY	FROM 01-01 TO 12-31	0.040 CFS	2.40 AF/A
A65-04407	STOCKWATER	HERR, RODNEY	FROM 01-01 TO 12-31	0.020 CFS	0.20 AF/A
R65-22169	STOCKWATER	HERR, RODNEY H	FROM 01-01 TO 12-31	0.050 CFS	
65-04407	DOMESTIC	HERR, MARCIA H	FROM 01-01 TO 12-31	0.040 CFS	2.40 AF/A
65-04407	STOCKWATER	HERR, MARCIA H	FROM 01-01 TO 12-31	0.020 CFS	0.20 AF/A
A65-03666	DOMESTIC	HERR, RODNEY H	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-03666	DOMESTIC	HERR, RODNEY H	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-18368	STOCKWATER	SSI FARMS INC	FROM 01-01 TO 12-31	0.070 CFS	
65-18368	STOCKWATER	SSI FARMS INC	FROM 01-01 TO 12-31	0.070 CFS	
A65-22047	DOMESTIC	MAY, MACEL E	FROM 01-01 TO 12-31	0.040 CFS	
A65-22047	STOCKWATER	MAY, MACEL E	FROM 01-01 TO 12-31	0.050 CFS	
A65-22048	DOMESTIC	MAY, MACEL E	FROM 01-01 TO 12-31	0.040 CFS	
65-22047	DOMESTIC	MAY, MACEL E	FROM 01-01 TO 12-31	0.040 CFS	
65-22047	STOCKWATER	MAY, MACEL E	FROM 01-01 TO 12-31	0.050 CFS	
65-22048	DOMESTIC	MAY, MACEL E	FROM 01-01 TO 12-31	0.040 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

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G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N(☒)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: () ORTHOPHOTOQUAD, IDWR NO. _____; () TOPOGRAPHIC QUAD, IDWR NO. _____;

(☒) NAPP, IDWR NO. _____; () ASCS PHOTO; () OTHER _____

NOTES:

The boundary of the place of use was established by the ditch Co.

1292 acres within the ditch company boundaries for this right

RECOMMENDATIONS:

TOTAL ACRES: _____ N/A()

REVIEWED BY:

Mel Schulte

DATE:

4-4-2000

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A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-00071X IRRIGATION	FROM 03-15 TO 11-15	37.920 CFS	
TOTAL DIVERSION RATE/VOLUME		37.920 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-00071X IRRIGATION	FROM 03-15 TO 11-15	30.830 CFS	
TOTAL DIVERSION RATE/VOLUME		30.830 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(☐) N(☒)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☐) N(☒)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☐) N(☒)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☐) N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☐) N(☒)

SCANNED
JUL 29 2003

NOTES:

Recommended as stipulated in the PRBA. The diversion rate was calculated by a formula used in the PRBA stipulation and includes 3.11 cfs for delivery loss.

SCANNED

JUL 29 2003

AJ CLAIM TOTAL DIVERSION RATE: 37.920 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 30.830 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N(☒)

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N(☒)

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N(☒)

E. FLOW MEASUREMENT

MEASUREMENT METHOD None -, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = ~~4522.0 AF/A~~ *delete*

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

SCANNED
JUL 29 2003

NOTES:

See the attached stipulation that contains the formula to determine the diversion rate.

WR RECORD CONDITIONS/REMARKS:

SCANNED

JUL 29 2003

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE CFS		VOL. AF/A		USE	
IRRIGATION	03-15	11-15	DATABASE 37.920	EXAMINER	DATABASE	EXAMINER	DATABASE 4522.0	EXAMINER
TOTAL FOR THIS RIGHT			37.920				4522.0	

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: Mel Schulte DATE: 4-4-2000

FLAG: _____
STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE):

EXP FOB (SWNW, S35) w - 00079.
QNT
POU
Delivery loss comment.
EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

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JUL 29 2003

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(☒)	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-00071

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
49.130

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
65-00071A	A65-00071A	11.660	R65-00071A	11.660	65-00071A	7.760
65-00071B	A65-00071B	2.440	R65-00071B	2.440	65-00071B	2.440
65-00071C	A65-00071C	8.100	R65-00071C	8.100	65-00071C	8.100
-	A65-00071X	37.920	R65-00071X	37.920	65-00071X	30.830
TOTAL CFS		60.120	60.120		49.130	

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE
N

FIELD
EXAMINER
Y() N()

NOTES:

SCANNED
JUL 29 2003

AUTHENTICATION:

SIGNATURE: Mel Schulte DATE: 4-4-2000

NAME OF FIELD EXAMINER: _____ TITLE: _____

SCANNED

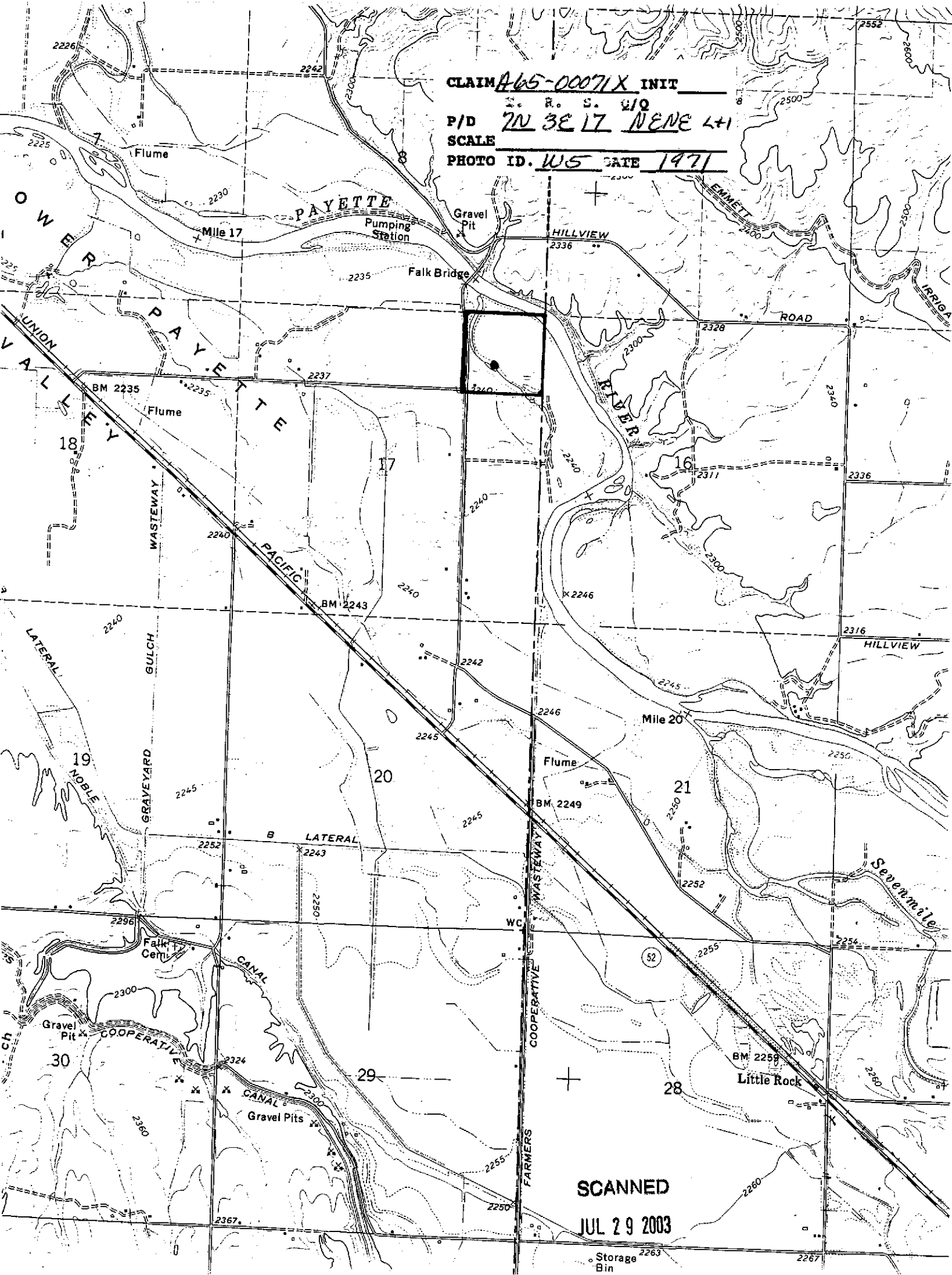
JUL 29 2003

P/D 7N 3E 17 NENE 4+1
SCALE _____
PHOTO ID. W5 DATE 1971

P/D 2N 3E 17 NENE L+1

SCALE

PHOTO ID. W5 DATE 1971



RECEIVED

FEB 10 1993

Department of Water Resources

LARRY ECHOHAWK
Attorney General

DANIEL L. STECKEL
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720-9000
(208) 327-7900

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	
DETERMINATION OF THE RIGHT	)	CIVIL NO. 3667
TO THE USE OF SURFACE AND	)	
GROUNDWATERS OF THE PAYETTE	)	STIPULATION RESOLVING
RIVER DRAINAGE BASIN	)	OBJECTIONS TO WATER
	)	RIGHT NOS. 65-00071A,
	)	65-00071X

The Director of the Idaho Department of Water Resources, R. Keith Higginson, by and through counsel, and Stewart Ditch Co. stipulate as follows:

1. That water right claim Nos. 65-00071A and 65-00071X, be accepted and included in the Proposed Finding of Water Rights in the Payette River Drainage as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

2. That Stewart Ditch Co. withdraws all pending objections, including those based on the objection filed by Richard Frasier, William Conrad, Don Craig, Jay Sisler and Stan Brown in July 1982, in the above captioned matter.

DATED this _____ day of _____, 1993.

LARRY ECHOHAWK
Attorney General

DANIEL L. STECKEL
Deputy Attorney General
Department of Water Resources

DATED THIS 8 day of Feb, 1993.

Harold Blatz Pres.
Letha King

AUTHORIZED AGENT
STEWART DITCH CO.

The above stipulation having come before the court, it is
hereby approved this _____ day of _____, 1993.

JAMES R. DOOLITTLE
District Judge

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: PAYETTE RIVER		TRIBUTARY: SNAKE RIVER				
65-00071X	STEWART DITCH CO. 6550 DALLAS RD. NEW PLYMOUTH ID 83655	12/27/1880	IRRIGATION	03-15 11-15	37.92	CFS BENEFICIAL USE
					TOTAL QUANTITY:	37.92
					CONSUMPTIVE USE:	4522.0
POINT OF DIVERSION:						
T07N R03W S17 LOT 1 (NENE)						
S35 SWNW						
PLACE OF USE: IRRIGATION						
T07N R03W S16 Lot 5 (SNNW) 34.0 Lot 6 (NWSW) 4.0 Lot 7 (SWSW) 2.0						
S17 Lot 1 (NENE) 33.0 SENE 37.0 NWSW 7.0 SWSW 32.0						
S18 NESE 40.0 SESE 40.0						
S20 SWNE 1.0 SENE 3.0 NESE 13.0						
NENE 38.0 NWNE 1.0 SWNE 34.0 SENE 32.0						
NENW 23.0 NWNW 40.0 SWNW 40.0 SENW 39.0						
NESW 39.0 NESE 34.0 NWSE 40.0 SESE 7.0						
S21 Lot 4 (NWNW) 30.0 Lot 5 (SENE) 35.0 Lot 6 (SWNE) 8.0 SWNW 30.0						
NESW 32.0 NWSW 34.0 SWSW 37.0 SESE 34.0						
NESE 38.0 NWSE 19.0 SWSE 28.0 SESE 27.0						
S28 NENE 37.0 NWNE 32.0 SWNE 37.0 SENE 31.0						
NENW 36.0 NWNW 35.0 SWNW 7.0 SENW 38.0						
NESW 17.0 NESE 24.0 NWSE 33.0						
1292.0 ACRES TOTAL						
REMARKS: WATER IS DELIVERED THROUGH STEWART DITCH.						
3.11 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE						
LOSSES IN DELIVERY OF THIS RIGHT.						
A DIVERSION RATE OF .034 CFS PER ACRE FOR 379 ACRES, .029 CFS						
PER ACRE FOR 407 ACRES, AND .02 CFS PER ACRE FOR 506 ACRES AT THE						
FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE						
OF USE DESCRIBED ABOVE.						

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JUL 29 2003

Stewart Ditch Co.

