

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: A43-00128A
Date Received: 6/20/1989
Receipt No: S008308
Received By: W

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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 DR.
LOGAN, UT 84321

2. Date of Priority: APR 30, 1884

3. Source: RAFT RIVER &/OR GROUNDWATER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	26E	24	SW	NW			CASSIA
			SE	SW			CASSIA
		26	NW	NE			CASSIA

5. Description of diverting works:
HEADGATE, DITCH, SUMPS, PUMPS, WELLS, PUMPS, PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/01	4.670		

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

8. Total consumptive use is 888.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A43-00128A

Page 1

Date: 06/20/89

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	26E	24	NE		NE		IRR	40.0
			SW		NE		IRR	37.0
			SE		NE		IRR	40.0
			NE		SW		IRR	39.0
			NW		SE		IRR	40.0
							Section Acres	196.0
	27E	18	SW		SW	4	IRR	50.0
							Section Acres	50.0
		19	NW		NW	1	IRR	50.0
							Section Acres	50.0
							Total Acres	296.0

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:
A43-02276, 04035

14. Remarks:
SEE ATTACHED.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 10/18/1928

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET AL
Decree Defendant

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16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A43-00128A

Date Received _____

Receipt Number _____

RECEIVED

JUN 12 1989

Department of Water Resources
Southern Region OfficeNOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

This document prepared by:
BARNETT INTERMOUNTAIN WATER CONSULTA
106 WEST 500 SOUTH, SUITE 101
BOUNTIFUL, UT 84010
(801) 292-4662
Please contact us for technical inquiries.

43-00128A

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, Utah Zip 843212. Date of Priority (Only one (1) per claim) April 30, 18843. Source of water supply (a) Raft River and/or groundwater
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 15S Range 26E Section 26,
1/4 of NW 1/4 of NE 1/4, Govt. Lot, B.M., County of CassiaAdditional points of diversion if any: also two wells in SE SW & SW NW Sec 24 T15S R26E.

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. _____Headgate, ditch, sumps and a pump as well as wells, pumps, and pipelines
to place of use.

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6. Water is claimed for the following purposes: (both dates are inclusive) (cfs) (acre feet)
- For Irrigation purposes from Apr 1 to Oct 1 amount 4.67 or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
7. Total quantity claimed (a) 4.67 (cfs) and/or (b) _____ (acre feet)
8. Total consumptive use claimed is 888 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:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - 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	26E	24	40		37	40					39					40			196
15S	27E	18											50						50
15S	27E	19						50											50

Total number of acres irrigated 296

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.
43-2276 and 43-4035 or None ()
14. Remarks:

see attached sheet

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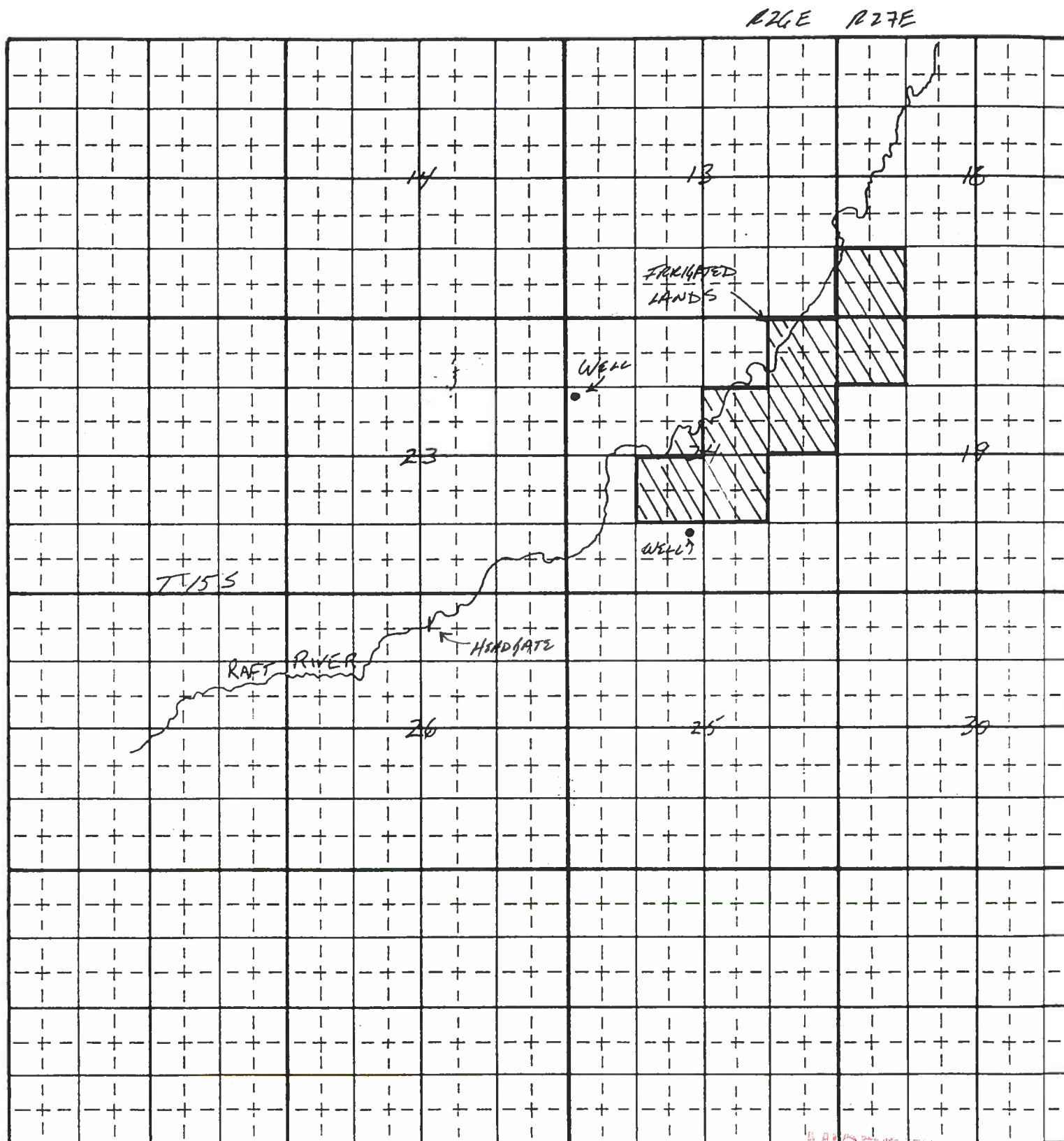
MAR 02 1993

