

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: A43-00131
Date Received: 6/20/1989
Receipt No: S008308
Received By: hw

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: SEP 27, 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	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	2.400		

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

A.F.A.

8. Total consumptive use is 855.0 Acre Feet Per

9. Non-irrigation uses:

A43-00131

Page

1

Date

POD NW 1/4 NE SEC 24
129 } same
130 } POD
131 }
176 ac
indicated
by div rate
this priority
2.4 cfs

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, 00130, 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

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 _____

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

A43-00131

Date Received

Receipt Number

RECEIVED

JUN 12 1989

Department of Water Resources
Southern Region Office

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.

43-00131

Please type or print clearly

1. Name of Claimant (s) Reid S. and/or Ruth O. Stewart Phone (801) 753-2027
Mailing Address 1655 Sunset Drive, Logan, Utah Zip 84321

2. Date of Priority (Only one (1) per claim) Sept. 27, 1915

3. Source of water supply (a) Raft River and/or groundwater
which is tributary to (b) Snake River

4. 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 Cassia

Additional 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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MAR 02 1993

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 2.40 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.40 (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

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, 43-130, 43-2534, 43-2381, 43-2276, and 43-4035 or None ()

14. Remarks:

see attached sheet

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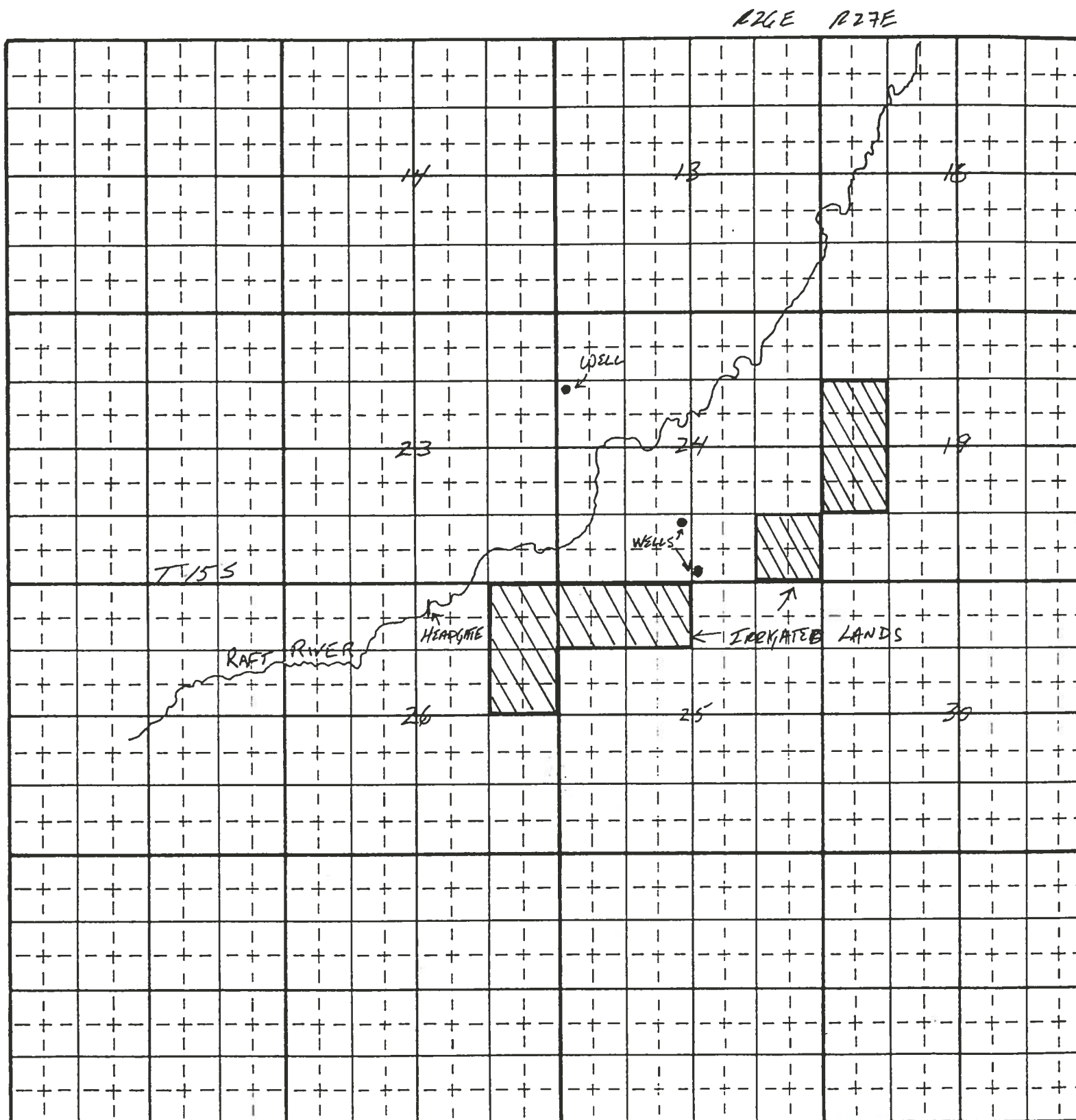
MAR 02 1993