Summary of Diversion Rates & Acres

	<u>DR</u>	<u>ac</u>
A65-00071A	11.66 cfs	* 416 ac.
-00071B	2.44	* 416
-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

SD-0605-2		Township: 07N Range: 03W		Section: 35		Tract: SWNW		Lot:	
S	L	R	STATE		O	S	Max # Records		37
E	O	D	Water	Name	W	T	Priority	Total	
L	Tract	T	V	Right No.	Last, First	N	G	Date	Source
	SWNW			R65-00079	LETHA IRRIGATI	C	J	03/30/1881	PAYETTE RIV
	SWNW			A65-00071X	STEWART DITCH	O	J	12/27/1880	PAYETTE RIV
					STEWART DITCH	C			
	SWNW			R65-00071X	STEWART DITCH	C	J	12/27/1880	PAYETTE RIV
	SWNW			A65-00079	LETHA IRRIGATI	C	J	03/30/1881	PAYETTE RIV
	SWSWNW			65-21811	DELLINGER, ROG	C	D	10/19/1977	GROUNDWATER
					MORE, HARRIETT	O			
					MORE, JAMES E	O			
					DELLINGER, WAL	C			
	SWSWNW			A65-21811	DELLINGER, ROG	C	J	07/29/1965	GROUNDWATER
					MORE, HARRIETT	O			
					MORE, JAMES E	O			
					DELLINGER, WAL	C			

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

SCANNED

JUL 29 2003

SD-0605-2		Township: 07N		Range: 03W		Section: 17		Tract: NENE		Lot: 1	
S	L	R	STATE		O	S	Max # Records		26		
E	O	D	Water	Name	W	T	Priority	Total			
L	Tract	T	V	Right No.	Last, First	N	G	Date	Source	Diversions	
	NENE	1		R65-00071X	STEWART DITCH	C	J	12/27/1880	PAYETTE RIV	37.92	
	NENE	1		A65-04479	WILLIAMS, FORR	C	D	06/01/1952	GROUNDWATER	0.04	
					WILLIAMS, KAY	C					
					BRIDGEWATER, R	O					
					BRIDGEWATER, L	O					
	NENE	1		65-04479	WILLIAMS, KAY	C	D	06/01/1952	GROUNDWATER	0.04	
					BRIDGEWATER, L	O					
					WILLIAMS, FORR	C					
					BRIDGEWATER, R	O					
	NENE	1		A65-00071X	STEWART DITCH	O	J	12/27/1880	PAYETTE RIV	37.92	
					STEWART DITCH	C					

(Enter=Continue)

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SCANNED

JUL 29 2003

09/25/78

MACALLISTER'S MODIFICATION OF MORITZ

LOSS CALCULATION FOR

* THE STEWART DITCH CO.

* WATER RIGHT NO. 65-0071*

Q DIVERTED: ~~30.13~~ ^{31.21}

Q DELIVERED: ~~25.25~~ ^{26.46}

PERCENTAGE LOSS: 19.3%

7022.0 6788.4 AFA

TYPE OF SOIL: SANDY LOAM

SOIL CONSTANT= 1.50 (FEET/DAY)

LENGTH OF HEAD OF DITCH: 1.23

LENGTH OF DELIVERY SECTION: 3.00

See Rasmussen (65-0081X) for delivery loss for that portion of rights.
LOSS TABLE FOR HEAD OF DITCH * 65-0403X For Noble delivered water.

MILE	Q (CFS)	LOSS (CFS)
1.00	28.78	1.34
1.23	28.48	.30

LOSS TABLE FOR DELIVERY

MILE	Q (CFS)	LOSS (CFS)	Q DELIVERED (CFS)
1.00	18.74	1.31	8.42
2.00	9.22	1.10	8.42
3.00	.00	.80	8.42

STATE OF IDAHO, IN A FOR THE COUNTY OF
IN THE MATTER OF THE GENERAL DETER- NOTICE OF CLAIM
MINATION OF RIGHTS TO THE USE OF TO A

65-0071X
I. D. No. Map No.
Fee Paid Receipt No.

DRAINAGE BASIN. WATER RIGHT
Stewart Ditch Co.
Notice is hereby given that (Name of Claimant)

c/o Lenard
c/o Alda Platz, Rt. 2, New Plymouth, ID 83655, claims a right to the diversion
(Mailing Address) Emmett, 83017
and beneficial use of the surface or ground water, of or tributary to

The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 12/27/1980

(2) Describe the source of water: (Name of stream, lake, spring, etc., or groundwater) Payette River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity 27.02 CFS. GPD. AF.) Use 3083 (Domestic, irrigation, stock, etc.) Period of Use From 3/15 To 11/15
(Mo., Day) (Mo., Day)
(Both Dates Inclusive)
Quantity 6780.3 CFS. GPD. AF.) Use 3083 (Domestic, irrigation, stock, etc.) Period of Use From To
(Mo., Day) (Mo., Day)
(Both Dates Inclusive)
Quantity 5685.0 CFS. GPD. AF.) Use 3083 (Domestic, irrigation, stock, etc.) Period of Use From To
(Mo., Day) (Mo., Day)
(Both Dates Inclusive)

(4) 3083 TOTAL QUANTITY CLAIMED.
(CFS. GPD. AF.)

(5) A) Point of Diversion: Give location of point where water is diverted from its source SW 1/4 NW 1/4, Sec. 35, Twp. 7 N, Rge. 3 W, B.M.; additional points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give sizes and capacities: be as specific as possible.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
7N	3W	16																	
		17																	
		20																	
		21																	
		28																	
		37																	
		18																	

Total No. of acres 1251.250

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

(7) Effluent, sewage waste, or return water from this use is discharged into

(8) If you are claiming water as a member of an organization, list name of organization.

(9) Remarks Stewart Ditch Co. (Lands irrigated through Stewart Ditch)

(10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case.
☐ C) Right based on application, permit, license, or claim filed with the Idaho Department of Water Resources.

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements true and accurate to the best of (his, her, their) knowledge.

Individual

KEYPUNCHED

(Date)

(Signature of Claimant)

State of Organization

Organization

(Signature of Spouse)

County of ss. Seal

(Signature of Authorized Agent)

On this day of, in the year, before me, a notary public, personally appeared known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or) executed the same.

Notary Public residing at

My commission expires

10/30/18

IN THE FIRST COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF IDAHO

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN

NOTICE OF CLAIM

IDENT. NO. MAY 7 1970

TO A

WATER RIGHT

65-7071 Department of Reclamation

Notice is hereby given that

STEWART DITCH COMPANY

(Name of Claimant)

Donald Vickrey, Rt. 2 near Plymouth, Idaho

(Mailing Address)

claims a right to the diversion

and beneficial use of the surface or groundwater, of or tributary to the Payette River;

The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) **December 7, 1890**

(2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) **PAYETTE RIVER**

WATER DIVERTED THROUGH SEVEN MILE SLOUGH

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Use **Irrigation** Period of Use From **April 30** To **OCT. 25**

(Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive)

Use **Stock** Period of Use From **Jan 1** To **Dec 31**

(Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive)

Use _____ Period of Use From _____ To _____

(Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive)

(4) Quantity of water claimed: **34.5** Cubic Feet Per Second, or _____ Acre Feet Per Annum, and/or _____ Gals. Per Minute.

(5) A) Point of Diversion: Give location of point where water is diverted from its source. **NW 1/4 NW 1/4**

Sec. **35** Twp. **7** Rge. **3W** B.M.; additional points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities, be as specific as possible. **DIVERSION DAM IN SEVEN MILE SLOUGH WITH 2-41" WIDE HEADGATES 42" HIGH WITH ABOUT 3/4 MILES OF DITCH IN A MEANDERING NORTHWESTERLY DIRECTION**

(6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
16-																			
7	3W	16	33								16								41.2
7	3W	17	34								6.0								182.0
7	3W	20	38.5								31.8								390.3
7	3W	21																	353.9
7	3W	28	37.2	32.0	37.3	31.0	36.3	36.0	39.2	37.6	15.0								360.9

Total No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: **Used for water plunger throughout the year. Could be as many as 600 head**

(7) Effluent, sewage waste, or return water from this use is discharged into **DRAIN DITCH IN SW 1/4 OF SECTION 20 TOWNSHIP 7 RANGE 3W**

(8) If you are claiming water as a member of an organization, list name of organization.

(9) Remarks

(10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.

☐ B) Right decreed by court, cite title of case

☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.:

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

May 7 1970

(Signature of Claimant)

State of **IDAHO**

County of **ADA**

On this **7** day of **May**, in the year **1970**, before me,

a notary public, personally appeared **Thomas F. Pence**

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same

Notary Public residing at **Boise, Idaho**

My commission expires **May 1 1972**

Rev 3/3/77 SKM

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
Payette, Idaho

April 8, 1970

Mr. Tom Pence
Star Route
Payette, Idaho 83661

Dear Tom:

As you requested, I have analyzed the water needs for the soils under the Stewart Ditch. Since there are several soils in that area, and usually two or more occurring in each field, I have used an average water requirement for all of the soils. My computations are attached.

Because of the droughtyness of the soils under the Stewart Ditch, as well as other problems such as saline-alkali, as you can see, it appears that more water will be needed to meet peak-use requirements than is normally assumed. According to my calculations a continuous flow of 1.2 mi. in. per acre is required, and this is based on a 6 day irrigation-return interval, but when calculated it actually figures out to about 5.5 day interval, so it could require slightly more water than this.

For your information, I am also enclosing a brief description of the most common soils that occur under your ditch. If I can be of any more help in this matter please let me know.

Sincerely yours,



R. L. Kane
District Conservationist

Stewart Ditch

R. Kane 4-8-70

Total Diversion Needs

Pasture

Given:

$$\begin{aligned}\text{Peak daily use} &= 0.26 \text{ in/day} \\ \text{Canal eff. (assumed)} &= 75 \% \\ \text{Irrig. eff. (assumed)} &= 60 \% \\ \text{Soil Water holding Capacity} &= 3.0 \text{ in.}\end{aligned}$$

$$1 \text{ mi. in} = 1/25 \text{ ac. fl./day} = 0.04$$

$$0.04 \times 12 = 0.48 \text{ ac. in/day}$$

$$\text{Crop Needs} = \frac{0.26}{0.48} = 0.54 \text{ mi. in.}$$

Volume needed in canal:

$$\frac{0.54}{.75 \times .60} = \frac{0.54}{0.45} = \underline{\underline{1.2 \text{ mi. in/ac.}}}$$

Cont. flow

Brief Soils Description

Stewart Ditch Area

Letha fine sandy loam: This is a light colored soil with slight to strong saline-alkali conditions. It has fine sandy loam textures down to the sandy and gravelly underlying materials at depths of 36 to 60 inches. The water table is usually between thirty and fifty inches. The subsoil contains slightly more clay than the surface soil.

Moulton fine sandy loam: This soil is fine sandy loam textured throughout and about 20 to 36 inches deep to the underlying gravel. It is moderately wet having a water table at the same depth as the gravel.

Notus shills: This soil has 8 to 20 inches of sandy loam, gravelly sandy loam, loamy sand or very gravelly sandy loam over the underlying gravels. It is very droughty. The gravels may hinder, but do not prevent cultivation. The water table in the underlying gravel has little effect on the soil. Some small areas may be affected by saline-alkali spots in the sandy loam areas.

THIS INDENTURE, Made this 5th day of January in the year of our Lord one thousand nine hundred and five between C. A. Chrestesen and Minnie Chrestesen His wife of Falks Store County of Canyon State of Idaho the part y of the first part, and Edward T. Hoagland of Falks Store the part y of the second part; County of Canyon State of Idaho

WITNESSETH, That the said part y of the first part, for and in consideration of the sum of Seven thousand DOLLARS, lawful money of the United States of America, to him in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said part y of the second part, and to his heirs and assigns forever, all the following described real estate situated in Canyon County, State of Idaho, to-wit:

Lots numbered Five (5) six (6) and seven (7) in Section sixteen (16); and the North East quarter (1/4) of the North East quarter (1/4); and the South East quarter (1/4) of the North East quarter (1/4) and the South East quarter (1/4) of the South east quarter (1/4) of section seventeen (17); in township seven, north of Range three (3) West of Boise Meridian Also the North East quarter of the North East quarter (1/4) of section twenty (20) in said township seven (7) North of Range Three (3) West of Boise Meridian save and except therefrom the tract of ground from alley occupied by John Nelson lying near the South West corner of said tract of about seventy five feet frontage on the road and running back to a slough a distance of about one hundred feet, to be hereafter definitely measured and staked off, and another piece of land on the South end of said subdivision about three hundred feet in width at the west end on the west side of said subdivision and running East to the telephone line of poles when the same comes to a point on the South line of said subdivision, containing about three acres, which is also hereafter to be measured and staked off. And also an interest in and to the Steward ditch or canal covering said tract of land, and the water to flow therein in the same proportion to all the waters to flow therein, as the tracts above conveyed, bear to the whole tract of land heretofore irrigated from said ditch or canal. And also conveys the South West quarter (1/4) of the North West quarter (1/4) and lots numbered four (4) and five (5) of section twenty one (21), Township seven (7) North of Range three (3) West of the Boise Meridian. All in the County of Canyon, State of Idaho, Subject to a certain real estate mortgage securing a note of \$6000.00 payable to the Bank of Weiser, Weiser Idaho, which the grantee herein assumes and agrees to pay.

and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said part y of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part y of the second part, and to his heirs and assigns forever.

And the said part y of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, his heirs and assigns, against the said part y of the first part, and his heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant, and by these presents forever defend.

