

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: **A43-02509B**

Date Received: 11/ 6/1996

Receipt No: S019674

Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: RUTH O STEWART
Address: 1655 SUNSET DR
LOGAN UT

84321

801-753-2027

AND/OR

Name: REID S STEWART
Address: 1655 SUNSET DR
LOGAN UT

84321

801-753-2027

2. Date of Priority: JAN 26, 1961

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	27E	20		NW	SW		CASSIA
		29		SW	NE		CASSIA
				SW	NW		CASSIA

5. Description of diverting works:

WELL PUMPS AND PIPELINE TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.550		
DOMESTIC	01/01	12/31	0.060		

7. Total Quantity Appropriated is:

5.550 C.F.S. (and/or) 240.00 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

1 HOME

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	27E	20	NW		SW		DOMEST	
		29	NW		NW		IRR	40.0
			SW		NW		IRR	40.0
Section Acres								80.0
Total Acres								80.0

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:
NONE

14. Remarks:

3/18/1997, DJ: FEES TOTALING \$130 MAY BE RECEIPTED IN PART OR IN
WHOLE UNDER S008308 & S019674.

3/20/1997, DJ: DOMESTIC INCLUDES STOCKWATER FOR UP TO 250
COW/CALF PAIRS.

15. Basis of Claim: LICENSE

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 _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

NOV 06 1996

Department of Water Resources
Southern Region

45-2509B

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 UT Zip 84321

2. Date of Priority (Only one (1) per claim) 01-26-1961

3. Source of water supply (a) Ground Water
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 15S Range 27E Section 29,
_____ 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Cassia

Additional points of diversion if any: also SW NW Section 29 & NW SW of Section 20 (domestic)

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,

_____ 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, pumps and pipeline to place of use. _____

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 5.55 or _____

For Domestic purposes from 1-1 to 12-31 amount 1.06 or RA 3-20-97

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 5.55 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 240 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1 Home and up to 250 Cow Balf/Pair

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	27E	29						40	40										80
15S	27E	20										D							

Total number of acres irrigated 80

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.
_____ or None (X)

14. Remarks:

Last Name Stewart Ident No. 43-2509B

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License x Permit _____
Decree _____
If applicable provide IDWR Water Right Number 43-2509
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 X
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) Rich A. Stewart Date 11-4-96
Luth O. Stewart Date 11-4-96

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 Cache) SS.

Subscribed and sworn (or affirmed) before me this 4th day of November 19 96



Notary Public Shauna Smith
Residing at Logan, UT
My Commission Expires 2/15/00

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 43-2509B

Copies White-State, Yellow-Claimant

07/18/2001

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

RIGHT NUMBER: 43-2509B

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

SOURCE: GROUND WATER

QUANTITY: 1.39 CFS
320 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.69 CFS AND A TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1240 AF. COMBINED RIGHTS NOS.: 43-2299B, 43-2387, 43-2509B, 43-13103.

PRIORITY DATE: 01/26/1961

POINT OF DIVERSION:	T15S R27E S20	SWNWSW	Within CASSIA County
	T15S R27E S29	SESWNE	Within CASSIA County
	T15S R27E S29	SWSWNW	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	1.39 CFS
		320.00 AFY
DOMESTIC 1 HOMES	01-01 12-31	0.06 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T15S R27E S17	SWSW	35	T15S R27E S18	SESE	39
T15S R27E S19	NENE	40	T15S R27E S20	NWNW	39
T15S R27E S20	SWNW	40	T15S R27E S20	SESW	40
T15S R27E S20	NESW	40	T15S R27E S20	NWSW	35
T15S R27E S20	SWSW	39	T15S R27E S20	SESE	40
T15S R27E S20	NWSE	40	T15S R27E S20	SWSE	40
T15S R27E S29	NWNE	40	T15S R27E S29	SWNE	38
T15S R27E S29	NENW	40	T15S R27E S29	NWNW	40
T15S R27E S29	SWNW	40	T15S R27E S29	SESW	38

DOMESTIC Within CASSIA County

T15S R27E S20	NWSW
---------------	------

703 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 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 703 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-116, 43-117, 43-118, 43-119, 43-2299B, 43-2387, 43-2509B, 43-13103.

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.

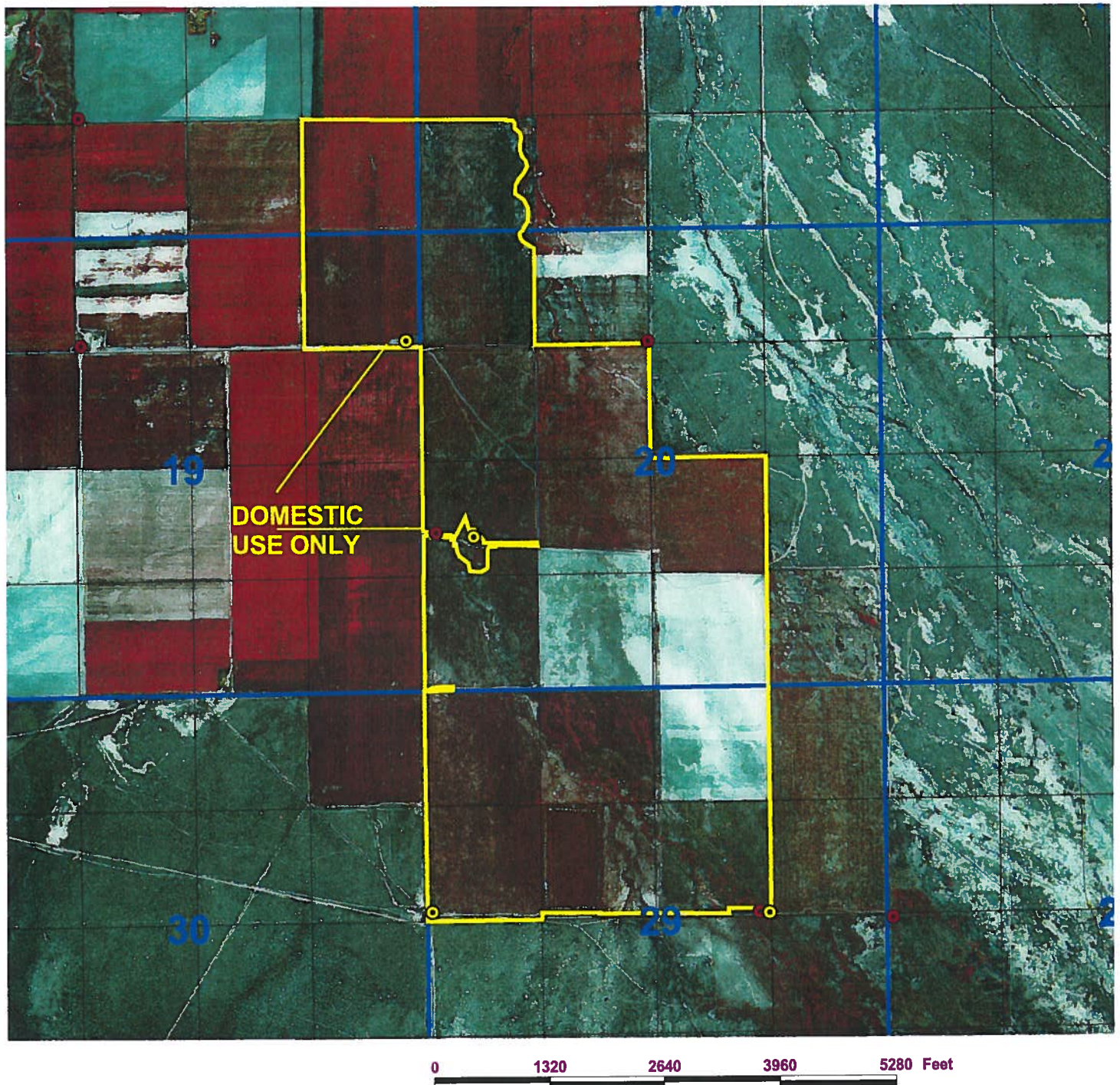
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

STOCKWATER 250 HEAD
RIGHT NO. 43-13103 IS AN EXPANSION OF THIS RIGHT PURSUANT
TO SECTION 42-1416B, IDAHO CODE.

