

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: A43-02381A
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: JUN 02, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
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	2.740		

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

8. Total consumptive use is 315.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	26E	26	NE		NE		IRR	35.0
			NW		NE		IRR	10.0
			SW		NE		IRR	35.0
			SE		NE		IRR	25.0
							Section Acres	105.0
							Total Acres	105.0

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, 00131, 02167A, 02534A

14. Remarks:

PORTION OF WR 43-02381. THE LAND 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. WITH THIS DIVISION OF THE LANDS THERE WAS A NEED TO ESTABLISH A NEW POINT OF DIVERSION. SUCH IS DEFINED WITHIN THIS CLAIM.

15. Basis of Claim: LICENSE

Water Right Number: 22825

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 443-02381A

Date Received _____

Receipt Number _____

RECEIVED

JUN 12 1989

Department of Water Resources
Southern Region Office
43-2381

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) 753-2027
Mailing Address 1655 Sunset Drive, Logan, Utah Zip 84321
2. Date of Priority (Only one (1) per claim) June 2, 1952
3. Source of water supply (a) groundwater
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 15S Range 26E Section 24,
_____ 1/4 of SW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Cassia
Additional points of diversion if any: _____
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. _____

Well, pump, and pipeline to place of use.

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6. Water is claimed for the following poses:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Mar 15 to Nov 15 amount 2.74 or

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.74 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 315 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.

[illegible]

Total number of acres irrigated	105
---------------------------------	-----

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, 130, 131, 2167, and 2534. or None ()

14. Remarks:

~~This claim represents a portion of water right 43-2381. The lands for which it was first licensed have been divide amongst different owners, thus the claimed portion of this right should be segregated from the remainder of the right. With this division of the lands there was a need to establish a new point of diversion. Such is defined within this claim.~~

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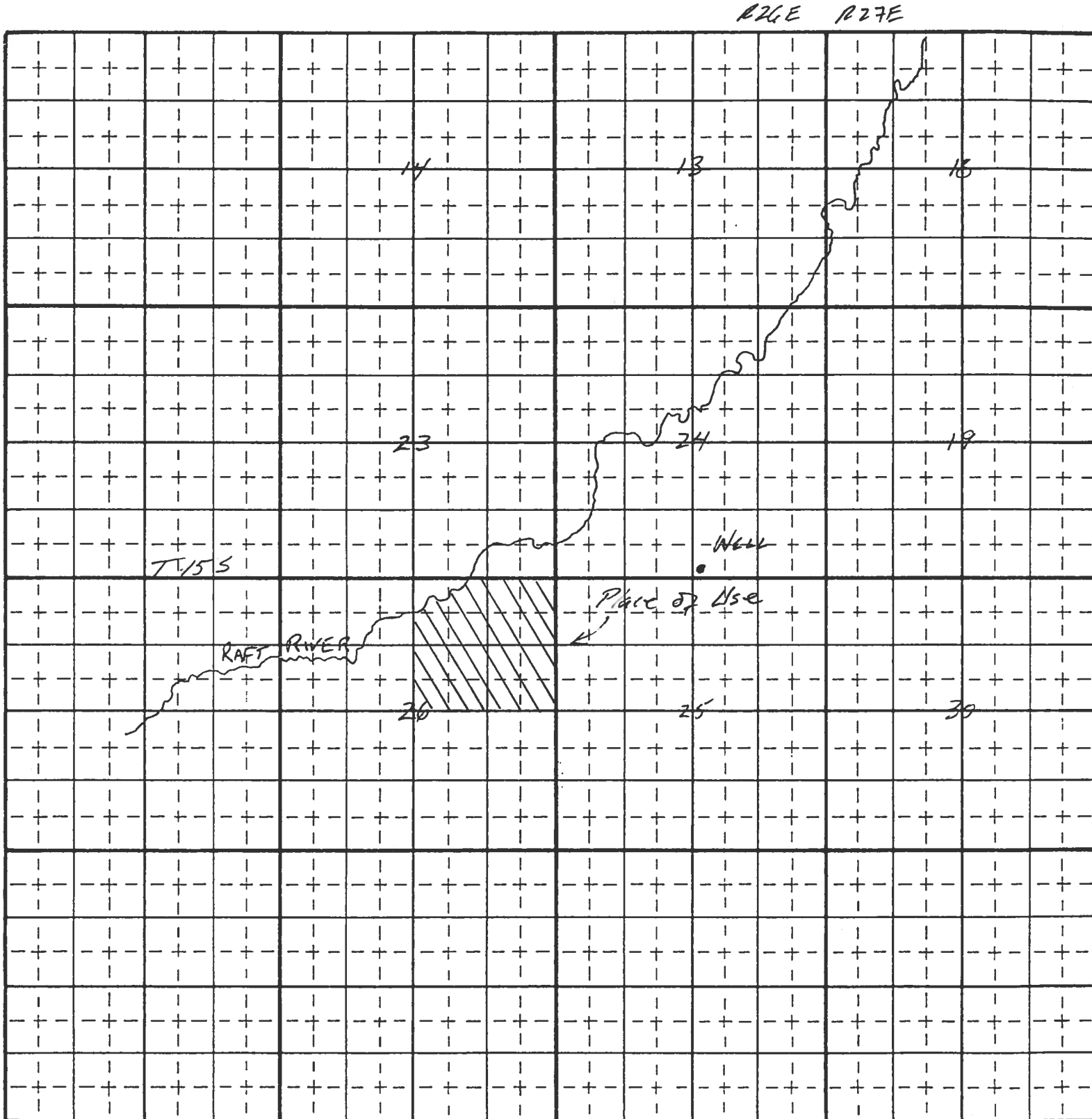
MAR 03 1993

