

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: A43-00130
Date Received: 6/20/1989
Receipt No: S008308
Received By:

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: MAR 08, 1915

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 of	Lot	County
15S	26E	24	SW	NW			CASSIA
			SE	SW			CASSIA
			SW	SE			CASSIA
		26	NW	NE			CASSIA

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.460		

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

8. Total consumptive use is 855.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A43-00130

Page 1

Date: 06/20/89

MICROFILMED
MAR 02 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	26E	24	SE	SE		IRR	40.0
						Section Acres	40.0
		25	NE	NW		IRR	35.0
			NW	NW		IRR	37.0
						Section Acres	72.0
		26	NE	NE		IRR	40.0
			SE	NE		IRR	33.0
						Section Acres	73.0
	27E	19	SW	NW	2	IRR	50.0
			NW	SW	3	IRR	50.0
						Section Acres	100.0
						Total Acres	285.0

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:

A43-00129, 00131, 02534A, 02381A, 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

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 _____

\$ 50.00

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 A43-00130

Date Received _____

Receipt Number _____

RECEIVED

JUN 12 1989

Department of Water Resources
Southern Region Office
43-00130

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

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

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) Mar 8, 19153. 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 three wells located in SE SW, SW NW, & SW SE
of Section 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 Mar 15 to Nov 15 amount 0.46 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.46 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 855 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	26E	24																40	40
15S	26E	25					35	37											72
15S	26E	26	40			33													73
15S	27E	19							50				50						100
									LOT 2				LOT 3						

Total number of acres irrigated 285

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.
43-129, 43-131, 43-2534, 43-2381, 43-2276, and 43-4035 or None ()

14. Remarks:

see attached sheet

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MAR U 2 1993

Last Name Stewart Ident No. _____

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



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MAR 02 1993

Last Name STEWART Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) ☐ Official Use ☐ Posted Notice ☐ License ☐ Permit

Decree ☒

If applicable provide IDWR Water Right Number 43-00130

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)

Richard Stewart

Date 6-8-99

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 Utah)
County of Davis) SS.

Subscribed and sworn (or affirmed) before me this 8th day of June 1999

SEAL

Notary Public Darrell E. Larson

Residing at Bountiful, Utah

My Commission Expires 7-8-02

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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MAR 02 1993

Last Name Stewart Ident. Number _____

Copies White-State, Yellow-Claimant

Attachment to W.R. 43-00130

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 a portion of W.R. 43-00130. The lands for which it was first decreed have been divide amongst different owners, thus the claimed portion of this right should be segregated from the rest of the right.

Last Name Stewart

Ident No. _____

MICROFILMED
MAR 02 1993

Water Right Number - 43-00130

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

--- Last Name --- +

+ First Name - +

+ Address -

*** C - CURRENT OWNER ***
HAWKINS

MARGARET

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ Priority Date - +
03/08/1915

+ Region - +
17

+ Stage - +
D - DECREASED

MICROFILMED
MAR 02 1993

+ Source - +
RAFT RIVER

+ Tributary - +
SNAKE RIVER

+ Twn Rng Sec Tract Lot RFlg County Point of Diversion -

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

01 - IRRIGATION

0.460

+ Total Div. Rate - + Total Div. Volume - + Total Div. Capacity - +
0.460

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
15S	26E	24	SE SE			01	IRRIGATION	31 CASSIA
15S	26E	25	NE NW			01	IRRIGATION	31 CASSIA
15S	26E	25	NW NW			01	IRRIGATION	31 CASSIA
15S	26E		NE NE			01	IRRIGATION	31 CASSIA
15S	26E		SE NE			01	IRRIGATION	31 CASSIA
15S	27E	19	SW NW	2		01	IRRIGATION	31 CASSIA
15S	27E	19	SE NW			01	IRRIGATION	31 CASSIA
15S	27E	19	NE SW			01	IRRIGATION	31 CASSIA
15S	27E	19	NW SW	3		01	IRRIGATION	31 CASSIA
15S	27E	19	SE SW			01	IRRIGATION	31 CASSIA

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 43-0129, 0131

Water right number - 43-00130

Adj. flag translation: Standard Water Right Number

SEE DECREE FOR FURTHER DESCRIPTION OF P. U.