Idaho Department of Water Resources

**RIGHTS: 43-2299B, 43-2387,
43-1509B, 43-13103**

**RECOMMENDED PLACE OF USE
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**

02/13/2001

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

RIGHT NUMBER: 43-2509B

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

SOURCE: GROUND WATER

QUANTITY: 1.39 CFS
320 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/26/1961

POINT OF DIVERSION:	T15S R27E S20	SWNWSW	Within CASSIA County
	T15S R27E S29	SESWNE	Within CASSIA County
	T15S R27E S29	SWSWNW	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	1.39 CFS
		320.00 AFY
DOMESTIC 1 HOMES	01-01 12-31	0.06 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>				
T15S R27E S29	NWNW	40	T15S R27E S29	SWNW 40

<u>DOMESTIC Within CASSIA County</u>
T15S R27E S20
NWSW

80 ACRES TOTAL

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

STOCKWATER 250 HEAD

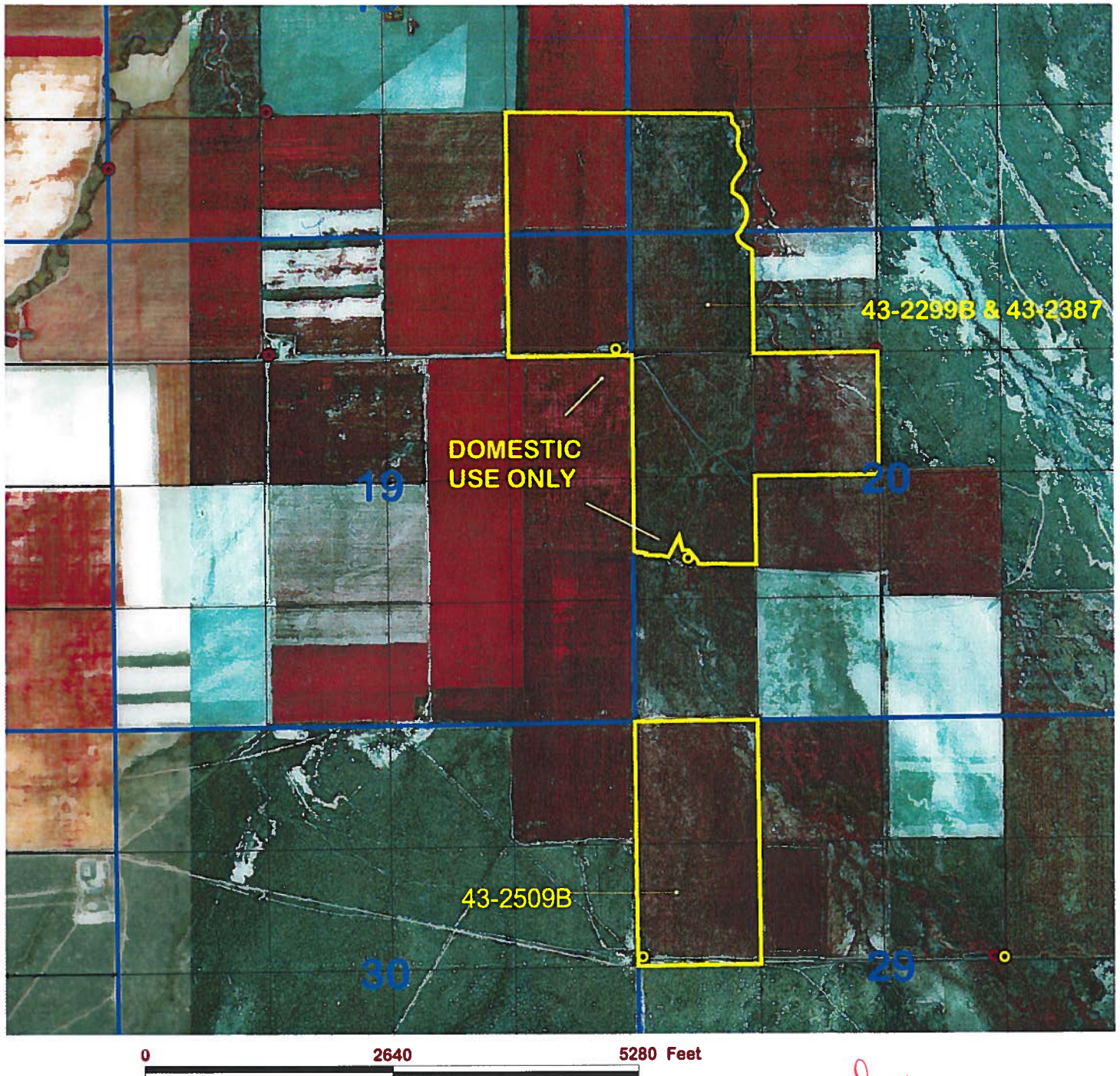
Water Right 43-2509B

*Expansion claim
Filed
PPH request
7-18-01
DWH*

Idaho Department of Water Resources

RIGHTS: 43-2299B,
43-2387, 43-2509B

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



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



*Supervised
BY PPH
7-18-01
DN*

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

Old (D) Number -

```
State- UT Zip- 84321
State- UT Zip- 84321
```

```
+ - - - Status - - - +
```

+

+

home

County
CASSIA
CASSIA
CASSIA

[illegible]

	Country	+ - Total Consumptive Use - +	+ - KW Usage - +
(31)	CASSIA		
(31)	CASSIA		
(31)	CASSIA		

0.0

Handwritten notes:

- Top left: *Washed*
- Top right: *0.4 CASH*
- Middle left: *Washed*
- Middle center: *C-18*
- Bottom left: *nusa pod domestic use only for nusa pod Transfer 3697*

Water richt number - A43-02509B

Prefix Translation: ADJUDICATION CLAIM

Remarks

GEN 3/18/1997, DJ: FEES TOTALING \$130 MAY BE RECEIPTED IN PART OR IN

WHOLE UNDER S008308 & S019674.

3/20/1997, DJ: DOMESTIC INCLUDES STOCKWATER FOR UP TO 250 COW/CALF PAIRS.

4302509 Old Water Right Numbers

4302509

----- Conditions of Approval -----
----- No Conditions of Approval found. -----

No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
00/00/0000		

00/00/0000

+ - - Audit Fields - 03/19/97 DJONES 03/20/97 DJONES

-----Comments-----
No Comments Found

No Comments Found

+-----Adjudication Rights Dates and Flags Area-----+

39576

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	-
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 11/06/1996	Last Amended Date	- 00/00/0000	Temporary Right	-
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- S019674	Federal/State Indicator	-
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	- AND/OR	Notice of Error Flag	-

BARNETT INTERMOUNTAIN WATER CONSULTING

106 West 500 South, Suite 101
Bountiful, Utah 84010-6232

Telephone: (801) 292-4662
Facsimile: (801) 524-6320

RECEIVED

JUL 13 2001

Department of Water Resources
Southern Region

FACSIMILE COVER SHEET

To: **VIKIE HANCOCK**

Date: **07.13.01**

Firm: **IDWR**

Time:

Client: **290**

From: **DON A. BARNETT**

Facsimile #: **203-736-3037**

Firm: **BIWC**

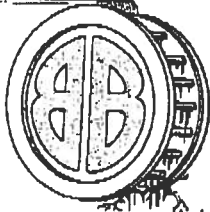
Re:

Message:

Total number of pages (including cover sheet): **3** Hard copy will __, will not **/** follow.

IMPORTANT MESSAGE

The information transmitted herewith may be privileged and confidential and intended only for use by the individual named above. If you are not the intended recipient, or the agent or person responsible to deliver this to the intended recipient, please contact us immediately by telephone and return all original information via mail to the above address. Any copying, distribution, or dissemination of this information by unauthorized persons is strictly prohibited. Thank you.



BARNETT INTERMOUNTAIN WATER CONSULTING

July 13, 2001

106 West 500 South, Suite 101
Bountiful, Utah 84010-6232
(801) 292-4662
FAX (801) 524-6320

RECEIVED

JUL 13 2001

Sent Via Facsimile

Reid S. Stewart
1655 Sunset Drive
Logan, Utah 84321

Department of Water Resources
Southern Region

Re: Completion of Bridge Properties Adjudication Efforts

Dear Reid:

Pursuant to our several conversations between Vikie, you and me, I thought it would be helpful for me to summarize what I understand is needed to complete your adjudication claims. Vikie might know of additional items.

- 1) Lance Udy's Affidavit/Map: You need to go and get the original signed and notarized affidavit from Lance Udy, have him indicate on the affidavit that there is an attached map, and then have him draw on the map lands he remembers were irrigated from the warm well and initial it. You then need to take the map to Vikie.
- 2) While at IDWR, you need to fill out a Beneficial Use Claim for the acres in the NE $\frac{1}{4}$ /SW $\frac{1}{4}$ of Section 24 which were irrigated from the well as per Lance's map and affidavit and the 1962 aerial photo Vikie has. This will then allow Vikie to key in a claim in the computer for the adjudication for this acreage being irrigated with ground water. My guess is that you will then need to sign the adjudication claim.
- 3) You will recall that at least since you have been operating the farm, all of the home place has been irrigated from a combination of Raft River and ground water. Ten years ago when you filed the claims they showed all of the lands, whether initially with decreed Raft River rights or ground-water licences as being irrigated from either source. At that time, there was identified approximately 52 acres of additional lands being irrigated from ground water which had neither surface or ground-water rights. Hence, an expansion claim (1985 priority) was filed for these acres. Pursuant to direction from IDWR, the Raft River claims have now been modified to only show irrigation with Raft River waters. Hence, these acres, which have been receiving ground water for a number of years, are today only covered by surface water rights. To rectify this, the expansion claim needs to be increased so that all irrigated acres not covered by a ground-water license or beneficial use claim are now covered with the expansion claim. This will allow you to continue, for a period, to a certain

Don A. Barnett, P. E.

Jack A. Barnett, P. E.

BARNETT INTERMOUNTAIN WATER CONSULTING

Reid S. Stewart
July 13, 2001
Page 2

RECEIVED**JUL 13 2001**

Department of Water Resources
Southern Region

times irrigate all of the lands with ground water. However, you recognize that these acres are subject to curtailment if a ground water management plan is not implemented by the Raft River Valley ground-water users and adopted by the Department. I don't now have the exact number of how big the expansion use claim will be (it is impact by some changes Vikie was making to the Darrington Place line of irrigation and the acres which will be covered by the beneficial use claim you will be filing), but it will be something like 981 total acres irrigated minus 892 acres currently covered by ground-water licenses, the Harlan Jensen claim and the 52 acre expansion claim, minus approximately 30 acres covered by the new beneficial use claim, plus any changes from the Darrington Place, equals approximately 59 additional acres needed in the expansion claim, or a total of about 111 acres.

