

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: **A43-00119**
Date Received: 11/ 6/1996
Receipt No: S008308
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 801-753-2027
Address: 1655 SUNSET DR
LOGAN UT 84321
AND/OR
Name: RUTH O STEWART 801-753-2027
Address: 1655 SUNSET DRIVE
LOGAN UT 84321

2. Date of Priority: APR 10, 1914

3. Source: CLEAR CREEK Trib. to: RAFT RIVER
GROUNDWATER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	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	1.600		

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

8. Total consumptive use is 222.0 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	17	SW	SW		IRR	35.0
						Section Acres	35.0
		20	NW	NW		IRR	39.0
						Section Acres	39.0
						Total Acres	74.0

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:

43-00116, -00117, -00118, -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 \$50 MAY BE RECEIPTED IN WHOLE OR IN PART UNDER S008308 & S019674. THIS CLAIM IS FULLY OVERLAPPED BY OTHER RIGHT(S).

15. Basis of Claim: DECREED

Water Right Number: 430119

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

43-0119

Please type or print clearly

1. Name of Claimant (s) Reid S. and/or Ruth O. Stewart Phone (801) 753-2027Mailing Address 1655 Sunset Drive, Logan UT Zip 843212. Date of Priority (Only one (1) per claim) April 10, 19143. Source of water supply (a) Clear Creek and/or ground water
which is tributary to (b) Raft River4. 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 CassiaAdditional 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, 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)

*2 Carbons
Recd
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 1.6 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.6 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 222 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	17											35						35
15S	27E	20						39											39

Total number of acres irrigated 74

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

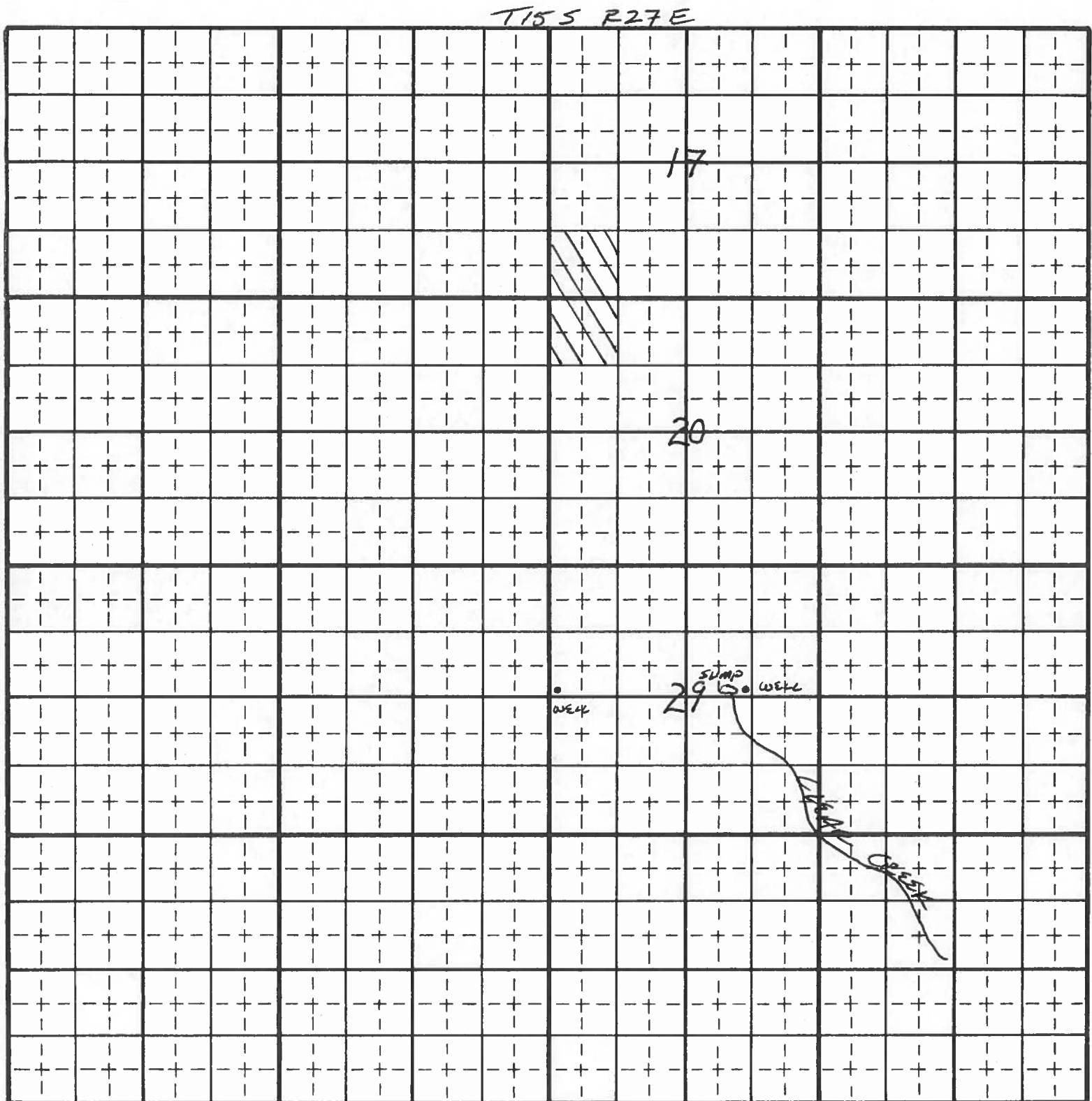
12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