Last Name Stewart Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



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Last Name

STEWART

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) B ☐ Official Use ☐ Posted Notice ☐ License ☐ Permit ☐
Decree ☒ X
If applicable provide IDWR Water Right Number 43-00128A
Court U.S. Jud. Dist. Id Case Number _____ Decree Date Oct 18, 1928
Plaintiff vs Defendant Albion Idaho Land Co. vs. 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) *Reed Stewart* Date 6-8-89

Date _____

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 Idaho)
County of Davis) SS.

Subscribed and sworn (or affirmed) before me this 8th day of June 1989

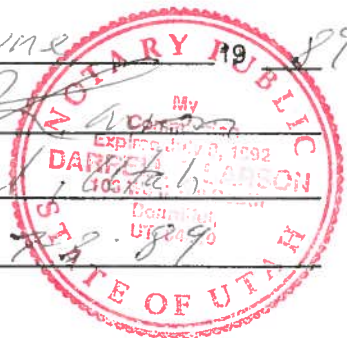
SEAL

Notary Public *Darrell H. Hanson*

Residing at Boantiful

My Commission Expires 7-22-89

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 _____

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Last Name Stewart Ident. Number _____

Copies White-State, Yellow-Claimant

Attachment to W.R. 43-00128A

As is authorized under SB 1065, and after conversations with the Director of IDWR, this claim is filed to represent the current water usage authorized by this decreed water right wherein waters are diverted from both surface and groundwater at any or all of the points of diversion as described above. This claim does not change the irrigated acres as is outlined in the decree, but does include an additional point of diversion. This change to an additional point of diversion has been gradual, though sometimes erratic, over the years due to the increasing withdrawal of the supporting groundwaters to the Raft River in the area. This has led to the decline in the historic flow of the Raft River which has necessitated this change. The addition of a point 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 waters from the Raft River, when they are available. This change merely adds to the decreed right an additional point of diversion.

This claim represents all of W.R. 43-00128A.

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Last Name Stewart Ident No. _____

012 (P) 4:11:30

Zip-

Status

- - Tribut
SNAKE RIVER

Town	Rng	Sec	Tract	Lot	Rfig	County	Point
15S	26E	NW NE	(31)	CASSIA			

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/01		4.670	

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Div. Capacity - +
4.670		

Trn	Rng	Sec	Tract	Lot	Place	Acres	Code	Description	County
15S	26E	24	NE NE				01	IRRIGATION	(31) CASSIA
15S	26E	24	SW NE				01	IRRIGATION	(31) CASSIA
15S	26E	24	SE NE				01	IRRIGATION	(31) CASSIA
15S	26E	24	NE SW				01	IRRIGATION	(31) CASSIA
15S	26E	24	NW SE				01	IRRIGATION	(31) CASSIA
15S	27E	18	SW SW	4			01	IRRIGATION	(31) CASSIA
15S	27E	19	NW NW	1			01	IRRIGATION	(31) CASSIA

--- Diversion Means -

+ - - Non-Irrigation Use -

~~Other Rights for Same Use -~~

Remarks
No Remarks found.

