

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: A43-02167A
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: MAY 25, 1914

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	SE			CASSIA
		26	NW	NE			CASSIA

5. Description of diverting works:
HEADGATE, DITCH, SUMPS, PUMP, WELL, PUMP, PIPELINE

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 120.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A43-02167A

Page 1

Date: 02/27/90

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15S	26E	26	SW NE		IRR	40.0
Section Acres						40.0
Total Acres						40.0

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:
A43-02381

14. Remarks:

SEE ATTACHED.
WR ALSO FILED ON BY RICHARD MILLER.
LICENSE ORIGINALLY FOR 80 ACRES...CLAIMED 40.
WELL LOCATED IN SWSE, SECTION 24.

15. Basis of Claim: LICENSE
Water Right Number: 10346

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

RECEIVED

JUN 12 1989

Department of Water Resources
Southern Region Office

43-2167

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

CIVIL CASE NUMBER: 39576

Ident. Number A43-02167A

Date Received _____

Receipt Number _____

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.

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) May 25, 1914

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 *Rd*
1/4 of ^{NW} ~~SW~~ 1/4 of ^{NE} ~~SW~~ 1/4, Govt. Lot, _____ B.M., County of Cassia

Additional points of diversion if any: also a well in SW SE 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 a well, pump, and pipeline
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 1.60 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.60 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 120 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	26			40														40

Total number of acres irrigated 40

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.
43-2381 or None ()

14. Remarks:

see attached sheet

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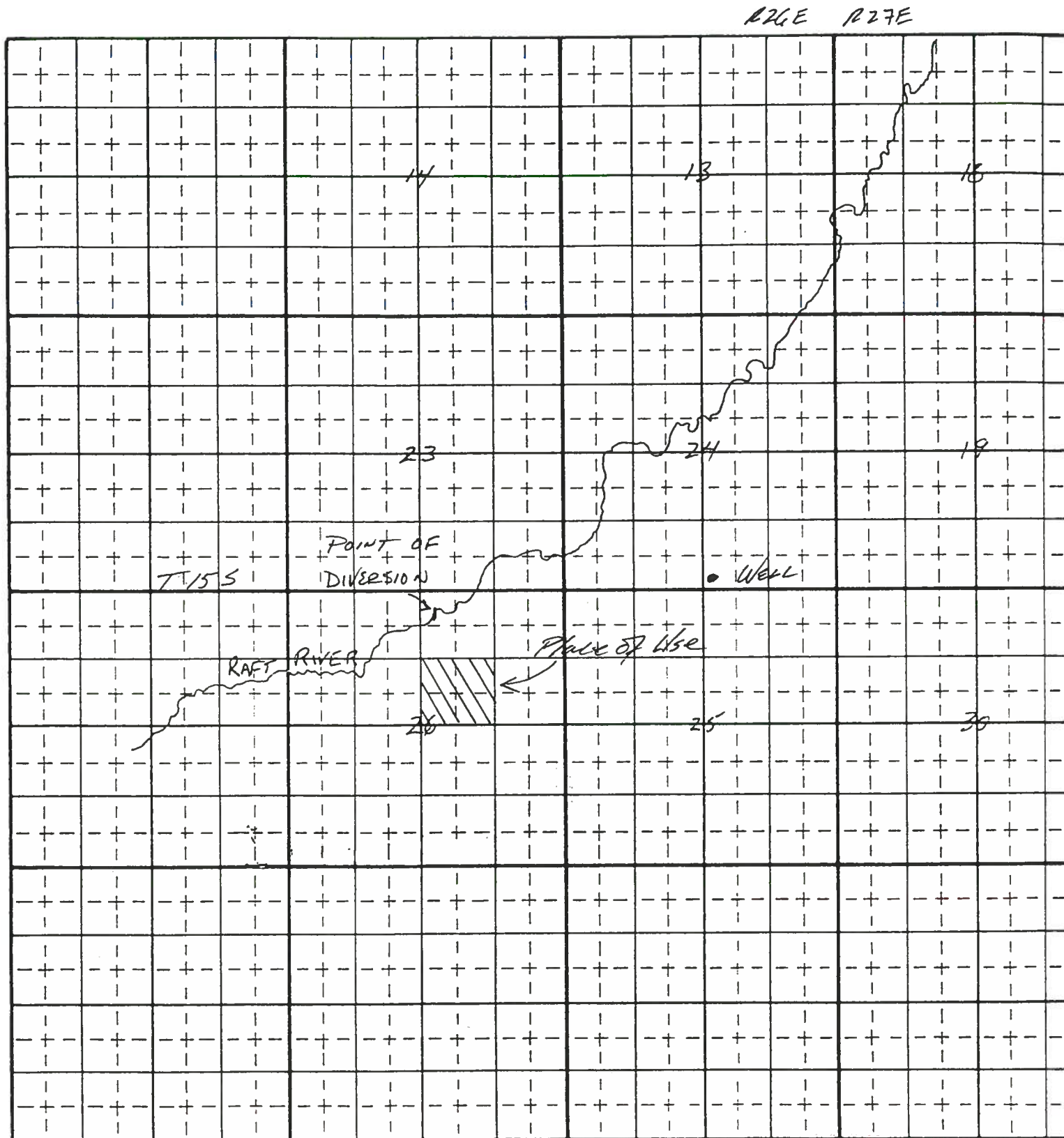
MAR 03 1993

