

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: **A43-00116**
Date Received: 11/ 6/1996
Receipt No: S019674
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: REID S STEWART
Address: 1655 SUNSET DR
LOGAN UT

801-753-2027

84321

AND/OR

Name: RUTH O STEWART
Address: 1655 SUNSET DRIVE
LOGAN UT

801-753-2027

84321

2. Date of Priority: JAN 2, 1882

3. Source: CLEAR CREEK
GROUNDWATER

Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	27E	29		SW	NE		CASSIA
			SE	SW	NE		CASSIA
				SW	NW		CASSIA

5. Description of diverting works:

HEADGATE SUMP PUMPS-CLEAR CREEK; 2 WELLS-BURIED AND SURFACE LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		

7. Total Quantity Appropriated is:

2.000 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 465.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	27E	29	NW	NE		IRR	40.0
			SW	NE		IRR	35.0
			NE	NW		IRR	40.0
			SE	NW		IRR	40.0
Section Acres							155.0
Total Acres							155.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

43-00117, -00118, -00119, -02299, 02387 AND -02509B.

14. Remarks:

CURRENT WATER USAGE UNDER THIS RIGHT INCLUDES THE DIVERSION OF OF THE DECREED WATER FROM BOTH THE SURFACE AND UNDERGROUND SOURCE AS DESCRIBED ABOVE. THIS CLAIM DOES NOT CHANGE THE IRRIGATED ACRES AS OUTLINED IN THE DECREE, BUT DOES INCLUDE GROUNDWATER AS AN ADDITIONAL POINT OF DIVERSION. THIS CHANGE TO ADDITIONAL POINTS OF DIVERSION HAS BEEN GRADUAL, THOUGH SOMETIMES ERRATIC, OVER THE YEARS DUE TO THE INCREASED WITHDRAWAL OF THE SUPPORTING GROUND WATERS TO CLEAR CREEK IN THE RAFT RIVER VALLEY. THIS HAS LED TO THE DECLINE IN THE HISTORIC FLOW OF CLEAR CREEK IN THE AREA, WHICH HAS NECESSITATED THIS CHANGE. THE ADDITION OF THESE POINTS OF DIVERSION DOES NOT EXPAND OR ENLARGE UPON THE IRRIGATED ACRES WHICH ARE AUTHORIZED BY THE DECREE, NOR DOES IT RELINQUISH THE RIGHT TO THE HISTORIC DIVERSION OF WATER FROM CLEAR CREEK, WHEN IT IS AVAILABLE ON THE SURFACE. THIS CHANGE MERELY ADDS TO THE DECREED RIGHT TWO ADDITIONAL POINTS OF DIVERSION TO INTERCEPT CLEAR CREEK UNDERFLOW. THE FEDERAL JOHNSON DECREE (1937) MAKES CLEAR THE RELATIONSHIP BETWEEN SURFACE WATERS AND GROUND WATERS IN THE CLEAR CREEK DRAINAGE AND THE INTERDEPENDENCY OF THE TWO SOURCES. THIS CLAIM RECOGNIZES THAT RELATIONSHIP.

3/18/1997, DJ: FEES TOTALING \$205 MAY BE RECEIPTED IN WHOLE OR IN PART UNDER S008308 & S019674.

15. Basis of Claim: DECREED

Water Right Number: 430116

Case Number:

Court :

Decree date: 10/18/1928

ALBION-IDAHO LAND CO.

Decree Plaintiff

JOBE ADAMS ET AL

vs

Decree Defendant

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 _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

NOV 06 1996

Department of Water Resources
Southern Region

43-0116

Please type or print clearly

1. Name of Claimant (s) Reid S. and/or Ruth O. Stewart Phone (801) 753-2027
Mailing Address 1655 Sunset Drive, Logan UT Zip 84321
2. Date of Priority (Only one (1) per claim) 01-02-1882
3. Source of water supply (a) Clear Creek and/or ground water
which is tributary to (b) Raft River
4. a. Location of existing point of diversion is: Township 15S Range 27E Section 29,
SE 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Cassia
Additional points of diversion if any: also wells in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ & SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, T15S R27E
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

(see attachment)

Q customs
red
H

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 2.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 465 acre feet per annum.

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

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15S	27E	29		40	35		40			40									155

Total number of acres irrigated 155

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

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

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
(see attachment) _____ or None ()

14. Remarks:
(see attachment) _____

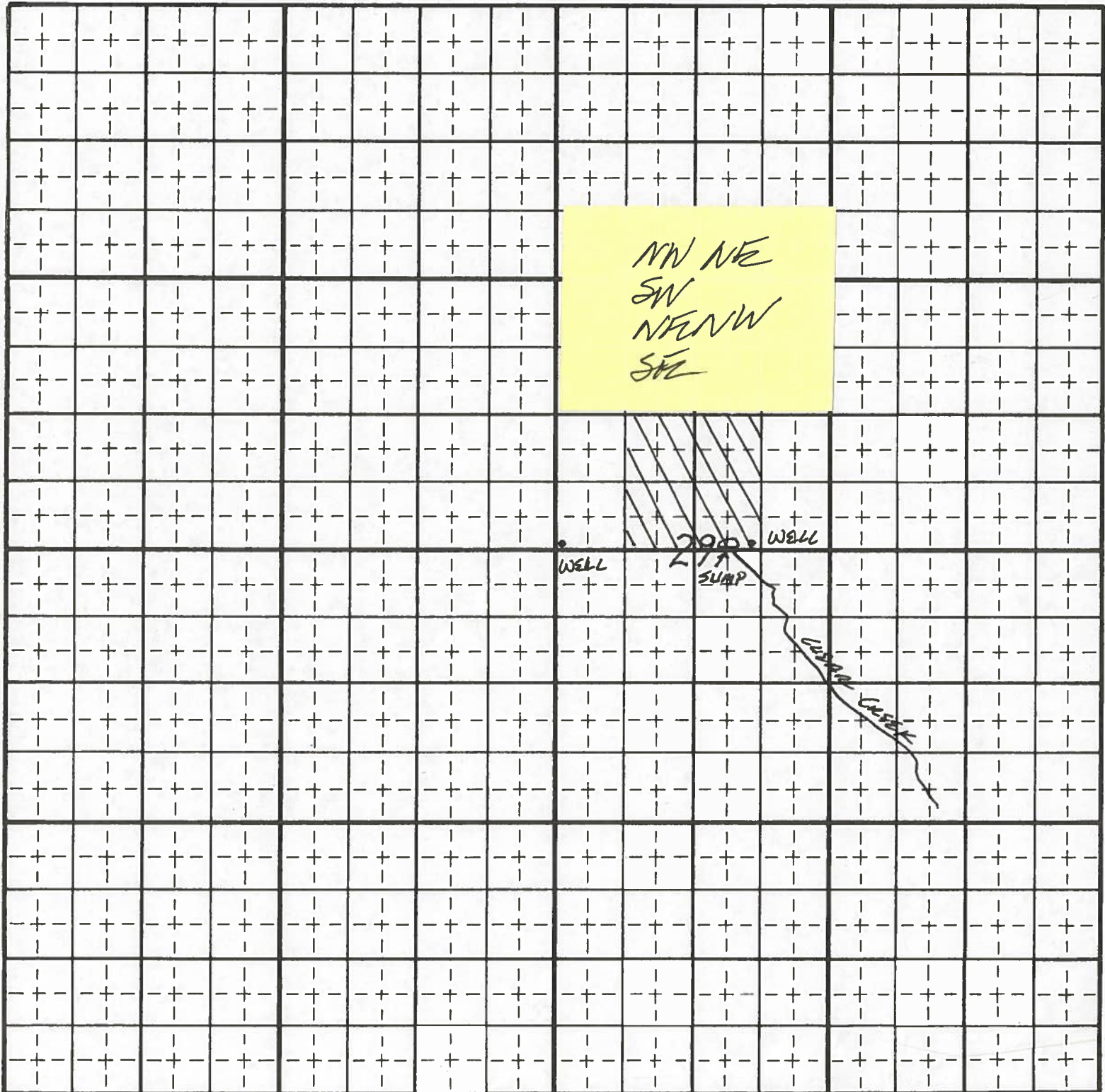
Last Name Stewart Ident No. 43-0116

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

T15N R27E



Last Name Stewart

Ident No. 43-0116

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒ _____

If applicable provide IDWR Water Right Number 43-0116

Court U.S. JUD. Dist. ID Case Number _____ Decree Date Oct. 18, 1928

Plaintiff vs Defendant Albion Idaho Land v. Jobe Adams et al.

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 one

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Rick Stewart Date 11-4-96

Lucy O. Stewart Date 11-4-96

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Utah)
County of Cache) SS.

Subscribed and sworn (or affirmed) before me this 4th day of November 19 96



Notary Public Shauna Smith

Residing at Logan, UT

My Commission Expires 2/15/00

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name Stewart Ident. Number 43-0116

Copies White-State, Yellow-Claimant

Attachment to:

Notice of Claim to a Water Right
Snake River Basin Adjudication

Water Right No. 43-0116

Paragraph 5.

Diverting works from Clear Creek include headgate, ditch, sump and pumps. Diverting works from ground water include two wells and pumps. Waters from either source are commingled in a distribution system which includes buried and surface pipelines.

Paragraph 13.

In total on the properties are seven water rights which divert from the same sources and the waters are commingled and distributed throughout the properties. These rights include: 43-0116, 43-0117, 43-0118, 43-0119, 43-2299, 43-2387, and 43-2509B.

Paragraph 14.

Current water usage under this water right includes the diversion of the decreed water from both the surface and underground source as described above. This claim does not change the irrigated acres as outlined in the decree, but does include ground water as an additional point of diversion. This change to additional points of diversion has been gradual, though sometimes erratic, over the years due to the increased withdrawal of the supporting ground waters to Clear Creek in the Raft River Valley. This had led to the decline in the historic flow of Clear Creek in the area, which has necessitated this change. The addition of these points of diversion does not expand or enlarge upon the irrigated acres which are authorized by the decree, nor does it relinquish the right to the historic diversion of water from Clear Creek, when it is available on the surface. This change merely adds to the decreed right two additional points of diversion to intercept Clear Creek underflow. The Federal Johnson Decree (1937) makes clear the relationship between surface waters and ground waters in the Clear Creek drainage and the interdependency of the two sources. This claim recognizes that relationship.