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)

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

Scale: 2 inches equals 1 mile



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

Decree X

If applicable provide IDWR Water Right Number 43-0119

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 X 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 A. Stewart Date 11-4-96

Luth 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 43-0119

Copies White-State, Yellow-Claimant

Attachment to:

Notice of Claim to a Water Right
Snake River Basin Adjudication

Water Right No. 43-0119

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. 43-00119

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: February 27, 1998
PAGE: 17

RIGHT NUMBER: 43-00119

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

SOURCE: CLEAR CREEK TRIBUTARY: SINKS

QUANTITY: 1.48 CFS

PRIORITY-DATE: 04/10/1914

POINT OF DIVERSION T15S R27E S29 SESWNE Within CASSIA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	1.48 CFS

PLACE OF USE:	IRRIGATION	Within CASSIA County
	T15S R27E S17	SWSW 35
	S20	NWNW 39
	74 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 - R43-00119 Prefix Translation: RESEARCH Old (D) Number - 430119

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

*** C - CURRENT OWNER ***
STEWART

RUTH O

1 - 1655 SUNSET DRIVE
2 -
3 -

State- UT Zip- 84321

STEWART

REID S

City- LOGAN
Phone - 801-753-2027
1 - 1655 SUNSET DRIVE
2 -
3 -

State- UT Zip- 84321

*** O - ORIGINAL OWNER ***
GUNNELL

LOUIS J.

City- LOGAN
Phone - 801-753-2027

State- ID Zip- 0

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/10/1914 17 SOUTHERN D - DECREE+ - - Source - - - - - + + - - Tributary - - - - - +
CLEAR CREEK SINKS+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County

15S 27E 29 SE SW NE (31) CASSIA

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

01 - IRRIGATION 04/01 10/31 1.480

+ - Total Div. Rate - + - Total Div. Volume - + + - Total Consumptive Use - + - KW Usage - +
1.480 0.0+ - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County15S 27E 17 SW SW 35.0 01 IRRIGATION (31) CASSIA
15S 27E 20 NW NW 39.0 01 IRRIGATION (31) CASSIA

Total Acres: 74.0

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

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

| 000119 | Prefix Translation: RESEARCH | Remarks |
|--------|--|---------|
| GEN | THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43-B. | |

Remarks

Old Water Right Numbers

----- Conditions of Approval -----
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
----- PURSUANT TO SECTION 42-1425, IDAHO CODE. -----

+ - - - - Decree Defendant
JOBE ADAMS ET AL

Comments-

+ 02/24/98 DJONES

- Adjudication Rights Dates and Flags Area

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 06/20/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S008308 | Water District | - 438 |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - AND/OR | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

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

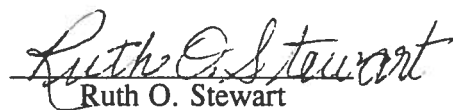
Dear Mr. Tuthill:

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,

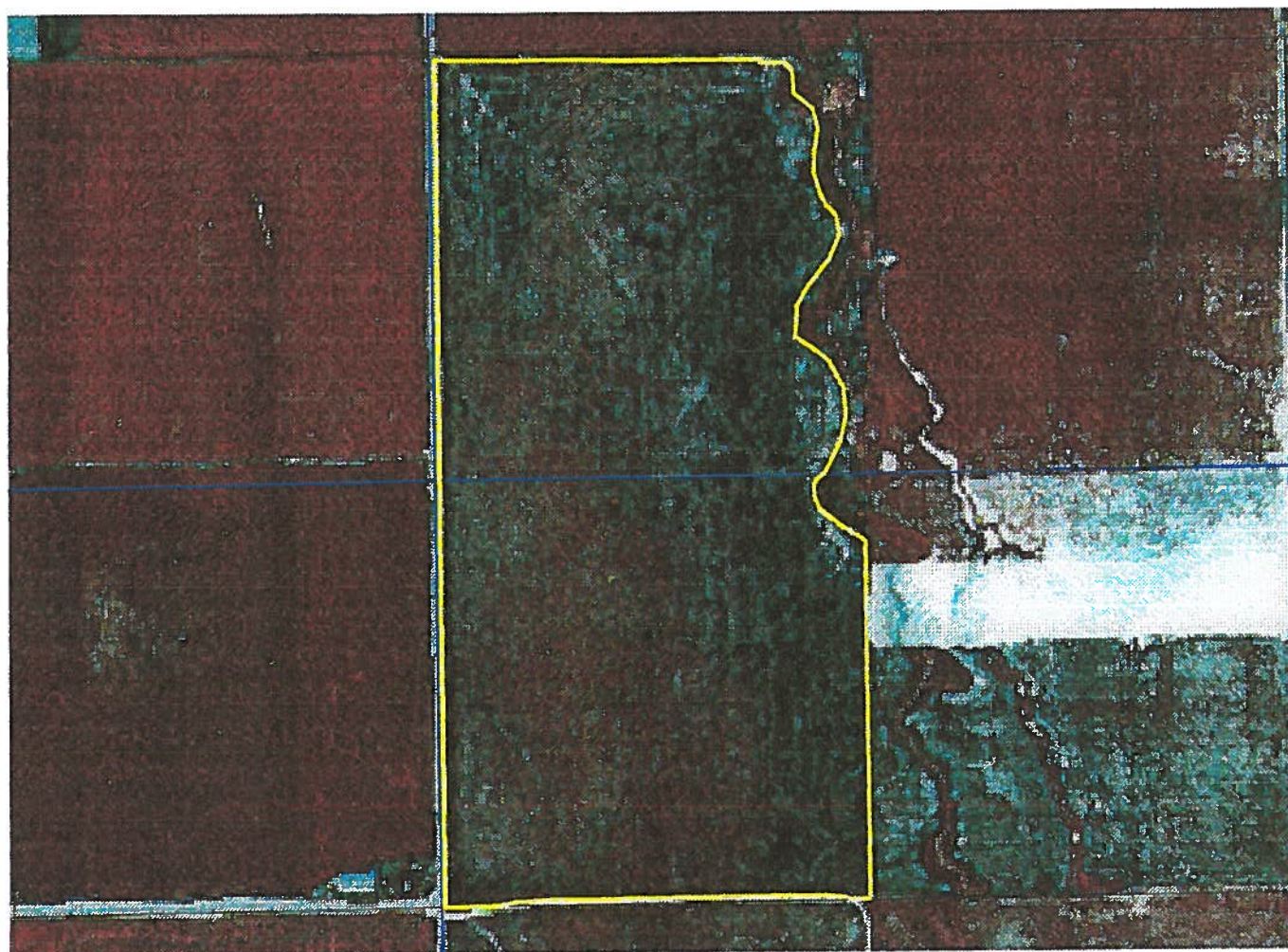

Reid S. Stewart


Ruth O. Stewart

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

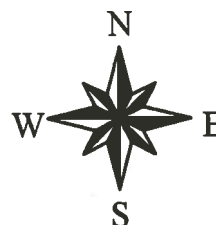
IDAHO DEPARTMENT OF WATER RESOURCES

43-00119



0.25 0 0.25 Miles

TNS 15S, RNG 27E, SEC 17 SWSW
SEC 20 NWNW



-  Layout.shp
-  T15s27e-sec.shp
-  T15s27eqq.shp

GIS PLACE OF USE PRESENTATION
1987 NAPP PHOTOGRAPHY
DATA ENTRY: JANUARY 24, 1998
BY: DOUGLAS JONES

NO. OF CLAIMS IN POLYGON

CLAIM NUMBERS -00119DATE 01-20-98AGENT 71

TRANSFER NUMBER

OBJECTION FILED

TOTAL ACRES FROM RECOMMENDATION 74GEOGRAPHIC INFO SYSTEM 79

| 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 | | | | | | | | | | | | | | 35 | | | | | 35 |
| GIS | | | | | | | | | | | | | | 24.8 34.69 | | | | | |