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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Last Name

STEWART

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ Sense ☒ Permit _____
Decree _____ 43-2167
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 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) Rudolph 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 Utah)

County of Davis) SS.

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

SEAL

Notary Public Daniel J. Bontifield

Residing at Bountiful, UT

My Commission Expires 7-8-89

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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MAR 03 1993

Last Name Stewart Ident. Number _____

Copies White-State, Yellow-Claimant

Attachment to W.R. 43-2167

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 licensed 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 license, 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 license, 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 licensed right an additional point of diversion.

This claim represents a portion of W.R. 43-2167. The lands for which it was first licensed have been divided amongst different owners, thus the claimed portion of this right should be segregated from the remainder of the right.

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Last Name Stewart

Ident No. _____

Water Right Number - 43-02167

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 10346

+ - - - - Last Name - - - - +
*** C - CURRENT OWNER ***
HOWES

JOSEPH HENRY

1 -
2 -
3 -
City- BRIDGE
Phone -

State- ID Zip-

+ - - Priority Date - - +
05/25/1914+ - - Region - - +
17+ - - Stage - - +
L - LICENSE

+ - - Status - - +

+ - - Source - - - - - +
RAFT RIVER+ - - Tributary - - - - - +
SNAKE RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County

15S 26E 27 SW SW (31) CASSIA

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

01 - IRRIGATION
43 - DOMESTIC

1.600

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - +
1.600

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
15S	26E		SW NE		40.0		01	IRRIGATION	(31) CASSIA
15S	26E		SE NW		40.0		01	IRRIGATION	(31) CASSIA

Total Acres: 80.0

+ - - Diversion Means -

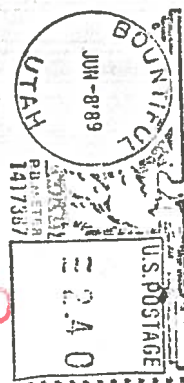
+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

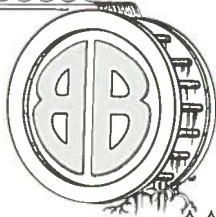
+ - - Remarks - - - - - +
No Remarks found.+ - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - - Decree Plaintiff - - - + - - - Decree Defendant - - - +
00/00/0000MICROFILMED
MAR 03 1993

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



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MAR 03 1993



BARNETT INTERMOUNTAIN WATER CONSULTING

106 West 500 South, Suite 101
Bountiful, Utah 84010-6232
(801) 292-4662

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FEB 05 1992

Department of Water Resources
Southern Region Office

February 3, 1992

Mr. Allen Merritt, P.E.
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Affidavit of Mr. Stewart concerning SRBA claims on water rights ^a43-2167, 43-2381, and 43-2534.

Dear Allen:

Enclosed herewith please find an affidavit from Mr. Stewart which explains the sale of certain of his lands in 1976 and the implicit segregation of the appurtenant water rights. Mr. Stewart has appropriately filed adjudication claims for those portions of the above referenced rights which are yet appurtenant to the lands he retained. It is our understanding that Mr. Miller has also filed adjudication claims and transfer documents which represent that the above referenced water rights are now fully appurtenant to the lands which he purchased from Mr. Stewart. Therefore, for each of the above water rights, claims have been filed in the SRBA by both Mr. Stewart and Mr. Miller. We kindly request that you attach this affidavit to the above water right files as you deem appropriate (i.e. both the "a" and "b" versions of the claims if needed).

We hope that this information is clear and helpful. If you need additional information or explanation, please contact us.