Reid S. and/or Ruth O. Stewart

Indent No. 43-00116

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2002 NOV 4 AM 11 59

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-00116

NAME AND ADDRESS: REID S STEWART
RUTH O STEWART
1655 SUNSET DRIVE
LOGAN, UT 84321

SOURCE: CLEAR CREEK

TRIBUTARY: SINKS

QUANTITY: 2.00 CFS

PRIORITY DATE: 01/02/1882

POINT OF DIVERSION: T15S R27E S29 SESWNE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.00 CFS

PLACE OF USE:	Irrigation	Within Cassia County
	T15S R27E S29	NWNE 40.0 SWNE 38.0 NENW 40.0 SENE 37.0
	155.0 Acres Total	

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER
DISTRICT 43-B.

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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

May 26, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

REID & RUTH STEWART
1655 SUNSET DR
LOGAN UT 84321

RE: SRBA claims 43-00116, -00117, -00118, -00119 (groundwater source)

Dear Mr & Mrs Stewart:

- ① File b/c claims for groundwater
- or
② Bifurcate ^(ARB suit) & disallow gw source
- ③ Investigate extent of overlap w/ GW-source licenses

Doug -

We discussed this - how should
we respond to the Stewarts?

Dave

Reid S. & Ruth O. Stewart

1655 Sunset Drive
Logan, Utah 84321
(801) 753-2027

RECEIVED

FEB 17 1998

Department of Water Resources

February 11, 1998

David R. Tuthill, Jr., P.E.
Chief, Adjudication Bureau
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

MAY 11 1998

Department of Water Resources
Southern Region

Re: Bifurcation of Claims for Water Rights 43-0116, 43-0117, 43-0118, & 43-0119

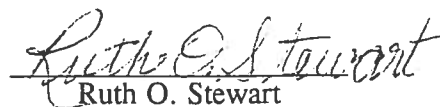
Dear Mr. Tuthill:

Pursuant to our discussions in Malta on February 10, 1998, this letter is to serve as our formal request for IDWR to divide into two parts our previously filed claims on the above referenced water rights. As filed, each claim identifies as a source both Clear Creek and groundwater. We find, with the Courts order to file a Preliminary Director's Report on claims which identify "Clear Creek" only separate from other sources in Basin 43, that bifurcation of these claims is necessary to preserve the groundwater portion of the claims for review and inclusion with a subsequent Director's Report which will include groundwater in Basin 43. Therefore, as we discussed, please divide each of the above referenced claims into two similar claims or parts of claims; one showing Clear Creek as the source and the other showing groundwater as the source.

Should you have any questions regarding this matter, please contact either myself or Don Barnett (801-292-4662).

Sincerely,


Reid S. Stewart


Ruth O. Stewart

cc: Douglas Jones, P.E.
Water Rights Supervisor
Southern Adjudication Unit

RIGHT NUMBER:

43-00116

NAME AND ADDRESS:

REID S STEWART
RUTH O STEWART
1655 SUNSET DRIVE
LOGAN UT 84321

SOURCE:

CLEAR CREEK

TRIBUTARY: SINKS

QUANTITY:

2.00 CFS

PRIORITY-DATE:

01/02/1882

POINT OF DIVERSION

T15S R27E S29

SESWNE

Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season

QUANTITY
2.00 CFS

PLACE OF USE:

IRRIGATION

Within CASSIA County

T15S R27E S29

NWNE 40

SWNE 38

NENW 40

SENEW 37

155 ACRES TOTAL

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 43-B.

EXPLANATORY MATERIAL:

BASIS OF CLAIM - DECREE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

Water Right Number - R43-00116 Prefix Translation: RESEARCH Old (D) Number - 430116

+ - - - - Last Name - - - - + + - - - - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***

STEWART REID S 1 - 1655 SUNSET DRIVE State- UT Zip- 84321

2 - 2 - City- LOGAN Phone - 801-753-2027

3 - 1 - 1655 SUNSET DRIVE 2 - 2 - 3 - State- UT Zip- 84321

STEWART RUTH O City- LOGAN Phone - 801-753-2027

1 - 2 - 3 - State- UT Zip- 84321

*** O - ORIGINAL OWNER ***

GUNNELL LOUIS J. City- N Phone - 208-000-0000 State- ID Zip- 0

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +

01/02/1882 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +

CLEAR CREEK SINKS

+ - - - - Point of Diversion - - - - - +

Twn	Rng	Sec	Tract	Lot	Rflg	County
15S	27E	29	SE SW NE	(31)	CASSIA	

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

01 - IRRIGATION 04/01 10/31 2.000

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

2.000 0.0

+ - - - - Place of Use - - - - - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
15S	27E	29	NW NE		40.0	01	IRRIGATION	(31) CASSIA
15S	27E	29	SW NE		38.0	01	IRRIGATION	(31) CASSIA
15S	27E	29	NE NW		40.0	01	IRRIGATION	(31) CASSIA
15S	27E	29	SE NW		37.0	01	IRRIGATION	(31) CASSIA

Total Acres: 155.0

+ - - Diversion Means - HEADGATE SUMP PUMPS-CLEAR CREEK; BURIED AND SURFACE LINES

+ - - Non-Irrigation Use -

•

+

1

1

0

1

0

0

1

0

1
0
0
0
0
0
1
1
0

+ - Decree Date - +
10/18/1928

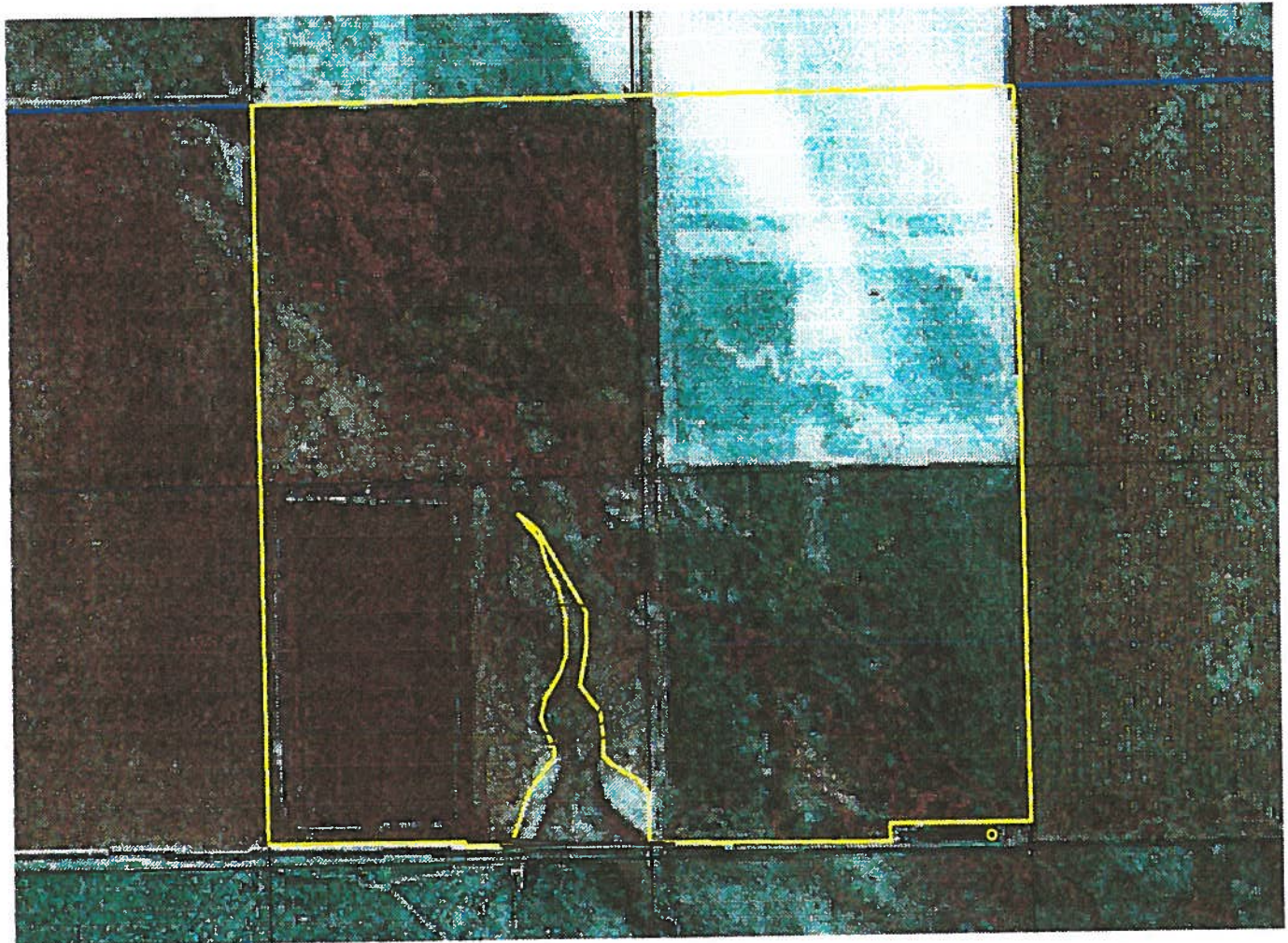
UNDERGROUND SOURCES
 UDE GROUNDWATER AS
 SOMETIMES ERRATIC,
 VALLEY. THIS HAS
 ADDITION OF THESE
 DOES IT RELINQUISH
 ANGE MERELY ADDS TO
 SCREE (1937) MAKES
 DENCY OF THE TWO

RE ADDED TO TOTAL

P
438
S

IDAHO DEPARTMENT OF WATER RESOURCES

43-00116



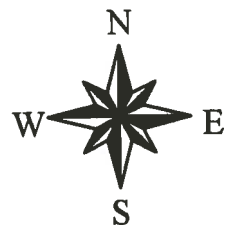
0.25

0

0.25 Miles

area added back in

TNS 16S, RNG 27E, SEC 29 E1/2NW, W1/2NE



Recommended Place of Use



Recommended Point of Diversion



Section Lines



Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 NAPP PHOTOGRAPHY
DATA ENTRY: JANUARY 27, 1998
BY: DOUGLAS JONES

NO. OF CLAIMS IN POLYGON _____

CLAIM NUMBERS 00116

1/24/98 *TS*
DATE 01-20-98
AGENT H

TRANSFER NUMBER _____

OBJECTION FILED 155

TOTAL ACRES FROM RECOMMENDATION 152

GEOGRAPHIC INFO SYSTEM 151?