No Conditions of Approval found.

Decree Plaintiff - - - +
ALBION-IDAHO LAND CO.

Decree Defendant - - - +
JOBE ADAMS ET AL

Decree Date - - - +
10/18/1928

Audit Fields -

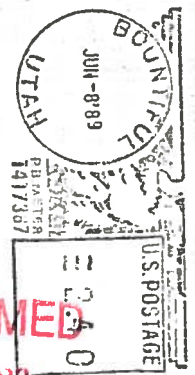
Water Rights Dates and Flags Area

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				

MICROFILMED
MAR 2 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





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
A43-00126A

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 your claim(s), please contact this office.

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

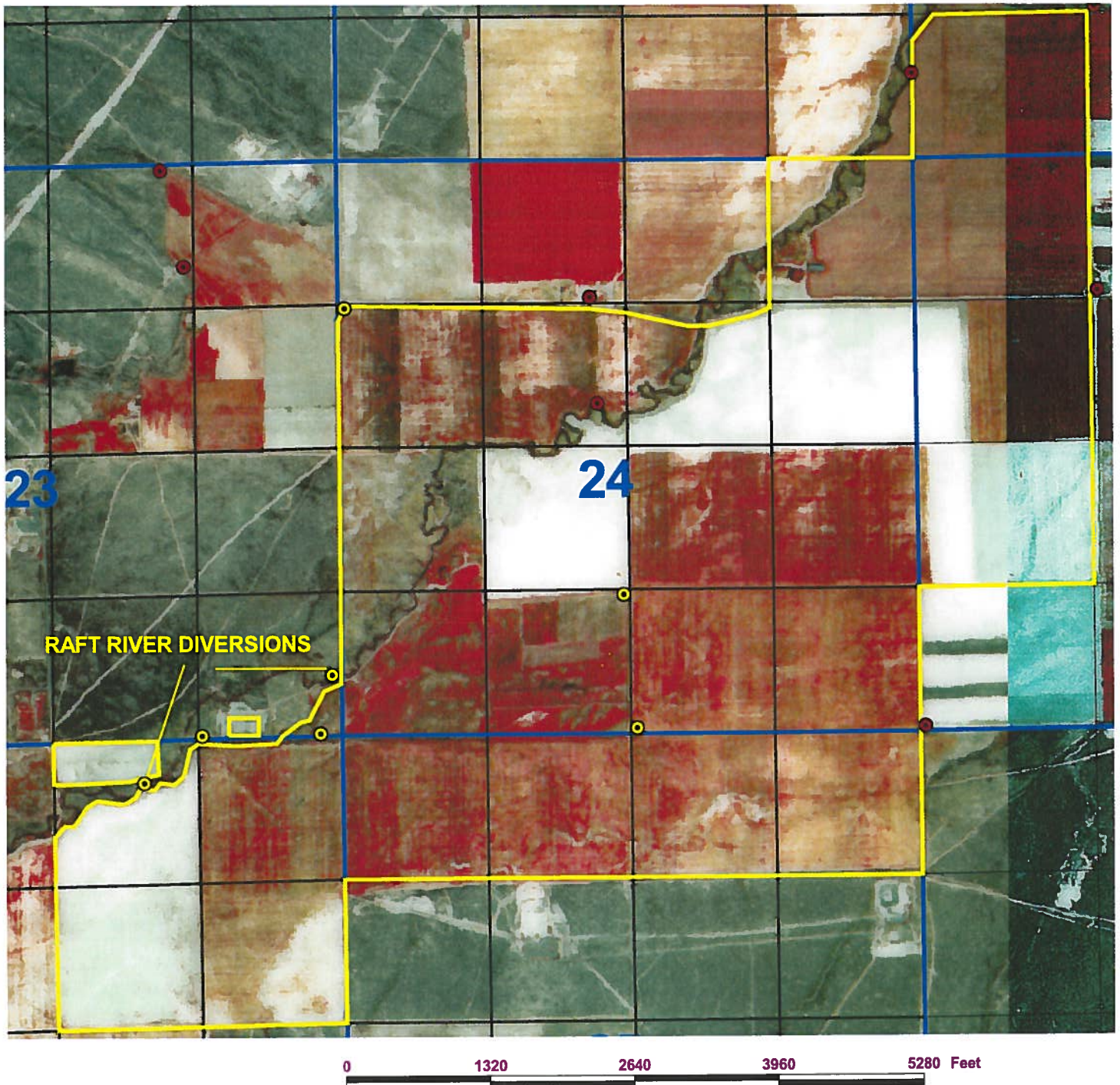
MICROFILMED

MAR 02 1993

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: 43-130

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

SOURCE: RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.46 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: 03/08/1915

POINT OF DIVERSION: T15S R26E S26

NWNWNE

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
0.46 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

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 176 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-129, 43-131.

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

*Revised
7-17-01
per NOE
DOK*

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

see Claim file 43-129 for GIS Layout
" " 43-046 for additional documents

Scale: 2 inches equals 1 mile

R26E R27E



DECREEED TRACTS 129, 130, 131

128A per T697

Last Name

STEWART

Idet

Copies: White-State, Yellow-Claimant

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

Margaret Hawkins

128
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.

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.

George Hepworth

0
Mrs. Jane Hitt
1883-Apr. 30

2.6 s.f.

To be diverted from Cassia Creek for the irrigation of $N\frac{1}{2}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, Sec. 22, Twp. 13 S. R. 26 E. B. M.

sions of this section within the time or times specified shall be deemed to have abandoned all rights under his permit.

Approved March 27, 1989.

CHAPTER 97
(S.B. No. 1065)