IN WITNESS WHEREOF, The said part y of the first part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Geo P Rhea
Evert Rhea

C. A. Chrestesen [SEAL]
Minnie Chrestesen [SEAL]
[SEAL]
[SEAL]

STATE OF IDAHO,)
County of Washington) ss. On this fifth day of January in the year 19 05, before me, Geo. P. Rhea, a Notary Public in and for said County, personally appeared C. A. Chrestesen known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same, and on this fifth day of January in the year 19 05, before me, the officer above described, personally appeared Minnie Chrestesen known to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL) Geo. P. Rhea
Notary Public

STATE OF IDAHO,)
County of Canyon,) ss. I hereby certify that this instrument was filed for record at the request of Idaho Title and Trust Co at 26 minutes past 9 o'clock A M., this 13th day of August 1907 By A. O. Christopher Deputy. OV. Badley Ex-Officio Recorder. Fee, \$ 2.20 Compared Book 44 of Deeds page 117 Canyon Co. records.

William Stuart

Locator

Payette River

Notice,

Whereas, It is the intention of the undersigned to construct a ditch or canal commencing in the outside Slough, on the South side of the Payette River, and about four hundred (400) yards South Easterly from the corners of Sections 26, 27, 34 and 35 in Township No 7 North, of Range No. 3 West, of the Boise Meridian, and also about one hundred and fifty (150) yards westerly from the head of said Slough said canal to be in size and capacity as follows: twelve feet wide on the bottom and sixteen feet wide wide on the top, and sufficiently deep to carry twenty thousand cubic inches of water.

The whole line and location of said ditch or canal to be on the South side of said Payette River, and to follow when completed a meandering course in a North Easterly direction, and I do hereby appropriate, and claim the right to appropriate, and divert, and take from the waters of said Slough at stake number one (1), containing this notice the number of cubic inches above stated, for the purpose of milling, manufacturing, agricultural, and for irrigating and subjecting waste and desert land to settlement use and cultivation, and which rights and privileges I claim under and by virtue of the laws of the United States, and the customs, usages, rules and regulations.

Boise City, Idaho Territory, December 27th 1880

William Stuart of
Falks Store, Ada Co. I T.
per Rinearson

Recorded at the request of Wm. Stuart Dec. 27th 1880 at 24 min. past 10 A.

N. M. Hanthorn
Recorder

69
9 Canyon Co.

Whereas, it is the intention of the undersigned, to construct a ditch or canal commencing on the big slough, on the south side of Payette River, and about two hundred yards South Easterly from the corners of sections 22, 23, 24 and 25 in Township No. 3 North, Range No. 3 West, of the Boise Meridian and thence westerly across the outside slough to a point 200 yds below Staarts upper head gate, the said canal to be in size and capacity as follows: ten feet (10) wide on the bottom and sufficiently deep to carry thirty thousand (30000) inches of water. The whole line and location of said ditch or canal to be on the South side of Payette River, and to follow when completed, a meandering course in a North westerly direction, for a distance of about fifteen miles, and ending in the Payette River lower end of Hunt's place, and to hereby appropriate and divert and to take the waters from said Slough at the point designated above, and the number of inches of water above stated for the purpose of Milling, manufacturing, agricultural and for Irrigating, and suffering said lands and land to be reclaimed, and cultivation, and which rights and privileges I claim under and by virtue of the laws of the United States and the customs, usages, rights and regulations governing such rights and privileges.

Boise Idaho Territory, March 20th 1893.

J. C. Sims
C. N. Nichols
by J. C. Sims

Witnessed at the request of J. C. Sims March 22nd 1893 at 7 A. M.

D. Haron,
Recorder

STATE OF IDAHO }
COUNTY OF GEM } ss.

I, Donald H. Woodman, Ex-Officio Recorder in and for Gem County, Idaho, do hereby certify that the foregoing is a full, true and correct copy of the instrument of record on page 280 of Book 2 of Miscellaneous Records of Gem County, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 31st day of March, 1970.

Donald H. Woodman
Ex-Officio Recorder

By _____ Deputy

IN THE PROBATE COURT OF COUNTY OF CANYON
STATE OF IDAHO

In the Matter of the estate of)
William Stuart Deceased) Decree of Distribution of Estate

The petition of A B Anderson, Administrator praying for the distribution of the residue of the estate of William Stuart deceased, in the hands of said Administrator among the persons entitled thereto, coming on regularly for hearing, and it appearing that due and legal notice of such hearing has been given as directed by the order of this Court heretofore made and entered herein, that all claims against said estate are fully paid that the final account of said administrator has been duly made and has been confirmed by this Court, that all taxed due from said estate has been paid that the whole of said residue is the community property of said decedent and his surviving widow, Sarah E Stuart, who as such survivor is entitled to one half thereof.

The said deceased, died intestate, and his only heirs at law are his widow, Sarah E Stuart, William A B Anderson, and Emma B Anderson heirs of Rebecca E Anderson deceased a daughter of deceased, Margaret L Pool, daughter of deceased, Annie McCrossen daughter of deceased, Charles A Patton assignee of William E Stuart son of deceased Emma B Stuart, daughter of deceased, and Elizabeth Stuart daughter of deceased, all residents of Canyon County, State of Idaho, who as such heirs are each entitled to the following: the widow one half, and to the sons and daughters a one seventh each, of the balance.

a minor

It is therefore ordered adjudged, and decreed that said residue of said estate lying and being in Canyon County Idaho be distributed as follows, to wit:

* situate To Sarah E Stuart widow, of deceased, The South east quarter of the South west quarter and lot seven section six, the North half of the South east quarter and South half of the North east quarter of section twenty the North east quarter of the North west quarter and lot five section seven, the lots five and six section six the south west quarter of the South east quarter, and lot one section sixteen, and the lot four section seven all in township seven north of range three, west of the Boise Meridian and the lots one, two, three four five and six section one and lot one section twelve in township seven north of range four west of the Boise Meridian. Also all water rights and ditches belonging to the William Stuart estate located and situate on the North side of the Payette River in township seven north of range three and four west of the Boise Meridian in Idaho.

That William A B Anderson and Emma B Anderson minor heirs of Rebecca E Anderson deceased daughter of the deceased The south half of the north east quarter of section nine, and the north east quarter of the North east quarter of section twenty in township seven north of range three, west of the Boise Meridian containing one hundred and twenty acres.

Also an undivided one seventh interest in and to the interest of said estate in the Stewart Ditch located by William Stuart December 27th 1880. Commencing on the South side of the Payette River, about four hundred yards south easterly from the corner of sections 26, 27, 34, and 35 in township seven, north of range three west of the Boise Meridian directed from Out Side slough and about one hundred and fifty yards from the head thereof, running thence in a north westerly direction, as appears of record in Book 1 of water rights at page 19 Canyon County Idaho To Margaret L Poole daughter of deceased the lot five in section sixteen, lot two in section eighteen township seven north of range three west of the Boise Meridian and the south east quarter of the north east quarter of section seven in township seven north of Range four, west of the Boise Meridian containing one hundred and twenty four and ninety two hundredths acres. Also an undivided one seventh interest in and to the interest of said estate in the Stuart Ditch as described above.

To Annie McCrossen, daughter of deceased the lots six and seven in section sixteen, the southeast quarter of the southwest quarter section eighteen the north west quarter of the north east quarter and the north east quarter of the north west quarter section nineteen, all in township seven, north of range three, west of the Boise Meridian.

Also an undivided one seventh interest in and to the interest of said estate in the Stuart ditch.

To Charles A Patton Assignee of William Stuart son of deceased, the south east quarter of the south east quarter of section seventeen and the north east quarter of the north east quarter of section nineteen all in township seven north of Range three West of the Boise Meridian containing eighty acres.

Also an undivided one seventh interest in and to the interest of said estate in the Stuart Ditch as described above.

To Emma B Stuart, daughter of deceased the south east quarter of the north east quarter of section seventeen township seven north of range three, west of the Boise Meridian, containing forty acres.

Also an undivided one seventh interest in and to the interest of said estate in the Stuart Ditch, as described above.

To Bertha M E Patton daughter of deceased , the lot three and the north east quarter of the south west quarter of section eighteen and the North west quarter *of section twenty in township seven north of range three west of the Boise Meridian containing one hundred nineteen and ninty two hundredth acres .

* of Northwest quarter

Also an undivided one seventh interest in and to the interest of said estate in the Stuart Ditch as described above.

To Nellie L Stuart daughter of the deceased the north east quarter of the north east quarter of section seventeen and the north half of the south east quarter of section nineteen in township seven north of range three west of the Boise Meridian containing one hundred and twenty acres.

Also an undivided one seventh interest in and to the interest of said estate in the Stuart Ditch as described above.

That the property affected by this decree is described as follows

In the body of said decree following the names of heirs as they appear, all valued at Three Thousand Nine Hundred Seventy four Dollars and Twenty cents as stated in the inventory.

Dated February 15th 1897.

George Little

Judge of the Probate Court

Filed Feb 15 1897

George Little
Judge

State of Idaho)

County of Canyon)

I hereby certify that the foregoing instrument was filed for record at request of Geo Little at 3 .01 o'clock P M May 22nd 1897.

Fees \$2.40

W G Dunbar Jr
Recorder Canyon County

THIS INDENTURE, Made this fourth day of December in the year of our Lord one thousand nine hundred and

William E. Stuart of Ontario County of Malheur State of Oregon, part y of the first part, and C. A. Christensen

County of Canyon State of Idaho of Fells Store the part y of the second part;

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Two Hundred and eighty DOLLARS, money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, he granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate situated in County, State of Idaho, to-wit:

The Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Seventeen (17) in Township seven (7) North of Range three (3) West Boise Meridian in the said County of Canyon State of Idaho and also an interest in and to the Stuart Ditch or cannal covering said tract of land and the waters to flow therein in the same portion to all the waters to flow therein as the tract hereby conveyed bears to the whole tract of land heretofore irrigated from said ditch or cannal

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, ~~and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said part of the first part.~~

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part y of the second part, and to his heirs and assigns forever.

And the said part y of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, his heirs and assigns, against the said part y of the first part, and his heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant, and by these presents forever defend.

IN WITNESS WHEREOF, The said part y of the first part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

E. Coborn

I.N. King

William E. Stuart

[SEAL]

[SEAL]

[SEAL]

[SEAL]

STATE OF IDAHO, Oregon,

County of Malheur

me, Gilbert L. King

appeared

known to me to be the

to me that he

fore me, the officer above described, personally appeared

to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband. I made her acquainted with the contents of the instrument, and thereupon she

acknowledged to me that she executed the same, and that she does not wish to retract such execution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year

in this certificate first above written.

(SEAL)

Gilbert L. King, Notary Public

for Oregon

My Commission expires Mar. 5, 1904

STATE OF IDAHO,) ss.

County of Canyon,

I hereby certify that this instrument was filed for record at the request of

C. A. Chrestesen

at 37 minutes past

9 o'clock A. M., this

20th day of

August

19 03

Recorders

By Deputy.

John A. Tucker

Ex-Officio Recorder.

Fee, \$ 1.20

Book 29 of Deeds page 194 Canyon Co. records

THE CANYON PRINTING CO., CALDWELL, IDAHO 16785

THIS INDENTURE, Made this fourth day of December in the year of our Lord one thousand nine hundred and - between Emma B. Stuart (unmarried) of the County of Canyon State of Idaho, party of the first part, and C. A. Christensen of Falks Store the part y of the second part;

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Two hundred and eighty DOLLARS, of the United States of America, to her in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, ~~has~~ granted, bargained and sold, ~~and~~ by these presents do grant, bargain, sell, convey and confirm unto the said part y of the second part, and to his heirs and assigns forever, all the following described real estate situated in County, State of Idaho, to-wit: -

The Southeast Quarter (1/4) of the Northeast Quarter (1/4) of Section Seventeen (17) in Township Seven (7) North of Range three (3) West Boise Meridian in the said County of Canyon, State of Idaho, and a porportionate interest in and to the Stuart ditch or cannal and the waters to flow therein in the same proportion to all the waters to flow therein as the tract of land hereby conveyed bears to the whole tract heretofore irrigated from said cannal

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said part of the first part. TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part y of the second part, and to his heirs and assigns forever.

And the said part y of the first part, and her heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, his heirs and assigns, against the said part y of the first part, and her heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant, and by these presents forever defend. IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF Frank Harris Emma B. Stuart [SEAL] [SEAL] [SEAL] [SEAL]

STATE OF IDAHO,) ss. On this 8th day of December in the year 1900, before me, Frank Harris, a Notary Public in and for said County, personally appeared Emma B. Stuart known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same, and on this day of in the year 19, before me, the officer above described, personally appeared known to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written. (SEAL) Frank Harris Notary Public

STATE OF IDAHO,) ss. I hereby certify that this instrument was filed for record at the request of C. A. Chrestesen at 38 minutes past 9 o'clock A M., this 20th day of August 1903 By Deputy. John A. Tucker Ex-Officio Recorder. Fee, \$ 1.20 Book 29 of Deeds page 195 Canyon Co. records.