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM					40	38		40			37								
GIS					39.8	37.9		39.8			35.5								
<i>Unimel</i>	155	27E	29		40	35		40			40								
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED ✓
B36-DBPOU.DBF
B36-DBPOD.DBF ✓

POLYGON # _____
ATTRIBUTES OF B36-POU.SHP (13) 1/24/98
ATTRIBUTES OF B36-POD.SHP (3) 11

NNNE SHANK WHITE - 39.79 AC = 40
SWNE - 39.79 AC = 1.06 NW = .72 SW - .54 bottom - .54
NE NW - 39.76 AC - 5 AC = 35
SE NW - 39.79 AC - 17.66 - .67 - .74 = 20.72/21

P/U CONFLICT yes () no ()

P/D CONFLICT yes () no ()

SENT FOR DECREE yes () no ()

Reid S. & Ruth O. Stewart
1655 Sunset Drive
Logan, Utah 84321
(801) 753-2027

February 11, 1998

FEB 17 1998

Department of Water Resources
Southern Region

David R. Tuthill, Jr., P.E.
Chief, Adjudication Bureau
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

Re: Bifurcation of Claims for Water Rights 43-0116, 43-0117, 43-0118, & 43-0119

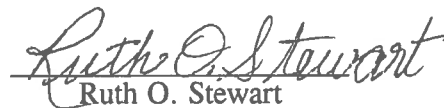
Dear Mr. Tuthill:

Pursuant to our discussions in Malta on February 10, 1998, this letter is to serve as our formal request for IDWR to divide into two parts our previously filed claims on the above referenced water rights. As filed, each claim identifies as a source both Clear Creek and groundwater. We find, with the Courts order to file a Preliminary Director's Report on claims which identify "Clear Creek" only separate from other sources in Basin 43, that bifurcation of these claims is necessary to preserve the groundwater portion of the claims for review and inclusion with a subsequent Director's Report which will include groundwater in Basin 43. Therefore, as we discussed, please divide each of the above referenced claims into two similar claims or parts of claims; one showing Clear Creek as the source and the other showing groundwater as the source.

Should you have any questions regarding this matter, please contact either myself or Don Barnett (801-292-4662).

Sincerely,


Reid S. Stewart


Ruth O. Stewart

cc: Douglas Jones, P.E.
Water Rights Supervisor
Southern Adjudication Unit

H. F. Deardorff

1879-Apr. 1 2.5 s.f.
 1880-Nov. 30 2.4 s.f.
 1883-Apr. 30 1.2 s.f.
 1886-Nov. 30 .8 s.f.
 1894-Apr. 1 5.1 s.f.
 1904-Aug. 30 .8 s.f.

To be diverted from Cassia Creek for the irrigation of $S\frac{1}{2}SE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, Sec. 11, $SW\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, Sec. 12, $NW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, Sec. 13, $NE\frac{1}{4}$, Sec. 14, all in Twp. 13 S. R. 26 E.B.M.

Synthia Radfield

1885-Sept. 28 .8 s.f.
 1888-Apr. 30 .8 s.f.
 1894-Apr. 1 1.6 s.f.

To be diverted from Cassia Creek for the irrigation of $W\frac{1}{2}SW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, Sec. 14, Twp. 13 S.R. 26 E.B.M.

J. P. Fabrick

1886-June 15 .6 s.f.

To be diverted from Cassia Creek for the irrigation of $N\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, Sec. 23, Twp. 13 S. R. 26 E.B.M.

1886-June 15 1.6 s.f.
 1894-Apr. 1 1.6 s.f.

To be diverted from Cassia Creek for the irrigation of $N\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, Sec. 23, Twp. 13 S. R. 28 E.B.M.

First National Bank of Brigham City, Utah

1887-June 30 1.2 s.f.

To be diverted from Raft River for the irrigation of $N\frac{1}{2}SW\frac{1}{4}$, Sec. 8, Twp. 15 S.R. 27 E.B.M.

Charles Gamble, Jr. and Chrissy Gamble

1881-May 31 .9 s.f.
 1882-Apr. 1 .3 s.f.
 1885-Apr. 30 .6 s.f.
 1894-Apr. 1 1.1 s.f.

To be diverted from Cassia Creek for the irrigation of $NW\frac{1}{4}$, Sec. 22, Twp. 13 S. R. 26 E.B.M.

Louis J. Gunnell

1882-Jan. 2 2 s.f.

To be diverted from Clear Creek for the irrigation of $E\frac{1}{2}NW\frac{1}{4}$ and $W\frac{1}{2}NE\frac{1}{4}$, Sec. 29, Twp. 15 S. R. 27 E.B.M.

1884-Jan. 31 2 s.f.

To be diverted from Clear Creek for the irrigation of $E\frac{1}{2}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, Sec. 20, Twp. 15 S. R. 27 E.B.M.

1897-June 11 2.8 s.f.

To be diverted from Clear Creek for the irrigation of $S\frac{1}{2}NW\frac{1}{4}$ and $W\frac{1}{2}SW\frac{1}{4}$, Sec. 20, Twp. 15 S.R. 27 E.B.M.

Sarah H. Gunnell

1914-Apr. 10 1.6 s.f.

To be diverted from Clear Creek for the irrigation of $SW\frac{1}{4}SW\frac{1}{4}$, Sec. 17, $NW\frac{1}{4}NW\frac{1}{4}$, Sec. 20, Twp. 15 S.R. 27 E.B.M.

Frank Goff and Mrs. Frank Goff

1913-Nov. 20 1.6 s.f.

To be diverted from Raft River for the irrigation of $NW\frac{1}{4}$, Sec. 33, Twp. 15 S. R. 26 E.B.M.

L. P. Hall and Charlotte Hall

1900 -- June 15 43-00042 2.2 s.f.
(Callender Tract)

To be diverted from Clear Creek for the irrigation of E $\frac{1}{2}$ Sec. 33, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 33, Twp. 15 South, R. 27 E., B.M.

1903 -- May 1 43-00043 2.6 s.f.
(Rotan Tract)

To be diverted from Clear Creek for the irrigation of E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, Twp. 16 S., R. 27 E. B.M.

1887 -- June 1 43-00044 4.4 s.f.
(Pierce Tract)

To be diverted from Clear Creek for the irrigation of S $\frac{1}{2}$ and the S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, Twp. 16 S., R. 27 E., B.M.

1882 -- June 1 43-00045 1.7 s.f.
(Rice or Round Mountain Tract)

To be diverted from Clear Creek for the irrigation of E $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, Twp. 16 S., R. 27 E. B.M.

PROVIDED: That the Albion-Idaho Land Company or any of the appropriators having a lower point of diversion shall not be entitled to divert any of the waters of the said Clear Creek when the same does not exceed 200 inches or 4 second feet, at the said Company's point of diversion.

Joshua B. Brown
1911 -- June 12 43-00084 1.4 s.f.
1912 -- July 14 43-00085 1.8 s.f.

To be diverted from Clear Creek for the irrigation of W $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, of Sec. 27, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, Twp. 16 S., R. 27 E., B.M. 26

Louis J. Gunnell
1882 -- Jan. 2 43-00116 2 s.f.

To be diverted from Clear Creek for the irrigation of E $\frac{1}{2}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 29, Twp. 15 S., R. 27 E., B.M.

1884 -- Jan. 31 43-00117 2 s.f.

To be diverted from Clear Creek for the irrigation of E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 20, Twp. 15 S., R. 27 E., B. M.

1897 -- June 11 43-00118 2.8 s.f.
(2.8)

To be diverted from Clear Creek for the irrigation of E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 20, Twp. 15 S., R. 27 E. B.M.

Sarah H. Gunnell
1914 -- April 10 43-00119 1.6 s.f.
(1.6)

To be diverted from Clear Creek for the irrigation of SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, Twp. 15 S., R. 27 E., B.M.

David W. Jones
Violet Jones
1912 -- Feb. 17 43-00182 1.5 s.f.

(See Stipulation for amendment)

To be diverted from Round Mountain Creek for the irrigation of SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 16 S., R. 27 E., B. 27 E.

COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

January 26, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

REID S STEWART
1655 SUNSET DRIVE
LOGAN, UT 84321

RE: RIGHTS FROM CLEAR CREEK CLAIMED IN THE SNAKE RIVER BASIN
ADJUDICATION.

Dear Mr Stewart:

As a result of Judge Daniel C. Hurlbutt Jr's Order for Director's Report issued October 24, 1997 in SRBA Case No. 92-00014 Harold Jones and Ray Jones v. Naf Irrigation Company department staff will present draft recommendations for claims identifying Clear Creek as a source.

The meeting is scheduled for February 10, 1998 at 1 pm in the conference room of the Raft River Electric office in Malta. Please plan to attend this meeting or let us know if you won't be there.

David R. Tuthill, Jr., P.E., Chief, Adjudication Bureau will attend along with adjudication staff of the department's Twin Falls office.

The presentation will use geographic information systems (GIS) computer graphics that were developed from reviews of aerial photos showing 1987 irrigation usages photographed by the Soil Conservation Service.

Please contact me at 208-736-3033 to confirm that you will be able to come to the meeting and with any questions you may have about the review procedure.

Sincerely Yours,

Francis G. Hitchcock
Water Resources Agent, Sr.

cc: Patrick D. Brown, Esq.
Roger D. Ling, Esq.

RECEIVED

OCT 28 1997

Department of Water Resources
Southern RegionP10RM/KCH
Allen —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

SRBA Case No. 92-00014

Case No. 39576

ORDER FOR DIRECTOR'S REPORT

HAROLD JONES and RAY JONES

Plaintiffs,

v.

NAF IRRIGATION COMPANY, a
Utah Corporation; LARRY KEMPTON
in his capacity as an individual and as
president of NAF IRRIGATION
COMPANY; LAVERNE KEMPTON,
individually and in his capacity as Water
Master and Ditchrider for NAF
IRRIGATION COMPANY; MONTE
CAMBELL as an individual; and JEFF
SESSIONS doing business as ROUND
MOUNTAIN RANCH,

Defendants.