- 4) On the Grow properties, all of the acres were covered by either ground-water or surface-water rights. Hence, previously, an expansion claim was not filed. However, with the deletion of ground water as a source for your Clear Creek claims, there is an important portion of this property which is not now covered by a ground-water right of any kind. I think pursuant to our meeting, that Vikie is modifying these claims to show the permissible place of use for all rights being the whole property. When summed, the claims will show something like a total of 720 acres of irrigation of which 310 acres can be irrigated with ground-water licenses and the remainder from Clear Creek. You will then, with Vikie's assistance, need to file a expansion claim for approximately 410 acres indicating that all of the property is, at times, irrigated with ground water. Of course, this means that more than half of this property will not be irrigable with ground water if the expansion claims are not recognized due to the lack of a ground-water management plan.

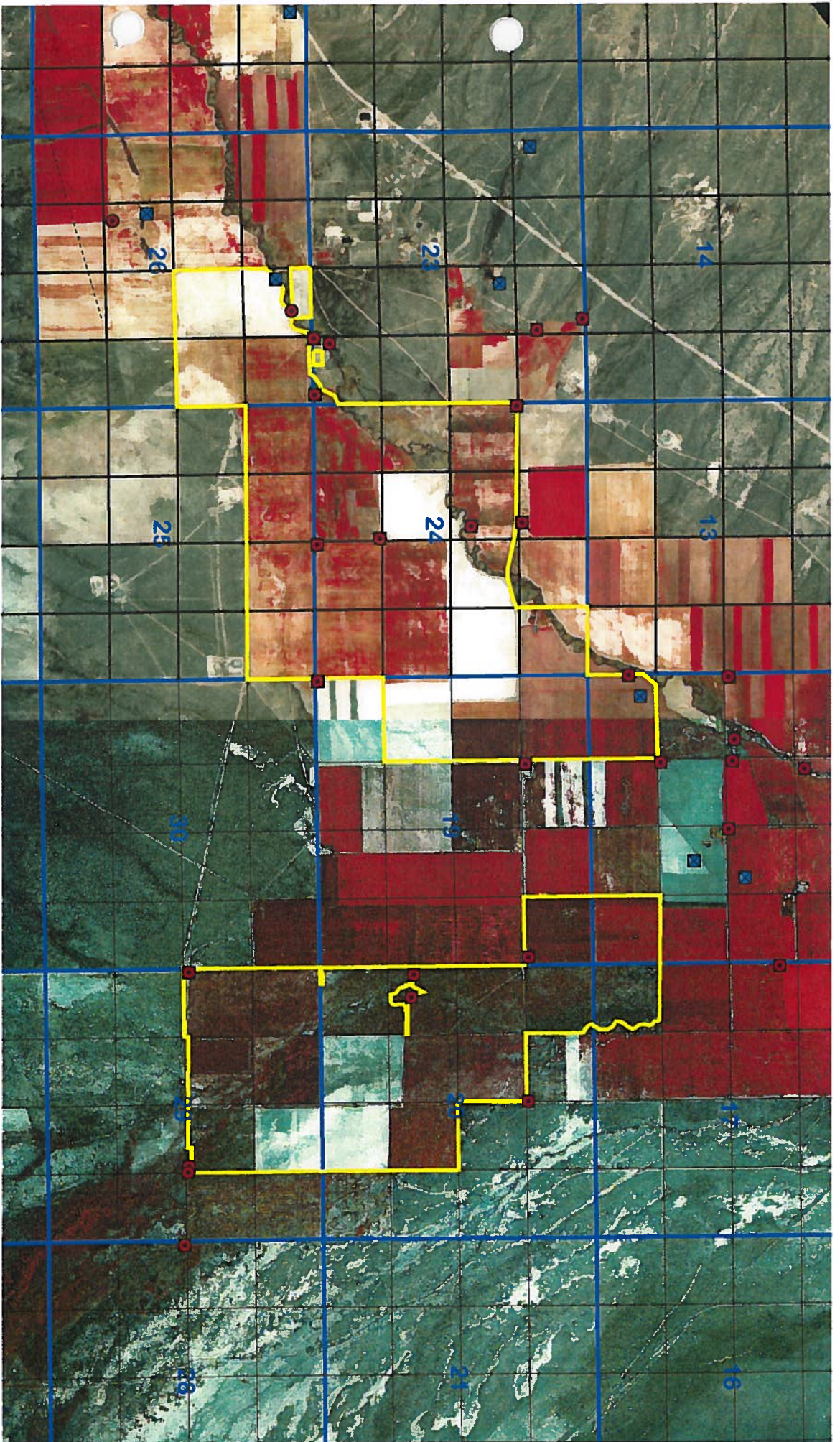
I hope that this information is helpful to you. As we discussed, in order to meet her deadlines, Vikie is anxious to meet with you as soon as you can schedule an appointment. Should you have any questions regarding this information, please don't hesitate to call.

Sincerely,



Don A. Barnett, P.E.

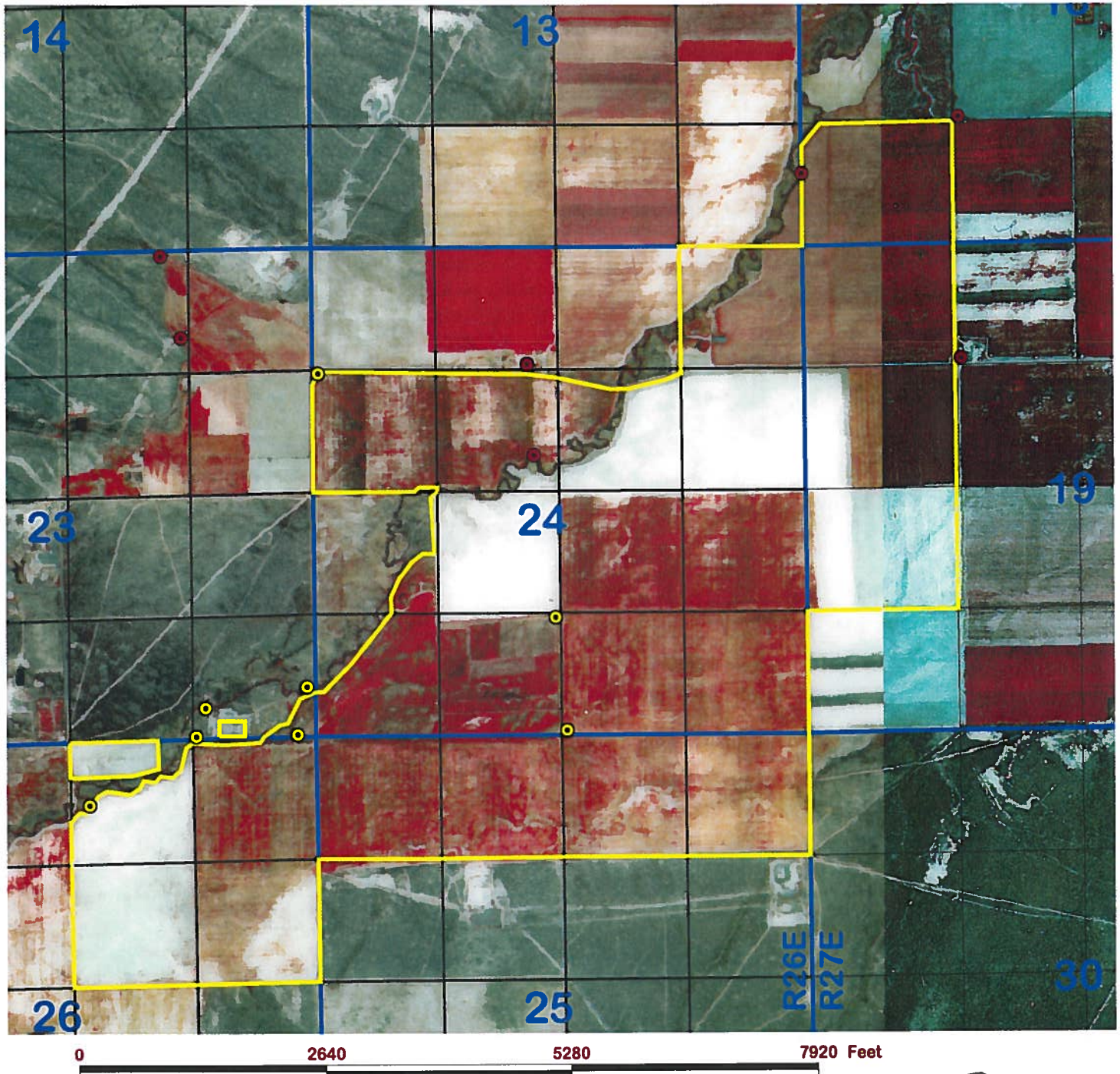
cc: Vikie Hancock



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



COPY

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

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the matter of Application for
Transfer No. 3583 of water right
No. 43-2387 and Application for
Transfer No. 3697 of water right
No. 43-2509.

PROPOSED MEMORANDUM
DECISION AND ORDER

REID S. and/or RUTH O. STEWART,
and MELBOURNE B. and/or
NADINE GROW,

Applicants.