THIS INDENTURE, Made this fourth day of December in the year of our Lord one thousand nine hundred and Nellie L. Stuart between
of Washington County of Idaho State of Idaho, party
of the first part, and C. A. Christensen of Falks Store the party of the second part;

County of Canyon State of Idaho
WITNESSETH, That the said party of the first part, for and in consideration of the sum of Two Hundred and eighty DOLLARS, money of the United States of America, to her in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, ha granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said part y of the second part, and to his heirs and assigns forever, all the following described real estate situated in County, State of Idaho, to-wit:

The Northeast Quarter (1/4) of the Northeast Quarter (1/4) of Section Seventeen (17) in Township Seven (7) North of Range three (3) West of Boise Meridian in the said County of Canyon State of Idaho, and an interest in the Stuart ditch or cannal covering said land and the waters to flow therein in the same proportion to all the waters to flow therein that the tract of land hereby conveyed bears to the whole tract of land heretofore irrigated by the waters of said ditch or canal.

And the said party of the first part, and her heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, his heirs and assigns, against the said party of the first part, and her heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant, and by these presents forever defend.
IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal the day and year first above written.

And the said party of the first part, and her heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, his heirs and assigns, against the said party of the first part, and her heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant, and by these presents forever defend.
IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF
H.W. Dunton
Nellie L. Stuart [SEAL]
[SEAL]
[SEAL]
[SEAL]

STATE OF IDAHO,)
County of Ada) ss. On this 6th day of December in the year 19 00, before
me, H.W. Dunton, a Notary Public in and for said County, personally
appeared Nellie L. Stuart
known to me to be the person whose name is subscribed to the within instrument, and acknowledged
to me that she executed the same, and on this day of in the year 19 be
fore me, the officer above described, personally appeared known
to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an exam-
ination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she
acknowledged to me that she executed the same, and that she does not wish to retract such execution.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year
in this certificate first above written.
(SEAL) H.W. Dunton
Notary Public

STATE OF IDAHO,)
County of Canyon,) ss. I hereby certify that this instrument was filed for record at the request of
C. A. Chrestesen
at 39 minutes past 9 o'clock AM., this 20th day of August 19 03
Recorders By Deputy. John A. Tucker Ex-Officio Recorder.
Fee, \$ 1.20
Book 29 of Deeds page 196 Canyon Co. records.

232
Wm. Stuart
To
S. E. Stuart

This Indenture made the twelveth day of October in the year of our Lord One thousand eight hundred and eighty eight Between William Stuart of Falls Store Ada County Territory of Idaho party of the first part and Mrs. Sarah E. Stuart of same place the party of the second part, Witnesseth, That the said party of the first part for and in consideration of the sum of One thousand (1000) dollars in gold coin of the United States of America to him in hand paid by the said party of the second part the receipt whereof is hereby acknowledged has granted, bargained, and sold and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part and to her heirs and assigns forever all his right title and interest to One thousand (1000) inches of water from his ditch or canal:

Commencing in the outside Slough on the South side of the Payette River and about four hundred (400) yards from the corner to Section 26-27-34- and 35 in Township No. 7 North of Range No. 3 West of the Boise Meridian and also about one hundred and fifty yards from the head of said Slough The whole line of said ditch or canal is situated on the South side of said Payette River and follows a Meandering Course in a North westerly direction.

Together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions remainder and remainders rents, issues and profits thereof and also all estate right title interest whatsoever in said property possession claim and demand whatsoever as well in law as in equity of the said party of the first part of in or to the said premises and every part and parcel thereof with the appurtenances unto the said party of the second and her heirs and assigns forever, and the said party of the first part and his heirs the said premises in the quiet and peaceable possession of the said party of the second part her heirs and assigns against the said party of the first part and his heirs and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will Warrant and by these presents forever defend.

In Witness Whereof the said party of the first part has hereunto set his hand and seal the day and year first above written.

(Seal)

William Stuart

Signed Sealed and Delivered
in the presence of:

Charles A. Patten

W. E. Stuart

Territory of Idaho)
County of Ada) SS.

On this Twelveth day of October A. D. One thousand eight hundred and eighty eight personally appeared before me J. E. Fouts a Notary Public in and for the said Ada County William Stuart whose name is subscribed to the Annexed instrument as a party thereto personally known to me to be the same person described in and who executed the same annexed instrument as a party thereto and he the said William Stuart duly acknowledged to me that he the said William Stuart executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Seal)

J. E. Fouts
Notary Public

Recorded at request of William Stuart March 5th 1889 at 5 Min.
past 2 P. M.

Compared

S. B. Mann,
Recorder

B 14 P 94

B 5 F 52 Can. Co. Re.

COMPARED

March 31, 1890
Alice D. Smith

Deputy

Locator

Payette River

Notice,

Whereas, It is the intention of the undersigned to construct a ditch or canal commencing in the outside Slough, on the South side of the Payette River, and about four hundred (400) yards South Easterly from the corners of Sections 26, 27, 34 and 35 in Township No 7 North, of Range No. 3 West, of the Boise Meridian, and also about one hundred and fifty (150) yards westerly from the head of said Slough said canal to be in size and capacity as follows: twelve feet wide on the bottom and sixteen feet wide wide on the top, and sufficiently deep to carry twenty thousand cubic inches of water.

The whole line and location of said ditch or canal to be on the South side of said Payette River, and to follow when completed a meandering course in a North westerly direction, and I do hereby appropriate, and claim the right to appropriate, and divert, and take from the waters of said Slough at stake number one (1), containing this notice the number of cubic inches above stated, for the purpose of milling, manufacturing, agricultural, and for irrigating and subjecting waste and desert land to settlement use and cultivation, and which rights and privileges I claim under and by virtue of the laws of the United States, and the customs usages rules and regulations, governing such rights and privileges.

Boise City, Idaho Territory, December 27th 1880

William Stuart of
Falks Store, Ada Co. I T.
per Rinearson

Recorded at the request of Wm. Stuart Dec. 27th 1880 at 24 min. past 10 A.

M.

H. M. Hanthorn

1200 59

STATE OF IDAHO }
COUNTY OF GEM } ss.

I, Donald H. Woodman, Ex-Officio Recorder in and for Gem County, Idaho, do hereby certify that the foregoing is a full, true and correct copy of the instrument of record on page 279 of Book 2 of Miscellaneous Records of Gem County, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 5th day of March, 1920.

Donald H. Woodman
Ex-Officio Recorder

By _____ Deputy

65 0071

Locators

Payette River,

Notice,

Whereas, It is the intention of the undersigned, to construct a ditch or canal commencing on the big slough, on the South side of Payette River, and about two hundred (200) yds South Easterly from the corners of Sections 26, 27, 34 and 35 in Township No 7, North of Range No 3 West, of the Boise Meridian and thence westerly across the outside slough to a point 200 yds below Stuarts upper head gate, The said canal to be in size and capacity as follows: ten feet (10) wide on the bottom and sufficiently deep to carry Thirty Thousand (30000) inches of water. The whole line and location of said ditch or canal to be on the South side of Payette River, and to follow when completed, a meandering course in a North westerly direction, for a distance of twelve (12) miles and emptying in the Payette River Lower end of Hunts place, and I do hereby appropriate and divert and to take the waters from said Slough at the point designated above, and the number of inches of water above stated for the purpose of Milling, manufacturing, agricultural and for Irrigating, and subjecting waste and desert land to settlement, use and cultivation, and which rights and priveleges, I claim under and by virtue of the Laws of the United States and the customs, usages, rules, and regulations governing such rights and priveleges.

Boise City, Idaho Territory, March 30th 1881.

J. C. Sims
C. N. Nichols
by J. C. Sims

Recorded at the request of J. C. Sims March 31st 1881 at 7 A. M.

D Heron,
Recorder

1200 59

STATE OF IDAHO }
COUNTY OF GEM } ss.

I, Donald H. Woodman, Ex-Officio Recorder in and for Gem
County, Idaho, do hereby certify that the foregoing is a full, true and
correct copy of the instrument of record on page 280 of Book 2
of Miscellaneous Records of Gem County, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and af-
fixed my official seal this 31st day of March, 1970

Donald H. Woodman
Ex-Officio Recorder

By _____ Deputy

65 0071

Wm. Stuart
To
S. B. Stuart

This Indenture made the twelveth day of October in the year of our Lord One thousand eight hundred and eighty eight Between William Stuart of Falls Store Ada County Territory of Idaho party of the first part and Mrs. Sarah B. Stuart of same place the party of the second part, Witnesseth, That the said party of the first part for and in consideration of the sum of One thousand (1000) dollars in gold coin of the United States of America to him in hand paid by the said party of the second part the receipt whereof is hereby acknowledged has granted, bargained, and sold and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part and to her heirs and assigns forever all his right title and interest to One thousand (1000) inches of water from his ditch or canal:

Commencing in the outside Slough on the South side of the Payette River and about four hundred (400) yards from the corner to Section 26-27-34- and 35 in Township No. 7 North of Range No. 3 West of the Boise Meridian and also about one hundred and fifty yards from the head of said Slough the whole line of said ditch or canal is situated on the South side of said Payette River and follows a Meandering Course in a North westerly direction.

Together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions remainder and remainders rents, issues and profits thereof and also all estate right title interest whatsoever in said property possession claim and demand whatsoever as well in law as in equity of the said party of the first part of in or to the said premises and every part and parcel thereof with the appurtenances unto the said party of the second and her heirs and assigns forever, and the said party of the first part and his heirs the said premises in the quiet and peaceable possession of the said party of the second part her heirs and assigns against the said party of the first part and his heirs and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will. Warrant and by these presents for

unto set his hand and seal the day and year first above written.

(Seal)

William Stuart

Signed Sealed and Delivered
in the presence of:

Charles A. Patten

W. E. Stuart

Territory of Idaho)
County of Ada)SS.

On this Twelveth day of October A. D. One thousand eight hundred and eighty eight personally appeared before me J. E. Fouts a Notary Public in and for the said Ada County William Stuart whose name is subscribed to the annexed instrument as a party thereto personally known to me to be the same person described in and who executed the same annexed instrument as a party thereto and he the said William Stuart duly acknowledged to me that he the said William Stuart executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Seal)

J. E. Fouts
Notary Public

Recorded at request of William Stuart March 5th 1889 at 5 Min.
past 2 P. M.

Compared

S. B. Mann,
Recorder.

B 14 P 94

B 5 F 52 Can. Co.Re.

STATE OF IDAHO
COUNTY OF IDAHO
I HEREBY CERTIFY THAT THE FOREGOING
INSTRUMENT IS THE TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN THE OFFICE

DATE March 24, 1890

Alice J. Smith
CLERK OF THE DISTRICT COURT AND
EXCHARGE AUDITOR AND RECORDER

COMPARED

Arden M. Smith
Deputy

THIS INDENTURE, Made this 5th day of January in the year of our Lord one thousand nine hundred and five

between
C. A. Chrestesen and Minnie Chrestesen His wife
of Falks Store County of Canyon State of Idaho the part y
of the first part, and Edward T. Hoagland

County of Canyon State of Idaho of Falks Store
the part y of the second part;

WITNESSETH, That the said part y of the first part, for and in consideration of the sum of

Seven thousand

DOLLARS.

lawful money of the United States of America, to him in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said part y of the second part, and to his heirs and assigns forever, all the following described real estate situated in Canyon County, State of Idaho, to-wit:

Lots numbered Five (5) six (6) and seven (7) in Section sixteen (16); and the North East quarter (1/4) of the North East quarter (1/4); and the South East quarter (1/4) of the North East quarter (1/4) and the South East quarter (1/4) of the South East quarter (1/4) of section seventeen (17); in township seven, north of Range three (3) West of Boise Meridian Also the North East quarter of the North East quarter (1/4) of section twenty (20) in said township seven (7) North of Range Three (3) West of Boise Meridian save and except therefrom the tract of ground from alley occupied by John Nelson lying near the South West corner of said tract of about seventy five feet frontage on the road and running back to a slough a distance of about one hundred feet, to be hereafter definitely measured and staked off, and another piece of land on the South end of said subdivision about three hundred feet in width at the west end on the west side of said subdivision and running East to the telephone line of poles when the same comes to a point on the South line of said subdivision, containing about three acres, which is also hereafter to be measured and staked off. And also an interest in and to the Steward ditch or canal covering said tract of land, and the water to flow therein in the same proportion to all the waters to flow therein, as the tracts above conveyed, bear to the whole tract of land heretofore irrigated from said ditch or canal. And also conveys the South West quarter (1/4) of the North West quarter (1/4) and lots numbered four (4) and five (5) of section twenty and (20) Township seven (7) North of Range three (3) West of the Boise Meridian. All in the County of Canyon, State of Idaho. Subject to a certain real estate mortgage securing a note of \$2,000 payable to the Bank of Weiser, Weiser Idaho, which the grantee herein assumes and agrees to pay.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said part y of the first part.

~~And the said part y of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, his heirs and assigns, against the said part y of the first part, and his heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant, and by these presents forever defend.~~
All and singular the above mentioned and described premises, together with the appurtenances, unto the part y of the second part, and to his heirs and assigns forever.