This case is a dispute between several water rights holders on Clear Creek in the state of Idaho. The SRBA court has jurisdiction because the case requires a determination of one or more elements of the disputed water rights. *Young Harvey Walker v. Big Lost River Irrigation District*, 856 P. 2d 868, 124 Idaho 78 (1993). During the course of litigation, it has become apparent that trial

RECEIVED

ORDER FOR DIRECTOR'S REPORT
C:\ORDERS\DIRRPT.NAF
10/24/97

OCT 30 1997

Page 1 of 3

Department of Water Resources
Southern Region

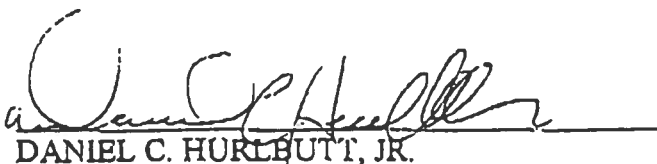
of the several water rights at issue is likely to result in duplicative litigation when the Clear Creek Stream System is reported in a Director's Report as part of the SRBA.

To avoid a multiplicity of litigation between these and other parties on Clear Creek, this court enters the following order:

1. The Idaho Department of Water Resources shall prepare a preliminary Director's Report for all, approximately thirty, water rights claimed in the Snake River Basin Adjudication on Clear Creek. This report shall be prepared and submitted to the court on or before February 27, 1998.
2. The court will serve copies of the preliminary Director's Report on each claimant included in the report.
3. All claimants included in the Director's Report for Clear Creek shall file objections to the report on or before March 27, 1998.
4. Any party wishing to file a response to an objection to the preliminary Director's Report shall file the response with the court on or before April 10, 1998.
5. A scheduling conference on all objections and responses filed to the preliminary Director's Report for Clear Creek will be held on Monday, April 13, 1998 at 10 a.m. in the district courthouse for the Snake River Basin Adjudication located at 253 3rd Avenue North, Twin Falls, Idaho. All parties and counsel are required to be personally present at this scheduling conference.
6. Parties in the *Jones v. NAF Irrigation Company et al* case pending before the court shall be allowed to continue discovery on issues raised in the pleadings.
7. The prior scheduling order and trial setting in *Jones v. NAF Irrigation, et al* is hereby vacated in favor of the schedule set forth in this order.

IT IS SO ORDERED.

DATED October 24, 1997.


DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER FOR DIRECTOR'S REPORT** was mailed on October 24, 1997, with sufficient first-class postage to the following:

Patrick D Brown
Hepworth, Lezamiz & Hohnhorst
PO Box 389
Twin Falls, ID 83303-0389

Roger D Ling
Ling, Nielson & Robinson
PO Box 396
Rupert, ID 83350



Deputy Clerk

R PROOF

CVR

MAPS

PHOTOS

MISC

PAGE: 1
GENERAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:49:51
01/06/98

CLAIM NUMBER: A43-00116

LAST: STEWART
ADDRESS: 1655 SUNSET DR
CITY: LOGAN
PHONE NUMBER: 801-753-2027

FIRST: REID S
STATE: UT ZIP: 84321

OWNER CODE: C

LAST: STEWART
ADDRESS: 1655 SUNSET DRIVE
CITY: LOGAN
PHONE NUMBER: 801-753-2027

FIRST: RUTH O
STATE: UT ZIP: 84321

OWNER CODE: C

LAST: GUNNELL
ADDRESS:
CITY: N
PHONE NUMBER: 208-000-0000

FIRST: LOUIS J.
STATE: ID ZIP: 0

OWNER CODE: 0

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

FIELD EXAMINER
DATABASE Y () N ()

CLAIM REMARKS: GEN

CURRENT WATER USAGE UNDER THIS RIGHT INCLUDES THE DIVERSION OF OF THE DECREED WATER FROM BOTH THE SURFACE AND UNDERGROUND SOURCE AS DESCRIBED ABOVE. THIS CLAIM DOES NOT CHANGE THE IRRIGATED ACRES AS OUTLINED IN THE DECREE, BUT DOES INCLUDE GROUNDWATER AS AN ADDITIONAL POINT OF DIVERSION. THIS CHANGE TO ADDITIONAL POINTS OF DIVERSION HAS BEEN GRADUAL, THOUGH SOMETIMES ERRATIC, OVER THE YEARS DUE TO THE INCREASED WITHDRAWAL OF THE SUPPORTING GROUND WATERS TO CLEAR CREEK IN THE RAFT RIVER VALLEY. THIS HAS LED TO THE DECLINE IN THE HISTORIC FLOW OF CLEAR CREEK IN THE AREA, WHICH HAS NECESSITATED THIS CHANGE. THE ADDITION OF THESE POINTS OF DIVERSION DOES NOT EXPAND OR ENLARGE UPON THE IRRIGATED ACRES WHICH ARE AUTHORIZED BY THE DECREE, NOR DOES IT RELINQUISH THE RIGHT TO THE HISTORIC DIVERSION OF WATER FROM CLEAR CREEK, WHEN IT IS AVAILABLE ON THE SURFACE. THIS CHANGE MERELY ADDS TO THE DECREED RIGHT TWO ADDITIONAL POINTS OF DIVERSION TO INTERCEPT CLEAR CREEK UNDERFLOW. THE FEDERAL JOHNSON DECREE (1937) MAKES CLEAR THE RELATIONSHIP BETWEEN SURFACE WATERS AND GROUND WATERS IN THE CLEAR CREEK DRAINAGE AND THE INTERDEPENDENCY OF THE TWO SOURCES. THIS CLAIM RECOGNIZES THAT RELATIONSHIP.

3/18/1997, DJ: FEES TOTALING \$205 MAY BE RECEIPTED IN WHOLE OR IN PART UNDER S008308 & S019674.

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:

A. AJ CLAIM: # A43-00116 PRIORITY DATE: 01-02-1882 STAGE: D

B. WR RECORD: # 43-00116 PRIORITY DATE: 01-02-1882 STAGE: D

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: * Johnson Decree in 15 Dist. Ct in 1998

RECOMMENDED PRIORITY DATE:

01-02-1882

REVIEWED BY

DATE 1/98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A43-00116	15S	27E	29		SW				CASSIA		
A43-00116	15S	27E	29	SE	SW				CASSIA		
A43-00116	15S	27E	29		SW				CASSIA		

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX
R PREFIX

A43-00117
A43-00118
A43-00119
A43-022998
A43-02387
A43-025098

43-00119
43-02387
43-02509

SOURCE: CLEAR CREEK
GROUNDWATER

TRIB: RAFT RIVER

B. WR POINT OF DIVERSION AND SOURCE:

4300116 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: CLEAR CREEK

TRIB: RAFT RIVER

Ambiguous device

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(☒)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM 2/4)

Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM 19/6)

NAME OF EXAMINER F. Hitchcock

Y(☒) N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES:

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

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
15S	27E	29	SE	SW	NE			CASSIA		
15S	27E	29	SE	SW	NE			CASSIA		
15S	27E	29		SW	NW			CASSIA		

15S 27E 29 SE SW NE
SOURCE: Clean Creek TRIB: Sinks
Cassia Pump Pond

REVIEWED BY:

DT

DATE:

1988

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

A. ROOT WATER RIGHT NUMBERS: A43-00116

B. POU LISTING											
TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
15S	27E	29	NW	NE		STEWART, REID S GROW, MELBOURNE B.	A43-00116 / 40.0	43-00116 / 43-00119 / 40.0		40	40
15S	27E	29	SW	NE		STEWART, REID S GROW, MELBOURNE B.	A43-00116 / 35.0	43-00116 / 43-00119 / 40.0		38	38
15S	27E	29	NE	NW		STEWART, REID S	A43-00116 / 40.0	43-00116 /	39.0	40	40
15S	27E	29	SE	NW		STEWART, REID S	A43-00116 / 40.0	43-00116 /	40.0	34	34
ADDITIONAL POU FOUND											

TOTAL ACRES A43-00116 155.00 158.00

POU COUNTY: CASSIA

152

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 ()

Y() N(X)

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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

* IF YES, COMPLETE OVERLAP REVIEW:

Y() N()

OTHER RIGHTS LISTED IN CLAIM: 43-00117, -00118, -00119, -02299, 02387 AND -025098.

- 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()
- 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, IDNR NO. DD82; ☐ TOPOGRAPHIC QUAD, IDNR NO. _____;

☒ NAPP, IDNR NO. DD82 NE + NW; ☒ ASCS PHOTO; ☐ OTHER _____

NOTES:

GIS used to assist place of use analysis. Area in SE NW excluded exhibits characteristics of eroded wash.

RECOMMENDATIONS:

TOTAL ACRES: 152 N/A()

REVIEWED BY: JP Jones DATE: 1/19/98

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A43-00116 IRRIGATION	FROM 03-15 TO 11-15	2,000 CFS	
TOTAL DIVERSION RATE/VOLUME		2,000 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
43-00116 IRRIGATION	FROM TO	2,000 CFS	
TOTAL DIVERSION RATE/VOLUME		2,000 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 IDMR STANDARDS?

Y() N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDMR STANDARDS?

Y() N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDMR 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()

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 2.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.000 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 N/A, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 152 x 0.02 CFS/ACRE = 3.04 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 152 x DIVERSION VOL. AF/A FOR AREA 152 =

TOTAL DIVERSION VOLUME 152 AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 465.0 AF/A

ACRES 152 x CONSUMPTIVE VOL. AF/A FOR AREA 152 =

TOTAL CONSUMPTIVE USE 152 AF/A

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

NOTES:

HR RECORD CONDITIONS/REMARKS:

$\mathcal{CP}^3$: Point- S -Dimension not previously described

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV RATE CFS	REC. DIV VOL. AF/A		REC. CONS. USE
	FROM	TO		EXAMINER	EXAMINER	
IRRIGATION	03-15	11-15	2.000	2.0	15/A	465.0
EW	4/1	10/31	2.0	2.0	15/A	465.0
TOTAL FOR THIS RIGHT			2.000	2.0	15/A	465.0

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: DA

DATE: _____

FLAG: DA

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE):

EXP CPH3

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

CPH3

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED ()
()
()
()

NEEDS REVIEW ()
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-00116
TOTAL DIVERSION RATE OF WR SPLITS 2.000
EXAMINER [Signature]
CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
43-00116	A43-00116	2.000	-		43-00116	2.000
TOTAL CFS						2.000

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 Y
FIELD EXAMINER Y () N ()

NOTES:

AUTHENTICATION:
SIGNATURE: [Signature]
NAME OF FIELD EXAMINER: Douglas Jones
DATE: 2/2/1998
TITLE: W.R. Supv.