Last Name Stewart Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the 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 _____ ☐ Sense _____ ☐ Permit _____

Decree x

If applicable provide IDWR Water Right Number 43-00131

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 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)

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

County of

SS.

Subscribed and sworn (or affirmed) before me this

day of

19

SEAL

Notary Public

Residing at

My Commission Expires

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. 43-00131

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. 43-00131. 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.

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MAR 02 1993

Last Name Stewart

Ident No. _____

Water Right Number - 43-00131

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 - - +
09/27/1915

+ - - Region - - - +
17

+ - - Stage - - - +
D - DECREASED

+ - - Status - - +

+ - - Source - - - - +
RAFT RIVER

+ - - Tributary - - - - +
SNAKE RIVER

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

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

01 - IRRIGATION

2.400

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - +
2.400

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 - 43-0129-0130

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MAR 02 1993

Adj. flag translation: Standard Water Right Number

SEE DECREE FOR FURTHER DESCRIPTION OF P. U.

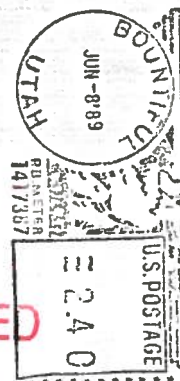
No Conditions of Approval found.

+	-	Decree Date
		10/18/1928

A 7

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 02 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
A43-00126A

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:

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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: 43-131

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

SOURCE: RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.4 CFS

PRIORITY DATE: 09/27/1915

POINT OF DIVERSION: T15S R26E S26 NENWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	2.40 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	SENW	38	T15S R26E S24	NESW	40
T15S R26E S24	NWSW	40	T15S R26E S24	SWSW	40
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			

1023.3 ACRES TOTAL

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.

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, 43-130.