Sincerely,


Don A. Barnett
Staff Engineer

enclosure

cc: Reid Stewart

07-17-95
CCs to MILLER
files - same #s.
RUS: 43-02293
-04151

43-02293
"-04151
RICHARD L. MILLER
Claims Partial

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MAR 03 1993

Don A. Barnett

Jack A. Barnett, P.E.

Water Resources - Water Right

Ground-water Geology - Geothermal Investigations

AFFIDAVIT OF REID S. STEWART

RECEIVED

FEB 05 1992

In the matter of Idaho)
CLAIM(s) TO A WATER RIGHT)
Nos. A43-2167, A43-2381, & A43-2534)

Department of Water Resources
Southern Region Office

Comes now Reid S. Stewart, of Cassia County, State of Idaho, who being first duly sworn on oath, disposes and says:

- 1) That I am the current owner of certain lands in the W1/2 of Section 25 and the E1/2 of Section 26, Township 15 South, Range 26 East, Boise Meridian.
- 2) That in 1976 I contract to sell to Richard Miller certain other lands in Section 26 and further west. That at the time that the properties were sold to Miller, some of the lands to which the above rights are appurtenant were retained by me and certain of the lands were part of the lands sold to Miller as follows:

<u>Water Right</u>	<u>Acreage Under License</u>	<u>Acres Retained by Stewart</u>	<u>Acres Sold to Miller</u>
43-2167	80	40	40
43-2381	270	105	165
43-2534	<u>290</u>	<u>69</u>	<u>221</u>
Total	640	214	426

- 3) That at the time I contracted to sell these lands to Richard Miller, some of the various points of diversion to these water rights were on the lands which I sold to Miller. Therefore, when Miller took possession of these lands I began to irrigate the lands which I retained under these water rights using different points of diversion. That I continued to irrigate these lands, and at no time were they not irrigated, until 1988 when I placed some of these lands in a federal set-aside program.
- 4) That at no time was there any intent, implicit or explicit, for any of the water rights which were appurtenant to the lands I retained, to be transferred off of such lands in any form. Further, that I have continued to use these water rights on those lands which I retained as outlined above and in the adjudication claims which I have filed.

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MAR 03 1993

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FEB 05 1992

Department of Water Resources
Southern Region Office

In witness hereof I set my hand this 3rd day of February, 1992.

Reid S. Stewart

Reid S. Stewart

Subscribed and sworn before me this 3rd day of February, 1992.

Don A. Barnett

(Notary Public)

(seal)

NOTARY PUBLIC

DON A. BARNETT
36 East 735 South
Centerville, UT 84014

My Commission
Expires Jan. 30, 1994

STATE OF UTAH

My commission expires JAN. 30 1994.

My residence is CENTERVILLE, UTAH.

MICROFILMED

MAR 03 1993

07/20/2001

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

RIGHT NUMBER: 43-2167A

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

SOURCE: RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.8 CFS

PRIORITY DATE: 05/25/1914

POINT OF DIVERSION: T15S R26E S26

NENWNE

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
0.80 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	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	SWSW	48
T15S R27E S19	LOT 1 NWNW	49	T15S R27E S19	LOT 2 SWNW	49
T15S R27E S19	LOT 3 NWSW	49			

1023.3 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 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.