And the said part y of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, his heirs and assigns, against the said part y of the first part, and his heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant, and by these presents forever defend.

IN WITNESS WHEREOF, The said part y of the first part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Geo P Rhea
Event Rhea

C. A. Chrestesen [SEAL]
Minnie Chrestesen [SEAL]
[SEAL]
[SEAL]

STATE OF IDAHO, }
County of Washington } ss. On this fifth day of January in the year 1905, before
me, Geo. P. Rhea, a Notary Public in and for said County, personally
appeared C. A. Chrestesen
known to me to be the person whose name is subscribed to the within instrument, and acknowledged
to me that he executed the same, and on this fifth day of January in the year 1905, be-
fore me, the officer above described, personally appeared Minnie Chrestesen known
to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an exam-
ination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she
acknowledged to me that she executed the same, and that she does not wish to retract such execution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year
in this certificate first above written.

(SEAL)

Geo. P. Rhea
Notary Public

STATE OF IDAHO, }
County of Canyon, } ss.

I hereby certify that this instrument was filed for record at the request of

at 26 minutes past 9 o'clock A. M., this
By A. O. Christopher Deputy.
Fee, \$ 2.20 Compared
Book 44 of Deeds page 117 Canyon Co. records.

13th day of August 1907
OV. Badley Ex-Officio Recorder.

Prue

RECEIVED

APR 28 1970

OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO

FILED

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

O'CLOCK

APR 27 1970

W. D. Collins CLERK
DEPUTY

IN THE MATTER OF THE GENERAL
DETERMINATION OF THE RIGHT TO
THE USE OF SURFACE AND GROUND
WATERS OF THE PAYETTE RIVER
DRAINAGE BASIN.

Civil No. 3667

STIPULATION
FOR EXTENSION OF TIME

COME NOW the DEPARTMENT OF RECLAMATION, by and through its attorney of record herein, WILLIAM D. COLLINS, Assistant Attorney General of the State of Idaho, and STEWART DITCH COMPANY, an Idaho corporation, by and through its directors, LAWRENCE VICKERY and THOMAS PENCE, and its Secretary, DONALD VICKERY, and hereby stipulate that the STEWART DITCH COMPANY may have an additional time, not exceeding thirty (30) days from the date hereof, for filing its notice of claim to a water right herein.

DONE AND DATED This 22nd day of April, 1970.

William D. Collins

WILLIAM D. COLLINS
Assistant Attorney General
State of Idaho
Statehouse, Boise, Idaho 83707

STEWART DITCH COMPANY

By *Lawrence Vickery*
LAWRENCE VICKERY, Director

By *Thomas Pence*
THOMAS PENCE, Director

By *Donald R. Vickery*
DONALD VICKERY, Secretary
Route 2
New Plymouth, Idaho 83655

65 0071

O R D E R

Upon the foregoing attached STIPULATION FOR EXTENSION OF TIME of the DEPARTMENT OF RECLAMATION and the STEWART DITCH COMPANY, dated April 22, 1970,

IT IS HEREBY ORDERED That the STEWART DITCH COMPANY shall have until the 21st day of May, 1970, in which to file a notice of claim to a water right herein.

Gilbert C. Norris
GILBERT C. NORRIS
District Judge

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

3. Place of use: No Change

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
 - a. Amount of water to be diverted 30.83 c.f.s. &/or _____ acre feet
 - b. Point(s) of diversion SW ¼ NW ¼, Section 35 Township 7N
Range 3W, B.M., _____ Gem _____ County _____
Additional points Lot 1, Sec. 17, T. 7N, R. 3W, Payette County
 - c. Description of diverting works Pump and pipeline, & present Headgate and canal.
 - d. Describe the reasons for applying for a change in the point(s) of diversion More efficient delivery at end of present canal.

2. Change in place of use NO CHANGE

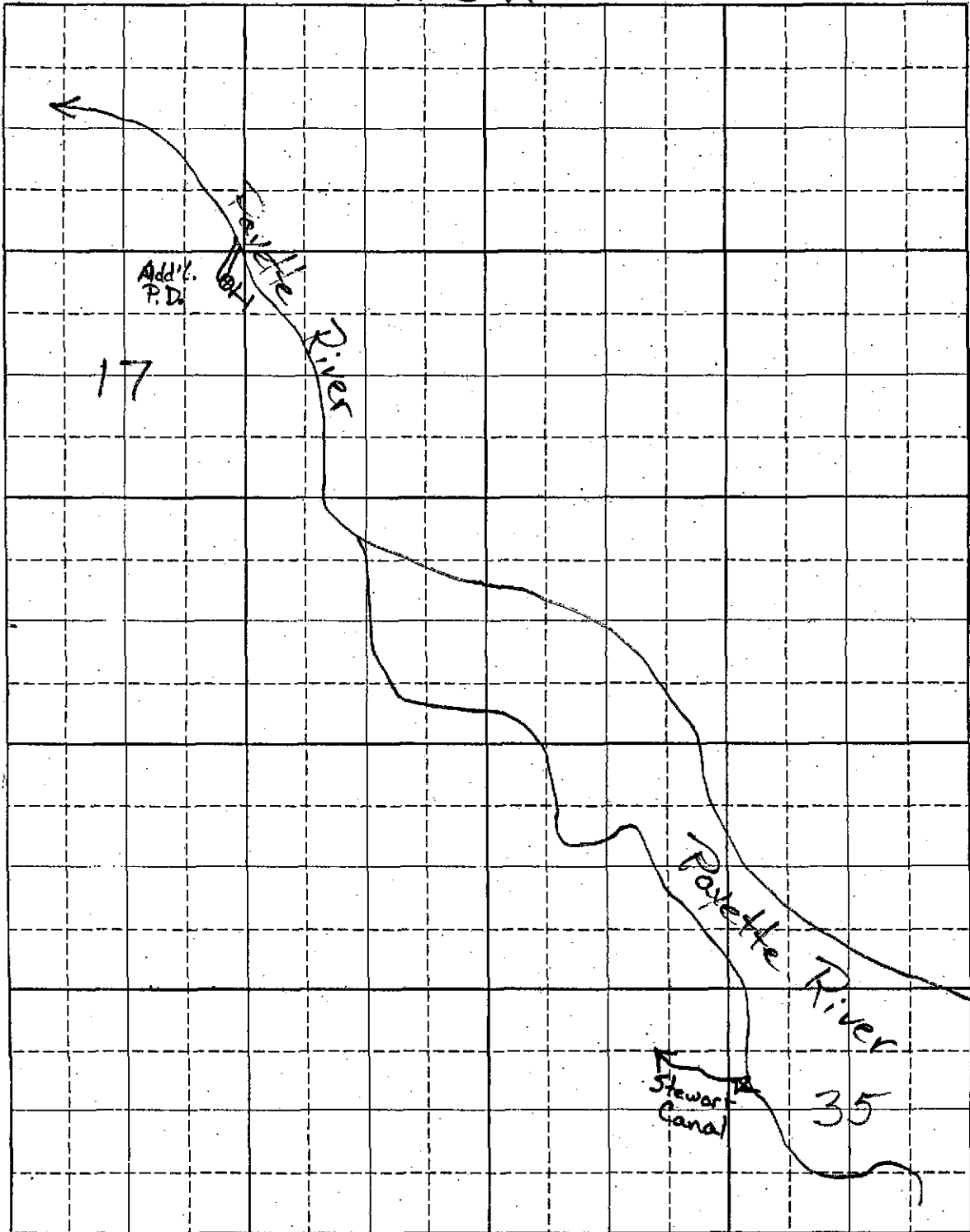
- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

R 3 W



SCALE: 2 inches equal 1 mile. Draw plan in ink.

4. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Leonard Platt President
(Signature of applicant)

Subscribed and sworn to before me this 10th day of May, 1979.

[Signature]
(Notary public)

My commission expires 7-15-80

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 65-0071 X and said application is hereby approved, subject to the following limitations and conditions:
(1) Approval of this transfer does not validate items identified on the claim. (2) Use of water under this Right is subject to control by the watermaster of State Water District No. 65, Payette River. (3) A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

Witness my hand this 9th day of October, 1979.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by KK Date 5/18/79 ^{4:00 PM} Protest filed by _____
Prelim. check by CWB Fee 35.00 # 13120
Receipted by KK Date 6/6/79
Published in Emmett Messenger Chandel Copies of protest forwarded by _____
Pub. dates 6/14 & 6/21/79 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial
_____ rec'd. _____ by DBS 26

RECEIVED

FEB 10 1993

Department of Water Resources

LARRY ECHOHAWK
Attorney General

DANIEL L. STECKEL
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720-9000
(208) 327-7900

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	
DETERMINATION OF THE RIGHT	)	CIVIL NO. 3667
TO THE USE OF SURFACE AND	)	
GROUNDWATERS OF THE PAYETTE	)	STIPULATION RESOLVING
RIVER DRAINAGE BASIN	)	OBJECTIONS TO WATER
	)	RIGHT NOS. 65-00071A,
	)	65-00071X

The Director of the Idaho Department of Water Resources, R. Keith Higginson, by and through counsel, and Stewart Ditch Co. stipulate as follows:

1. That water right claim Nos. 65-00071A and 65-00071X, be accepted and included in the Proposed Finding of Water Rights in the Payette River Drainage as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

2. That Stewart Ditch Co. withdraws all pending objections, including those based on the objection filed by Richard Frasier, William Conrad, Don Craig, Jay Sisler and Stan Brown in July 1982, in the above captioned matter.

DATED this _____ day of _____, 1993.

LARRY ECHOHAWK
Attorney General

DANIEL L STECKEL
Deputy Attorney General
Department of Water Resources

DATED THIS 8 day of Feb, 1993.

Howard Blatz Pres.
Letha Blatz

AUTHORIZED AGENT
STEWART DITCH CO.

The above stipulation having come before the court, it is
hereby approved this _____ day of _____, 1993.

JAMES R. DOOLITTLE
District Judge

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: PAYETTE RIVER			TRIBUTARY: SNAKE RIVER			
65-00071A	STEWART DITCH CO. 6550 DALLAS RD. NEW PLYMOUTH ID 83655	12/27/1880	IRRIGATION	03-15 11-15	11.66 CFS	BENEFICIAL USE
				TOTAL QUANTITY:	11.66 CFS	
	POINT OF DIVERSION: T07N R03W S21 PLACE OF USE: IRRIGATION	SWSE				
	T07N R03W S07	Lot 7 (NESW)25.0	Lot 6 (NWSW)24.0	Lot 8 (SWSW)22.0	SESW 31.0	
	S17	Lot 9 (SWSE)29.0	Lot 10 (SESE)21.0			
	S18	NWNW 10.0	SWNW 34.0	NWSW 32.0		
		NENE 37.0	NWNE 38.0	SWNE 20.0	SENE 31.0	
		NENW 31.0	Lot 1 (NWNW)28.0	NESE 3.0		
	416.0 ACRES TOTAL					
REMARKS:	WATER IS DELIVERED THROUGH RASMUSSEN DITCH.					
	RIGHT NOS. 65-00071B AND 65-00081 ARE ALSO DIVERTED THROUGH					
	POINT OF DIVERSION DESCRIBED ABOVE.					
	USE OF THIS RIGHT WITH RIGHT NO. 65-00071B IS LIMITED TO A					
	TOTAL COMBINED DIVERSION RATE OF 14.10 CFS, A TOTAL COMBINED					
	ANNUAL CONSUMPTIVE USE VOLUME OF 1,456 AF, AND TO THE IRRIGATION					
	OF A COMBINED TOTAL OF 416 ACRES IN A SINGLE IRRIGATION SEASON.					
	1.78 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES					
	IN DELIVERY OF THIS RIGHT.					
	A DIVERSION RATE OF .034 CFS PER ACRE ON 200 ACRES, .029 CFS					
	PER ACRE ON 64 ACRES AND .02 CFS PER ACRE ON 61 ACRES AT THE					
	FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE					
	OF USE DESCRIBED ABOVE. THE BALANCE OF THE PLACE OF USE DESCRIBED					
	ABOVE IS IRRIGATED WITH RIGHT NO. 65-00071B.					
	.40 CFS OF RIGHT NO. 65-00071B IS LIMITED TO USE FOR					
	CONVEYANCE LOSSES IN DELIVERY OF RIGHT NO. 65-00071B.					
	2.57 CFS OF RIGHT NO. 65-00081 IS LIMITED TO USE FOR					
	CONVEYANCE LOSSES IN DELIVERY OF RIGHT NO. 65-00081.					