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

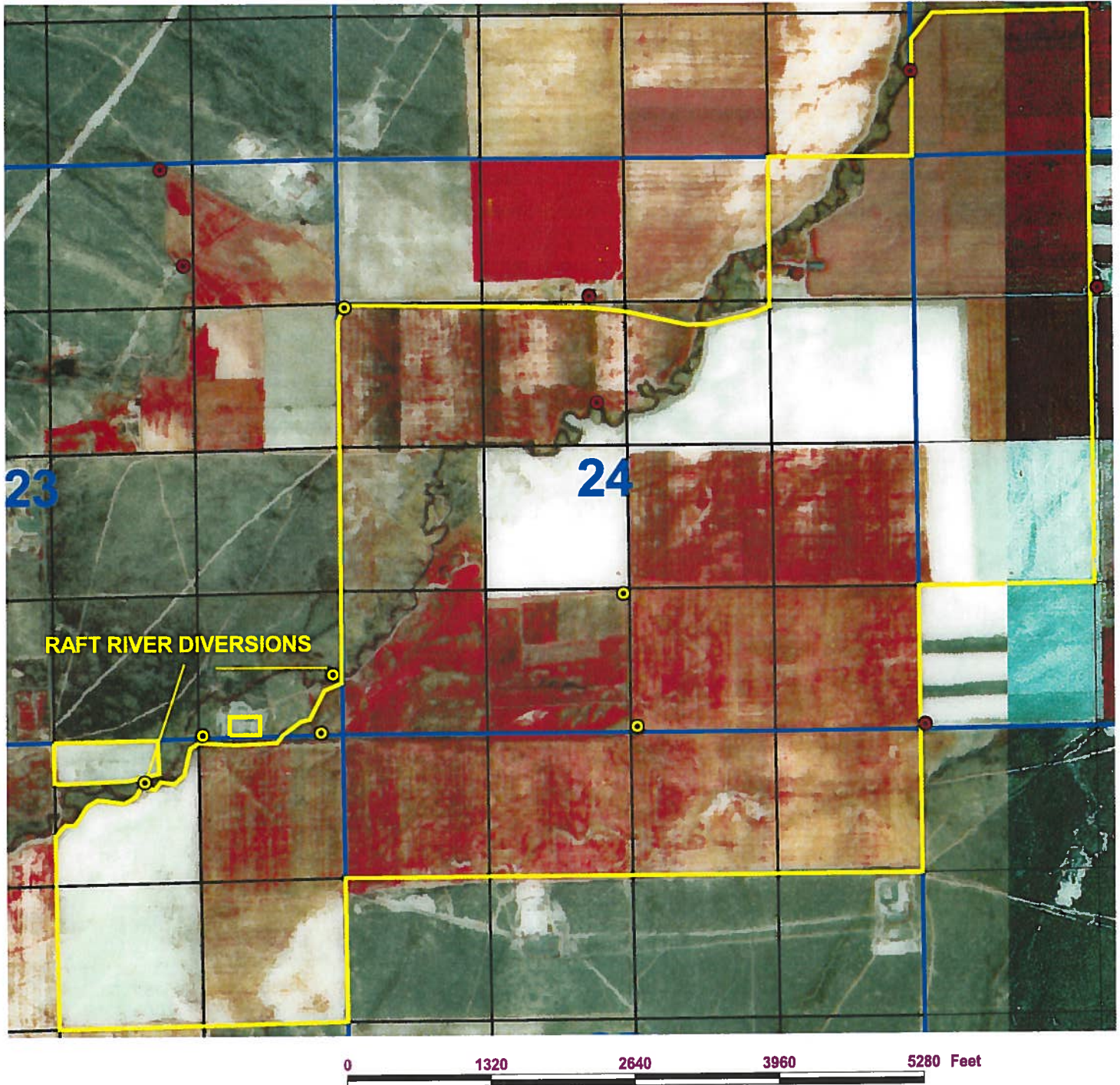
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

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: 43-131

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

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.4 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: 09/27/1915

POINT OF DIVERSION: T15S R26E S26 NWNWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	2.40 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 SENW 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 NWNW 40
T15S R26E S25	NENW	40	T15S R26E S25 NWNE 33
T15S R26E S26	NENE	39	T15S R26E S26 SENE 40
T15S R26E S26	SWNE	40	T15S R26E S26 NWNW 49
T15S R27E S18 LOT 4	SWSW	48	T15S R27E S19 LOT 1 NWNW 49
T15S R27E S19 LOT 2	SWNW	49	T15S R27E S19 LOT 3 NWSW 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, 43-130.

*Revised 2-17-01
Dak
Acres added
to DDP
CHD*

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

1023

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REID S STEWART	09/27/1915	IRRIGATION	03-15 11-15	2.40 CFS	
C	RUTH O STEWART					

TOTAL DIVERSION:
CONSUMPTIVE USE: 2.40 CFS 855.00 AFA

Water Source: RAFT RIVER &/OR GROUNDWATER Tributary to: SNAKE RIVER
Points(s) of Diversion: T155 R26E S24- S26 NWNE SESW SWSE
CASSIA County
CASSIA County

Place of use legal Description for: IRRIGATION											
NE			NW			SW			SE		
T	R	S	NE	NE	SE	NE	NE	SE	NE	NE	SE
155	26E	24	NE	NE	SE	NE	NE	SE	NE	NE	SE
155	26E	25	NE	NE	SE	NE	NE	SE	NE	NE	SE
155	26E	26	NE	NE	SE	NE	NE	SE	NE	NE	SE
155	27E	19	NE	NE	SE	NE	NE	SE	NE	NE	SE
TOTAL ACRES											SUM
											40.0
											72.0
											73.0
											100.0
											285.0

POU County: CASSIA

Other Rights: A43-00129, 00130, 02534A, 02381A, 02276, 04035

Remarks: SEE ATTACHED.