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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MAR 03 1993

Last Name

STEWART

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) ☐ Official Use ☐ Posted Notice ☒ License ☐ Permit
Decree 43-2381
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 none

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) [Signature] Date 6-5-89

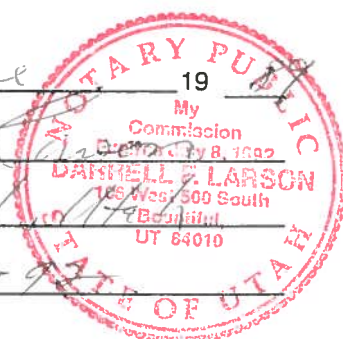
Date _____

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 19 89
SEAL Notary Public [Signature]
Residing at Bear River
My Commission Expires 7-8-91
Please Print Name



17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

Last Name Stewart Ident. Number _____

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MAR 03 1993
Copies White-State, Yellow-Claimant

Water Right Number - 43-02381

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 22825

*** C - CURRENT OWNER ***
SMITH RICHARD H.

1 -
2 -
3 -
City- LOGAN
phone - State- UT Zip-

+ - - Priority Date - - +
06/02/1952 17

+ - - Stage - - +
L - LICENSE

+ - - Status - - +

GROUNDWATER

+ - - Source - - - - - +
TwN Rng Sec Tract Lot RFlg County Point of Diversion - - - - - +
15S 26E 27 SW SE (31) CASSIA

+ - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 2.740

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - +
2.740

TwN	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
15S	26E		NE NE		35.0	01	IRRIGATION	(31) CASSIA	
15S	26E		NW NE		10.0	01	IRRIGATION	(31) CASSIA	
15S	26E		SW NE		35.0	01	IRRIGATION	(31) CASSIA	
15S	26E		SE NE		25.0	01	IRRIGATION	(31) CASSIA	
15S	26E		SW NW		10.0	01	IRRIGATION	(31) CASSIA	
15S	26E		SE NW		25.0	01	IRRIGATION	(31) CASSIA	
15S	26E		NE SW		15.0	01	IRRIGATION	(31) CASSIA	
15S	26E		NW SW		35.0	01	IRRIGATION	(31) CASSIA	
15S	26E	27	NE SE		35.0	01	IRRIGATION	(31) CASSIA	
15S	26E	27	NW SE		20.0	01	IRRIGATION	(31) CASSIA	
15S	26E	27	SW SE		25.0	01	IRRIGATION	(31) CASSIA	

Total Acres: 270.0

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

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MAR 03 1993

Adj. flag translation: Standard Water Right Number

[illegible]

```
+-----+-----+ Conditions of Approval --
|       |       | 
|       |       | No Conditions of Approval found
```

+ - - - Decree Plaintiff - - +

+ - - - Decree Defendant - - - +

+ - Decree Date -
00/00/0000

+ - - Audit Fields -

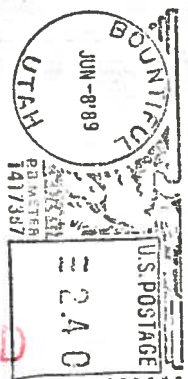
[illegible]