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: PAYETTE RIVER		TRIBUTARY: SNAKE RIVER				
65-00071X	STEWART DITCH CO. 6550 DALLAS RD. NEW PLYMOUTH ID 83655	12/27/1880	IRRIGATION	03-15 11-15	37.92	CFS BENEFICIAL USE
					TOTAL QUANTITY:	37.92 CFS
					CONSUMPTIVE USE:	4522.0 AFY
POINT OF DIVERSION:						
T07N R03W S17 LOT 1 (NENE)						
S35 SWNW						
PLACE OF USE: IRRIGATION						
T07N R03W S16 Lot 5 (SWNW)34.0 Lot 6 (NWSW) 4.0 Lot 7 (SWSW) 2.0						
S17 Lot 1 (NENE)33.0 SENE 37.0 NWSW 7.0 SWSW 32.0						
NESE 40.0 SESE 40.0						
S18 SWNE 1.0 SENE 3.0 NESE 13.0						
S20 NENE 38.0 NWNE 1.0 SWNE 34.0 SENE 32.0						
NENW 23.0 NWNW 40.0 SWNW 40.0 SENW 39.0						
NESW 39.0 NESE 34.0 NWSE 40.0 SESE 7.0						
S21 Lot 4 (NWNW)30.0 Lot 5 (SENE)35.0 Lot 6 (SWNE) 8.0 SWNW 30.0						
NESW 32.0 NWSW 34.0 SWSW 37.0 SESW 34.0						
NESE 38.0 NWSE 19.0 SWSE 28.0 SESE 27.0						
S28 NENE 37.0 NWNE 32.0 SWNE 37.0 SENE 31.0						
NENW 36.0 NWNW 35.0 SWNW 7.0 SENW 38.0						
NESW 17.0 NESE 24.0 NWSE 33.0						
1292.0 ACRES TOTAL						
REMARKS: WATER IS DELIVERED THROUGH STEWART DITCH.						
3.11 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE						
LOSSES IN DELIVERY OF THIS RIGHT.						
A DIVERSION RATE OF .034 CFS PER ACRE FOR 379 ACRES, .029 CFS						
PER ACRE FOR 407 ACRES, AND .02 CFS PER ACRE FOR 506 ACRES AT THE						
FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE						
OF USE DESCRIBED ABOVE.						

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STEWART DITCH CO. 6550 DALLAS RD. NEW PLYMOUTH ID 83655 (208) 278-3040	12/27/1880	IRRIGATION	03-15 11-15	37.92 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	37.92 CFS 4522.0 AFA
Water Source: PAYETTE RIVER		Tributary to: SNAKE RIVER		Stage: BENEFICIAL USE		
Point(s) of Diversion:		T07N R03W S17 Lot01(NENE) S35 SWNW			GEM County GEM County	

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
07N	03W	16	:					:			05-34		:		06-04	07-02		:					:	40.0	
07N	03W	17	:	01-33			37	:					:		07	32		:	40			40	:	189.0	
07N	03W	18	:			01	03	:					:					:	13				:	17.0	
07N	03W	20	:	38	01	34	32	:	23	40	40	39	:	39				:	34	40		07	:	367.0	
07N	03W	21	:			06-08		:		04-30	30	05-35	:	32	34	37	34	:	38	19	28	27	:	352.0	
07N	03W	28	:	37	32	37	31	:	36	35	07	38	:	17				:	24	33			:	327.0	
																					TOTAL ACRES		:	1292.0	

POU County: GEM

Remarks: WATER IS DELIVERED THROUGH STEWART DITCH.
3.11 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
A DIVERSION RATE OF .034 CFS PER ACRE FOR 379 ACRES, .029 CFS
PER ACRE FOR 407 ACRES, AND .02 CFS PER ACRE FOR 506 ACRES AT THE
FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE
OF USE DESCRIBED ABOVE.

Dates: Exam Made Date: Verified Date:
Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

April 29, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Stewart Ditch Company
c/o Nelda Platz
6550 Dallas Road
Emmett, ID 83617

Re: Civil Case No. 3667 - Frasier, et al Objection 65-00071X

Dear Payette River Water User,

In July 1982, Richard Frasier, William Conrad, Don Craig, Jay Sisler and Stan Brown on behalf of themselves and others in the same class filed an Objection to the Findings with the Third Judicial District Court in the Payette River Basin Adjudication. The parties maintained the diversion rate recommended for their water rights and others from the Payette River were not correct for the "bottom lands" irrigated by those water rights.

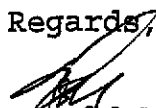
This group of water rights are among the last water rights remaining for decree in the Payette River Basin Adjudication. Most of the water rights were decreed on January 21, 1986 and in subsequent partial decrees.

Your water right referenced above was listed in the Proposed Finding with a diversion rate of 30.83 cubic feet per second (cfs). Having reviewed the data submitted by the parties and data and evidence obtained by the Department, the Department recommends a diversion rate of 37.92 cfs. If the amount of water is not proposed to change, data and/or evidence indicated a change was not justified.

The Department has made an effort to determine a fair and accurate diversion rate for each of the parties. If you disagree with the proposal above, please contact us by May 15, 1992. We hope to resolve any disputes that may exist before going to the court asking for a decree of your water right through a Motion for Summary Judgment.

A summary judgment allows the judge to make a decision without the time or expense of a trial when the facts are not disputed. Notice of this motion and the accompanying hearing will be provided to you 28 days before the hearing.

Regards,


Donald V. Shaff
Manager, Adjudication Section

DIVERSION RATE CALCULATIONS

Water Right No. 65-00071X

Date 4/15/92

Initials JP

Soils	Acres		Rate (cfs/ac)		Rate (cfs)
Moulton	<u>379</u>	x	0.034	=	<u>12.89</u>
Letha	<u>407</u>	x	0.029	=	<u>11.80</u>
Other	<u>506</u>	x	0.02	=	<u>10.12</u>
Total	<u>1292</u>				<u>34.81</u>

Conveyance Loss (see attached) = 6.80

TOTAL DIVERSION RATE = ~~41.61~~ 37.92

Comments:

HIGHEST RECORDED CAPACITY SHOWN
IN RECORDS IS 37.92 CFS

65-00071X

4/15/92 gp

CONVEYANCE LOSS - MORITZ

REACH	LENGTH (FT)	AVE VELOCITY (FT/SEC)	SEEPAGE (FT/DAY)	MORITZ LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	6494	1.75	2.00	2.36	0.00	34.81	0.0679	0.00	41.61
2	5280	1.75	2.00	1.87	11.60	34.81	0.0538	1.41	39.25
3	5280	1.75	2.00	1.51	11.60	23.21	0.0652	2.17	25.78
4	5280	1.75	2.00	1.05	11.61	11.61	0.0907	3.22	12.66
5	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
6	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
7	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
8	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
9	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
10	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
11	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
12	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
13	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
14	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
15	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
16	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
17	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
18	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
19	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
20	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
TOTALS	22334			6.80	34.81			6.80	

REACH = SECTION OF CHANNEL

LENGTH = LENGTH OF REACH, THE CHANNEL CAN DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTSAVE VELOCITY = AVERAGE VELOCITY IN REACH, USE 1.75 FT/SEC FOR EARTH CHANNELS IF
IF ACTUAL VELOCITY IS UNKNOWN

SEEPAGE = SOIL SEEPAGE RATE OF REACH

MORITZ LOSS = CONVEYANCE LOSS IN REACH BASED ON MORITZ METHOD

DELIVERY = TOTAL DELIVERIES IN REACH

DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)

LOSS FACTOR = MORITZ LOSS/DELIVERY LEFT

DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY,
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH

FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 249

INDICATES TOTAL

SOURCE: PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-0071X	STEWART DITCH COMPANY C/O LENARD PLATZ, ROUTE 1, BOX 164, EMMETT, IDAHO 83617 REMARKS: LANDS IRRIGATED THROUGH STEWART DITCH.	12/27/1880	IRRIGATION	3/15 11/15	--- AFA 30.83 CFS	SWNW S35 T 7N R 3W	SENE(37) NWSW(7) SWSW(32) NESE(40) SESE(40) LOT 1(33) S17 T 7N R 3W SWNE(34) SENE(32) NENW(23) SWNW(40) SESW(39) NESH(39) NESE(34) NWSE(40) NWNW(40) NWNE(1) NENE(38) SESE(7) S20 T 7N R 3W NESH(32) NWSW(34) SWSW(37) SESW(34) NESE(38) NWSE(19) SWSE(28) SESE(27) SWNW(30) LOT 6(8) LOT 4(30) LOT 5(35) S21 T 7N R 3W NENE(37) NWNE(32) SWNE(37) SENE(31) NENW(36) NWNW(35) SWNW(7) SENW(38) NESH(17) NESE(24) NWSE(33) S28 T 7N R 3W SWNE(1) SENE(3) NESE(13) S18 T 7N R 3W LOT 5(34) LOT 6(4) LOT 7(2) S16 T 7N R 3W *1292*	BENEFICIAL USE
65-0079	LETHA IRRIGATION & WATER COMPANY, INC. C/O NELDA PLATZ, ROUTE 2, NEW PLYMOUTH, IDAHO 83655 REMARKS: IRRIGATED BY NICHOLS DITCH.	3/30/1881	IRRIGATION	3/15 11/15	--- AFA 8.32 CFS	SWNW S35 T 7N R 3W	NWNW(39) SWNW(39) SESW(13) NESE(11) NWSE(36) SWSE(20) SESE(38) NESH(36) NWSW(12) NENW(6) SESW(8) LOT 2(9) S27 T 7N R 3W SWSW(32) SESW(1) LOT 5(35) S22 T 7N R 3W *335*	BENEFICIAL USE

July 22, 1991

Donald V. Shaff
Manager, Adjudication Section
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

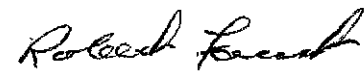
Re: Stewart Pitch 65-00071X 12/27/1880 30.83 c.f.s.

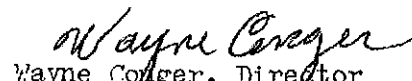
Dear Mr. Shaff,

Upon reviewing the flow rate questionnaire with appropriate information and applying the water requirements table furnished by the Soil Conservation Service, Letha Irrigation and Water Co. Inc. objects to the proposed finding of 30.83 c.f.s. listed for this water right.

According to the information supplied, a flow rate of 56.09 c.f.s. is required. Therefore, Letha Irrigation and Water Co. Inc. respectfully requests that the original diversion rate of 51.68 c.f.s. filed for dated 2/1/1990 be adhered to. We feel that this rate is not excessive and is necessary for the types of soil irrigated.

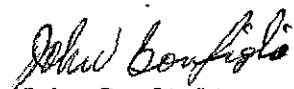
Sincerely,
Board of Directors
Letha Irrigation and Water Co. Inc.

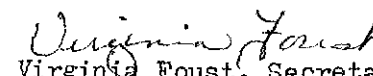

Robert Foust, President
5307 Freemont
New Plymouth, Idaho 83655


Wayne Conger, Director
4965 Freemont
New Plymouth, Idaho 83655


Marcia Herr, Director
400 Coston St.
Boise, Idaho 83712


Howard Platz, Director
6550 Dallas Rd.
New Plymouth, Idaho 83655


John Bonfiglio, Director
4800 Freemont
New Plymouth, Idaho 83655


Virginia Foust, Secretary
5307 Freemont
New Plymouth, Idaho 83655

IRRIGATION FLOW RATE QUESTIONNAIRE

THIS INFORMATION IS REQUIRED FOR ANY ADJUDICATION CLAIM(S) FOR WHICH THE IRRIGATION FLOW RATE CLAIMED IS MORE THAN 0.02 CFS PER ACRE (ONE EXCEPTION IS THAT 0.03 CFS PER ACRE MAY BE ALLOWED FOR IRRIGATION OF UP TO 5 ACRES).

CLAIM NO (S). 65-00071X Priority Date 12/27/1880 30.83 c.f.s.
 NAME Stewart Ditch Co. C/O Letha Irrigation and Water Co. Inc.
 ADDRESS 5307 Freemont New Plymouth, Idaho 83655
 PHONE 208-278-3118

1. TOTAL IRRIGATED ACRES SHOWN ON CLAIM(S) REFERENCED ABOVE 1,292 ACRES.

2. TYPICAL CROPS GROWN

CROP	PERCENT OF TOTAL ACRES	CROP	PERCENT OF TOTAL ACRES
Alfalfa	5%	Pasture	85%
Alfalfa Seed		Peas/Lentils	
Beans		Melons	
Field Corn		Potatoes	
Silage	5%	Sugar Beets	
Sweet Corn		Tomatoes	
Spring Grain		Lettuce/Radishes	
Winter Wheat		Cabbage/Broccoli	
Hops		Carrots/Turnips	
Orchard		Other ()	
Alfalfa-Grass	5%		

3. IRRIGATION SYSTEM TYPE

TYPE	PERCENT OF TOTAL ACRES	
Graded Border		PLEASE COMPLETE ITEM 4.
Level Border	15%	PLEASE COMPLETE ITEM 4.
Furrow	10%	PLEASE COMPLETE ITEM 5.
Corrugation	75%	PLEASE COMPLETE ITEM 6.
Sprinkler		PLEASE COMPLETE ITEM 7.
Contour Ditch		PLEASE COMPLETE ITEM 8.
Trickle or Drip		
Sub-Irrigation		

4. BORDER (COMPLETE BELOW BASED ON PEAK USE)

<u>varies to farm</u> inflow (cfs)	<u>30 feet</u> width (feet)	<u>1000 feet</u> average length (feet)
<u>7-14 days</u> frequency (days)	<u>24 hours</u> set time (hours)	<u>3-5</u> number of borders per set

5. FURROW (COMPLETE BELOW BASED ON PEAK USE)

<u>varies to farm</u> inflow (gallons per minute)	<u>30 inches</u> spacing (inches)	<u>1000-1320 feet</u> average length (feet)
<u>.4 of 1%</u> slope (%)	<u>12-24 hours</u> set time (hours)	<u>4</u> number of furrows per set
<u>7-10 days</u> frequency (days)		

6.