| <i>Claimed</i> | 155 | 27E | 17 | | | | | | | | | | | 35 | | | | | |
| RECOM | | | | | | | | | | 39 | | | | | | | | | 39 |
| GIS | | | | | | | | | | 38.5 38.6 | | | | | | | | | |
| <i>Claimed</i> | 155 | 27E | 20 | | | | | | | 39 | | | | | | | | | |
| RECOM | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | |
| RECOM | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | |

UPDATED

B36-DBPOU.DBF

B36-DBPOD.DBF

POLYGON #

UPDATED

ATTRIBUTES OF B36-POU.SHP (12)

ATTRIBUTES OF B36-POD.SHP (3)

\$17-SWISW - 39.88 - .76 West - 1.00 NW to center - .48 top - 1.52 NE - 1.27 SE
34.85/35

\$20-NWNW - 39.48 - remove "residual outcrop along road at the bottom
restate 40 in again -
- .56 West - .37 = 38.55

POD described at pond/pump,
recommended at there.

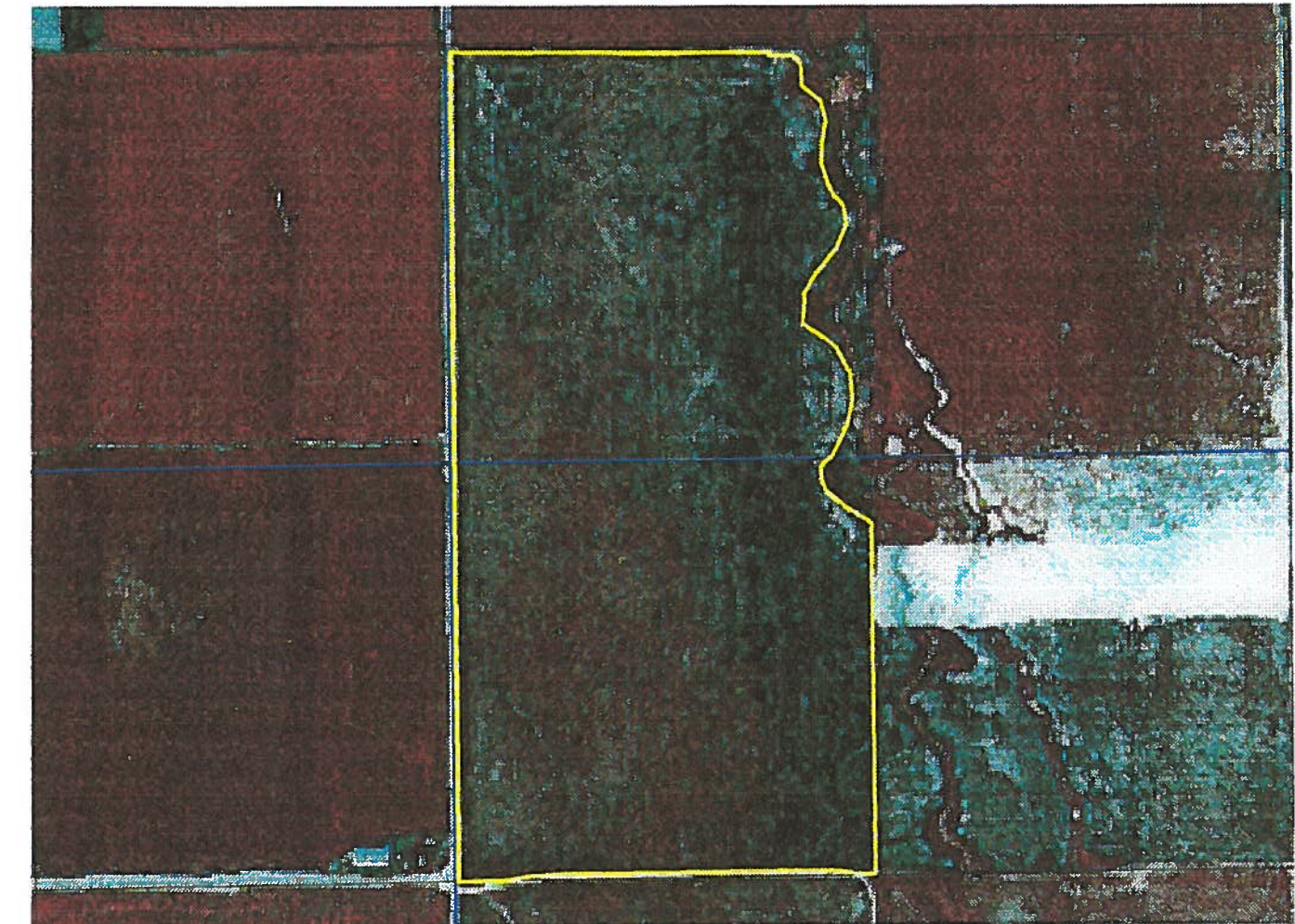
P/U CONFLICT yes () no (X)