RECEIVED
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Adj. flag translation: Standard Water Right Number

```
+-----+
+-----+ Conditions of Approval +-----+
+-----+ No Conditions found.      +-----+
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Decree Plaintiff	Decree Defendant	Decree Date
ALBION-IDAHO LAND CO.	JOBE ADAMS ET AL	10/18/1928

+ - - Audit Fields -

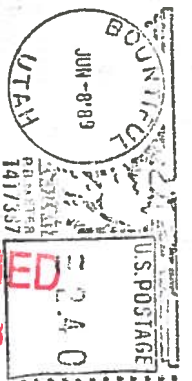
Water Rights Dates and Flags Area

Proof Due Date	00/00/0000	Field Exam Made	00/00/0000	Field Exam Fee	-
Approved/Denied	00/00/0000	Protested Date	00/00/0000	Swan Falls	-
Proof Made Date	00/00/0000	Hearing Date	00/00/0000	Temporary Right	- P
Start Work Date	00/00/0000	Verified Date	03/12/1985	DLE/Carey Act	-
Order Show Cause	00/00/0000	Receipt Number		Water District	- 43B
Licensed Date	00/00/0000	Appl Received	00/00/0000	Transfer/Amended	-
Decree Date	10/18/1928				

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MAR 02 1993

HIGGINSON-BARNETT, CONSULTANTS
106 West 500 South Suite 101
BOUNTIFUL, UTAH 84010

IDAHO DEPT. OF WATER RESOURCES
2148 4th Ave. East
Twin Falls, Idaho 83301



MICROFILMED
MAR U 2 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

.Aug. 25, 1989

REID S STEWART
STEWART RANCH
MALTA ID 83342

Dear Claimant(s):

A43-02381A
A43-00130
A43-00129
A43-02285A
A43-00080
A43-04035
Re: A43-02167A
A43-02276
A43-02521
A43-02509A
A43-00131
A43-02534A
A43-10535
A43-00128A

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of you claim(s), please contact this office.

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

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MAR 02 1993

07/20/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-128A

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

SOURCE: RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 4.67 CFS

PRIORITY DATE: 04/30/1884

POINT OF DIVERSION: T15S R26E S26

NENWNE

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-01

QUANTITY
4.67 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T15S R26E S23	NESE	0.1	T15S R26E S23	SESE	4.2
T15S R26E S24	NENE	40	T15S R26E S24	SWNE	35
T15S R26E S24	SENE	40	T15S R26E S24	SWNW	39
T15S R26E S24	SENE	38	T15S R26E S24	NESW	40
T15S R26E S24	NWSW	40	T15S R26E S24	SWSW	40
T15S R26E S24	SESE	40	T15S R26E S24	NESE	40
T15S R26E S24	NWSE	40	T15S R26E S24	SWSE	40
T15S R26E S24	SESE	40	T15S R26E S25	NENE	40
T15S R26E S25	NWNE	40	T15S R26E S25	NENW	40
T15S R26E S25	NWNW	40	T15S R26E S26	NENE	39
T15S R26E S26	NWNE	33	T15S R26E S26	SWNE	40
T15S R26E S26	SENE	40	T15S R27E S18	LOT 4	SWSW
T15S R27E S19	LOT 1	NWNW	49	T15S R27E S19	LOT 2
T15S R27E S19	LOT 3	NWSW	49		

1023.3 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 233 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1023 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-046, ~~43-128A~~ 43-129, 43-130, 43-131, ~~43-2167A~~, 43-2276, 43-2327, 43-2381A, 43-2461, 43-2521, 43-2534A, ~~43-4035~~, 43-4095, 43-10535, 43-13102.

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

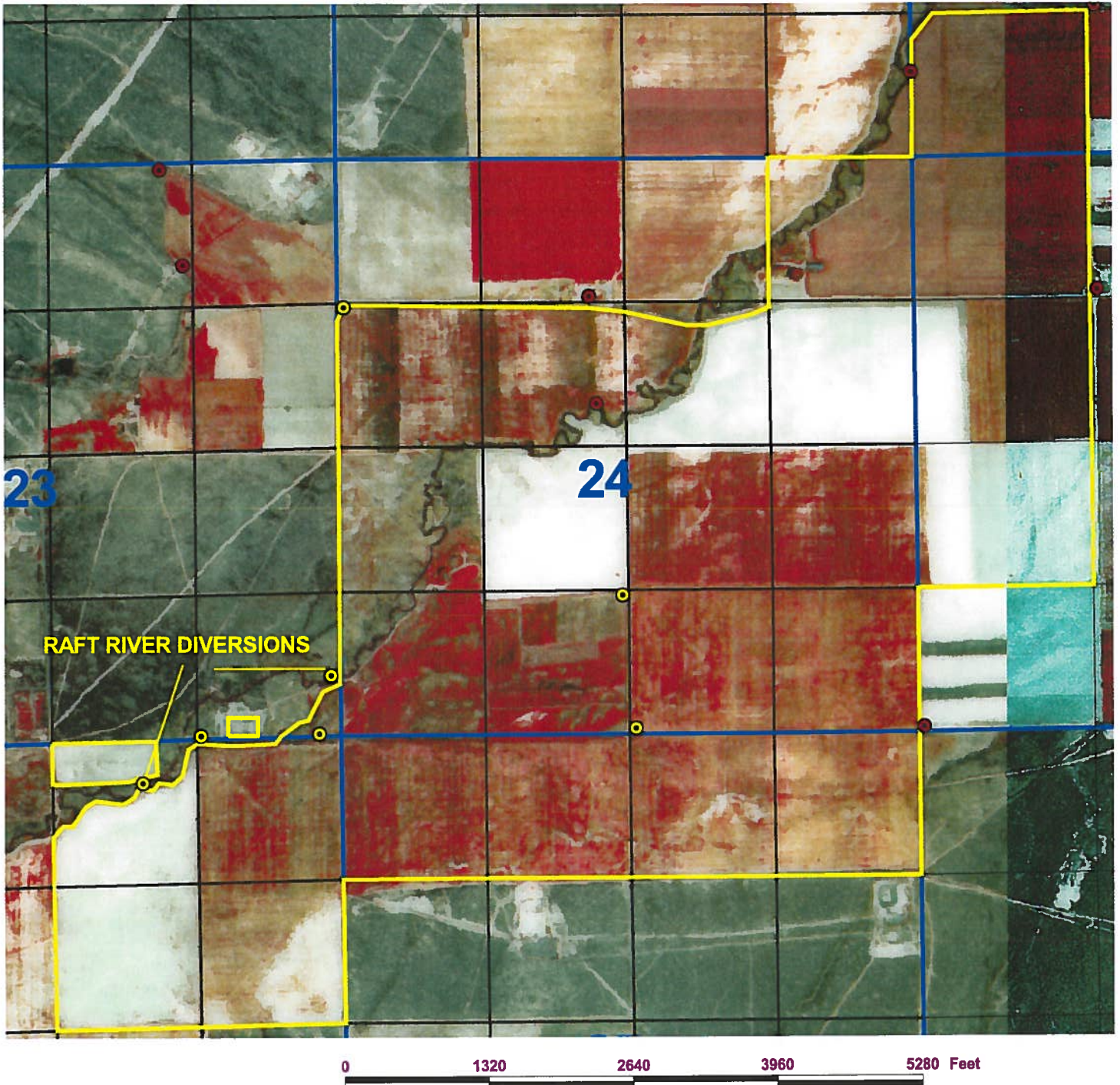
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Idaho Department of Water Resources

**RIGHTS: 43-046, 43-128A, 43-129, 43-130,
43-131, 43-2167A, 43-2276, 43-2327, 43-2381A,
43-2461, 43-2521, 43-2534A, 43-4035, 43-4095,
43-4097, 43-10535, 43-13102**

**RECOMMENDED PLACE OF USE
TWP 15S, RNG 26E
TWP 15S, RNG 27E
Data entry on July 17, 2001**



-  **RECOMMENDED POINT OF DIVERSION**
-  **RECOMMENDED PLACE OF USE**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**



**GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
PREPARED BY VIKIE HANCOCK**

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

6/13/2001

Regarding:

Contact:

Claims of Reid Stewart

Reid Stewart and Don Barnett

I met with the claimant and his water consultant, Mr. Barnett, today in the office. We reviewed all Mr. Stewart's claims. **Regarding the claims on Raft River we addressed the following:**

Acres in the W½ SW Section 24 need to be added to the place of use. These tracts were included in the decreed tracts identified in 43-046 for 2 cfs from Raft River priority date 1884. Mr. Stewart now irrigates this land by sprinkler from both Raft River and groundwater, and it appears that there was irrigation on those tracts and also cultivation beginning before 1962 and increasing in 1968 per aerial photos. It should be part of the permissible place of use at the large, or home ranch, portion of Mr. Stewart's property. ✓

Mr. Stewart currently uses two points of diversion from Raft River, both equipped with pumps. The downstream POD is at the bridge crossing the river at the SESESE Sec 23 T15S R26E where my preliminary recommendation identified it. There are currently two pumps attached to the bridge. The upper point of diversion is downstream of the point I identified in the NWNE Sec 26 and has been noted on the 1962 photo in file 43-046. Only 2 cfs under right 43-046 is valid for diversion at the bridge in the SESESE Sec 23. The balance of Stewart's rights, 8.19 cfs, should be diverted in the NWNE Sec 26. As this is not what is actually happening, Mr. Stewart needs to file a transfer so that he can divert his Raft River rights from either point of diversion. We will discuss the timing of filing this transfer during our next conversation.

Stewart pumps the river water directly into pipelines that are integrated into his sprinkler system and co-mingled with ground water. He currently has 550 acres with surface water rights on approximately 1022 acres (this includes the added acres in Section 24 noted above). We discussed whether or not he wanted to file an enlargement claim based upon his decrees to enable him to use Raft River water on all his acres. Mr. Barnett asked if he ever used Raft River water exclusively to irrigate the whole acreage. Mr. Stewart said that he always had at least one well pumping. Based on this, Mr. Barnett questioned his need to file an enlargement claim on Raft River, and expressed concern that other users may find an enlargement claim objectionable. They will discuss it further and let me know.

Other than the possible enlargement and the need for a POD transfer they found the Raft River claims correct as filed provided acreage was added to the PPU in the SW of Section 24.

02/14/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-128A

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

SOURCE: RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 4.67 CFS

WHEN COMBINED, RIGHT NOS. 43-046, 43-128A, 43-129, 43-130, 43-131, 43-2167A, 43-2276, 43-2327, 43-2381A, 43-2461, 43-2521, 43-2534A, 43-4035, 43-4095, & 43-10535, SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 04/30/1884

POINT OF DIVERSION: T15S R26E S26

NWNWNE

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-01

QUANTITY
4.67 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T15S R26E S23	SESE	4.1	T15S R26E S24	NENE	40
T15S R26E S24	SWNE	35	T15S R26E S24	SENE	40
T15S R26E S24	SWNW	39	T15S R26E S24	SENE	38