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-
Approved/Denied	-	00/00/0000	Protected Date	-	00/00/0000	Swan Falls	-
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-
Start Work Date	-	00/00/0000	Verified Date	-	02/26/1985	DLE/Carey Act	-
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-
Licensed Date	-	06/28/1979	Appl Received	-	00/00/0000	Transfer/Amended	-
Decree Date	-	00/00/0000					

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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



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):

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:

A43-02381A

A43-00130

A43-00129

A43-02285A

A43-00083

A43-04035

Re: A43-02167A

A43-02276

A43-02521

A43-02509A

A43-00131

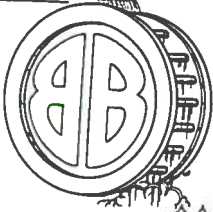
A43-02534A

A43-10535

A43-00128A

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MAR 03 1993



BARNETT INTERMOUNTAIN WATER CONSULTING

February 3, 1992

RECEIVED

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

FEB 05 1992

Department of Water Resources
Southern Region Office

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 43-2167, 43-2381, ^a and 43-2534.

↑
see "a"

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

MICROFILMED

MAR 03 1993

Don A. Barnett

Jack A. Barnett, P.E.

Water Resources - Water Rights - Forensic Geohydrology - Ground-water Geology - Geothermal Investigations

07/18/2001

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

RIGHT NUMBER: 43-2381A

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

SOURCE: GROUND WATER

QUANTITY: 1.07 CFS
420 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 11.32 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 3140 AF. COMBINED RIGHT NOS.: 43-
2276, 43-2521, 43-2381A, 43-2534A, 43-4035, 43-10535, 43-
13102.

PRIORITY DATE: 06/02/1952

POINT OF DIVERSION: T15S R26E S24 SWSWSE 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	1.07 CFS 420.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
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	SESE	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	

1023.3 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 105 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

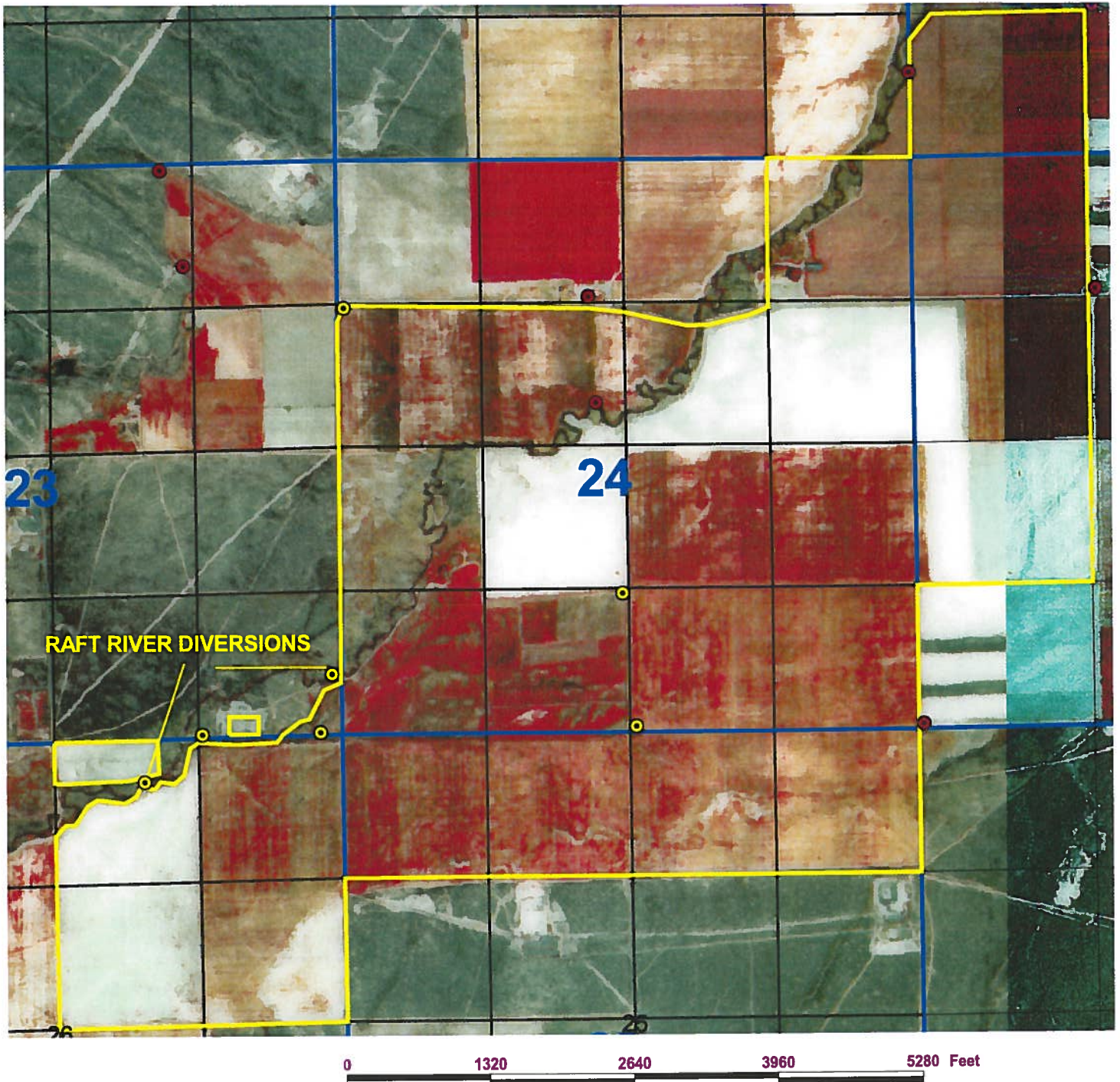
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT NO. 43-10535 IS AN EXPANSION OF RIGHT NOS. 43-2276,
43-2521, 43-2381A, 43-2534A. 43-4035 & 43-13102 PURSUANT TO
SECTION 42-1416B, 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