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	IDMR ID NO.	0082	Y() N(X)
☐ TOPOGRAPHIC	DATE FIELD CHECKED	IDMR ID NO.		Y() N()
☒ NAPP	DATE OF PHOTO	IDMR ID NO.	0082	Y() N(X)
☐ 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()
☒ OTHER <u>BIS layout</u>	DATE		1/98	Y(X) N()
☐ OTHER	DATE			Y() 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		
☐ IDMR APPROVED TRANSFER	DATE TRANSFER APPROVED		
☐ SYSTEM DESCRIPTION	DATE DRAIN		
☐ 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		

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:49:51
01/06/98

16
CLAIM NUMBER: A43-00116

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								
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE	Y							
BASIS OF CLAIM								
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
 ADJUDICATION CLAIM VERIFICATION REPORT

16:53:16
 01/06/98
 17

CLAIM NUMBER: A43-00116

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REID S STEWART	01/02/1882	IRRIGATION	411 03-15 24-15	2.00 CFS	
C	RUTH O STEWART			10/31	2.00 CFS	
TOTAL DIVERSION:					2.00 CFS	
CONSUMPTIVE USE:						465.00 AFA

Water Source: CLEAR CREEK

Tributary to: RAFT RIVER

Stage: DECREED

Point(s) of Diversion:

T155 R27E S29

CASSIA County

Place of use Legal Description for: IRRIGATION

NE	NW	SW	SE	SUM
T R S : Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac	NE NW NW NW NW NW NW NW NW NW NW NW NW NW NW NW	NE NW NW NW NW NW NW NW NW NW NW NW NW NW NW NW	NE NW NW NW NW NW NW NW NW NW NW NW NW NW NW NW	
155 27E 29 : 40 38 40 40 155.0	38 34 40 40 155.0			
TOTAL ACRES				155.0

POU County: CASSIA

Other Rights: 43-00117, -00118, -00119, -02299, 02387 AND -02509B.

Remarks: GEN

CURRENT WATER USAGE UNDER THIS RIGHT INCLUDES THE DIVERSION OF OF THE DECREED WATER FROM BOTH THE SURFACE AND UNDERGROUND SOURCE AS DESCRIBED ABOVE. THIS CLAIM DOES NOT CHANGE THE IRRIGATED ACRES AS OUTLINED IN THE DECREE, BUT DOES INCLUDE GROUNDWATER AS AN ADDITIONAL POINT OF DIVERSION. THIS CHANGE TO ADDITIONAL POINTS OF DIVERSION HAS BEEN GRADUAL, THOUGH SOMETIMES ERRATIC, OVER THE YEARS DUE TO THE INCREASED WITHDRAWAL OF THE SUPPORTING GROUND WATERS TO CLEAR CREEK IN THE RAFT RIVER VALLEY. THIS HAS LED TO THE DECLINE IN THE HISTORIC FLOW OF CLEAR CREEK IN THE AREA, WHICH HAS NECESSITATED THIS CHANGE. THE ADDITION OF THESE POINTS OF DIVERSION DOES NOT EXPAND OR ENLARGE UPON THE IRRIGATED ACRES WHICH ARE AUTHORIZED BY THE DECREE, NOR DOES IT RELINQUISH THE RIGHT TO THE HISTORIC DIVERSION OF WATER FROM CLEAR CREEK, WHEN IT IS AVAILABLE ON THE SURFACE. THIS CHANGE MERELY ADDS TO THE DECREED RIGHT TWO ADDITIONAL POINTS OF DIVERSION TO INTERCEPT CLEAR CREEK UNDERFLOW. THE FEDERAL JOHNSON DECREE (1937) MAKES CLEAR THE RELATIONSHIP BETWEEN SURFACE WATERS AND GROUND WATERS IN THE CLEAR CREEK DRAINAGE AND THE INTERDEPENDENCY OF THE TWO SOURCES. THIS CLAIM RECOGNIZES THAT RELATIONSHIP.

 3/18/1997, DJ: FEES TOTALING \$205 MAY BE RECEIPTED IN WHOLE OR IN PART UNDER S008308 & S019674.

when did
 -119
 moved
 1/2/98?

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:53:16
01/06/98
18

CLAIM NUMBER: A43-00116

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 438	Field Inspection Flag: Presumption Flag:	

NO. OF CLAIMS IN POLYGON _____

TRANSFER NUMBER _____

CLAIM NUMBERS -00116 _____DATE 01-08-98 _____

OBJECTION FILED _____

AGENT H _____

TOTAL ACRES FROM RECOMMENDATION _____

GEOGRAPHIC INFO SYSTEM _____

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM					2	35.1		33.4			19.3								
GIS					39.7	35.1		33.4			37.6								
	155	27H	29		40	35		40			40								
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B -DBPOU.DBF _____

ATTRIBUTES OF B -POU.SHP () _____

B -DBPOD.DBF _____

ATTRIBUTES OF B -POD.SHP () _____

51-15 NWNE 39.7 - ~~SHOWN WHITE ON GIS / ASCS~~ - 2 Change ^{Recommend}
 SWNE 36 - 39.7 - .70 - .72 - .63 - 1.15 - 97 - .41 - 35.2
 NEENW 39.7 - 5.01 - .32 - .61 - .39 - 33.37 / 33.43 POW.SHP
 SEENW 37.6 - 16.85 - .10 - .32 - .62 - .30 - .10 = 19.31

P/U CONFLICT yes () no ()

P/D CONFLICT yes () no ()



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

January 7, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

REID STEWART
1655 SUNSET DR
LOGAN UT 84321

RE: LATE CLAIMS

Dear Mr Stewart:

I have completed my review of the current and new adjudication filings and am writing to present the results of the analysis. I initially reviewed the place of use for the late claims and whether there were other claims filed on the lands. I found no other water rights recorded for those tracts. I then confirmed that the total acreage amounted to 703 ac, as you indicated in your cover letter. The total fees normally due for these seven claims would be \$1403, including late fees.

The second part of the review involved looking at the places of use for Rich's claims and then comparing which of your claims overlapped Rich's. It appears that the claim numbers you provided (i.e. 43-00083, -02285A, -02509A) are the only claims which overlap Rich's. Fees paid under these rights amount to \$550, under receipt number S008308.

The Adjudication Bureau Chief accepted your request to file late claims and to waive the late fees for them (-\$350). Your cover letter for the late claims explicitly stated your request to withdraw the three claims. For your convenience I am accepting the letter as the official form for such business. The Bureau Chief has also endorsed applying the fees paid for the withdrawn claims (-\$550) toward the fees due for the late claims. The resulting fees for the seven (7) late claims totals \$503, which you submitted with the claims and which were receipted under S019674. This receipt was forwarded to you in early November. This office will proceed with data entry for the withdrawn and late claims and contact you upon completion of those processes.

If you have any questions please contact us.

Sincerely,

A handwritten signature in cursive script that reads 'Douglas Jones'.

Douglas Jones, P.E.
Water Rights Supervisor
Southern Adjudication Unit

MEMORANDUM

TO: STEWART LATE CLAIMS
 FROM: Douglas Jones
 DATE: December 31, 1996
 RE: POTENTIAL OVERLAP WITH EXISTING CLAIMS

 ne nw sw se ne nw sw se ne nw sw se ne nw sw se
 15S 27E 17 35
 18 40 35 40
 19 40 40 25 40 10 40 40 40
 20 39 40 35 38 40
 29 40 35 40 40 40 40

Total acreage described = 703 ac, assuming that the maximum acreage in a tract is equivalent to the maximum individual amount claimed. This total is consistent with the acreage identified by Stewart in his cover letter.

There was no overlap of acreage with any existing adjudication claim.

I have examined the receipt record and ~~do not~~ find fees totaling \$550 having been paid by Stewart. The rights described by Stewart in association with the \$550 (i.e. 43-00083, -02509A, -02285A) were receipted under #S008308, a receipt for \$402 on a principal of \$2010. The fees for the three rights listed above total \$380. 550

Mr Stewart's letter describes an inclination to withdraw the claims which overlap Rich's property, but does not specify the exact property description to verify the overlap. If the three rights are the only rights appurtenant to the property then IDWR could consider Stewart's letter as a request to withdraw claims and obtain a refund on \$380. Stewart would then owe an additional \$170 on the late claims, provided the Bureau Chief endorses the refund pursuant Adjudication Memo #25. However, Memo #25 clearly states that refunds are not generally granted where competing claims are filed and then electively withdrawn.

At this point I think IDWR needs to examine computer records for the Rich claims and develop a more complete list of claims filed by Stewart which overlap Rich's property.

- 2509B
- 2387
- 2299
- 0116
- 0117
- 0118
- 0119

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Reid Stewart () _____
Name of Claimant Phone Number

1655 Sunset Dr Logan UT 84321
Mailing Address City State Zip

Cassia 1st: 6/89 2nd 3/93
County(s) where place of use is located Date claim originally due

43-00116, -00117, -00118, -00119, -2382, -2299, -2509B
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

See attached cover letter & memo

Claimant requests an extension to 2/1/97, 19 _____

Douglas Jones 12/24, 19 96
Signature Date of request

Wtr Rts Supv.
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to 2/1, 19 97

Signed this 3rd day of December, 19 96

David E. Tuttle
Director or his designated agent

RECEIVED

DEC 30 1996

Department of Water Resources

MEMORANDUM

TO: DAVE TUTHILL
FROM: Douglas Jones
Frank Hitchcock
DATE: December 24, 1996
RE: Stewart Late Claims

Per your request, dated 12/10/96, the following plan to review, data enter, and receipt the late claims was developed. Attached to this memorandum is a cover letter from Reid Stewart and a reply from me with regard to IDWR authorization to file late claims. Please consider this memo and attachments in support of the enclosed Request for Extension of Time to File Adjudication Claims and return the form at your earliest opportunity.

TASK

	<u>WHO</u>	<u>TIME REQ'D</u>
0) Forward, process & return Extension Request	DT	? - Other
		steps will proceed and claims
		become permanent record upon
		receipt at Southern
1) Compile place of use for late claims	DJ	2 DAYS
2) Cross reference p/u with existing claims	DJ & FH	1 DAY
3) Data enter claims	FH	2 DAYS
4) Determination of fees due for these claims	DJ	1 DAY
5) File documentation memo & return letter	DJ & FH	1 DAY

Claim handling is projected to be completed by Jan 8, 1997 on most or all the claims submitted in November.