T15S R26E S24	NESW	40	T15S R26E S24	NWSW	6.8
T15S R26E S24	SWSW	31	T15S R26E S24	SESW	40
T15S R26E S24	NESE	40	T15S R26E S24	NWSE	40
T15S R26E S24	SWSE	40	T15S R26E S24	SESE	40
T15S R26E S25	NENE	40	T15S R26E S25	NWNE	40
T15S R26E S25	NENW	40	T15S R26E S25	NWNW	40
T15S R26E S26	NENE	39	T15S R26E S26	NWNE	33
T15S R26E S26	SWNE	40	T15S R26E S26	SENE	40
T15S R27E S18	LOT 4	48	T15S R27E S19	LOT 1	49
T15S R27E S19	LOT 2	49	T15S R27E S19	LOT 3	49

980.9 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 233 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 981 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-046, 43-128A, 43-129, 43-130, 43-131, 43-2167A, 43-2276, 43-2327, 43-2381A, 43-2461, 43-2521, 43-2534A, 43-4035, 43-4095, & 43-10535

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

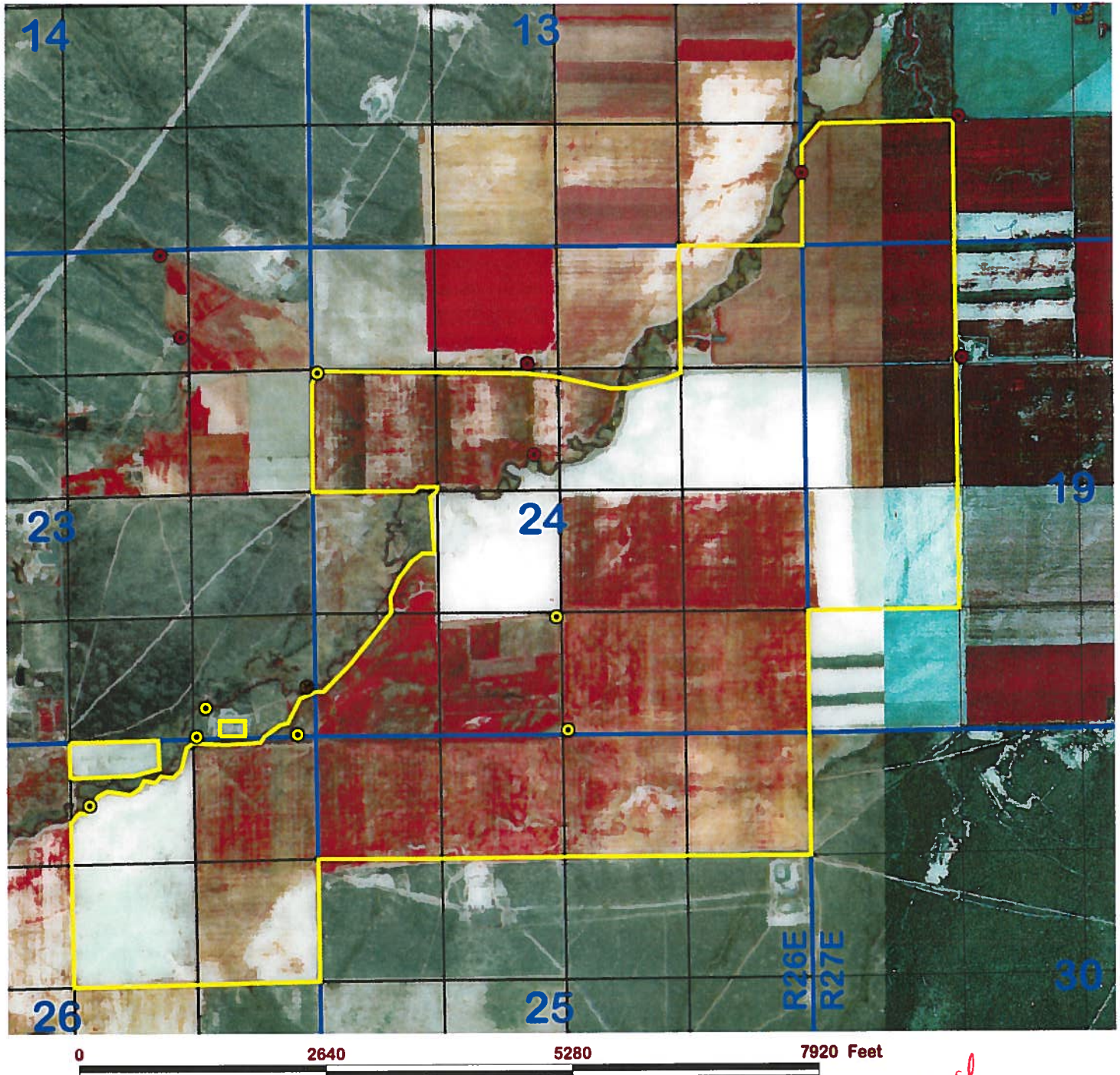
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Idaho Department of Water Resources

RIGHTS: 43-046, 43-128A, 43-129, 43-130,
43-131, 43-2167A, 43-2276, 43-2327, 43-2381A,
43-2461, 43-2521, 43-2534A, 43-4035, 43-4095,
43-4097, 43-10535

RECOMMENDED PLACE OF USE
TWP 15S, RNG 26E,
TWP 15S, RNG 27E,
Data entry on February 12, 2001



○ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK

CLAIM NUMBER: A43-00128A

OWNER
CODE NAME & ADDRESS
C REID S STEWART
C RUTH O STEWART

PRIORITY
DATE WATER USE
04/30/1884 IRRIGATION

USE PERIOD
FROM TO
04-01 10-01
DIVERSION
RATE
4.67 CFS
DIVERSION
VOLUME

Water Source: RAFT RIVER &/OR GROUNDWATER

Tributary to: SNAKE RIVER

TOTAL DIVERSION:
CONSUMPTIVE USE: 4.67 CFS

888.00 AFA

Point(s) of Diversion:

T155 R26E S24
S26

SUM
NAME

SESW

Stage: DECREED
CASSIA County
CASSIA County

Place of use Legal Description for: IRRIGATION

T	R	S	NE	ENE	NENE	SENE	ENE	SENE	SE	SUM
155	26E	24	: 40	: 37	: 40	: 39	: 04-50	: 40	: 196.0	: 50.0
155	27E	18	:	:	:	:	:	:	: 50.0	: 50.0
155	27E	19	:	:	:	:	:	:	: 296.0	: 296.0

POU County: CASSIA

Other Rights: A43-02276, 04035

Remarks: SEE ATTACHED.

Dates: Exam Made Date:

Verified Date: 03/12/1985

Misc: Water District Number: 43B

Field Inspection Flag:
Presumption Flag:

old name
6-28 swapped
8-14 swapped

ADAB

See T 687
for computation

K 24
8-23

NOTE TO FILE

From: Vikie Hancock

2/12/01

Regarding: Claims of Reid Stewart

In response to a conversation with Don Barnett, representing Reid Stewart, I investigated various ground water licenses in the area to determine if there was an error which excluded acres in the NESW Section 24 T15S R26E. Mr. Barnett explained that it seemed that those acres had been historically irrigated but did not show up on any of the licenses or historic claims for irrigation from groundwater.

Searches of the data base found only surface water right 43-128A appurtenant to that property. The tract was not included on the applications for permit of licenses 43-2521, -2276, -2327, -2461, nor on statutory claim 43-4035, all of which surround that tract.

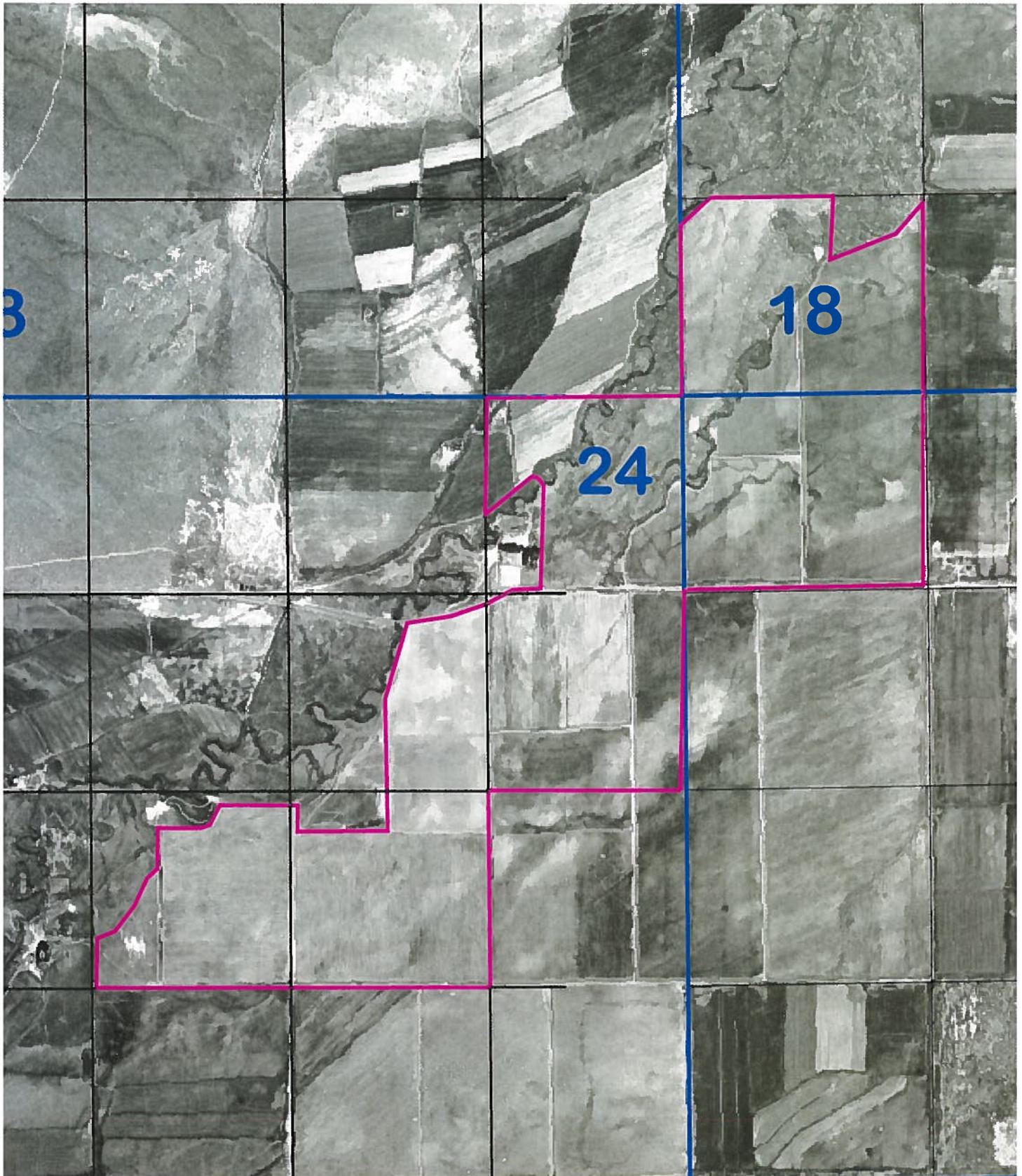
- 1962 aerial photos indicate that a majority of the tract was well irrigated at that time, possibly better irrigated than would be expected using just Raft River water
- It is possible that there is a beneficial use claim for ground water appropriate to that property, however
- E. T. Hawkins, the individual who owned the tract as evidenced by a 1948 transfer of 43-128 (creating A and B portions) did not include the NESW Sec 24 in his 1935 license 43-2276 for GW on adjacent lands. Nor did Harlan Jensen on his 1970 Statutory Claim on overlapping acres claiming a priority date of 1958.