02/15/2001

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

RIGHT NUMBER: 43-2381A

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

SOURCE: GROUND WATER

QUANTITY: 1.07 CFS
420 AFY

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.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A COMBINED DIVERSION RATE OF 10.86 CFS AND A COMBINED ANNUAL DIVERSION VOLUME OF 3040 AF. COMBINED RIGHT NOS.: 43-2276, 43-2521, 43-2381A, 43-2534A, 43-4035, 43-10535. *chg*

PRIORITY DATE: 06/02/1952

POINT OF DIVERSION: T15S R26E S24 SWSWE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	1.07 CFS 420.00 AFY

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	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

980.9 ACRES TOTAL *chg*

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 105 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

*BU claim filed
Exp acres increased
7-18-01
WJH*

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 892 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: ~~43-2276~~, 43-2327, 43-2381A, 43-2461, 43-2521, 43-2534A, 43-4035, 43-4095, 43-10535.

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

chg

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.

RIGHT NO. 43-10535 IS AN EXPANSION OF RIGHT NOS. 43-2276, 43-2521, 43-2381, 43-2534A & 43-4035 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

+ 43-13102

X

CLAIM NUMBER: A43-02381A

USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
03-15 11-15	2.74 CFS	
	2.74 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:		315.00 AFEA

Stage: LICENSE

CASSIA County

SE

105.0
105.0

Remarks: PORTION OF MR 43-02381. THE LAND 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. WITH THIS DIVISION OF THE LANDS THERE WAS A NEED TO ESTABLISH A NEW POINT OF DIVERSION. SUCH IS DEFINED WITHIN THIS CLAIM.

Dates:	Exam Made Date:	Verified Date:
Misc:	Water District Number:	Field Inspection Flag:
		Presumption Flag:

C/P
C03
K03
K04
Comb Limits

$\rho_{\text{milk}} = 1.02 \text{ g/cc}$

State of Idaho License and Certificate of Water Right

Water License No. G-22825

Water District No. _____

Amount 2.74 Second Feet

Priority June 2, 1952

THIS IS TO CERTIFY that RICHARD H. SMITH
of Logan, Utah, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 2, 1952; that Permit No. G-22825
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.74 second feet, was issued thereunder on August 16, 1954, showing that said works
were completed on the 5th day of June, 1954; and that on the 5th
day of June, 1954.