Claim review and verification will not be addressed at this point. Legal and political conflicts with regard to water distribution of Clear Creek rights are a separate issue in relation to filing these claims. Water District reactivation should be well along the process for the required March annual meeting, if the district will operate this year (reference Luke/Spackman).



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

November 6, 1996

REID STEWART
1655 SUNSET DR
LOGAN UT 84321

RE: 10/30 LETTER AND SUBMITTALS

Dear Mr Stewart:

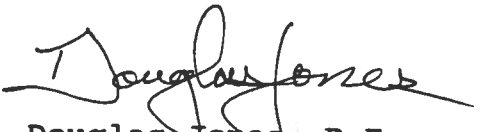
This is to acknowledge receiving the above referenced correspondence and to send along a receipt for the check covering the fees you determined were necessary. By receipting the check IDWR is not endorsing the accuracy of the filings or resolution of any of the issues you raise in your cover letter.

Indeed, the claims will not be data entered until a careful review of the issues are made and an understanding of the current filings is reached. I do not anticipate being able to focus on this project until after the New Year.

A cursory look at a couple of the claims indicate that supplemental filings may not have been needed, but rather amending existing claims may have been possible. At the conclusion of my review I will forward my analysis to you. I will also submit your cover letter to the SRBA Bureau Chief, David Tuthill, as a request to complete whatever late process is needed pursuant Idaho Code. IDWR is committed assisting you toward resolving the issues to the extent legally and administratively available to the Department.

I agree that this a very complicated matter and I very much appreciate your efforts to correct it. If you have any questions please contact me.

Sincerely,


Douglas Jones, P.E.
Water Rights Supervisor

Please take note that this office is moving in mid-December to:
1341 Fillmore N, Suite 200; Twin Falls, ID 83301-3380
phones will remain the same.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. STEWART, REID

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

February 10, 1997 1:35pm

NAME:
REID STEWART LATE CLAIMS

RE:
TCW DON BARNETT; CLAIMS
HAVE BEEN ACCEPTED AMD THE
FEES OF THE PAST HAVE BEEN
APPLIED PER BARNETT.

I CHECKED THE STATUS OF THE TEMP ACCOUNT CLAIMS RECIEVED 11-06-1997 AND THE STATE FILES FOR CLAIMS FILED TIMELY AND THERE IS NO CHANGE FROM THE QUERY I MADE 02-07-1997.

AS A RESULT I'M SENDING COPIES OF THE SCREENS TO DON BARNETT ALONG WITH THE RESEARCH ON THE CROOK CLAIMS THAT GOES WITH THE ACREAGE THAT REID RECENTLY PURCHASED.

**Reid S. Stewart
1655 Sunset Drive
Logan, Utah 84321**

RECEIVED

NOV 06 1996

Department of Water Resources
Southern Region

October 30, 1996

Frank Hitchcock
Sr. Water Resource Agent
Southern Regional Office
222 Shoshone St. East
Twin Falls, ID 83301

Re: Filing of SRBA Claims for Grow Properties (43-0116, 43-0117, 43-0118, 43-0119, 43-2387, 43-2299, and 43-2509b)

Dear Frank:

As anticipated, attached hereto please find SRBA claims for the above referenced water rights. I greatly appreciate your assistance and the assistance of other IDWR personnel which has ultimately led me to and allowed me to file the above claims. Your most recent assistance has helped in the finalization of the effort and the filing of the attached claims.

As you know, questions and issues associated with these water rights have a rather long history. As you were not historically involved in these water rights, let me provide a brief summary of the many issues which have led to the filing of these claims. In the mid-1970's, I purchased the farm which is the subject of these claims. After we had worked the farm for several years, we divided it into two pieces. The eastern portion of the farm I sold to my son, who ultimately sold it to Melbourne Grow. I then entered into a contract to sell the western portion of the farm to Wayne Rich. At the time I owned the farm, there were several wells in use which we had integrated into a common distribution system. With the division of the farm, it became necessary to assign certain wells to each of the two portions. Therefore, in the sales, I agreed to divide the water rights such that certain wells would go to the portion purchased by Grow and other wells to the portion being purchased by Rich.

To that end, in the late 1970's, I came into IDWR's Twin Falls office and requested assistance in effectuating the intent of the above transfers. Transfer forms were prepared by IDWR and signed by me, and I believed that I had followed through with my commitments on dividing the water. In the late 1980's, as I began preparing claims for the SRBA, it was learned that in fact the above referenced transfers had erroneously created significant issues on my properties. Rather than simply changing and dividing the wells between the two properties, the water rights themselves had been moved via the transfers. This had the effect of mounding some water rights on existing water rights, while vacating other lands of any water rights. At the time, I was still the owner of record of the Rich properties, as Rich had not yet completed the terms

**Frank Hitchcock
October 30, 1996
Page 2**

of the purchase contract. In fact, Rich refused to make final payment under the contract until such time as I was able to correct the water right transfers.

As of this point in time, the farms had been divided and the correction of the transfers required transfers to be filed by myself, as well as Mr. Grow. We contacted Mr. Grow and he was agreeable to the transfer. In fact, the transfers were to simply recognize what had been occurring since the division of the properties in the late 1970's. Therefore, transfer documents were prepared and signed and filed with IDWR. The applications were advertised and no protests were received. However, as IDWR prepared to finalize the approval of the transfers, the question arose regarding Grow's financial status and Grow's lending institution became a party to the transfers. As the time drew nigh for the filing of adjudication claims, we worked over a number of months with Norm Young in your office, as well as Grow's lending institution, to resolve any questions or issues associated with approval of the transfers. At that time, we even offered to file claims in behalf of Grow's lending institution. However, quite honestly the water issues were too complicated for the lending institution to follow and they ultimately responded by saying that they would not file claims in the SRBA, nor would they be willing to allow us to file claims, nor would they be willing to sign any transfer documents which they did not fully understand.

Given these circumstances and the deadline for filing claims in Cassia County about to expire, it appeared that we would not be able to immediately correct the previous erroneous transfers. Therefore, I believed that Rich would refuse to make final payment on the western portion of the farm and under default the farm would revert to me. Therefore, in an effort to comply with the requirements for filing claims in the SRBA, I prepared and filed adjudication claims for the Rich properties. This included preparing claims for some water rights which should have been on the Grow properties but because of the erroneous transfer were currently residing on the Rich properties. Likewise, Rich, who had been farming the properties for nearly 10 years, also filed adjudication claims. The claims were not competing with one another but rather we were simply both trying to appropriately file and protect the water rights on the Rich property; me because I was the owner of record of the property and Rich because he was actually in the process of farming the property and hoped to purchase it. Both of our claims were filed pursuant to the anticipated ultimate approval of the transfers correcting the water right situation.

With time, Grow's financial situation worsened and ultimately resulted in him taking out bankruptcy. We then began working with the bankruptcy court to try and resolve the water right issue. With time, there became an opportunity for me to simply purchase back the Grow property which I pursued and ultimately accomplished. With me then being the owner of record again of both properties, I was in a position to then request that IDWR approve the previously prepared and filed transfer documents which then corrected the erroneous transfers filed in the

Frank Hitchcock

October 30, 1996

Page 3

70's. With this putting of the water rights back in order, Wayne Rich ultimately made final payment for the western portion of the farm. With him then becoming the owner of the western portion of the farm, I no longer had, nor have, interest in the properties previously referred to herein as the Rich properties.

I then found myself in a situation where I had appropriately filed claims in the SRBA for the portion of the farm I believed I would ultimately maintain possession of. Instead, I ended up with the portion of the farm for which no adjudication claims had been filed. With the approval of the transfers correcting the water right situation, some of the water rights which I had filed claims for on the Rich properties were now on the Grow properties. As I am now no longer in possession of the Rich properties, it would be appropriate and I would like to herewith withdraw my claims to the duplicate claims which I had filed for on the Rich property.

Over the past several years, we have had a number of discussions with personnel in your office as to the appropriate way to correct the claims. Several years ago we had had a number of conversations with Anna Baumhoff, and she had suggested that we should file an extension request but that IDWR would not act upon the request pending their review of other options. At the time she had suggested that we could either simply amend the claims filed on the Rich properties to the Grow properties and/or withdraw the claims and ask that the payment of fees previously applied to the Rich properties by me be applied to the new claims being filed on the Grow properties.

Your most recent research has confirmed our belief that associated with the filing of claims 43-0083, 43-2509A and 43-2285A I have paid a total of \$550. At the time that these claims were filed, an additional claim (43-2387) was also filed. Your recent research has shown that though this claim was filed, fees were never paid. Upon a review, this is consistent with the circumstances at the time as a claim for the use of this water right on the Rich properties would only be applicable if we were to ultimately fail in reversing the erroneous transfer. Therefore, the payment of fees for this application would have been in direct conflict with other claims filed and would have mounded water rights on the Rich properties. The attached documents include seven claims totalling 703 unique acres of irrigation.

With this letter, I am hereby requesting that IDWR waive the late filing fee which would be associated with these claims under normal circumstances. I believe that the above history and the records in your files would indicate that I made concerted and significant efforts to comply with the claim filing deadlines, and that in fact I filed timely claims for the portion of the property I believed I would ultimately end up with and that I made significant efforts to even file claims for the Grow property to assist in the resolution of the matters. However, as was discussed above, because of ownership situations I was unable to fully resolve the issues prior

REID S. STEWART

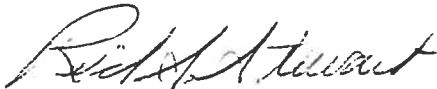
**Frank Hitchcock
October 30, 1996
Page 4**

to the time that claims needed to be filed. Then, through some strange course of fate, after all these efforts I ended up owning the properties for which claims were not filed.

If IDWR were to accept my request to waive the late filing fees, then I calculate that total adjudication filing fees associated with the Grow properties should be \$1,053 (7 claims x \$50 = \$350 + 703 acres x \$1 per acre = \$703, which equals \$1,053). I then request, as discussed with the Department previously, that the \$550 filed on the Rich properties now be applied to the claims being filed on the Grow properties. Therefore, I calculate the total remaining required fee of \$503. Therefore, also attached herewith please find my check payable to the Idaho Department of Water Resources for \$503.