Dates: Exam Made Date: Verified Date: 03/12/1985
Misc: Water District Number: 438 Field Inspection Flag:
Presumption Flag:

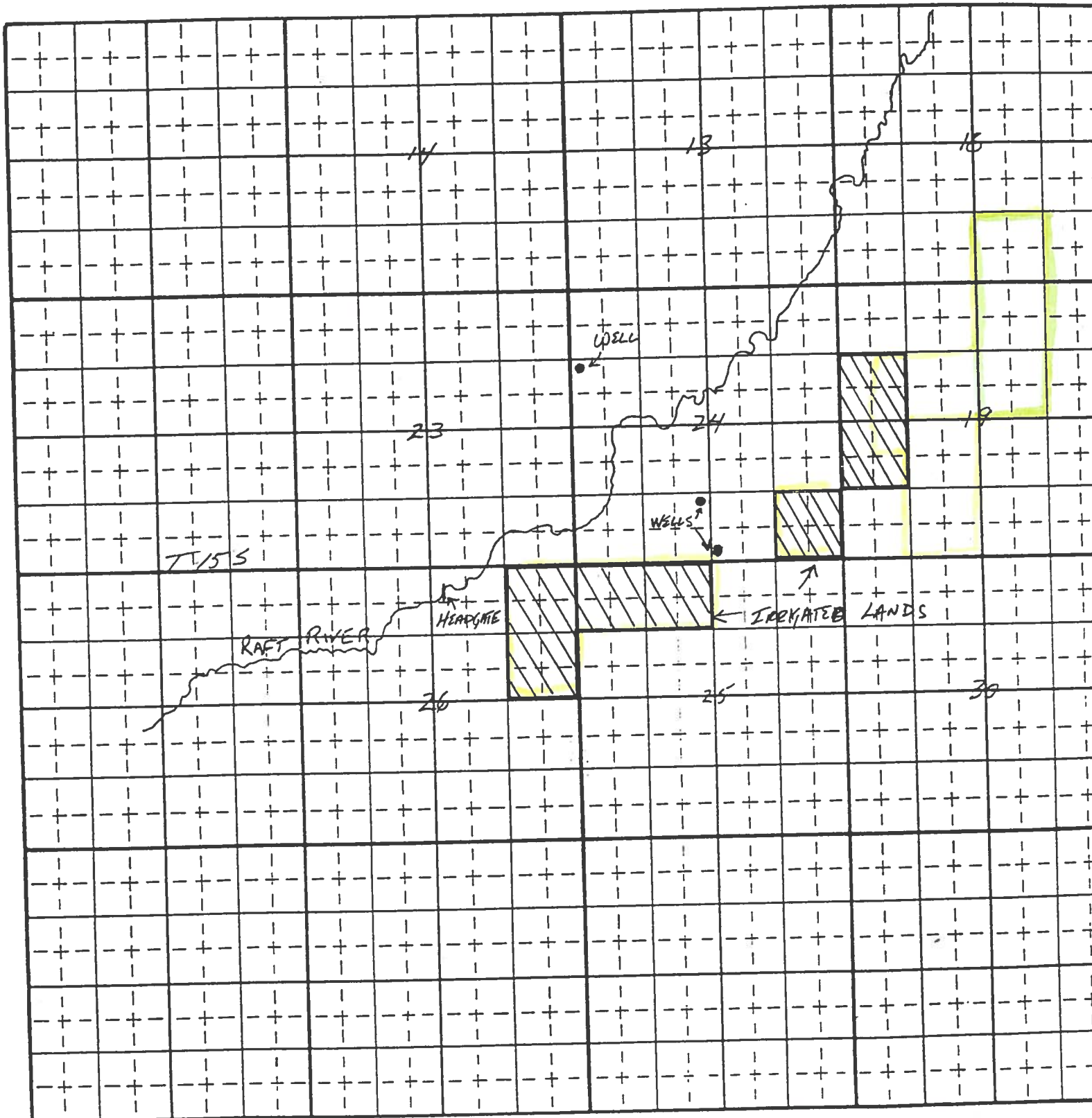
Comp 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000

SEE claim 43-129 for GIS Layout

Map of Project: snow clearing and

Scale: 2 inches equals 1 mile

EDGE R27E



decreed Tracks 129, 130, 131

128A per T697

Last Name STEWART Ident N

pies: 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.

Amended

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
130
131
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.

O. T. Hawkins
Jennie Hawkins

2
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.

R. K. Hepworth
Jane Hepworth

3
34
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.

Amended

George Hepworth

5
6
7
8
39
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 $NE\frac{1}{4}SE\frac{1}{4}$ 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.

Mrs. Jane Hitt

0
1883-Apr. 30

2.6 s.f.

To be diverted from Cassia Creek for the irrigation of $NE\frac{1}{4}SW\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, 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; or

(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.