RICHARD H. SMITH
of Logan, State of Utah, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
~~subterranean flow~~ (subterranean flow) for the purposes of irrigation,
under Use Permit No. G-22825 of the Department of Reclamation
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 Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5318, on the 16th day of August, 1954;
The right hereby confirmed dates from June 2, 1952;

The Point of Diversion is located
in the SW 1/4, SE 1/4, Sec. 27, Tp. 15S., R. 26E., E. M. Cassia County
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 2.74 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S.	26 E.	27	SE NE	25	1280
			NE SE	30	
			NW SE	25	
			SW SE	30	
		26	SE SE	10	
			NE NE	30	
			NW NE	10	
			SW NE	30	
			SE NE	25	
			NE SW	30	
			NW SW	30	
			SW NW	30	
		SE NW	25		
Number of Acres Actually Irrigated				-	-270

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 State Reclamation Engineer, affixed at Boise, Idaho, this
16th day of August, 1954.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 0-22825

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant Richard M. Smith, Box 287, Logan, Utah
2. Source of water supply: Subterranean from well
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27
T. 15 S. R. 26 E. County of Cassia
4. Describe works as they exist, giving dimensions and capacities of same: Well is 12" diameter by 215' deep cased to bottom. H=18', draw down unknown, according to gage, draw down was 30'. 12" bowls, 8" by 140' column, 40-hp U. S. Motor 220 V., 98 A., No. 918728. Layne Bowler Pump No. 18586. No protection, no curb. Pump and motor rest on casing. Delivery is to the south through an 8" by 14' pipe into an irrigation ditch to field & by gravity.

5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions 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 other than irrigation):
SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 27;
NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 26;
Twp. 15 South, Range 26 East, R. M. ...
See the map.

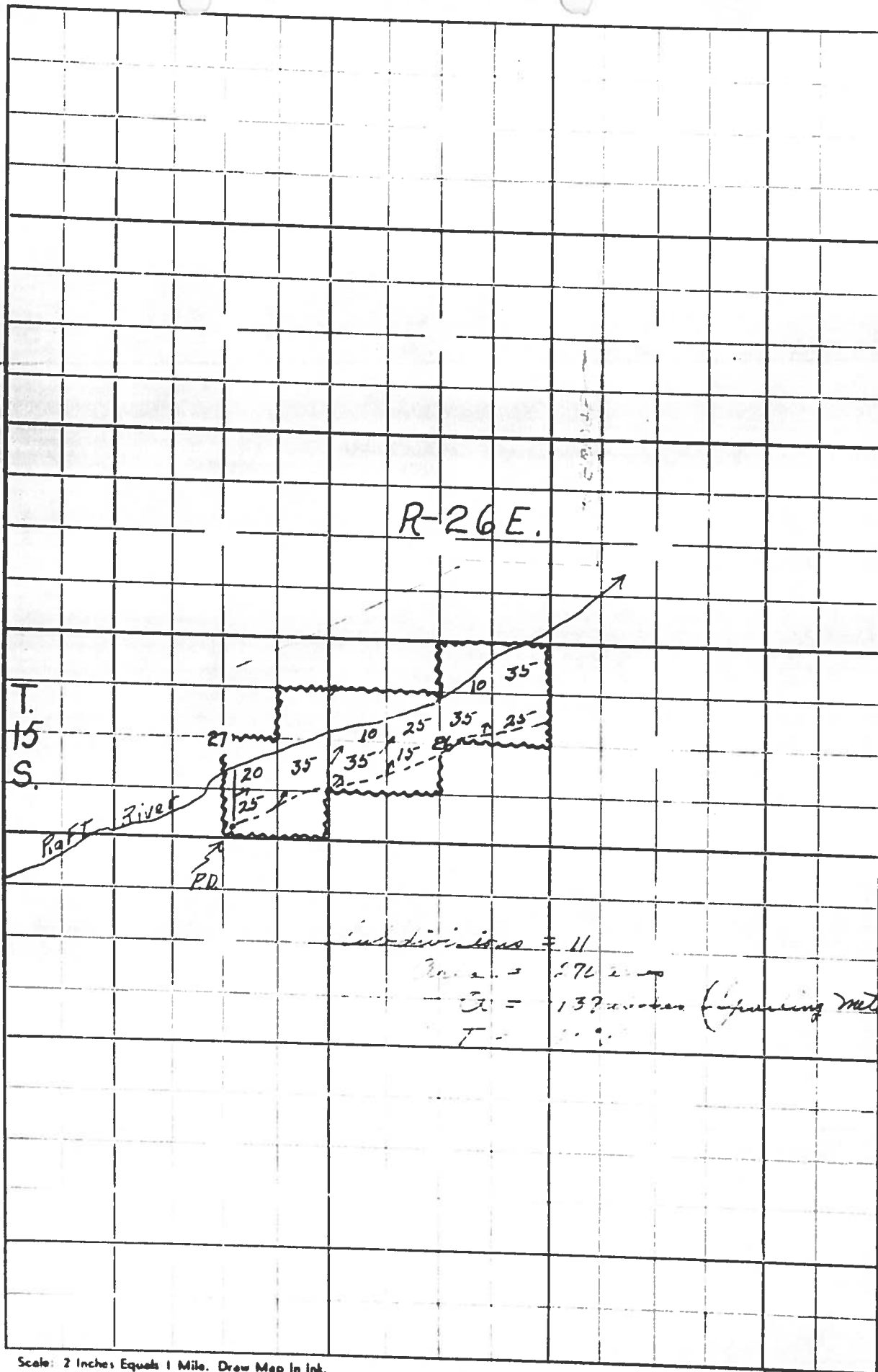
(Submit map on attached plat, showing location and details of above description.)