On June 22, 1990, the Idaho Department of Water Resources ("department") issued a decision dismissing Applications for Transfer Nos. 3583 and 3697. On July 5, 1990, the department received a request for hearing on the matter pursuant to Section 42-1701A, Idaho Code, from Mr. Jack A. Barnett, as agent for Mr. Reid S. Stewart. A hearing was held on August 2, 1990, at Pocatello, Idaho. Mr. Reid S. Stewart was present and presented testimony. Mr. Reid G. Stewart, Mr. Jack Barnett, and Mr. Don Barnett testified on behalf of the applicants.

The following issues and arguments were raised by Stewart in support of either approving the applications for transfer or voiding transfers approved in 1978 that affect the same water rights:

1. The department erred in the preparation of the transfers

approved in 1978 and did not assist the applicants to achieve the results the applicants intended.

2. The department erred in the processing of the application by not following department policy requiring the applicant to disclose all ownership interests in the lands and water rights involved in the application and in allowing water rights to be "mounded" on some lands in excess of the normal duty of water.

3. Section 42-222, Idaho Code, specifies that "the original water right shall be presumed to have been amended by reason of such authorized change" (emphasis added). Because the change authorized by the approved transfers did not occur, the presumption does not apply and the water rights have not been amended by the 1978 approved transfers. Therefore, the approved transfers should be voided.

4. Section 42-1416A, Idaho Code, provides that in a basin-wide adjudication an accomplished change in place of use or point of diversion can be claimed and decreed even though other procedural requirements have not been followed. Because the change authorized by the approved transfers has not occurred, the rights can be claimed and decreed in the on-going Snake River Basin Adjudication as if the 1978 approved transfers do not exist. The department should use the present administrative action to expedite the outcome that will eventually be reached in the SRBA.

5. The objections of FmHA should not be heard in the absence of a valid protest.

6. The mortgage documents only refer to the license number and do not reference the license as changed by the approved transfer. Therefore, the mortgage only involves the water right license as it was prior to the transfer approved in 1978. The pending applications for transfer simply seek to return the water rights to the pre-1978 configuration. Therefore, FmHA should have no objection to approval of the applications.

Having heard the testimony and arguments, and having reviewed the evidence and applicable law, the hearing officer proposes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On November 10, 1958, the department issued license G-23670/43-2387 authorizing the diversion of 2.44 cfs from a well located in the NW1/4SW1/4, Section 20, Twp. 15S, Rge. 27E, B.M. for the irrigation of 125 acres located in parts of Sections 17, 19 and 20, Twp. 15S, Rge. 27E, B.M.

2. On September 8, 1967, the department issued license G-29353/43-2509 authorizing diversion of 5.55 cfs from a well located in the SW1/4NW1/4 Section 29, Twp. 15S, Rge. 27E, B.M. for the irrigation of 320 acres located in parts of Sections 19, 29 and 30 Twp. 15S, Rge. 27E, B.M.

3. On March 2, 1978, Reid S. and/or Ruth O. Stewart filed Application for Transfer No. 2219 in connection with licensed right No. 43-2509 and Application for Transfer No. 2221 in connection with licensed right No. 43-2387. The applications proposed a change in the place of use associated with each

licensed right. The applications were advertised as required by law and were approved by the department on May 24, 1978.

4. On August 7, 1978, applicant Grow mortgaged the land associated with the authorized place of use of license No. 43-2509 to the Farmers Home Administration (FmHA) which still holds a lien on the property. The mortgage document references "all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto, including, but not limited to, State of Idaho License and Certificate of Water Right water license No. G-29353 and State of Idaho License and Certificate of Water Right water license No. 19965." License No. G-29653 was renumbered by the department to No. 43-2509. The mortgage document was recorded with the Cassia County Recorder on August 8, 1978.

5. FmHA has notified the department of the lien held on applicant Grow's property indicating that the mortgage agreement requires FmHA's written permission prior to making any changes affecting the property.

6. On July 18, 1989, applicant Stewart filed Application for Transfer No. 3583 seeking to return the recorded place of use of License No. 43-2387 to the location originally licensed and to change the point of diversion to two existing wells located in the SW1/4NE1/4 and the SW1/4NW1/4, Section 29, Twp. 15S, Rge. 27E, B.M.

7. On July 18, 1989, applicant Grow filed Application for Transfer No. 3697 seeking to return the recorded place of use of License No. 43-2509 to the location originally licensed except

26.6 acres would be designated in the SW1/4NE1/4 Section 19, Twp. 15S, Rge. 27E, B.M. in exchange for 26.6 acres originally licensed in the W1/2SE1/4 of the same section. The application would move 4.16 cfs of the right to a well located in NW1/4SW1/4, Section 20, Twp. 15S, Rge. 27E, B.M., and add an existing well in the SW1/4NE1/4, Section 29, Twp. 15S, Rge. 27E, B.M. to the remaining 1.39 cfs of the right.

8. Notice of Applications for Transfer Nos. 3583 and 3697 were given as required by statute and no protests against approval were received.

9. The changes in places of use authorized by approved transfers no. 2219 and 2221 have not been implemented.

10. Applications for Transfer Nos. 3583 and 3697 do not propose an expansion in rate of diversion or acreage to be irrigated. No additional land will be irrigated over that originally licensed and irrigated now and in the past.

11. Injury to other rights will not occur because no new wells will be drilled and the diversion pattern established for these rights in 1978 will be continued.

12. The pending applications for transfer are intended to record a physical change in the irrigation systems previously implemented to improve efficiency and conserve water.

13. The extent of department involvement in preparation of the applications for transfer filed and approved for Mr. Stewart in 1978 is not clear from the record. However, the applications bear Mr. Reid S. Stewart's notarized signature and the resulting approval was not contested for a period of more than ten years.

14. Water right holders and the general public are entitled to rely upon the department's records of water rights as indicating the authorized point of diversion and place, period, and nature of use for a water right.

15. When a licensed water right has been changed by an approved transfer, the right as changed may still be referred to by only the license number without reference to the transfer number.

CONCLUSIONS OF LAW

16. Section 42-222(1) provides in pertinent part:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources in the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code....

17. The changes proposed by Applications for Transfer Nos. 3583 and 3697 will not injure other water rights, will not result in an expansion in use of water, are in the local public interest and promote the conservation of water in the state of Idaho.

18. The applicants have provided evidence of ownership or other interests in the water rights and the lands to which the rights are appurtenant.

19. A licensed water right is real property which can be bought, sold, mortgaged, and otherwise treated as other real

property. Water rights can be severed from the land to which the license makes them appurtenant and moved to other land. Any lien on the water right follows the water right to the new place of use, and the holder of the land to which the water right is moved is subject to the security interest or equitable mortgage on the water right as long as he or she has actual or constructive knowledge of the security interest or mortgage.

20. The department did not commit error in the preparation or processing of Applications for Transfer Nos. 2219 and 2221.

21. Failure to implement an approved change is not cause to void approval of the change. The procedure of Section 42-222(1), Idaho Code, must be used to change the department's records.

22. Section 42-1416A, Idaho Code, is not applicable to applications for transfer filed pursuant to Section 42-222(1), Idaho Code.

23. Application for Transfer Nos. 3583 and 3697 should be approved.

24. The department is not empowered to enforce the provisions of a private agreement or contract between FmHA and the applicants.

ORDER

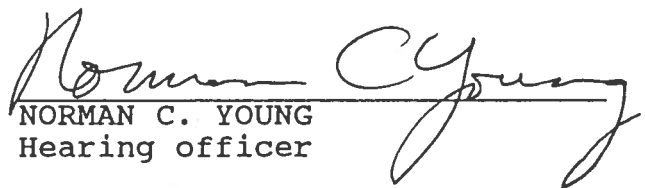
IT IS, THEREFORE, HEREBY ORDERED that the order dated June 22, 1990 dismissing Applications for Transfer Nos. 3583 and 3697 be, and the same is, set aside, and that Application for Transfer No. 3583 and 3697 be, and the same are, hereby approved subject to the following conditions:

1. FmHA retains the right to apply to the department to return the point of diversion and place of use of right No. 43-2509 to the locations recorded prior to this approval upon a showing that license No. 43-2509 is under their direct ownership as a result of a foreclosure or other action.

2. The department retains jurisdiction to amend the approval conditions of Application for Transfer Nos. 3583 and 3697 to facilitate approval of an application filed by FmHA pursuant to Condition 1. of this order.

3. The applicants shall submit to the department within one year of the date that this order becomes final information to document that the changes herein authorized have been implemented. Failure to submit the information is cause for the director of the department to void or amend the transfer approval.

SIGNED AT BOISE, IDAHO THIS 28TH DAY OF AUGUST, 1990.