- Whoever owned the property when groundwater was first applied there did not document the use. Claimant will have to find documentation in order to include those acres in a beneficial use claim with a priority date prior to 1962.

FILE NOTES

REID STEWART

43-128A 147 ACRES WITHIN DECREED TRACTS

T15S R16E



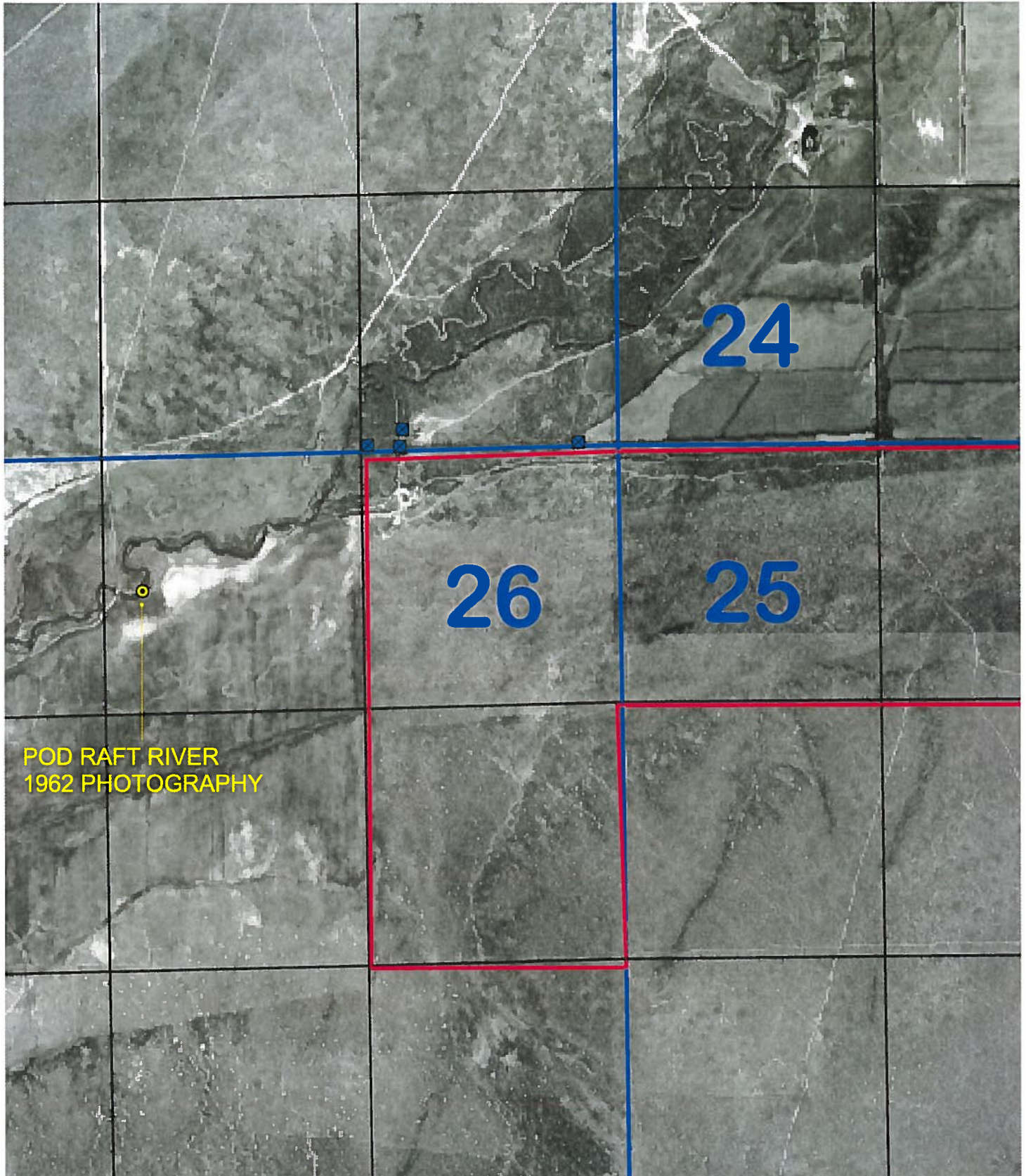
V. HANCOCK

1962 AERIAL PHOTOGRAPHY

FILE NOTES

REID STEWART

T15S R16E



POD RAFT RIVER
1962 PHOTOGRAPHY

V. HANCOCK

1962 AERIAL PHOTOGRAPHY

POD ANALYSIS, RAFT RIVER DECREED RIGHTS - REID STEWART

In response to the concerns of other irrigators in the area, and also the highway department and BLM, about pumps installed on a bridge over Raft River by Reid Stewart, I did some investigating into the historical point of diversion for the rights on Raft River purchased by Stewart. This bridge spans the river between sections 23 and 24 T15S R26E. The pumps are on the west side of the bridge, putting them just inside the SESE Section 23 line.

It is clear, from the claims filed by Stewart himself, that the point of diversion for decreed rights **43-128A, -129, -130 and -131** was in NWNE of Section 26 in 1989. From 1962, 1968 and 1978 aerial photos, there does appear to be two good candidates for diversion ditches from Raft River to the Stewart property. Both these diversion points are in the N½NE Section 26. The POD in NWNE Sec 26 was evidently still in use for these rights in 1989, after the commencement of the Adjudication. These rights represent 8.19 cfs from Raft River, which would require a transfer of change in point of diversion if they are to be diverted at the bridge.

Licensed right **43-2167A**, also claimed by Stewart, has a licensed point of diversion in Section 27, and a claimed point of diversion (by Stewart) in Section 26. A transfer would also be required to divert the 1.6 cfs represented by this right from the bridge.

Ivan Darrington filed a statutory claim 43-4097 in 1980 for winter irrigation and stockwater from Raft River. He stated that the place of use for irrigation was the same as decreed right **43-00046** from Raft River. He listed the point of diversion in the SESE Section 23. Although a clear diversion in the SESE Section 23 does not appear in the 1962, '68, '78 or 1987 aerial photos, there may have been a diversion for irrigation at the point indicated by Darrington in 1980 due to the dynamic nature of Raft River. Claim 43-4097 should not be recommended for irrigation, however, 43-00046 does represent a valid right to 2.0 cfs that, baring information proving the non-existence of the claimed Darrington diversion, could be diverted through the pumps on the bridge in question without a transfer.

DAK

73-0128

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 697

THIS IS TO CERTIFY THAT ERVIN T. HAWKINS, of Logan, Utah, is the owner of and using a certain water right from Raft River, in the amount of 2.33 cubic feet per second, bearing date of priority of April 30, 1884, said water being decreed to Margaret T. Hawkins, by Judge Charles O. Cavanah, of the District Court of the United States for the District of Idaho, Southern Division, in the case of

ALBION-IDAHO LAND COMPANY,

Plaintiff,

vs.

JOBE ADAMS, ET AL.,

Defendants,

said decrees bearing date of October 18, 1928, and being appurtenant to the following described lands, to-wit:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 24, Twp. 15 South, Range 26 East, B.M. OK