P/D CONFLICT yes (X) no (X)

SENT FOR DECREE yes () no ()

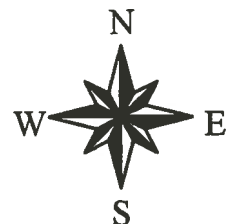
IDAHO DEPARTMENT OF WATER RESOURCES

43-00119



0.25 0 0.25 Miles

TNS 15S, RNG 27E, SEC 17 SWSW
SEC 20 NWNW



-  Layout.shp
-  T15s27e-sec.shp
-  T15s27eqq.shp

GIS PLACE OF USE PRESENTATION
1987 NAPP PHOTOGRAPHY
DATA ENTRY: JANUARY 24, 1998
BY: DOUGLAS JONES

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.

Cynthia Hadfield

1885-Sept. 128 .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

HR5809NP
No. 43-00119

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/09/98
PAGE: 1

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|------------------|-------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C | MELBOURNE B. GROM | 04/10/1914 | IRRIGATION | 00/00 00/00 | 1.600 CFS | |
| TOTAL DIVERSION: | | | | | 1.600 CFS | |

Water Source: CLEAR CREEK Tributary to: RAFT RIVER Stage: DECREED
Point(s) of Diversion: T15S R27E S29 SWNE CASSIA County

| Place of use Legal Description for: IRRIGATION | | | | | | | | | | | |
|--|-----|----|----|----|----|----|----|----|----|----|----|
| NE | | | NW | | | SW | | | SE | | |
| T | R | S | NE | NW | SE | NE | NW | SW | SE | NE | SE |
| 15S | 27E | 29 | NE | NW | SE | NE | NW | SW | SE | NE | SE |
| 40 | 40 | | NE | NW | SE | NE | NW | SW | SE | NE | SE |
| TOTAL ACRES | | | | | | | | | | | |
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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 Region

PIORNEY
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

Case No. 39576

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.

SRBA Case No. 92-00014

ORDER FOR DIRECTOR'S REPORT

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

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ORDER FOR DIRECTOR'S REPORT
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10/24/97

OCT 30 1997

Page 1 of 3

Department of Water Resources
Southern Region

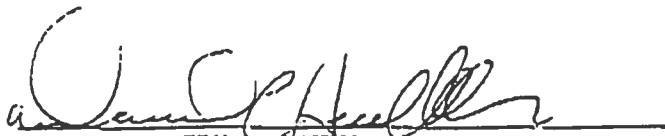
of the several water rights at issue is likely to result in duplicative litigation when the Clear Creek Stream System is reported in a Director's Report as part of the SRBA.

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: A43-00119
54

LAST: STEWART
ADDRESS: 1655 SUNSET DRIVE
CITY: LOGAN
PHONE NUMBER: 801-753-2027
STATE: UT ZIP: 84321

OWNER CODE: C

LAST: STEWART
ADDRESS: 1655 SUNSET DR
CITY: LOGAN
PHONE NUMBER: 801-753-2027
STATE: UT ZIP: 84321

OWNER CODE: C

LAST: GUNNELL
ADDRESS:
CITY: N
PHONE NUMBER:
OWNER CODE: 0
STATE: ID ZIP: 0

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE EXAMINER
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 \$50 MAY BE RECEIPTED IN WHOLE OR IN PART UNDER S008308 & S019674. THIS CLAIM IS FULLY OVERLAPPED BY

CLAIM REMARKS (CONT'D):
OTHER RIGHT(S).