NORMAN C. YOUNG
Hearing officer

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 30th day of August, 1990, a true and correct copy of the foregoing ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER and PROPOSED MEMORANDUM DECISION AND ORDER, were mailed postage prepaid to:

Reid S. &/or Ruth O. Stewart
1655 Sunset Drive
Logan, UT 84321

Melbourne B. &/or Nadine B. Grow
Bridge, ID 83315

FmHA
Rt. 2, Box 388
Rupert, ID 83350



RITA K. FLECK
Secretary/Records Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3697

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Melbourne B. &/or Nadine B. Grow Phone 801-257-5908
Post Office address Bridge, Idaho 83315

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Correct the previous transfer as to the place of use
Also to change diversion points related to partial sale of the land.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|--|-----------|-----------------------|------------------|---------------|
| 43-2509A | 1-26-1961 | 4.16 cfs | Irrigation | 3-15 to 11-15 |
| 43-2509B | " | 1.39 cfs | Irrigation | 3-15 to 11-15 |
| | | | Domestic | 1-1 to 12-31 |
| | | | | to |
| | | | | to |
| 2. Total amount of water being transferred <u>5.55</u> cubic feet per second and/or _____ acre-feet per annum. | | | | |
| 3. Source of water <u>Groundwater</u> tributary to _____ | | | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

PART 1

6. General Information:

a. Description of diversion system Part A: well & pump, sprinklers. Part B: two connected well
& pumps, sprinklers.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? XX Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

See attached letter

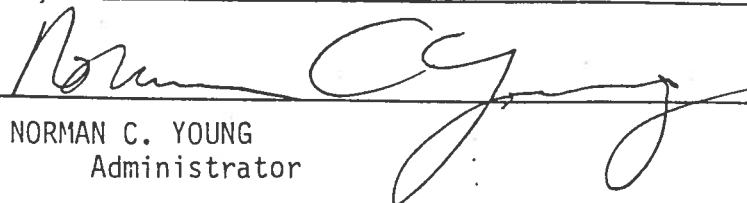
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2387 AND 43-2509

And said application is hereby DISMISSED, subject to the following limitations and conditions:

PURSUANT TO MEMORANDUM DECISION AND ORDER

Witness my hand this 22nd day of June, 19 90


 NORMAN C. YOUNG
 Administrator

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 43-2509 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 2219 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____4. Date or priority 1-26-1961

5. Water is used for the following purpose:

amount 5.55 cfs for Irrig. purposes from Mar 15 to Nov 15
(cfs/ac-ft)
amount _____ for Domestic purposes from Jan 1 to Dec 31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 5.55 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	29	15S	27E	Cassia	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
15S	27E	20							20		40	20	20	40		10	10		160
		29		20	20		40	20	20	40									160

Total acres 320

9. Describe any other water rights used for the same purpose as described above _____

Decreed surface rights

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

6 E. 27 E.

MALTA 12 MI.
BRIDGE 1.3 MI.

3368 III NE
(BRIDGE)

43-2509

43-2509 A
(REID STEWART)

43-2509 B
(MEL, grow)

Spring

Cricket

PART 3

B. CHANGES IN NATURE OF USE

1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>none</u>	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

none

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Melbourne B. Lewis
(Signature of Applicant)

Subscribed and sworn to before me this 13th day of June, 19 89.

[Signature]
(Notary Public)

My commission expires 12-29-88

FOR DEPARTMENT USE ONLY

Transfer contains 4 pages and 1 attachments

Received by JRP Date 7-18-89 check 50.00 Protest filed by _____

Prelim. check by JRP Fee \$50, 5008584

Received by JF. Stanton Date 7-18-89

Published in So. Ind. Press Copies of protest forwarded by _____

Pub. dates 8/3 & 8/10/89 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE
STATE OF IDAHO

RECEIVED

AUG 30 1990

Department of Water Resources
Southern Region Office

IN THE MATTER OF APPLICATION FOR	)	ORDER ISSUING
TRANSFER NO. 3583 OF WATER RIGHT NO.	)	PROPOSED MEMORANDUM
43-2387 AND APPLICATION FOR TRANSFER	)	DECISION
NO. 3697 OF WATER RIGHT NO. 43-2509	)	

R. Keith Higginson, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by this appointee, NORMAN C. YOUNG, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposed decision pursuant to Idaho Code, Sec. 67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Sec. 42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Sec. 42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 30th day of August, 19 90.


R. KEITH HIGGINSON
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

10526

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RECEIVED

JUL 16 1990

Department of Water Resources
Southern Region Office

July 12, 1990

Reid S. and/or Ruth O. Stewart
1655 Sunset Drive
Logan, UT 84321

RE: Application for Transfer No. 3583 of Water Right Nos. 43-2387 and
43-2509

Dear Mr. and Mrs. Stewart:

Enclosed is a hearing notice in connection with the above
referenced application.

If you have any questions concerning this matter, please feel free
to contact this office.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: Melborne B. and/or Nadine B. Grow
FmHA - Rupert
Barnett Intermountain Water Consulting
S. Region

2000 111 1000-01

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

RECEIVED

JUL 16 1990

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 3583 OF WATER)
RIGHT NOS. 43-2387 AND 43-2509)

NOTICE OF HEARING Department of Water Resources
Southern Region Office

On July 18, 1989, Reid S. and/or Ruth O. Stewart (applicants) filed application for transfer no. 3583 with the department. The department advised the FmHA of the proposed transfer since the FmHA holds a mortgage on some of the land involved in the proposed transfer. FmHA did not agree with the filing of the transfer which would remove water rights from land on which it hold a lien.

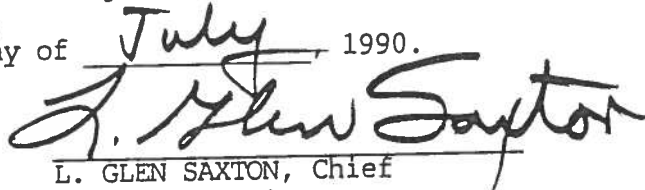
On June 22, 1990, the department issued a Memorandum Decision and Order dismissing the application for transfer.

On June 27, 1990, the applicants requested a hearing before the department in connection with the dismissal.

The department has set this matter for hearing at 1:00 p.m. on Thursday, August 2, 1990 at the Pocatello Airport Conference Room in Pocatello, Idaho.

The hearing will be held in accordance with Chapter 2, Title 42, section 42-1701A, Idaho Code, and the adopted rules of Practice and Procedure of the department. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

Dated this 12th day of July 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE
STATE OF IDAHO

RECEIVED

JUN 26 1990

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 3583 OF WATER)
RIGHT NOS. 43-2387 AND 43-2509)

Department of Water Resources
Southern Region Office

Reid S. and/or Ruth O. Stewart,)
Applicants.)

MEMORANDUM DECISION

AND ORDER

This matter having come before the Department of Water Resources (department), the department makes the following findings of fact, conclusions of law and order:

FINDINGS OF FACT

1. On November 10, 1958, the department issued license G-23670/43-2387 authorizing the diversion of 2.44 cfs from a well located in the NW1/4SW1/4, Sec. 20, Twp. 15S, Rge. 27E, B.M. for the irrigation of 125 acres located in parts of Sections 17, 19 and 20, Twp. 15S, Rge. 27E, B.M.

2. On September 8, 1967, the department issued license G-29353/43-2509 authorizing the diversion of 5.55 cfs from a well located in SW1/4NW1/4, Sec. 29, Twp. 15S, Rge. 27E, B.M. for the irrigation of 320 acres located in parts of Sec. 19, 29 and 30, Twp. 15S, Rge. 27E, B.M.

3. On March 2, 1978, Reid S. and/or Ruth O. Stewart (applicants) filed application for transfer No. 2219 in connection with licensed right 43-2509 and application for transfer No. 2221 in connection with licensed right 43-2387. The applications proposed a change in the place of use associated with each licensed right. The applications were advertised as required by law and were approved by the department on May 24, 1978.

4. On July 18, 1989, the applicants filed application for transfer No. 3583 which involved the same two licensed water rights described above. The application proposed to change the place of use authorized under transfer Nos. 2219 and 2221 back to the original place of use licensed under rights 43-2387 and 43-2509.

5. In 1980, the land associated with the authorized place of use of right No. 43-2509 was mortgaged to the Farmers Home Administration (FmHA) which still holds a lien on the property.

6. The FmHA has been contacted in connection with the application for transfer No. 3583. FmHA has advised the department that FmHA does not concur with the filing of the application for transfer.

MEMORANDUM DECISION AND ORDER

Page 1

72-2001, 43-2509, 111 3583

CONCLUSIONS OF LAW

1. Perfected water rights are real property rights which can be bought, sold, mortgaged and otherwise treated as any other real property. A water right is often held as collateral by the mortgagee to insure repayment of loans by the mortgagor.

2. The department should not process an application for transfer involving a water right held for collateral if the mortgagee does not agree with the filing of the application to transfer the water right from the land on which it holds a lien.

3. Those holding a valid security interest in a water right must be in agreement with the filing of an application to change the water right for the application to be complete and valid.

4. FmHA holds a valid security interest in the water rights sought to be transferred and is not in agreement with the filing of the application for transfer.

5. Application for transfer No. 3626 of water rights 43-2387 and 43-2509 should be DISMISSED.

ANALYSIS

The stated purpose for the filing of the above captioned applications for transfer is to correct previously APPROVED transfer Nos. 2219 and 2221 (prior transfers) which are alleged to be "erroneous". This reason appears unusual since the prior transfers were also filed by Reid S. and/or Ruth O. Stewart and the records of the department include statements of reasons for making the change.

The applicant suggests that the department take an action which would disregard the security interests of the FmHA, the mortgagee of a portion of the rights sought to be transferred. This the department declines to do.

The applicant also asserts that since the changes authorized by the prior transfers have not been made, the prior transfers are "faulty" and should be declared "null and void" by the department. Section 42-222, Idaho Code, provides in part that:

... the original water right shall be presumed to have been amended by reason of such authorized change.