Should you have any questions regarding this matter, please contact either myself or Don Barnett (801-292-4662). Again I greatly appreciate your efforts, as well as the efforts of many other people within IDWR's offices which has led to what I believe to be the ultimate resolution of the various water right issues associated with the Grow and Rich properties.

Sincerely,



Reid S. Stewart

attachments

TELEPHONE MEMORANDUM

Incoming Call

Outgoing Call

Returning Call

935/943

TO:

ADON BARNETT

DATE:

09-25-1996

FROM:

FH

FILE:

STEWART, REID

FILE NO:

—

SUBJECT:

LATE CLAIMS - CL. CLK. -
FEES PAID TIMELY.

REMARKS:

discussed my research -
promised to send him results/prints

ROUTING
INSTRUCTIONS:

CALENDAR
DATE:

TELEPHONE MEMORANDUM

Incoming Call

250 pm - 340

Outgoing Call

Returning Call

TO:

7

DATE:

09-19-1996

FROM:

Don BARNETT

FILE:

STEWART, REID BOX 3A

FILE NO:

SUBJECT:

Chad conversations previous years -
Briar Hill - 2/3 yrs trying to reverse transfer -
after bankruptcy - came into GROW property -
Richt property & duplicative claims -

REMARKS:

Claims on Richt place - \$700 -
ext request - Held - for better solution
(Anna) advised I move to GROW property -
provide statement for fees to go to New Claims
never heard back...
I sent cc of EXT REQUEST - now ignored -
haven't reviewed other options

ROUTING

INSTRUCTIONS:

CALENDAR
DATE:

1) how much in fees in Richt Claims
2) 2 diff parcels - his guess -
4 Acre: 43-2387* - 125 AC
- 2509A* - 240 AC
- 0083 - 140 AC
- 2285A - 90 AC
(acres under 85)
\$725 estimated
50 feet + 1 acre
*only 240 AC
on parcel...

proposed
2 Claims

06-04-96 CW Reid Stewart

11:05

Stewart > bottle filled on same water vts.
Rich

drive to fence beyond junction to
the EAST Channel
ripped out headgate
dike across channel

the no 50 ditches join with EAST
channel and go under HWY 81
to the ARMO ground

does not know of any other diversions
for his ground

11:30

550

05-31-96

CW Reid Stewart

FZ @ MILFZ

touch SOUTH

in HL+L field

used to be functional

earthen dike up from site -

washed
out

1) turn to Dang Freestone
to his garage

2) turn to Reid Stewart
to this old site

screwed ↑ and raised water devices

Dang F.: rebuilt the wash-out.

hired men - 2 - shovels - dug it
out

some flew to Dang's

Claim No. STEWART CLAIMS

IDWR Employee/Agent Frank Hitchcock

RE:
STEWART CLAIMS

DISCUSSED BWI 4 AND ITS RELATIONSHIP TO CLAIMS FILED BY STEWART FOR RAFT RIVER DECREED RIGHTS THAT CLAIMED AN UNRECORDED TRANSFER UNDER THE STATUTE AT THE TIME I.C.42-1416. HE DESCRIBED THE WELL(S) ON THE GROW PROPERTIES AS A SUMP FILLING WITH WATER FROM GW SEEPAGE AND THAT THIS SITUATION WAS DISCUSSED WITH KEITH HIGGINSON WHO SAID THAT HE COULDN'T PROMISE AS TO THE OUTCOME BUT CLAIMS COULD BE FILED UNDER THE THEN "PRESUMPTION' CLAUSE OF THE SRBA STATUTES.

HE MENTIONED THE CLEAR CREEK WATERS AND WE AGREED THAT THAT SOURCE AND ITS CLAIMS WAS ANOTHER MESS ENTIRELY. HE SAID THAT HE HAD HEARD THAT THE UTAH USERS WERE SAYING THAT THEY WERE GOING TO HOLD BACK THE FLOWS TO MAKE THE IDAHO USERS FORFEIT THE RIGHTS. I TOLD HIM THAT ONE OF THE LAST THINGS I KNEW KEITH TO HAVE DONE WAS TO WRITE TO THE UTAH ENGINEER ABOUT REPLACING THE STRUCTURE IN UTAH IN CLEAR CREEK.

HE SAID THAT THE UTAH USERS HAD REFUSED PAYMENT FROM STEWART FOR DELIVERIES (DON'T KNOW WHAT SEASON HE WAS TALKING ABOUT).

WE DISCUSSED BRIEFLY THE 42-1409A REVISED STATUTE ON FILING LATE AND AMENDED CLAIMS FOR HIS INFORMATION.

THE HOME PLACE

STEWART HAS BOUGHT GROUND WEST OF THE "HOME PLACE" FROM IVAN DARRINGTON WHICH I HAVE JUST CHANGED OVER IN THE FILES YESTERDAY. THERE ARE SOME WATER RIGHTS APPURTENANT TO THE PURCHASED PARCELS THAT MAY NOT/HAVEN'T BEEN FILED ON IN THE SRBA. THERE HAD BEEN A MOVE OF A PUMP DUE TO CONSTRUCTION OF A BRIDGE. THE WATER RIGHTS IN QUESTION ARE: A43-00046, -02327, -02461 AND -04097. I WAS ABLE TO IDENTIFY -02327 AND -02461 AS HAVING BEEN OWNERSHIP CHANGED JUST THIS MONTH ON 05-02-1996 AND READ FROM MY FILE THE STATUS OF BOTH STEWART AND DARRINGTON CLAIMS TALLIES.

I REVIEWED THE 1978 BROCHURE ON 42-243 IN VIEW OF THE WRQ SCREEN THAT SHOWED A STATUTORY USAGE. HE HAS PROFILE REPORTS FOR 43-00046 AND -04097. HE WANTS TO PREPARE CLAIMS FOR THESE AND I WILL SEND HIM FORMS TO DO SO. I WILL ALSO SEND HIM PROOFS OF 43-02283, -02413 AND -10280.

I TOLD HIM THAT I WOULD TRY TO GET THE RESEARCH TO HIM THE FIRST OF NEXT WEEK AND THAT HE SHOULD LOOK FOR IT TOWARDS THE END OF THE WEEK. I REVIEWED OUR FAX NUMBER WITH HIM AND ASKED THAT HE CALL ME IF HE THOUGHT OF ANYTHING ELSE.

CONVERSATION MEMO

FILE: STEWART
AGENT: H
DATE: 05-15-1996

RE:

transfers

NAME OF PARTY:

STEWART

① 43-02299 ② 43-02387 ③ 43-02509

Claims not filed - all subject to
TRANSFERS

① -2016
② -3583
③ -3583

told BARNETT I would attempt to
pursue these transfer #'s to determine
status

RECEIVED
MAR 16 1992

Department of Water Resources

Date Received _____

Southern

State of Idaho
Department of Water Resources
**REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)**

RECEIVED

MAR 31 1993

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Reid S. Stewart

(801) 753-2027

Name of Claimant

Phone Number

1655 Sunset Drive

Logan, Utah

84321

Mailing Address

City

State

Zip

Cassia

Summer 1989

County(s) where place of use is located

Date claim originally due

43-2509, 43-2387, 43-2299, 43-116, 43-117, 43-118, 43-119, & (?)

Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

(see attachment)

-116
-117
-118
-119 (+)

Claimant requests an extension to September 30

Signature

Date of request

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to June 1, 1993

Signed this 29 day of March, 1993

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

Director or his designated agent

DAVID B. SHAW

all have transfers

() 43-2509, 43-2387, 43-2299, 43-116, 43-117, 43-118, 43-119, & (?) - 753-2027*



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

May 15, 1996

MR DON BARNETT
BARNETT INTERMOUNTAIN WATER CONSULTANTS
106 WEST 500 SOUTH, SUITE 101
BOUNTIFUL, UT 84010

*see mailing in
center section
of binder - sent
w/ 1 dz. from
for IRR claims
EXT. OF TIME FOR*

RE: STEWART WATER RIGHTS ISSUES IN CASSIA COUNTY

Dear Mr Barnett:

As we discussed in our telephone conversation of last Friday, May 10, 1996, I have done the promised research and include a copy for your review.

I have included some material which may be redundant to you as you have become well versed in the Stewart water matters through their many evolutions. Because of your involvement and the multiple and complex issues we now share I went into detail back to the water rights themselves.

The copies include numerous computer screen copies and recitals of rights by owner's name and place of use. My intent is to be able to work with you while we have the same documents in front of us to avoid misunderstanding and delay. You now have what I have in terms of the documents surrounding the various transfers, sales, and competing claims involving the Stewart water rights and claims in the SRBA.

Please advise if you need more (!) or call with questions. I would have had to do this sort of review in any case to prepare the Stewart claims in the future. Please note that I have done no research of the previous MEMORANDUM DECISION AND ORDER dated July 12, 1990. I have enclosed a copy of the transfer involving 43-02299 numbered 2016 as you may not have a copy.

I have no direction in my office regarding field work this season so I can't say if I will be in Cassia county at all. As I mentioned, I have had numerous phone contacts with Mr Stewart in the past but we have never been able to spend any time together to discuss any of the usages.

I'm at a loss as to the whereabouts of the 1992 correspondence from Mr Stewart to the Boise office until I recieved them from my supervisor April 5, 1996. The September 30, 1992 Extension of Time form was never part of the Stewart adjudication files although the



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

-2-

date stamp showing receipt in this office is March 31, 1993. Again, I have no explanation for the failure to acknowledge or follow up by staff. I will be as responsive as I can to your future requests subject to my availability in terms of being in the office. There will not be a repeat of the time lost in servicing your requests.

Sincerely Yours,

Francis G. Hitchcock
Water Resource Agent Sr.

enclosures

RECEIVED
MAR 16 1992

Department of Water Resources

REID S. STEWART

1655 Sunset Drive
Logan, UT 84321
(801) 753-2027

March 11, 1992

Ms. Anna Baumhoff
Idaho Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, ID 83720-9000

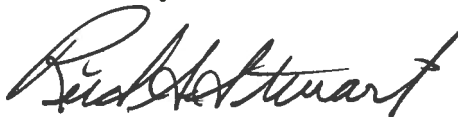
Dear Anna:

Re: Request for Extension of Time to File Adjudication Claims

As you discussed with my engineer, Don Barnett, attached herewith please find a copy of a Request for Extension of Time to File Adjudication Claim(s), along with an explanation of the history which has prevented me from filing these adjudication claims until now.