AN ACT
RELATING TO THE TRANSFER OF WATER RIGHTS; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1416A, IDAHO CODE, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES TO RECOMMEND AND THE DISTRICT COURT TO DECREE CHANGES IN A WATER RIGHT IF THE CHANGES ARE MADE PRIOR TO ENTRY OF THE ORDER COMMENCING THE GENERAL ADJUDICATION IN WHICH THE WATER RIGHT IS BEING ADJUDICATED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1416A, Idaho Code, and to read as follows:

42-1416A. PRIOR CHANGE IN POINT OF DIVERSION, PLACE OF USE, PERIOD OF USE, OR NATURE OF USE OF WATER RIGHT CLAIMED IN A GENERAL ADJUDICATION. (1) If any person entitled to the use of water has made a change in point of diversion, place of use, period of use or nature of use of all or a part of the water, including a change as part of an exchange as defined by section 42-105, Idaho Code, prior to entry of an order commencing a general adjudication pursuant to section 42-1408, Idaho Code, and the person entitled to the use of water has not complied with the requirements of sections 42-108 and 42-222, Idaho Code, regarding such changes, the following shall apply:

(a) the water right may be claimed in the general adjudication as changed and an application for change of the water right is not required to be filed pursuant to section 42-222, Idaho Code; and

(b) the water right may be determined by the director in the director's report pursuant to section 42-1411, Idaho Code, as decreed by the district court pursuant to section 42-1412, Idaho Code, as changed, if the change meets the substantive criteria of section 42-222, Idaho Code, for approval of such changes, provided that the change may be approved subject to conditions necessary to satisfy the substantive criteria of section 42-222, Idaho Code, for approval of such changes.

(2) To the extent that the provisions of this section and section 42-1416, Idaho Code, are both applicable to the same water right, the two sections shall be applied conjunctively, if possible, but the

section shall not be construed to limit the provisions of section 42-1416, Idaho Code.

Approved March 27, 1989.