CORROGATION (COMPLETE BELOW BASED ON PEAK USE)

varies to farm
inflow (gallons per minute)

30-36 inches

spacing (inches)

12-24 hours

set time (hours)

900-1300 feet

average length (feet)

75-100

number of corrugations per set

slope (%)

7-14 days

frequency (days)

7.

SPRINKLER (COMPLETE BELOW BASED ON PEAK USE)

TYPE center pivot ___ solid set ___
lateral move ___ gun/boom ___

average nozzle flow (gallons per minute)

nozzle spacing (feet)

average lateral length (feet)

lateral spacing (feet)

Number of laterals

circle length (feet)

Number of impact heads

number of spray heads

set time (hours)

frequency (days)

8.

CONTOUR DITCH (COMPLETE BELOW BASED ON PEAK USE)

inflow (cfs)

field slope (%)

ditch length (feet)

distance between ditches (feet)

application depth (inches)

set time (hours)

frequency (days)

9.

CONVEYANCE FROM SOURCE TO FARM

UNLINED DITCH

varies to location of farm

18-48 inches

36-120 inches

length (feet)

average depth (inches)

average width (inches)

LINED DITCH

length (feet)

average depth (inches)

average width (inches)

PIPELINE

length (feet)

diameter (inches)

10.

ON-FARM DISTRIBUTION

UNLINED DITCH

varies to farm

18-24 inches

24-36 inches

length (feet)

average depth (inches)

average width (inches)

LINED DITCH

800

18 inches

18 inches

length (feet)

average depth (inches)

average width (inches)

PIPELINE

length (feet)

diameter (inches)

11. HAVE YOU CHANGED YOUR IRRIGATION SYSTEM FROM THE ONE HISTORICALLY USED? (FOR EXAMPLE, LAND LEVELING, CHANGING LENGTH OF RUNS, CHANGE FROM FURROW TO SPRINKLER, ETC.)
IF YES, PLEASE DESCRIBE _____

12. HAVE YOU HAD ANY IRRIGATION SYSTEM DESIGN/EVALUATIONS OR FARM SOIL SURVEYS COMPLETED BY THE SOIL CONSERVATION SERVICE, PRIVATE CONSULTANTS, OR IRRIGATION EQUIPMENT DEALERS?
IF YES, PLEASE DESCRIBE OR ATTACH COPIES _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

May 15, 1991

Stewart Ditch Company
c/o Nelda Platz
6550 Dallas Road
Emmett, ID 83617

RECEIVED
JUL 25 1991

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Department of Water Resources

Re: Civil Case No. 3667
Frasier, et al Objection 65-00071X

Dear Payette River Water User,

In July 1982, Richard Frasier, William Conrad, Don Craig, Jay Sisler and Stan Brown on behalf of themselves and others in the same class filed an Objection to the Proposed Findings with the Third Judicial District Court in the Payette River Basin Adjudication. The parties maintained the diversion rate recommended for their water rights and others from the Payette River were not correct for the "bottom lands" irrigated by those water rights.

This group of water rights are among the last water rights remaining for decree in the Payette River Basin Adjudication, most of which were decreed on January 21, 1986. The water rights decreed in the Payette adjudication will be incorporated into the eventual decree in the larger Snake River Basin Adjudication (SRBA) now proceeding in the Fifth Judicial District, provided new claims have been filed in the SRBA. Otherwise the achievement of a decree in the Payette adjudication could be voided.

Your water right referenced above was listed in the Proposed Finding with a diversion rate of 30.83 cubic feet per second (cfs). You will find enclosed a two-page form that when completed by you will describe your water delivery system and irrigation methods. The information you supply is essential in order for the staff of the Department to evaluate your irrigation water requirements. Much of the information required is technical, and you may wish to contact the Soil Conservation Service or other professionals for assistance with the form.

To expedite the process to resolve the Frasier objection, please return the enclosed form within 45 days. Without the completed form, the Department will assume you agree with the water right described in the Proposed Finding with the diversion rate shown above.

Please contact me if you have questions about the matters set out above. Thank you for your patience in this process.

Regards,

Donald V. Shaff
Manager, Adjudication Section



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

May 15, 1991

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GOVERNOR

R. KEITH HIGGINSON
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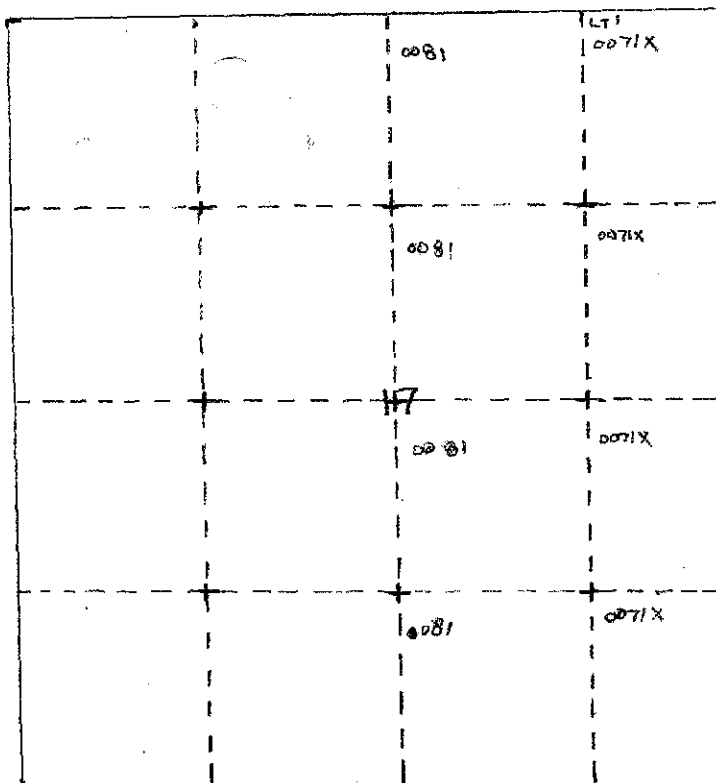
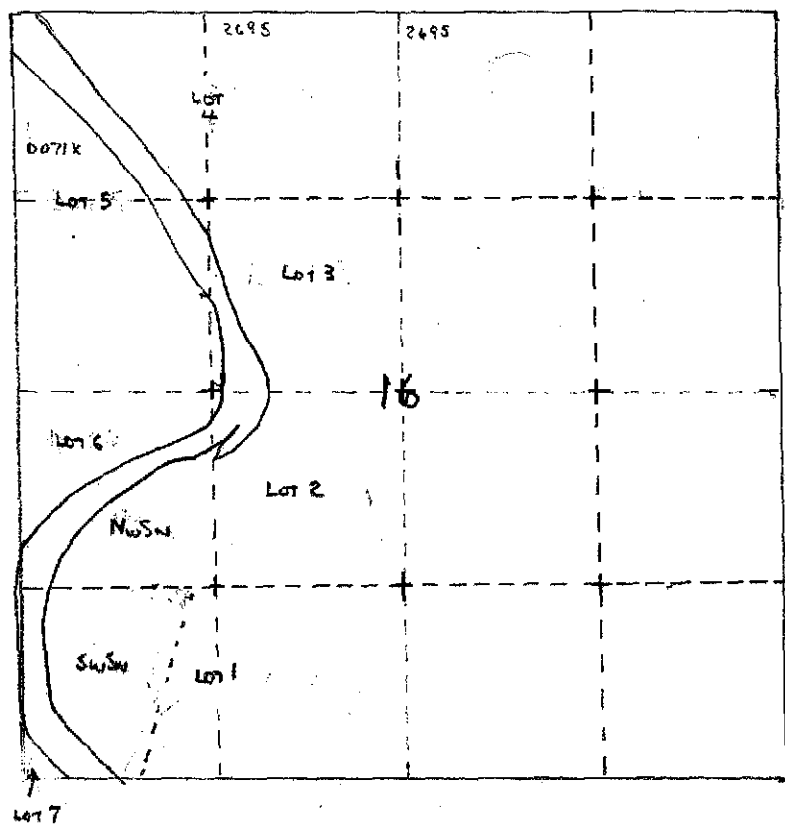
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Please contact me if you have questions about the matters set out above. Thank you for your patience in this process.

Regards,

A handwritten signature in dark ink, appearing to read 'Donald V. Shaff'.

Donald V. Shaff
Manager, Adjudication Section



P/V

SEC 21 - T2N-R3W

NESW 3280. 65-0071X STEAD DITCH 12/27/1890 PAY.

NWSW 34" " " " " " " "

SWSW 37" " " " " " " "

SESW 34" " " " " " " "

Nese 38 " " " " " " " "

NWSE 19 " " " " " " " "

SWSE 28 " " " " " " " "

SESE 27 " " " " " " " "

P/W MIRA. 16 7N-3W

65-1859 COOPER 5/1/1960 W-W
~~1111~~ 2695 COOPER 7/19/1961 VN ST.
2847 COOPER 6/20/1966 PAYETTE
0071X STEW DITCH CO 12/27/1980 PAY.
1854 COOPER 3/27/1990 W-W
1858 " " W-W

17 7N-3W

0071X

0081 LETHA 12/30/1989 PAY.

0071A STEW 12/27/1980 "

5049 CORVON 4/1/1949 W-W,

5030 CORVON 4/1/1947 W-W

0071C STEW 12/27/1980 PAY

18 0403X NOR DITCH 12/2/1981 PAY

0066 FARM COOP 9/12/1974 PAY.

2240 ELSON 6/30/1919 W-W

3993 ZIEGLER 4/1/1951 GR. YD GLUCH W-W

20 2473 METZER 9/16/1946 W-W

5452 NAEGLE 4/1/1931 LAT B DRN.

2324 " 7/16/1924 " "

21 ~~2200 COOPER 9/26/1916 VN ST.~~

~~5102 LAMON 4/1/1920 VN ST.~~

28 11260 BATEMAN 4/1/1901 W-W

0070X ENTERP DITCH 11/6/1982 PAY

0053X REED DITCH 10/26/1982 PAY.

P/D MIRA

SWNW 35 7N-3W 0071X 12/27/1980 STEW DITCH CO. PAY
" " " " 0079 3/30/1981 LETHA IRR. PAY
(SEE BACK FOR OTHERS)

P/D MREAD
S17 7N-3W

NW SW 5849 4/1/1949 COOPER W-W

S35 7N-3W

NE NW 0076X 7/1/1904 LETHA PAY

" " 0077 4/1/1927 " "

SW NN 0071X 12/27/1880 STEW DRA "

" " 0079 3/31/1881 LETHA "

S21 7N-3W

" 2847 6/20/1966 COOPER PAY

NE NE 1850 3/27/1990 " W-N

SW SE 0071B 4/1/1919 STEW DITCH PAY

" 0081 12/30/1888 LETHA PAY

SE SE 0071A 12/22/1888 STEW DITCH PAY

5 16 40A (21)

17. 41 (NENE) 33 (21)

SENE 37 (21)

NWSW 7 (15)

SWSW 32 (15)

NESE 24 (21)

16 (15)

SESE 35 (21)

5 (15)

20 NENE 126 (21)

26 (15)

NWNE 1 (15)

SWNE 11 (15)

11 (21)

SENE 32 (15)

NENW 23 (15)

NWNW 13 (21)

13 (15)

SWNW 13 (21)

13 (15)

SENW 10 (21)

10 (15)

NESE 34 (15)

NWSE 5 (15)

5 (21)

SESE 7 (15)

65-0071X

21 46 8 (21)

4,4 30 (21)

SWNW 30 (15)

(SENW) 24 (21)

11 (15)

NESW 24 (15)

10 (21)

NWSW 34 (15)

SWSW

SESW 11 (15)

NESE 38 (21)

NWSE 19 (21)

SWSE 28 (15)

SESE 27 (15)

18 SWNE 1 (21)

SENE 3 (21)

NESE 13 (21)

28 NWNE 10 (15)

1292 Total

21 379

15 407

1193 506

6/23/78

~~65-0081~~
65-0071

Reasons for recommending a 1919 priority for
lands in Sec. 7:

(65-2242)
G. L. Cruickshank applied for a permit for
water in 1919 for this land that was formerly
on the outside of an ox-bow in the river. In
his Proof of Beneficial Use he stated the land
was in salt grass and sage before 1919 when
he first used a diversion from the river to
irrigate and reclaim the land.
Rec. as 65-0071B.