I kindly request that you review this information at your earliest convenience. Should you have any questions, please feel free to contact either Don or me. Your assistance with this matter will be greatly appreciated.

Sincerely,


Reid S. Stewart

hsm
attachments

ORIGINAL

RECEIVED
MAR 16 1992

Department of Water Resources

Date Received _____

State of Idaho
Department of Water Resources
**REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)**

RECEIVED

MAR 31 1993

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Reid S. Stewart

(801) 753-2027

Name of Claimant

Phone Number

1655 Sunset Drive

Logan, Utah

84321

Mailing Address

City

State

Zip

Cassia

Summer 1989

County(s) where place of use is located

Date claim originally due

43-2509, 43-2387, 43-2299, 43-116, 43-117, 43-118, 43-119, & (?)

Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

(see attachment)

Claimant requests an extension to September 30, 19 92

Signature

Date of request

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to June 1, 19 93

Signed this 29 day of March, 19 93

Director or his designated agent

DAVID B. SHAW

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

RECEIVED
MAR 16 1992

ATTACHMENT TO

**REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)**

Department of Water Resources

**made by:
Reid S. Stewart**

In 1975, I purchased the properties to which the aforementioned water rights are appurtenant. Upon purchasing the properties, I immediately upgraded and refined the current irrigation system and then divided the properties into two separate farms. I sold the western farm under contract to a Mr. Wayne Rich that same year. The eastern farm I sold to my son, which he operated for several years, and then he sold to Mr. Melbourne B. Grow. As part of my commitment to those to whom I had sold the farms, I had agreed to file transfer documents with the State which would define the current irrigation practices.

In 1978, I went to the State offices in Twin Falls and requested that such transfers occur. Due to an error in communicating, transfer documents were filed and approved which mounded water rights on some portions of the farms and left some portions of the farms deficient of water rights.

In 1989, because I was yet selling the western farm to Wayne Rich under contract, I was still the owner of record, and therefore employed an engineer to assist me in filing my adjudication claim forms. At that time, it was noted that the transfer documents which had been filed and approved in 1978 were in error and did not truly represent the actual irrigation which had been taking place since 1975. Therefore, I endeavored to have the transfer documents voided because they had never effectuated. At that time there was not a provision in the Idaho Code to amend the approved transfer documents. Thus, my only recourse was to file new transfer documents.

Because some of the water rights involved in the new transfer documents were appurtenant to lands now owned by Melbourne Grow, he was also a signer of the transfer documents. However, in the interim, Melbourne Grow had taken out an FHMA loan; therefore, this agency also needed to sign the transfer documents. Several hearings and meetings were held, but FHMA never felt comfortable signing the transfer documents. Eventually, the State drafted a proposed decision which would approve the transfer documents and straighten out the water right situation. The State did this under the condition that the State would retain jurisdiction if, in the future, FHMA were to object. However, before the final order was signed, Melbourne Grow filed for bankruptcy. Therefore, the transfer could not be completed.

Through all of this process, the term of my contract to sell the western farm to Wayne Rich expired. However, Mr. Rich would not finalize the contract and make final payments until the water right situation was straightened out. During this period, I made several offerings to FHMA to file adjudication claims for them on the Grow property if they would agreed to assist us in solving the water right mixup. Ultimately, it became apparent that the best way to solve the water right situation was for me to petition the bankruptcy court to sell to me the Grow

farm. Then I could, as owner of record on both farms, straighten out the water right situation and finalize my sale of the properties to Wayne Rich.

Last spring (May 1991) we were able to finalize such transaction, and once again, I became the owner of the Grow properties (copy of deed attached). Since the purchase of the Grow properties, I have been in the process of straightening out some lingering issues which I inherited with the purchase of the properties. I am now in a position to review and file adjudication claims with the Idaho Department of Water Resources.

Although I have been intimately familiar with the properties over the past 17 years, and although during the time that the adjudication claim filing was due I made several offerings to assist Melbourne Grown and/or the FHMA with the filing of their adjudication claims, I was not in a position to do so until recently when I became the owner of the properties.

Now that I have sorted out some lingering issues associated with the properties, I am ready and anxious to review the water rights associated with these properties and file appropriate claims with the State. I kindly request that due to the unusual and extraordinary circumstances beyond my control, and because I was not the owner of record until recently, I request that you waive the \$50 late fee for claims on the aforementioned water rights.

A handwritten signature in black ink, reading "Rick Stewart". The signature is written in a cursive style with a large, looping initial "R".

EXHIBIT "A"

ALL PARCELS IN TOWNSHIP 15 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN
CASSIA COUNTY, IDAHO

Parcel No. 1:

Section 17: SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 18: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 19: NE $\frac{1}{4}$ NE $\frac{1}{4}$

Parcel No. 2:

Section 20: Beginning at a point 1200 feet West of the Southeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 20; thence West 1440 feet; thence South 2220 feet; thence East 440 Feet to the West boundary line of Clear Creek; thence in a Northeasterly direction along the West boundary line of Clear Creek, approximately 2409 feet to the Point of Beginning.

Parcel No. 3:

Section 29: W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$

Section 20: S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, EXCEPTING THEREFROM the following described tract:

Beginning at a point 1200 feet West of the Southeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 20; thence West 1440 feet; thence South 2220 feet; thence East 440 feet to the West boundary of Clear Creek; thence Northeasterly along the West boundary line of Clear Creek, approximately 2409 feet to the point of beginning.

Parcel No. 4:

Section 20: NW $\frac{1}{4}$ NW $\frac{1}{4}$

Parcel No. 5:

Section 29: W $\frac{1}{2}$ NW $\frac{1}{4}$

TOGETHER with all water rights and claims to water, which are appurtenant to or used on the real property described above.

213515

MAR 0 1992

#21774

COPY

REAL PROPERTY AND WATER RIGHTS DEED

MELBOURNE B. GROW and NADINE B. GROW, husband and wife, as debtors in possession under a confirmed plan of reorganization pursuant to the provisions of 11 U.S.C. 1101 et seq. as GRANTORS, hereby transfer and convey, without warranty of any kind, pursuant to the provisions of that certain order of the United States Bankruptcy Court for the District of Utah, Central Division, entered on March 18, 1991, In the Matter of Melbourne B. Grow and Nadine B. Grow, debtors, case #89C-02531, to REID S. STEWART and RUTH O. STEWART, husband and wife, GRANTEEES, the real property which is described on Exhibit A hereto, together with all water rights and claims to water which are appurtenant to or used on the real property described on Exhibit A.

In witness whereof, the GRANTORS have executed this Deed on the day and year described below.

Melbourne B. Grow
MELBOURNE B. GROW

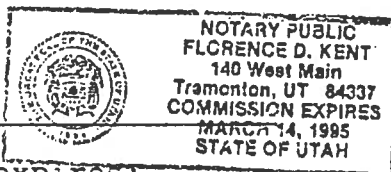
Nadine B. Grow
NADINE B. GROW

STATE OF UTAH)
) SS
County of Box Elder)

On this 6th day of May, 1991, before me, the undersigned, a Notary Public in and for the State of Utah personally appeared before me MELBOURNE B. GROW and NADINE B. GROW, husband and wife, known or identified to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same.

Residing at _____

My commission expires: _____



NOTARY PUBLIC

FEE

CASSIA
FRANK

MAY 17 2 55 PM '91

FILE 225

LAND TITLE & ESTATE

213515



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 13, 1992

Mr. Reid Stewart
Stewart Ranch
Malta, ID 83342

RE: Snake River Basin Adjudication - Cassia County
Notice of Claim #A43-02387

Dear Mr. Stewart :

Our records indicate you met with an IDWR agent on May 30, 1989 and a notice of claim to a water right was developed, but has not been filed as of this date.

Enclosed for your convenience is a computer generated notice of claim for each claim number listed above. If the claim(s) represent water rights which you own, and have not otherwise been claimed, these claim(s) must be completed and returned for these rights to be considered by the court in decreeing the water rights for the basin. If you wish to have these rights considered in the SRBA process, please return your notice of claim and filing fees to this office by March 6, 1992.

If the notice of claim correctly describes your water right as you wish to claim it, then all you need to do is:

1. Sign the notice of claim on the signature blanks at the end of the notice and have your signature(s) notarized.
2. Enclose the appropriate filing fees as described below and return to this office.

Since your notice of claim was not received at IDWR by your county deadline, Idaho Code 42-1409(8) requires late fees be assessed at \$50.00 or 15% of the original filing fee, whichever is greater, per claim. If you feel you have a compelling reason for not complying with your county deadline, please contact our office.

The appropriate filing fee for all enclosed notice of claim forms would be \$100.00 (\$50.00 filing fee, plus \$50.00 late fee).

Thank you for your cooperation in this matter. If you have any questions or concerns do not hesitate to contact this office at 1-800-451-4129.

Yours truly,

Anna Baumhoff
Sr. Water Rights Agent

Enc: Notice of Claim
#A43-02387

MICROFILMED

MAR 6 5 1993

late 70s: Reid in So office - pump works here.
÷ Farm - new owner has this well.
retain this well.

water rts from one property $\frac{1}{2}$ to other $\frac{1}{2}$
240 sold to RCH - only 125 AC of water
125 AC - stacked on sons ground - GROW.

late 80s: RCH was buying from Reid - last
pmt held up - still rts - 240 feet w/rt. to
125 E $\frac{1}{2}$ of farm. Worked w/ GROW (Norm Garry)
transfers ready to go - & protects - lender wouldn't
(FHA) agree to it - deadline - Reid said - can I get
them back to RCH property (-2509A) - if not,
lower property only have 2387 then...
GROW into bankruptcy - Reid purchased.

Went to Norm - 1991/1992 c. - own both farms
do transfers - Norm approved - went to RCH
pay balloon - he did - owned claims that
duplicated Reids claims - vacate one set.

2509A-240 Rich property
(" B-80 Grow property - Reid
(GW)

2387-125 on grow ground
(GW) saw back due to transfers
(orig. over on GSN)
+ claimed on the Rich

5 more claims

1 GW
4 claim or
+ these 2

\$725 fees paid - got the other half -
\$338 -

-1409A

KEMPION / CAMPBELL - large amts - deadline
for protests passed - protestants: Sundberg
Arvin
Kearl Jones - (like Norm in Utah) Stewart met H.L. & L.
Bob Farthingham - cc "mtc by hq"
Regional Engineer irregularities - Johnson.
1938 done not being
measured.