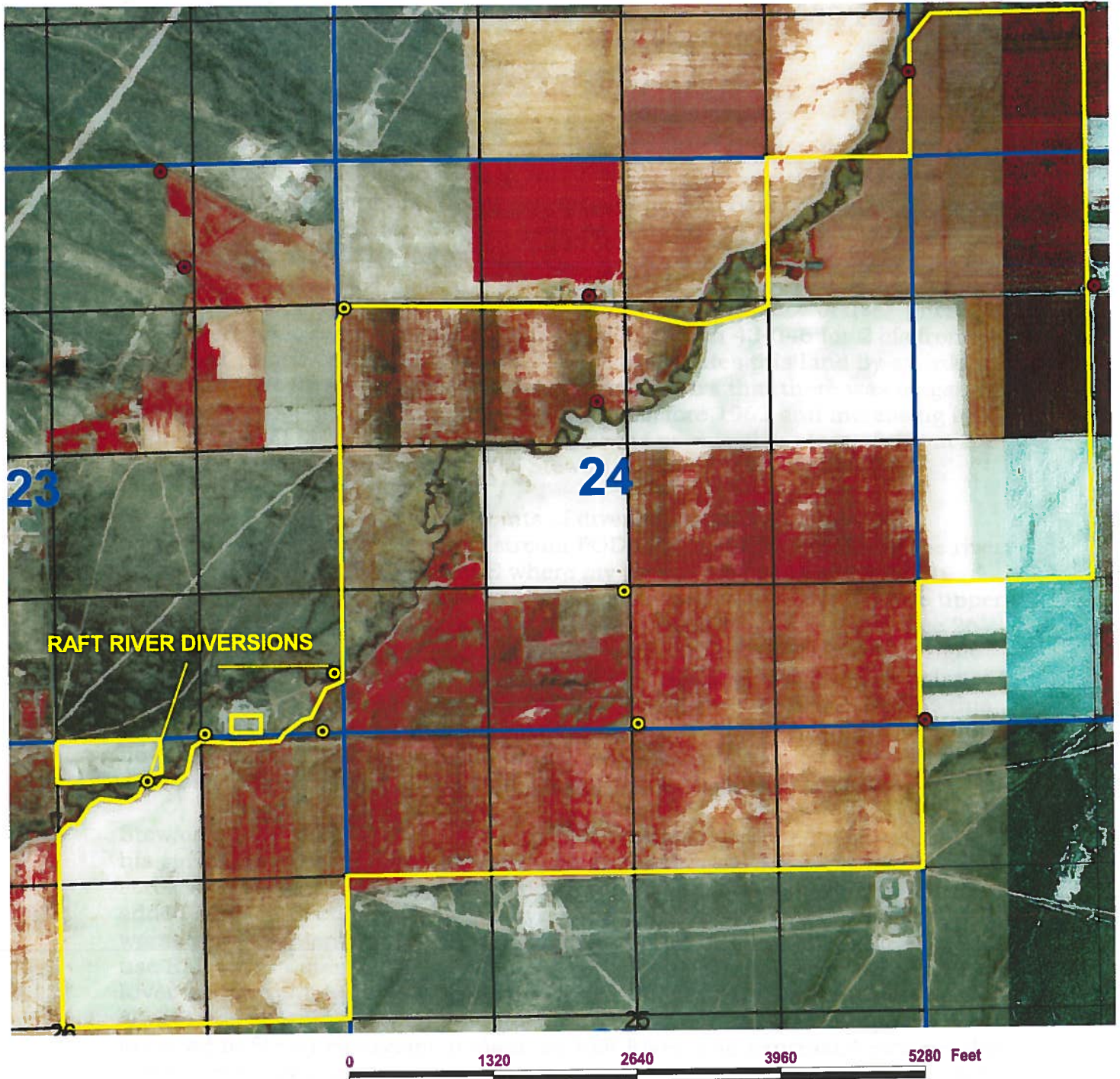
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

02/14/2001

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

RIGHT NUMBER: 43-2167A

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

SOURCE: RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.8 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: 05/25/1914

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
0.80 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	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	48	T15S R27E S19	LOT 1 NWNW	49
T15S R27E S19	LOT 2 SWNW	49	T15S R27E S19	LOT 3 NWSW	49

980.8 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 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.