Lot 1, Section 19, and Lot 4 Section 18,
Twp. 15 South, Range 27 East, B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho in Volume 5 of Decrees, at Page 324.

That said Ervin T. Hawkins has become the owner of said water right through purchase.

And that now, upon the application of Ervin T. Hawkins, of Logan, Utah, for the transfer of 2.33 cubic feet per second of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 2.33 cubic feet per second of the waters of Raft River upon the above described lands is hereby abandoned, and the lands to be irrigated under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant, by this Certificate, for irrigation and domestic purposes, are described as follows, to-wit:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, and W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 19,
Twp. 15 South, Range 27 East, B.M.

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

2.33 cubic feet per second, bearing date
of priority of April 30, 1884.

That the water right hereby transferred has heretofore been conducted to the first above described lands from Raft River through a private ditch, with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, Twp. 15 South, Range 26 East, B.M.

$$\begin{array}{r} 7.0 = 350 ac \\ .02 \quad - \quad 350 \\ \hline 233 \end{array}$$

$$7 - 2.33 = \frac{4.67}{.02} = 233$$

A ↗
B ↘

$$\frac{2.33}{.02} = 116.5$$

116.5 ac ← B
2.33 cfs

That the water right hereby transferred will hereafter be conducted to the last above described lands through the same private ditch, and with the same point of diversion.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 3rd day of October, A. D. 1946.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

RECORDED

ALBION- HO LAND COMPANY
-vs-
JOBE ADAMS, et al
DECREE #992 10-18-1928

Wells Hadfield
Synthia Hadfield

-1894-Apr. 142 04274 s.f.

From Cassia Creek for the irrigation of the following described tract:
Beginning at NE corner of the NE1/4 Sec. 6, Twp. 14 S. R. 25, thence South 13.6 rods, thence West 80 rods, thence North 13.6 rods, thence East 80 rods to place of beginning.

Margaret Hawkins

-1884-Apr. 30

128 s.f.

Trans # 697

To be diverted from Raft River, April 1 to October 1 each year, for the irrigation of NE1/4SW1/4, NW1/4SE1/4, SE1/4NE1/4 and NE1/4NE1/4, Sec. 24, Twp. 15 S. R. 26 E.B.M., and Lot 1, Sec. 19, and Lot 4, Sec. 18, Twp. 15 S. R. 27 E.B.M.

-1913-Dec. 5

129

.66 s.f.

-1915-Mar. 8

130

.46 s.f.

-1915-Sept. 227

131

2.4 s.f.

To be diverted from Raft River for the irrigation of NE1/4NE1/4, Sec. 25, E1/4NE1/4, Sec. 26 and SE1/4SE1/4, Sec. 24, Twp. 15 S. R. 26 E.B.M., and SE1/4NW1/4, E1/4SW1/4 and 24 acres in Lot 2 and 9 acres in Lot 3, Sec. 19, Twp. 15 S. R. 27 E.B.M.

O. T. Hawkins

Jennie Hawkins

-1913-Dec. 547

04322 2.5 s.f.

To be diverted from Raft River for the irrigation of Lot 4, and NE1/4NW1/4, Sec. 19, SE1/4SW1/4, Sec. 18, Twp. 15 S. R. 27 E.B.M.

R. K. Hepworth

Jane Hepworth

-1881-Apr. 30

04223

.16 s.f.

-1884-Apr. 30

04221

.55 s.f.

To be diverted from Cassia Creek for the irrigation of NE1/4NE1/4, Sec. 31, Twp. 13 S. R. 25, and a tract of land described as follows: Beginning at the NE corner of the NE1/4, Sec. 31, Twp. 13 S. R. 25 E.B.M., thence South 30 rods, thence West 80 rods, thence North 30 rods and East 80 rods to the place of beginning.

George Hepworth

-1875-Apr. 30

04225

.24 s.f.

-1877-Apr. 142

04225

.04 s.f.

-1881-Apr. 30

04227

.13 s.f.

-1882-Apr. 30

04225