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

Remarks:

This examination was made on the

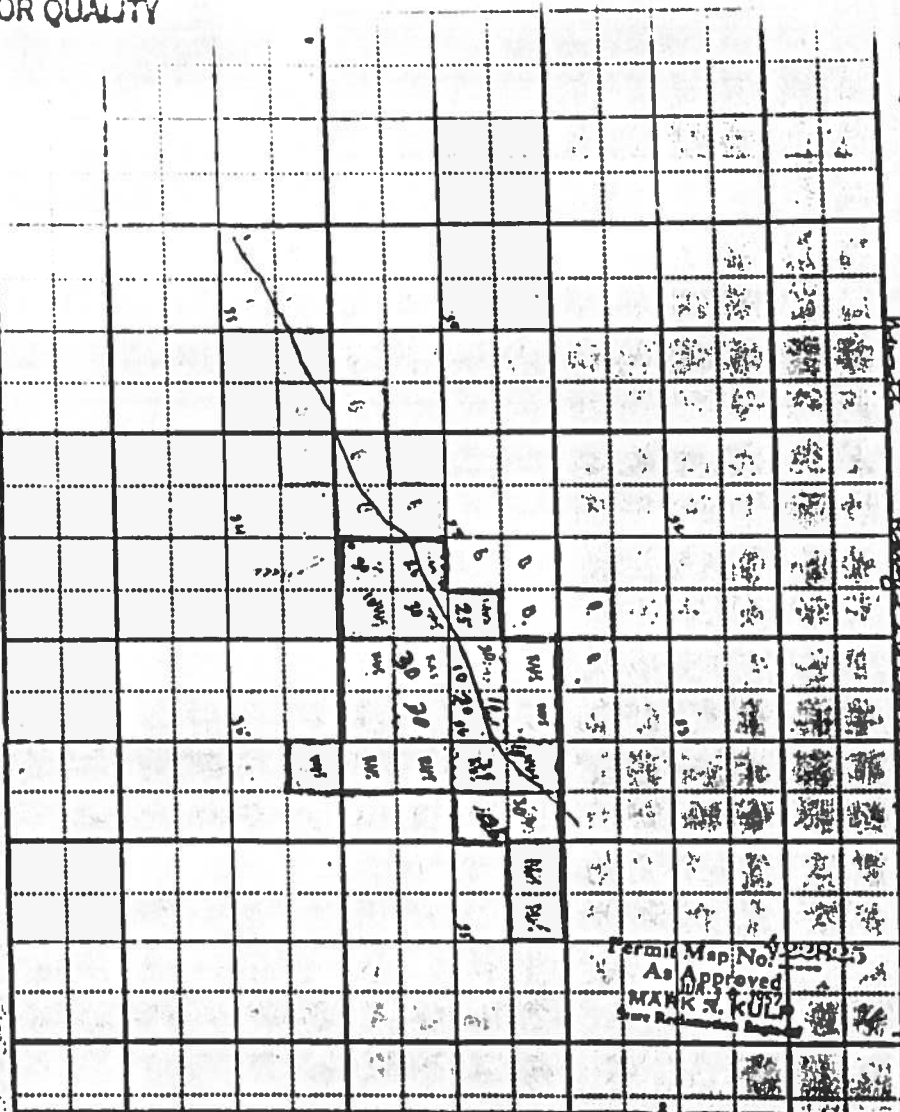
day of July, 19 27
(Signed) G. H. L.