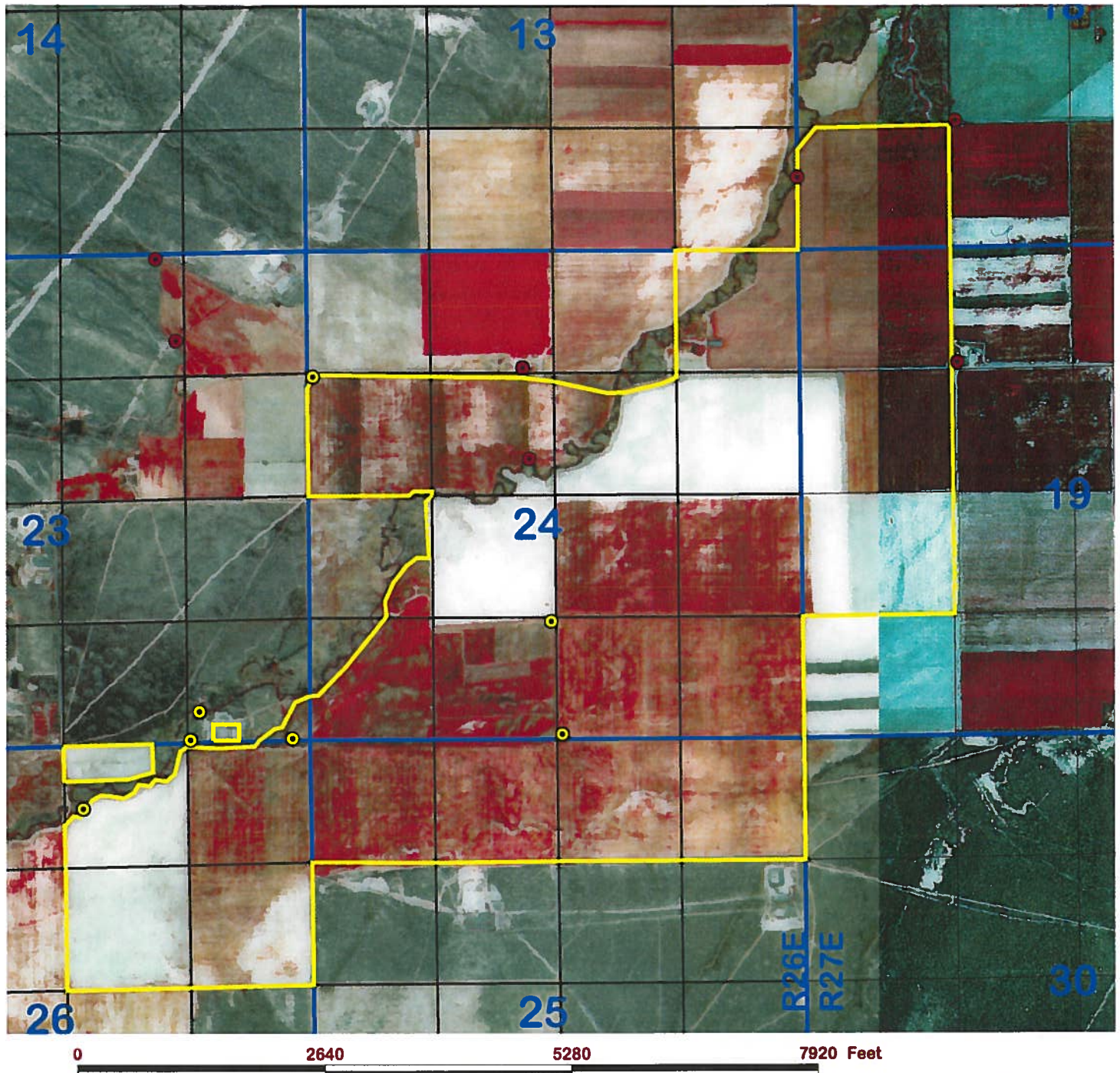
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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



*Superseded
7-17-01*

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

CLAIM NUMBER: A43-02167A

Stage: LICENSE

CASSIA County
CASSIA County

SE

40.0
40.0

Chy m DOO
C22

Kodiyas

State of Idaho License and Certificate of Water Right

Water License No. 10346
Water District No. 6-3

Amount 2.6
Priority 5/25/14

THIS IS TO CERTIFY that Joseph Henry Hovea of Bridge, Idaho made application for a permit to appropriate the public waters of the State of Idaho, dated May 25, 1914; that Permit No. 10346 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.2 second feet, was issued thereunder on May 5, 1919, showing that said works were completed on the 1st day of May, 1919; and that on the 27th day of June, 1919.

Joseph Henry Hovea

of Bridge, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of Raft River, a tributary of Snake River, for the purpose of irrigation and domestic uses under Use Permit No. 10346 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Engineer of Idaho and entered of record in Volume 8 of Licenses, at page 2506, on the 10th day of November, 1919.

The right hereby confirmed dates from May 25, 1914.

The Point of Diversion is located in the SW 1/4 SW 1/4, Sec. 27, Tp. 15 S., R. 26 E., B. M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.6 cubic feet per second.

Description and location of use:

Trp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S.	24 E.	26	SW 1/4 NE 1/4	40	40
			SE 1/4 NW 1/4	40	40
Total area irrigated				80	80 acres

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, at Boise, Idaho, this 10th day of November, 1919.

(SEAL)

W. G. Swendsen,
Commissioner of Reclamation

Feb 18 1861

July 13.5, B, 2.6 E, 8.7 m

0615

MFC.

SE 92

Index

366

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See also...

322

STY.

10346

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.

Ure.

REPORT OF ENGINEER

This price is for 1500 - 15000 units.

In Water Content (%)

3. Location of point of diversion: 1000 ft. upstream of bridge

4. Describe works as they exist, giving dimensions and capacities of same.

Upper portion of ditch is roughly ditch 2 ft to 1 1/2 ft deep - ca. 2 sec. to the head-gate.