J

10/17/77

The changes in SWNE & NWSE, Sec 20 were made after talking to the owner of that land today. Jim Watson said the waste areas marked on the arials is incorrect since those areas are pastured fields that the water is diverted across before it reaches the cultivated fields. The NWSE was entirely overlooked in the initial review.

J

Q = 27
V = 93

A = 27.07

Channel d = 3.5

Width = 8' wide

Stewart Ditch Company
c/o Donald Vickery
Route #2
New Plymouth, Idaho 83655

Claim #65-0071

Priority	Rate of Diversion	Quantity per Year	Acres Irrigated
1. 12/27/1880	2. 28.52 c.f.s.	3. 6,380.55 acre ft.	4. 1,289.0
5. Source; Payette River			
6. Purpose: Irrigation			
7. Period of Use: April 1 through October 31			
8. Type and Point of Diversion: 2 - 41"/42" head gates			
acres irrigated: 1,289 acres			

SEE attached listing for land description

THIS INFORMATION WAS COMPILED
PRIOR TO SEPT. 1976 AND SHOULD
BE REVIEWED AGAIN BEFORE FINDINGS
ARE RECOMMENDED TO THE COURT.

 3/4/77

1. Priority based on posted notice filed by Willaim Stuart in miscellaneous records, Book 2, Page 279, Gem County, Idaho.
2. The rate of diversion is calculated by recommending 1 c.f.s. per 50 acres of irrigated land. This would be 25.78 for 1,289 acres + (10% seepage loss) 2.74 c.f.s. calculated by using the Moritz Formula $S(\text{c.f.s./mi.}) = 0.2C\sqrt{\frac{Q}{L}}$. The 1 c.f.s./50 acres is the maximum allowable under Idaho Law 42-202 without justification.
3. The acre foot irrigation requirement amounting to 6,380.55 acre feet is based on $4.5 \times 1,289.0 = 5,800.5 + (10\% \text{ seepage loss}) 580.05 = 6,380.55$ acre feet. The 4.5 acre feet per acre is based on the University of Idaho Research study intitlled Consumptive Irrigation Requirements for Crops in Idaho.
4. The irrigated acres is tabulated by using maps prepared by the Department of Water Administration and field investigations. The non-irrigated lands which are covered by a dwelling or road are not included.
5. The source was found to be from the Payette River by the field survey and mapping crew.
6. By field examination, the purpose was found to be for irrigation.
7. The period of use has been determined by using the report Spring and Fall Freezing Temperatures in Idaho, published by the University of Idaho, Bulletin 494. The irrigation season for the area is 174 days in which the temperature does not drop below 28°F. The temperatures were recorded at the weather station outside of Emmett, Idaho.
8. The point of diversion was located by using U. S. G. S. quad maps and the B. L. M. survey.

Q2

Stewart Ditch Company

Moritz Formula

$$S(\text{c.f.s./mi.}) = 0.2C\sqrt{\frac{Q}{V}}$$

$$(20)(.66)(4 \text{ mi.})\sqrt{\frac{25.78}{.93}}$$

$$.52\sqrt{27.72}$$

$$.52 (5.2)$$

$$S = 2.74 \quad 10\%$$

Miles of Ditch = 4 (scaled)Q = 25.78 c.f.s. based on 1,289 acres
and 1 c.f.s./50 acresV = .93 ft. per second average mea-
sured velocity

C = 0.66 sandy loams

Maximum allowed based on Idaho Code = 25.78

Plus Seepage = 2.74

28.52 c.f.s.

April 13, 1970

C
O
P
Y
Stewart Ditch Company
c/o Donald R. Vickery
Route #2
New Plymouth, Idaho 83655

Dear Mr. Vickery:

In answer to your letter of April 8, 1970, it appears that if Letha Irrigation Company does not claim all the persons under the Stewart Ditch that your ditch should file for the remainder of the water users. The date which your claim must be in our office is April 24, 1970. You may apply for an extension of time through the district court in Gem County with a formal request.

We are enclosing what records we have of water measurements on your ditch in the past. Please change on your maps the portion which we have marked as Kessler Ditch which is under Stewart Ditch. The lands which you refer to as Donald Stockham's farm you may use the acreages that the ASCS has tabulated, but please break these acreages down into the forties.

The claim for Stewart Ditch Company may be signed by any elected official. We must remind you that this is your claim and you can file for lands that your ditch has irrigated in the past; also, you can file for the quantity of water which you feel that you can substantiate, that has been diverted in the past.

Enclosed is receipt No. 4445 for the amount of \$2.00 which you sent for the two maps.

If we can be of any further assistance, please feel free to contact our office.

Very truly yours,

Gary L. Page
Adjudication Procedure Supervisor

GLP:mh

Enclosures

65 0071

Mining Marshall equation

$$1.56 \times .066 \times 12 = 1.22$$

$$1.22 \times 4 = 4.88$$

$$27.02 \text{ load} \cdot 0.2255/\text{ft}$$

$$+ 4.88 \text{ sand loss}$$

$$\underline{31.90 \text{ total loss}}$$

$$6079 \text{ AF load } 41.5 \text{ AF/ft}$$

$$1098 \text{ AF loss}$$

$$\underline{7177 \text{ total AF}}$$

$$4.88 \times 225 = 1098 \text{ AF sand loss}$$

length sand 4 miles

$$i = 1.56 \text{ average load}$$

on 82 ft.

W - top width 12 ft

.066 Constant

$$\text{AF loss} = \frac{\text{load} \times \text{length}}{.02} = \frac{6079 \times 225}{.02}$$

Plymouth, Idaho
April 8, 1970

RECEIVED

APR 10 1970

Department of Reclamation

Gary L. Page-Survey Examiner
Department of Reclamation
Statehouse- Annex 2
Boise, Idaho 83707

Dear Mr. Page,

In checking with Letha Irrigation on how many Stewart Ditch Co. Shareholders have signed water over to them, we find about half of the land has been signed to them. In order to protect the rest of our shareholders, we must file a claim of our own. If so do we file on all shareholders of record in Stewart Ditch Co? When is our final filing date? as Is it possible to get an extension on the filing date, as Letha Irrigation is trying to get all the rest of shareholders signed over to them? Do you have a record of what water we have drawn when you measured it, and if so could we get a record of it?

Thanks for the maps as they are a big help in breaking down acres by forties. I am sending a check for two dollrs (\$2.00) for the two maps.

I find the lower end of Stewart Ditch Co. is marked Kessler Ditch on maps. Is A. S. C. acreages excepted, as on Charles Stockham farm? They have eleven (11) acres more than your maps; although they are not broken down by forties.

This claim would be made for Stewart Ditch Co. and signed by Donald R. Vickery, is that Correct?

Very Truly Yours,
Donald R. Vickery
Stewart Ditch Co.
Donald R. Vickery Sec.tres.

65 0071

Stewart Ditch

3.25 miles

1052 acres

= 21.04 cfs = Q_R

Q	<u>Assumed Loss</u>	<u>Percent loss per mile</u>	<u>Press/mile</u>	<u>Loss</u>	<u>total ($Q_L + Q_R$)</u>
21.04		6.4%	1.4	4.37	25.41
25.41	4.37	5.6%	1.42	4.62	25.66
25.66	4.62	5.6%	1.44	4.68	25.72
25.72	4.68	5.6%	1.44	4.68	25.72

total loss = 4.68 is 22.2% over water required

Max. - historically diverted = 42 cfs = 100% over water required.

lowest historically diverted = 26 cfs = 23.8% over water required

suggest 25% = 5.26 or a total of 26.30

March 20, 1970

C
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P
Y

Donald R. Vickery
Route #2
New Plymouth, Idaho 83655

Dear Mr. Vickery:

We are enclosing a tabulation of irrigated lands under Stewart Ditch Company.

Also we are sending the two maps which you requested that covers the lands under your ditch. The charge is \$1.00 for each. Please make payable to the Department of Reclamation.

The diversion rate which we have calculated would be 21.04 c.f.s. for irrigation of 1,052 acres. The diversion loss for the ditch is approximately 25% which would be an additional 5.26 or a total of 26.30 c.f.s. These are calculated figures based on the irrigation requirement of one inch per acre and a diversion loss through your ditch of 25%.

We must remind you that the claim you file is your claim and if you come up with better figures, feel free to use them.

Very truly yours,

Gary L. Page
Survey Examiner

GLP:mh

Enclosures

65 0071

Certified # 21682

2-23-78

February 20, 1970

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Stewart Ditch Company:

On October 27, 1969, an action was commenced in the District Court of the Third Judicial District, in and for the County of Gem, to determine rights to the use of the surface and/or ground waters within the Payette River drainage basin.

As a result of this action, the District Court has authorized the State Reclamation Engineer to conduct a study of the Payette River drainage basin and to submit to the court a proposed determination of water rights.

Since it appears that you may have some interest in the waters of the Payette River drainage basin, you are being named a defendant in the action. The enclosed Summons, Motion for Order of Joinder, and Order of Joinder require that you file with the State Reclamation Engineer your claim of water right to the use of waters within the Payette River drainage basin within 60 days from the date this is served upon you. Since all defendants are not joined at one time, due to the large number of people involved, Exhibit A includes only those joined with your group. A complete list of defendants in this action is not included among the enclosures; however, a complete list is available upon request from this department.

In order to hold a water right under Idaho Law, you or your predecessor must have physically diverted and beneficially used water prior to this date. If you have not used the water and do not claim a right, it will not be necessary for you to file a claim with the Department of Reclamation. However, if you are using water and fail to assert a claim within the time stated, you may be forever barred and estopped from claiming a right to the waters within the Payette River drainage basin.

In order to assist you in filing any claim you may have, Department personnel will be available at Gem County Courthouse, Emmett, on March 16, 1970, at 1:00 pm o'clock. The Department will have a preliminary claim prepared when you appear, to minimize the time which it may take to prepare your claim. There will also be a notary available to notarize your claim. It is strongly recommended that you appear at the above time, so that the most efficient use will be made of the personnel, maps,

65 0071

Stewart Ditch Company
Page 2
February 20, 1970

and records which will be available to you. You should bring any information that you may have which will verify your claim and assist you in completing your claim, such as receipts for installation of the diversion facilities, power records indicating when power was installed to pumps and motors, tax notices, etc. In the event that additional claim forms are needed, they will be available at the time of the public meeting or upon request from the Department. Department personnel will also be happy to assist you during regular work hours at Statehouse - Annex #2, 614 West State Street, Boise, Idaho, or by phoning 384-2215.

Very truly yours,

R. KEITH HIGGINSON
State Reclamation Engineer

RKH:rh

Enclosures

C
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INSTRUCTIONS TO DELIVERING EMPLOY	
☒ Show to whom, date, and address where delivered	☐ Deliver ONLY to addressee
(Additional charges required for these services)	
RECEIPT	
Received the numbered article described below	
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ARTICLE NO.	SIGNATURE OF ADDRESSEE
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OFFICIAL BUSINESS	PERMIT FOR PRIVATE USE TO INDIVIDUALS WITH PAYMENT OF POSTAGE
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IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL)
DETERMINATION OF THE RIGHT TO)
THE USE OF SURFACE AND GROUND)
WATERS OF THE PAYETTE RIVER)
DRAINAGE BASIN.)

Civil No. 3667

S U M M O N S

THE STATE OF IDAHO SENDS GREETINGS TO: Stewart Ditch Company

You are hereby notified that an Order has been entered in the District Court of the Third Judicial District in and for the County of Gem, dated November 12, 1969, directing the State Reclamation Engineer of the State of Idaho to commence an investigation and determination of the various rights to the use of surface and ground waters of the Payette River Drainage Basin, from its confluence with the Snake River to its source, such waters lying or being used within Gem, Valley, Boise, Canyon, Payette and Washington Counties,

And you are hereby notified that unless you appear and file a claim with the State Reclamation Engineer, Statehouse - Annex 2, 614 W. State Street, Boise, Idaho, within sixty (60) days of the service of this Summons to the ownership of a water right for the use of any surface or ground waters of the Payette River Drainage Basin from its confluence with the Snake River to its source, such waters lying or being used within Gem, Valley, Boise, Canyon, Payette and Washington Counties, that you will be deemed to have forfeited any water right heretofore acquired for the use of the above waters.

DATED this 17th day of February, 1970.

Wanda H. [Signature]
Clerk

Start addition

Farmers CO. OP.

Emmett Idols March 10 1967

Quern King ✓

Joe Fornea ✓

Frank Corn ✓

Mrs Butter ✓

Less Lenard ✓

Albert Thrall ✓

John Rhoton

Lawrence Jones ✓

Ted Spencer ✓

Clyde Hunt ✓

Harold Savages

Lee R. Paterson ✓

L. E. Portrey ✓

Owen Cutberth

W. W. Jennings

Mrs Francis Brooks ^{Ball sub} Foster Brooks

Mrs Bertha Jessie ✓

Harry Rogers ✓

Juan Teedhaugh

RECEIVED

MAR 13 1967

Department of Reclamation

George Johnson v
William Shuck
Clavis Turnbull v

Sincerely -

Harry Rogers

RECEIVED
MAR 13 1887

Department of Reclamation