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

22825

POOR QUALITY



CONVERSATION MEMORANDUM

NAME OF PARTY RICHARD MILLER
 EMPLOYEE: LORI WHITE

DATE JAN. 15, 1991
 FILE A43-02293, J04151

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 back to
-02293*

*cc back to
-02293*

RECEIVED

JUL 17 1995

Department of Water Resources
 Southern Region

COPY

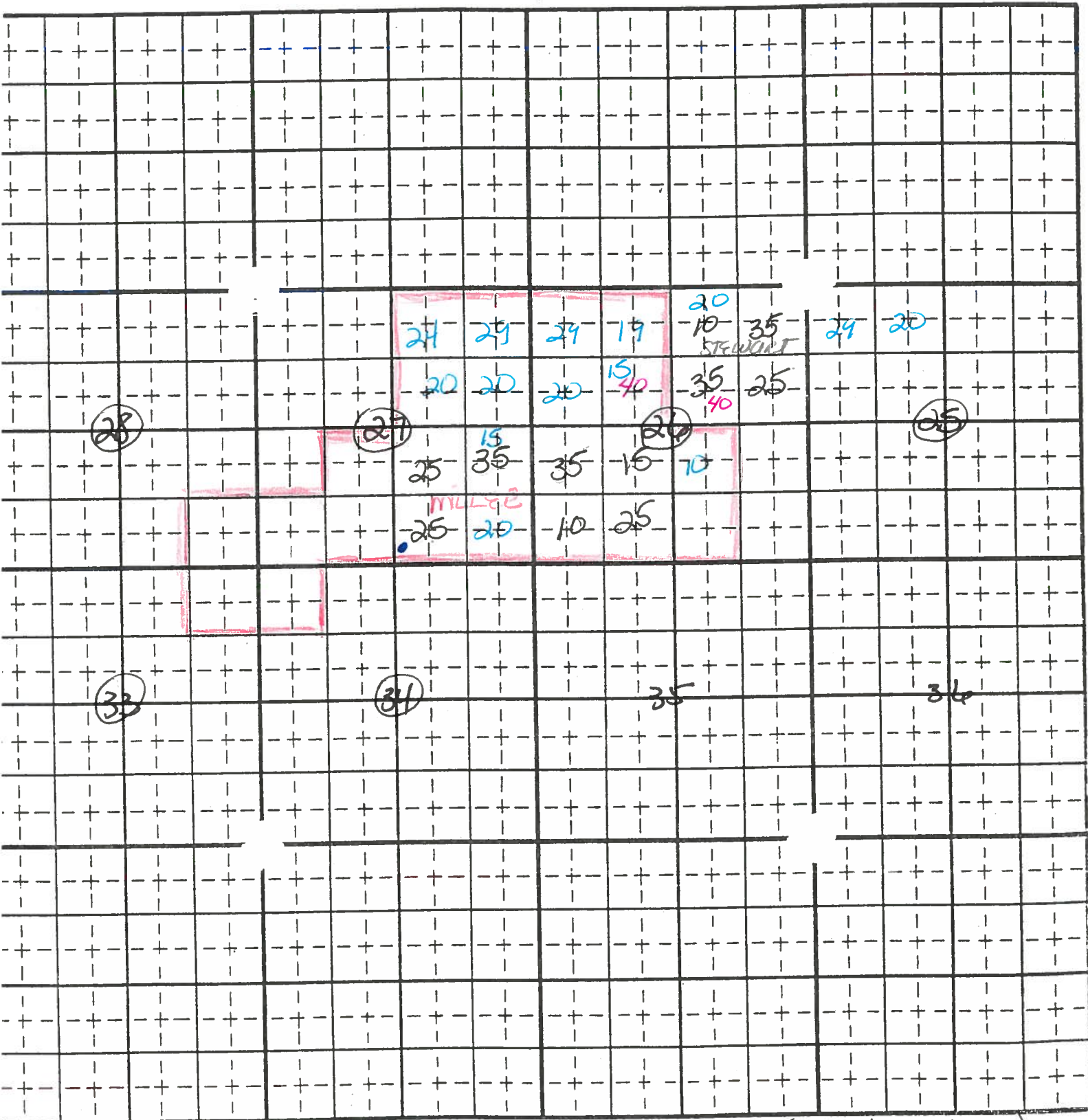
MICROFILMED

A43-02318A

cc of affid.
 orig - 2167A

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

Scale: 2 inches equals 1 mile



2381 (GW) 105 ac Stewart 1.07 q's (2.74/270 x 105)

2167 (R.R.)