3 State whether or not water has been turned into works of diversion: Yes

6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

MILWAUKEE - WIS. - JULY 1906

Submit map on enclosed plat, showing location and details of above description.

• How many parties conduct water in this system? One

Q Give names and amount of each right: Joseph H. Hower

What large stream would the water here appropriated finally reach? Snake R.

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream.

2. *Amphispiza bilineata*

Remarks:

This examination was made on the 19 day of Sept 1919

100256

(Signed) R. L. Pierce

Examiner

RECEIVED
JUL 2 1919
DEPARTMENT OF RECLAMATION

Enclose 800 July 10, 1919
Mr W. H. Swenden

Dear Sir: In regards to
my water permit 10346 will
say that I have not cultivated
any land N.W. 1/4 of the N.W. 1/4 of
Sec. 26.

So I guess I will have to
drop this one.
Thanking you for advising
me about this
I remain

Res't yours

10346

Joseph H. Jones

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, barring information proving the non-existence of the claimed Darrington diversion, could be diverted through the pumps on the bridge in question without a transfer.

UH

Scale: 2 inches equals 1 mile

R26E R27E



MAR 6 1903

Last Name STEWART Ident No.

:: White-State, Yellow-Claimant

CONVERSATION MEMORANDUM

NAME OF PARTY RICHARD MILLER
EMPLOYEE: LORI WHITE

DATE JAN. 15, 1991
FILE A43-02293,004151

RE: 10:00 AM Mr. Miller expressed concern over the adjudication filings of a neighbor named Mr. Stewart. Mr. Miller bought his property from Mr. Stewart with the understanding that he (Miller) also obtained the 4 wells and the entire flow rate licensed and claimed for those wells to be used on his property only. The problem is that Mr. Stewart kept some of the property that was on the original license and claim. He has filed on some of the flow rate of Miller's 4 wells for his property also. Mr. Miller said that Stewart uses 3 other wells for those acres now and has been doing so since 1975. Mr. Miller was going to try to produce some evidence of the water agreement between him and Stewart.

*cc made to
-02293*

*4-1-91
Lori White*

RECEIVED

JUL 17 1995

Department of Water Resources
Southern Region

COPY

MICROFILMED

*Letter: 02-03-92
original
A43-02167A*

199039

WARRANTY DEED

REID S. STEWART and RUTH O. STEWART, husband and wife,
 grantors of Logan, County of Cache, State of Utah, hereby
 CONVEY and WARRANT or GRANT and WARRANT to

RICHARD L. MILLER and SONJA W. MILLER, husband and wife,
 as to an undivided seventy percent (70%) interest, and
 RAYMOND G. COGGINS and DIXIE LEE COGGINS, husband and wife,
 as to an undivided thirty percent (30%) interest,

grantee S of
 for the sum of Ten Dollars and other good and valuable consideration,
 the following described tract S of land in Cassia County, State of ~~UTAH~~ Idaho:

Township 15 South, Range 26 East, Boise Meridian:

Section 26: The Northwest Quarter, the Southwest Quarter, and the West Half of the Southeast Quarter.

Section 27: The East Half, the South Half of the Southwest Quarter, and the Northeast Quarter of the Southwest Quarter.

Section 28: The Southeast Quarter of the Southeast Quarter.

Section 33: The Northeast Quarter of the Northeast Quarter.

Section 34: The Northwest Quarter of the Northwest Quarter.

TOGETHER with all wells, well rights, and permits and all water rights appurtenant thereto and used in connection therewith, including any water allocated to said land from Raft River.

WITNESS, the hands of said grantors, this 5th day of May, A. D. 1976.

Signed in the presence of

STATE OF UTAH
 County of Cache ss.

On the 5th day of May,
 A. D. 1976, personally appeared before me

REID S. STEWART and RUTH O.
 STEWART, husband and wife,

the signers of the within instrument, who duly
 acknowledged to me that they executed the same.

Commission expires:
 Residing in

Notary Public

RECORDING DATA

Entry No.

Fee \$

RECORDED ☐ INDEXED ☐
 PLATTED ☐ ABSTRACTED ☐
 COMPARED ☐ DELIVERED ☐

199039
 Richard Miller
 Nov 28 10 46 AM '76
 CASSIA COUNTY, IDAHO
 FRANK ARMS
 FEE 300
 LC: 6500-50 16000
 64319

LAND TITLE COMPANY