The FmHA relied upon the presumed change in making a loan and accepting a lien on the property. FmHA should be entitled to rely on the administratively approved change.

The applicant alleges that the prior transfers were inequitable since more water was removed from certain land under one water right than was transferred back to the land under another water right. If this is in fact true, this may have been the intended and desired end result among the parties depending on what the associated agreements and/or contracts provided for.

Applicant alleges that FmHA would benefit from the approval of application for transfer No. 3583. Whether this is true or not, there does not appear to be any justification for the applicant or the department to substitute his or its judgment for that of the FmHA.

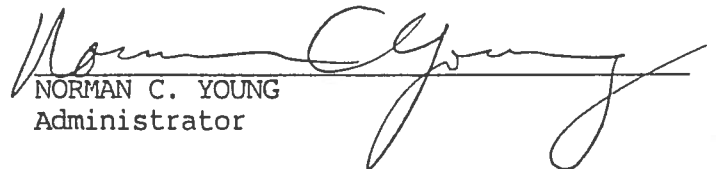
There are several alternatives which the applicant can pursue in connection with the proposed transfers. These alternatives include the following:

- a) Refile the application for transfer once FmHA no longer holds a mortgage on the land.
- b) Negotiate with FmHA to reach an agreement allowing for approval of the transfer. A new application for transfer then would need to be filed.
- c) Seek recognition of the change as an accomplished transfer pursuant to Sec. 42-1416a, Idaho Code in the ongoing Snake River Adjudication proceeding.
- d) Pursue the administrative hearing process before the department in the present proceeding.

ORDER

IT IS THEREFORE, hereby ORDERED that application for transfer No. 3583 of water rights 43-2387 and 43-2509 is DISMISSED.

Dated this 22ND day of JUNE, 1990.


NORMAN C. YOUNG
Administrator

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this the 22nd day of June, 1990 a true and correct copy of the MEMORANDUM DECISION AND ORDER, was mailed postage prepaid to:

Reid S. and/or Ruth O. Stewart
1655 Sunset Drive
Logan, UT 84321

Melbourne B. &/or Nadine B. Grow
Bridge, ID 83315

FmHA
Rt. 2, Box 388
Rupert, ID 83350


RITA I. FLECK
Secretary/Records Manager

STATE OF IDAHO

License and Certificate of Water Right

Water License No. G-29353

Amount 5.55 c.f.s.

Water District No.

Priority January 26, 1961
(late proof)

THIS IS TO CERTIFY that

FRANK OLSON - Assignee - CLARENCE D. BISHOP

of Burley, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated January 25, 1961; that Permit No. G-29353 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 5.55 second feet, was issued thereunder on September 8, 1967, showing that said works were completed on the 31st day of January, 1966; and that on the 31st day of January, 1966,

CLARENCE D. BISHOP

of Burley, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well

a tributary of subterranean flow, for the purpose of irrigation and domestic, under Use Permit No. G-29353 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 14 of Licenses at Page 3337, on the 8th day of September, 1967.

The right hereby confirmed dates from January 26, 1961.

The Point of Diversion is located in the SW 1/4, NW 1/4, Sec. 29, Twp. 15S, Rge. 27E, B.M., County of Cassia. 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 5.55 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Party-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S	27 E	19	SE 1/4 NE 1/4	40	40
		29	SE 1/4	160	160
		30	W 1/2 NW 1/4	30	30
			NE 1/4 NE 1/4	40	40
Total number of acres to be irrigated:					320

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 11th day of September, 1967.

s/ R. KEITH HILTONSON

State Reclamation Engineer.

Water Right Number - A43-10526

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

*** A - ATTORNEY ***
LING
Last Name - + First Name - + Address - +

ROGER D

1 - PO BOX 396
2 -
3 -

City- RUPERT
Phone - 208-000-0000

State- ID Zip- 83350

*** C - CURRENT OWNER ***
RICH

WAYNE R

1 - 1636 E 1030 N
2 -
3 -
City- LOGAN
Phone - 801-752-8887

State- UT Zip- 84321

+ - Priority Date - + 01/26/1961 + - Region - + 17 SOUTHERN + - Stage - + L - LICENSE + - Status - +

+ - Source - + GROUNDWATER + - Tributary - +

+ - TwN Rng Sec Tract Lot RFLg County Point of Diversion - Diversion Name - +
15S 27E 20 NW SW (31) CASSIA

+ - Code Description Period From Period To Water Use - Diversion Rate Diversion Volume - +
01 - IRRIGATION 03/15 11/15 4.200

+ - Total Div. Rate 4.200 + - Total Div. Volume - + - Total Div. Capacity - + - Total Consumptive Use - + - KW Usage - +
720.0

TwN	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
15S	27E	18	NE NE		13.0	01	IRRIGATION	(31) CASSIA	
15S	27E	19	SW NE		25.0	01	IRRIGATION	(31) CASSIA	
15S	27E	19	SE NE		36.0	01	IRRIGATION	(31) CASSIA	
15S	27E	19	NE SE		38.0	01	IRRIGATION	(31) CASSIA	
15S	27E	19	NW SE		26.0	01	IRRIGATION	(31) CASSIA	
15S	27E	19	SW SE		26.0	01	IRRIGATION	(31) CASSIA	
15S	27E	19	SE SE		38.0	01	IRRIGATION	(31) CASSIA	
15S	27E	30	NE NE		38.0	01	IRRIGATION	(31) CASSIA	

Total Acres: 240.0

+ - - Diversion Means - 365' WELL AND 75 HP PUMP.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A43-02386, A43-02554B, A43-00082A, A43-02285, A43-10517

Prefix Translation: ADJUDICATION CLAIM

THE SE¼, SE¼NE¼ IN SEC. 19 AND THE NE¼NE¼ IN SEC. 30 WERE PURCHASED ON JULY 10, 1975 WITH ALL RIGHTS UNDER LIC. 43-2509 REPRESENTING 4.2 CFS FOR SAID 240 ACRES. AS PART OF THE AGREEMENT THE DIVERSION POINT WAS TO BE CHANGED TO SEC. 20 AND WEST PORTIONS OF THE SE¼ WERE TO BE TRADED FOR THE EASTERLY PORTION OF THE SW¼ OF NE¼ WITH A TRANSFER TO TRADED LANDS OF WATER RIGHT. CHANGE IN DIVERSION POINT AND WATER TRANSFER HAS OCCURRED. ADDITIONAL TRANSFERS OF PLACE OF USE HAVE OCCURRED TO SEC. 18 AS SHOWN.

CONFORMED ATTORNEY MAILING ADDRESS DNS

CONFIRMED ATTORNEY MAILING ADDRESS DMS

Old Water Right Numbers

- - Conditions of Approval - -
No Conditions of Approval found.

+ - Decree Date - +
00/00/0000

+ - - Audit Fields - 06/19/89 CLELAND 01/10/92 BAUMHOFF 01/15/92 BAUMHOFF 03/30/95 POST-STD 03/31/95 DSMITH

- - -Comments- -
No Comments Found

Adjudication Rights Dates and Flags Area

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	06/19/1989	Last Amended Date	-	00/00/0000	Temporary Right	-	P
Proof Due Date	-	00/00/0000	Proof Made Date	-	00/00/0000	Water District	-	
Licensed Date	-	00/00/0000	Receipt Number	-	S008294	Federal/State Indicator	-	S
			POU Ownership Flag	-	Y	Presumption Flag	-	C
			Name Connector	-		Notice of Error Flag	-	

Water Right Number - A43-02509A

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - 29353

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WITHDRAWN CLAIM

*** O - ORIGINAL OWNER ***
STEWART

REID S

1 -
2 -
3 -
City- X
Phone - 208-000-0000

State- ID Zip- 00000

STEWART

RUTH O

1 - 1655 SUNSET DR
2 -
3 -
City- LOGAN
Phone - 801-753-2027
1 - 1655 SUNSET DR
2 -
3 -
City- LOGAN
Phone - 801-753-2027

State- UT Zip- 84321

+ - - Priority Date - - + + - - - Region - - - +
01/26/1961 17 SOUTHERN

+ - - - - Stage - - - +

+ - - - - Status - - - +
W - WITHDRAWN

+ - - - - Source - - - - - +
GROUNDWATER
WITHDRAWN CLAIM

+ - - - - - Tributary - - - - - +

Tw	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name
15S	27E	20	NW SW			(31) CASSIA		

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15		5.550	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KM Usage - +
5.550 720.0

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
15S	27E	19	SW NE		26.7	01	IRRIGATION	(31) CASSIA
15S	27E	19	SE NE		40.0	01	IRRIGATION	(31) CASSIA
15S	27E	19	NE SE		40.0	01	IRRIGATION	(31) CASSIA
15S	27E	19	NW SE		26.7	01	IRRIGATION	(31) CASSIA
15S	27E	19	SW SE		26.7	01	IRRIGATION	(31) CASSIA
15S	27E	19	SE SE		40.0	01	IRRIGATION	(31) CASSIA
15S	27E	30	NE NE		40.0	01	IRRIGATION	(31) CASSIA

Total Acres: 240.1

08/02/00 16:06:16
Page 2

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-
Claim Received Date	-	06/20/1989	Last Amended Date	-	00/00/0000	Temporary Right	- P
Proof Due Date	-	00/00/0000	Proof Made Date	-	00/00/0000	Water District	-
Licensed Date	-	00/00/0000	Receipt Number	-	X777777	Federal/State Indicator	- S
			POU Ownership Flag	-	Y	Presumption Flag	-
			Name Connector	-	AND/OR	Notice of Error Flag	-

Water Right Number - A43-02509

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - 29353

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SPLIT RIGHT1 -
2 -
3 -
City- N
Phone - 208-000-0000
State- ID Zip- 0*** O - ORIGINAL OWNER ***
OLSON

FRANK

1 -
2 -
3 -
City- N
Phone - 208-000-0000
1 - STEWART RANCH
2 -
3 -
City- MALTA
Phone - 208-000-0000
1 - STEWART RANCH
State- ID Zip- 0

STEWART

RUTH O.