FIELD EXAMINATION INFORMATION

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: # A43-00119 PRIORITY DATE: 04-10-1914 STAGE: D

B. WR RECORD: # 43-00119 PRIORITY DATE: 04-10-1914 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

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

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

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

PROOF OF BENEFICIAL USE SUBMITTED

FIELD EXAM COMPLETED

FIELD EXAM SENT TO STATE OFFICE

LICENSE ISSUED

* 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?

* 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?

NOTES:

* Johnson Decree, 125 Dist Ct in Utah

Y(✓) N()

Y(✓) N() *

Y() N(✓)

N/A() Y() N()

N/A() Y() N()

N/A() Y() N()

N/A(✓) Y() N()

N/A(✓) Y() N()

Y(✓) N()

RECOMMENDED PRIORITY DATE:

04-10-1914

REVIEWED BY

Johnson

DATE

1/98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TRP. RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | FLAG | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|-----------|-----------|------|-----|-----|-----|-----|------|--------|----------------|------------------|
| A43-00119 | 15S 27E | 29 | | SW | NE | | | CASSIA | CASSIA | |
| A43-00119 | 15S 27E | 29 | SE | SW | NE | | | CASSIA | CASSIA | |
| A43-00119 | 15S 27E | 29 | | SW | NW | | | CASSIA | CASSIA | |

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX
A43-00116
A43-00117
A43-00118
A43-022998
A43-02387
A43-025098

R PREFIX
NONE

43-02387
43-02509

SOURCE: CLEAR CREEK
GROUNDWATER

TRIB: RAFT RIVER

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT | TRP. RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | FLAG | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|-----------------------------------|-----------|------|-----|-----|-----|-----|------|------------|----------------|------------------|
| 43-00119 | 15S 27E | 29 | | SW | NE | | | CASSIA | | |
| OTHER WR RECORDS WITH SAME WR POD | | | | | | | | | | |
| AJ CLAIMS IN SAME 40 ACRE TRACT | | | | | | | | | | |
| A PREFIX | | | | | | | | | | |
| 43-02387 | | | | | | | | NONE | | |
| 43-02509 | | | | | | | | A43-00116 | | |
| | | | | | | | | A43-00117 | | |
| | | | | | | | | A43-00118 | | |
| | | | | | | | | A43-022998 | | |
| | | | | | | | | A43-02387 | | |
| | | | | | | | | A43-025098 | | |

SOURCE: CLEAR CREEK

TRIB: RAFT RIVER

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()

A. ROOT WATER RIGHT NUMBERS: A43-00119

| B. POU LISTING | | | | | | | | | | | |
|----------------|-----|-----|-----|-----|-----|--|--------------------------------------|-----------------------------|-----------------|----------------|------------------|
| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
| 15S | 27E | 17 | SW | SW | | STEWART, RUTH O
STEWART, REID S | A43-00119 / 35.0
A43-02387 / 35.0 | - / 35.0 | | 42.0 | 34.7
35 |
| 15S | 27E | 20 | NW | NW | | STEWART, RUTH O
STEWART, REID S
GROM, MELBOURNE B. | A43-00119 / 39.0
A43-02298 / 40.0 | - / 40.0
43-02299 / 40.0 | | 40.0 | 38.6
39 |

ADDITIONAL POU FOUND

74

TOTAL ACRES A43-00119 74.00 82.00

POU COUNTY: CASSIA

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

Y() N()

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

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 |
|------------|-------------|-----------------|-----------|----------------|-----------|----------------|
| A43-00119 | CLEAR CREEK | STEWART, RUTH O | 1.600 | 0.021 | | |
| A43-022998 | GROUNDWATER | STEWART, REID S | 1.860 | 0.017 | | |
| A43-02387 | GROUNDWATER | STEWART, REID S | 2.440 | 0.019 | | |

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 43-00116, -00117, -00118, -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 POB: ☒ ORTHOPHOTOQUAD, IDNR NO. _____; ☐ TOPOGRAPHIC QUAD, IDNR NO. _____;