(T2220) 2534 (GW) 69 ac Stewart 1.24 q's (5.2/290 x 69)

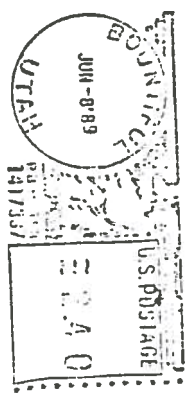
Ident No

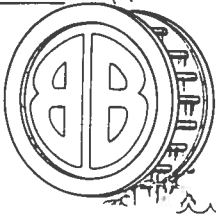
Colors: White State Yellow Claimant

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

-complete-
COPY





BARNETT INTERMOUNTAIN WATER CONSULTING

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

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 43-2167, 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

COPY

Don A. Barnett

Jack A. Barnett, P.E.

AFFIDAVIT OF REID S. STEWART

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

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.

¹
COPY

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.

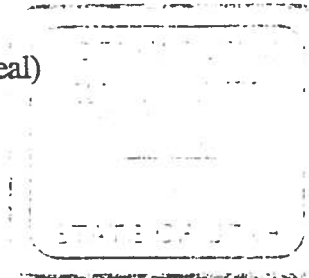
W. A. B.

(Notary Public)

(seal)

My commission expires JAN. 30 1994.

My residence is CENTREVILLE, UTAH.



COPY

Incoming Call

250 pm - 340

Outgoing Call

Returning Call

TO:

71

DATE:

09-19-1996

FROM:

DON BARNETT

FILE:

STEWART, REID

FILE NO:

SUBJECT:

show conversations previous years -
Boise office - 2/3 yrs trying to reverse transfers -
after unsuccessful - came into EXON property -
Rich property - duplicative claims -

REMARKS:

Claims on Rich place - \$700 -
ext request - Held - for better solution
(Anna) agreed to move to EXON property -
provided statement for fees to go to new claims
never heard back...
I sent cc of EXT REQUEST - now ignored -
haven't pursued other options

ROUTING

INSTRUCTIONS:

CALENDAR

DATES:

1) how much in fees in - Rich Claims
2) 2 diff parcels - his guess -
4 Acre: 43-2387* - 125 AC
- 2509A* - 240 AC
- 0083 - 140 AC
- 2285A - 90 AC
(acres under 83)

prepped 2 claims
50 feet + 1 acre
* only 240 AC
on parcel...

late 70s: Reid in so office - dump area re.
÷ farm - new owner has this well.
retain this well.

with its farm one property $\frac{1}{2}$ to other $\frac{1}{2}$
240 sold to RCH - only 125 AC of water
125 AC - stacked on some ground - GROW.

late 80s: RCH was buying farm Reid - last
part held up - still its - 240 plus w/rt. to
125 E $\frac{1}{2}$ of farm. Worked w/ GROW (Norm Yarny
transfers ready to go - & protects - lender involved
(FHA) agree to it - deadline - Reid said - can I get
them back to RCH property (-2509A) - if not,
lower property only have 12387 then.
GROW into bankruptcy - Reid purchased.

Went to Norm - 1991/1992 c. - own both farms
do transfers - Norm approved - went to RCH
pay balance - he did - owned claims that
duplicated Reid's claims - vacate one set.

2509A-240 Rich property
(" B-80 Grow property - Reid
(CW)

2387-125 on grow ground
(CW) rapw back due to transfers
(orig. over on CW)
Claimed on the RCH

5 more claims

1 CW
4 Claim Cr
+ these 2

\$725 fees paid - got the other half -
\$338 -

-1409A

KEMPTON / CAMPBELL - large amts - deadline
for protests passed - protestants: Sundberg
Kurt Jones - (like Norm in Utah) Arvin
Stewart

Bob Farthingham - cc "into 64 hrs"
Regional Engineer irregularities - Johnson.
1938 done that being
measured.

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 ~~Idaho~~ 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.

L. Brent Hoggan

Commission expires:
 Residing in

Notary Public

RECORDING DATA

Entry No.

Fee \$

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

RE: 6500 So 1600d
 84319
 CASSIA COUNTY, IDAHO
 NOV 29 10 45 AM '76
 Richard Miller
 203

LAND TITLE COMPANY

199039