STEWART

REID S.

State- ID Zip- 83342
City- MALTA
Phone - 208-000-0000
2 -
3 -
City- MALTA
Phone - 208-000-0000
State- ID Zip- 83342+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
01/26/1961 17 SOUTHERN Z - SEE REMARKS+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER
SPLIT RIGHT+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County Diversion Name

15S 27E 29 SW NW (31) CASSIA

+ - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 5.550
43 - DOMESTIC 01/01 12/31+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
5.550 0.0+ - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

+ - - Diversion Means -

+ - - Non-Irrigation Use -

08/02/00 16:05:35
Page 2

| | | | | | | | |
|----------------------|---|------------|-----------------------|---|------------|-------------------------|---|
| Court Report Filing | - | 00/00/0000 | Field Inspection Made | - | 00/00/0000 | Civil Case Number | - |
| Objection Filed Date | - | 00/00/0000 | Field Inspection Flag | - | | Old Case Number | - |
| Response Filed Date | - | 00/00/0000 | Verified Date | - | 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - | 01/10/1992 | Last Amended Date | - | 00/00/0000 | Temporary Right | - |
| Proof Due Date | - | 00/00/0000 | Proof Made Date | - | 00/00/0000 | Water District | - |
| Licensed Date | - | 00/00/0000 | Receipt Number | - | X777777 | Federal/State Indicator | - |
| | | | POU Ownership Flag | - | Y | Presumption Flag | - |
| | | | Name Connector | - | | Notice of Error Flag | - |

Water Right Number - 43-02509

Prefix Translation:

WATER RIGHT

Old (D) Number - 29353

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
STEWART

RUTH O.

1 - 1655 SUNSET DR
2 -
3 -

State- UT Zip- 84321

STEWART

REID S.

City- LOGAN
Phone - 208-000-0000
1 - 1655 SUNSET DR
2 -
3 -

State- UT Zip- 84321

*** O - ORIGINAL OWNER ***
OLSON

FRANK

City- LOGAN
Phone - 208-000-0000

State- ID Zip-

+ - - Priority Date - - + + - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
01/26/1961 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

| Tw | Rng | Sec | Tract | Lot | Rflg | County | Point of Diversion | Diversion Name | Diversion Rate | Diversion No. |
|-----|-----|-----|-------|-----|------|-------------|--------------------|----------------|----------------|---------------|
| 15S | 27E | 20 | NW SW | | | (31) CASSIA | | | | |
| | | 29 | SW NE | | | (31) CASSIA | | | | |
| | | | SW NW | | | (31) CASSIA | | | | |

| Code | Description | Period From | Period To | Water Use | Diversion Rate | Diversion Volume |
|-----------------|-------------|-------------|-----------|-----------|----------------|------------------|
| 01 - IRRIGATION | | 03/15 | 11/15 | | 5.550 | |
| 43 - DOMESTIC | | 01/01 | 12/31 | | | |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
5.550 0.0

| Tw | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|-----|-------|------|-------------|-------------|
| 15S | 27E | 19 | SW NE | | 26.6 | 01 | IRRIGATION | (31) CASSIA |
| 15S | 27E | 19 | SE NE | | 40.0 | 01 | IRRIGATION | (31) CASSIA |
| 15S | 27E | 19 | NE SE | | 40.0 | 01 | IRRIGATION | (31) CASSIA |
| 15S | 27E | 19 | NW SE | | 26.7 | 01 | IRRIGATION | (31) CASSIA |
| 15S | 27E | 19 | SW SE | | 26.7 | 01 | IRRIGATION | (31) CASSIA |
| 15S | 27E | 19 | SE SE | | 40.0 | 01 | IRRIGATION | (31) CASSIA |
| 15S | 27E | 29 | NW NW | | 40.0 | 01 | IRRIGATION | (31) CASSIA |

WATER RIGHT

(31) CASSIA
(31) CASSIA

+ - - Other Rights for Same Use -

Farmers Home Admin. retains the right to apply to the department to return the point of diversion and place of use of this right to the locations recorded prior to this approval upon a showing that the right is under their direct ownership as a result of foreclosure or other action.

The department retains jurisdiction to amend the approval conditions of this transfer to facilitate approval of an application filed by Farmers Home Admin.

The applicants shall submit to the department within one year of the date that this order becomes final information to document that the changes herein authorized have been implemented. Failure to submit the information is cause for the director to void or amend the transfer approval.

Trans. 3583.

-- Old Water Right Numbers --
No Old Water Right Numbers found.

Conditions of Approval - -
No Conditions of Approval found.

0000/00/00

- - -Comments- - -
No Comments Found

Water Rights Dates and Flows Area

| | | | | | |
|-------------------|--------------|-----------------|--------------|------------------|-----|
| Proof Due Date | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee | - |
| Approved/Denied | - 00/00/0000 | Protested Date | - 00/00/0000 | Shan Falls | - |
| Proof Made Date | - 00/00/0000 | Hearing Date | - 00/00/0000 | Temporary Right | - P |
| Exam to S.O. Date | - 00/00/0000 | Verified Date | - 02/11/1985 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - |
| Applicant Date | - 06/28/1979 | Appl Received | - 00/00/0000 | Transfer/Amended | - T |

Water right number - 43-02509

Prefix Translation: WATER RIGHT

| | Water Rights Dates and Flags Area | POU Ownership Flag |
|---------------------|-----------------------------------|--------------------|
| Presumption Flag - | Name Connector - | |
| SRBA Decreed Flag - | | |

RECEIVED

SEP 29 1988

Department of Water Resources
Southern Region Office

Terry

F.Lc

September 27, 1988

Reid S. Stewart
Stewart Ranch
Malta, ID 83342

RE: TRANSFERS 2219/43-2509 AND 2221/43-2387

Dear Mr. Stewart:

The department reviewed your letter dated September 22, 1988 in which you request the May 1978 approval of the above referenced transfers be rescinded. Unapproved transfers can be withdrawn by the applicant, but there is no procedure for rescinding the approval of an approved transfer.

The procedure for changing the place of use of the two water rights back to the original place of use is to again file appropriate transfers. Enclosed for your use are blank transfer forms and instructions for the making the filings.

The completed transfer applications should be submitted to the department's Southern Regional office located at 2148 4th Avenue East, Twin Falls, Idaho 734-3578.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

c: S. Region

43 2387

Page I of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

This document prepared by:

BAGGETT ENGINEERING WATER CONSULTANTS

100 WEST 300 SOUTH, SUITE 101

BOUNTIFUL, UT 84010

(801) 292-4662

Please contact us for technical inquiries

Name of applicant Reid S. and/or Ruth O. Stewart Phone (801) 753-2027Post Office address 1655 Sunset Drive, Logan, Utah 84321

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To correct a previous transfer of this water right to reflect the intent of and use after that previous transfer which was brought about by the partial sale and division of the original farm and irrigation system.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|----------------------|--------------------|-------------------|--------------------------------|
| <u>43-2387</u> | <u>Jan. 28, 1953</u> | <u>2.44 cfs</u> | <u>irrigation</u> | <u>Mar 15</u> to <u>Nov 15</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 2.44 cubic feet per second and/or _____ acre-feet per ar
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion:

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|----|----|------|------|------|--------|--------------------------|
| | | SW | NW | 29 | 15S | 27E | Cassia | well |
| | | SW | NE | 29 | 15S | 27E | Cassia | well |
| | | | | | | | | |
| | | | | | | | | |

5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Total |
|-------|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 15S | 27E | 17 | | | | | | | | | | | 35 | | | | | | 35 |
| | | 19 | 40 | | | | | | | | | | | | | | | | 40 |
| | | 20 | | | | | | | 40 | | | 10 | | | | | | | 50 |
| |
| |
| |
| |
| |
| |

Total acres 125

43-2387 744

PART 1

6. General Information:

- a. Description of diversion system wells, pumps, and pipelines and distribution systems
places of use.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, contracts? X Yes _____ No. If yes, provide a notarized statement from the holder of the trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The properties shown on the map as "Stewart Lands" are in the process of being
to Wayne Rich. This "straightening out" or transfer of this water right is on
the conditions of that sell. Currently, Stewart is the owner of record.
- d. Remarks:
see attached letter

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
 And said application is hereby _____, subject to the following limitations and conditions

Witness my hand this _____ day of _____, 19 _____

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

This document prepared
by JENNETT INTERMOUNTAIN WATER
106 WEST 500 SOUTH, SUITE
BOUNTIFUL, UT 8401
(801) 292-4662
Please contact us for technical

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
in case of _____
dated _____ vs. _____

b. License No. 43-2387 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

d. Transfer No. 2221 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other document showing ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water groundwater tributary to _____