.36 s.f.

-1884-Apr. 30

04229

.37 s.f.

To be diverted from Cassia Creek for the irrigation of a tract of land described as follows: Commencing at a point 29 rods West of the local center of Sec.

Wells Hadfield
Synthia Hadfield

124
125
126
1880-Apr. 15
1883-Apr. 15
1884-Apr. 15

1.4 s.f.
.1 s.f.
1.4 s.f.

To be diverted from Cassia Creek for the irrigation of $S\frac{1}{2}NE\frac{1}{4}$, Sec. 6, Twp. 14 S. R. 25 E. B. M.

Wells Hadfield
Synthia Hadfield

127
1894-Apr. 1

.4 s.f.

From Cassia Creek for the irrigation of the following described tract: Beginning at NE corner of the $NE\frac{1}{4}SE\frac{1}{4}$, Sec. 6, Twp. 14 S. R. 25, thence South 13.6 rods, thence West 80 rods, thence North 13.6 rods, thence East 80 rods to place of beginning

128
Margaret Hawkins
1884-Apr. 30

7 s.f.

To be diverted from Raft River, April 1 to October 1 each year, for the irrigation of $NE\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$ and $NE\frac{1}{4}NE\frac{1}{4}$, Sec. 24, Twp. 15 S. R. 26 E. B. M., and Lot 1, Sec. 19, and Lot 4, Sec. 18, Twp. 15 S. R. 27 E. B. M.

129
30
31
1913-Dec. 5
1915-Mar. 8
1915-Sept. 27

.66 s.f.
.46 s.f.
2.4 s.f.

To be diverted from Raft River for the irrigation of $N\frac{1}{2}NW\frac{1}{4}$, Sec. 25, $E\frac{1}{2}NE\frac{1}{4}$, Sec. 26 and $SE\frac{1}{4}SE\frac{1}{4}$, Sec. 24, Twp. 15 S. R. 26 E. B. M., and $SE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$ and 24 acres in Lot 2 and 9 acres in Lot 3, Sec. 19, Twp. 15 S. R. 27 E. B. M.

2
O. T. Hawkins
Jennie Hawkins
1913-Dec. 5

2.5 s.f.

To be diverted from Raft River for the irrigation of Lot 4, and $NE\frac{1}{4}NW\frac{1}{4}$, Sec. 19, $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 18, Twp. 15 S. R. 27 E. B. M.

3
34
R. K. Hepworth
Jane Hepworth
1881-Apr. 30
1884-Apr. 30

.16 s.f.
.55 s.f.

To be diverted from Cassia Creek for the irrigation of $NW\frac{1}{4}NE\frac{1}{4}$, Sec. 31, Twp. 13 S. R. 25, and a tract of land described as follows: Beginning at the NE corner of the $NE\frac{1}{4}$, Sec. 31, Twp. 13 S. R. 25 E. B. M., thence South 31 rods, thence West 80 rods, thence North 31 rods and East 80 rods to the place of beginning.

5
6
7
8
39
George Hepworth
1875-Apr. 30
1877-Apr. 1
1881-Apr. 30
1882-Apr. 30
1884-Apr. 30

.24 s.f.
.04 s.f.
.13 s.f.
.36 s.f.
.37 s.f.

To be diverted from Cassia Creek for the irrigation of a tract of land described as follows: Commencing at a point 29 rods West of the legal center of Sec. 32, Twp. 13 S. R. 25 E. B. M., thence running North at right angles 20 rods, thence at right angles East 16 rods, thence at right angles South 20 rods, thence at right angles West 16 rods, to the place of beginning, containing two acres.

George Hepworth

Also: $NW\frac{1}{4}SW\frac{1}{4}$, Sec. 32, Twp. 13 S. R. 25 E. B. M., $NE\frac{1}{4}SE\frac{1}{4}$, Sec. 31, Twp. 13 S. R. 25, except a tract of land beginning at a point 30 feet South and 30 feet East from the NW of the NE corner of said Sec. 31, running thence South 25 rods, thence East 26 rods, thence North 25 rods, thence West 26 rods, to the place of beginning.

0
Mrs. Jane Hitt
1883-Apr. 30

2.6 s.f.

To be diverted from Cassia Creek for the irrigation of $N\frac{1}{2}SW\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, Sec. 22, Twp. 13 S. R. 25 E. B. M.

R26E R27E



Decreed tracts per T 697 128 B

Decreed tracts 128 A

MAR 6 2 1993

Last Name STEWART

Id A43-00128A

Copies: White-State, Yellow-Claimant

24 SW
26 SE
26 NW

15526E \$24; 27E \$18, \$19.

POD: 15526E \$26