☒ NAPP, IDNR NO. _____; ☒ ASCS PHOTO; ☐ OTHER _____

NOTES:

NAPP developed into GIS coverage

RECOMMENDATIONS:

TOTAL ACRES: 24 N/A()

REVIEWED BY: [Signature] DATE: 1/98

A. AJ CLAIMED USES:

| PURPOSE OF USE | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| A43-00119 IRRIGATION | FROM 03-15 TO 11-15 | 1.600 CFS | |
| TOTAL DIVERSION RATE/VOLUME | | 1.600 CFS | |

B. WR RECORDED USES:

| PURPOSE OF USE | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| 43-00119 IRRIGATION | FROM TO | 1.600 CFS | |
| TOTAL DIVERSION RATE/VOLUME | | 1.600 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()

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 1.600 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.600 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

* 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?

* 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?

E. FLOW MEASUREMENT

MEASUREMENT METHOD N/A, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 74 x 0.02 CFS/ACRE = 1.48 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 = 222.0 AF/A

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 ()

NOTES:

HR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

| PURPOSE OF USE | REC. PERIOD
FROM TO | REC. DIV
RATE CFS | REC. DIV
VOL. AF/A | REC. CONS.
USE |
|----------------------|------------------------|----------------------|-----------------------|-------------------|
| IRRIGATION | 03-15 11-15 | 1.600 | | |
| Inc | 4/1 10/31 | 1.48 | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL FOR THIS RIGHT | | 1.600 | | 222.0 |

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: D. P. [Signature] DATE: 2/5/98

FLAG: _____
STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

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: 43-00119
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
1.600

EXAMINER
file

CFS

SPLITS:

| OLD RIGHT NUMBERS | CURRENT CLAIM NUMBERS | DIVERSION RATE | CURRENT "R" CLAIM NUM. | "R" DIV. RATE | WR RIGHT NUMBERS | DIVERSION RATE |
|-------------------|-----------------------|----------------|------------------------|---------------|------------------|----------------|
| 43-00119 | A43-00119 | 1.600 | - | | 43-00119 | 1.600 |

TOTAL CFS 1.600

1.600

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] DATE: 2/5/98
NAME OF FIELD EXAMINER: WATER SUPV. TITLE: WATER SUPV.

| MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT | | COPY INCLUDED
IN FILE? | |
|--|--|---------------------------|-----------|
| TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED) | IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION | | |
| ☐ ORTHOPHOTOQUAD | DATE OF PHOTO _____ | IDWR ID NO. _____ | Y() N() |
| ☐ TOPOGRAPHIC | DATE FIELD CHECKED _____ | IDWR ID NO. _____ | Y() N() |
| ☐ MAP | 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() |
| ☐ OTHER _____ | DATE _____ | | Y() 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 _____ | | |
| ☐ 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 _____ | | |

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A43-00119

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| MR 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

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01/06/98
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CLAIM NUMBER: A43-00119

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|---------------|----------------|------------------|------------|-----------------------|-------------------|---------------------|
| C | RUTH O STEWART | 04/10/1914 | IRRIGATION | 03/15/11-15 | 1.60 CFS | |
| C | REID S STEWART | | | | | |

TOTAL DIVERSION: 1.60 CFS
CONSUMPTIVE USE: 1.60 CFS
222.00 AFA

Water Source: CLEAR CREEK
~~GROUNDWATER~~ Tributary to: RAFT RIVER

Stage: DECREED

Point(s) of Diversion: T15S R27E S29 ~~SENE~~ ~~SENE~~ ~~SENE~~ 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 | NE NE NE NE NE | NE NE NE NE NE | NE NE NE NE NE | NE NE NE NE NE | |
| 15S 27E 17 : | : | : | : | : | 35.0 |
| 15S 27E 20 : | : | 39 | : | : | 39.0 |
| TOTAL ACRES | | | | | 74.0 |

POU County: CASSIA

Other Rights: 43-00116, -00117, -00118, -02299, -02387 AND -025098.

Remarks: GEN

CURRENT WATER USAGE UNDER THIS 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 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 \$50 MAY BE RECEIPTED IN WHOLE OR IN PART UNDER S008308 & S019674. THIS CLAIM IS FULLY OVERLAPPED BY OTHER RIGHT(S).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A43-00119

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