4. Date or priority Jan 28, 1953

5. Water is used for the following purpose:

amount 2.44 cfs for irrigation purposes from Mar 15 to Nov 15

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right (2.44) DRS cubic feet per second and/or _____ acre-feet per year

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| | | NW | SW | 20 | 15S | 27E | Cassia | well |
| | | | | | | | | |
| | | | | | | | | |

8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Total |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| 15S | 27E | 19 | | | 15 | 20 | | | | | | | | | 20 | 15 | 15 | 20 | 105 |
| | | 30 | 20 | | | | | | | | | | | | | | | | 20 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

9. Describe any other water rights used for the same purpose as described above _____ Total acres 125
none

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total acres _____

PART 3

B. CHANGES IN NATURE OF USE

| 1. | <u>New Nature of Use</u> | <u>Amount</u>
(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|------------------------------|------------------------|----------------------|
| | <u>none</u> | _____ | _____ | _____ to _____ |
| | _____ | _____ | _____ | _____ to _____ |

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

none

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

X Richard Stewart

(Signature of Applicant)

Subscribed and sworn to before me this 13 day of July, 19 89

Ann Marie Hickin

(Notary Public)

My commission expires My Commission Expires April 15, 1990

FOR DEPARTMENT USE ONLY

Transfer contains 3 pages and 17 attachments

Received by JR Date 7-18-89 check 50⁰⁰

Prelim. check by JR Fee \$50,5008584

Receipted by JR Date 7-18-89

Published in S. ID. Press

Pub. dates 8/3 + 8/10/89

Watermaster recommendation requested on N/A

Protest filed by _____

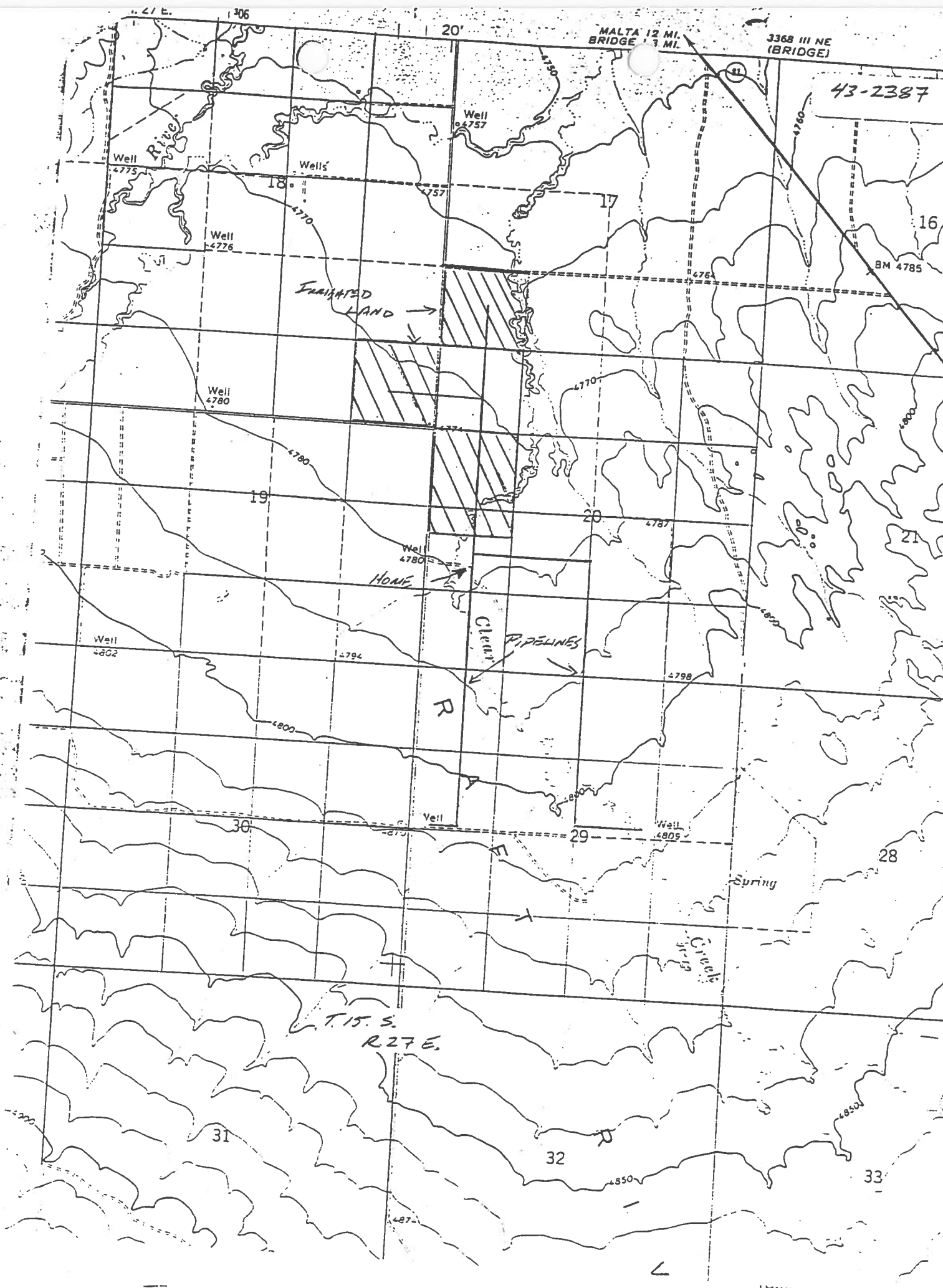
Copies of protest forwarded by _____

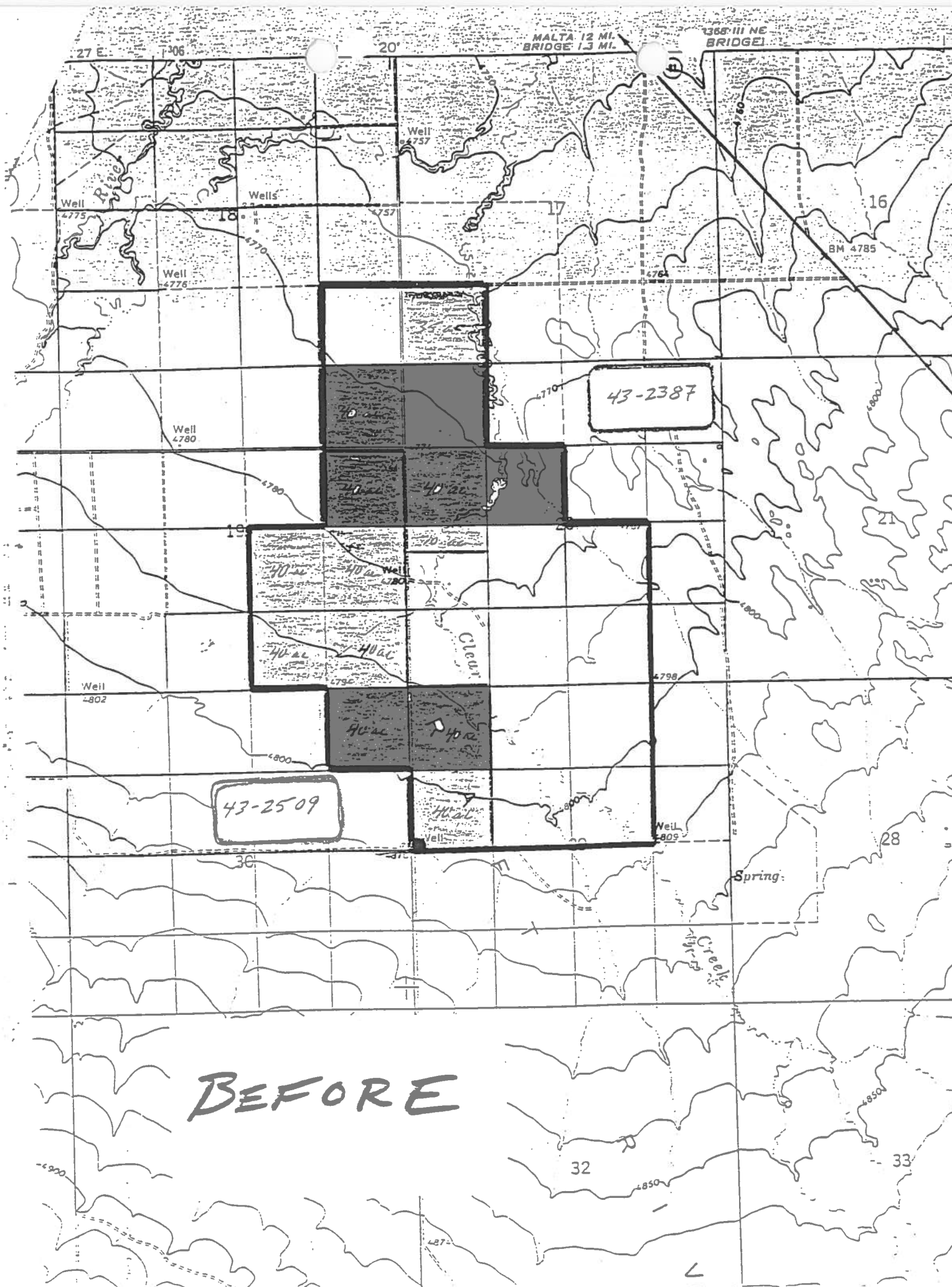
Hearing held by _____ Date _____

Recommended for ☐ approval ☐ denial

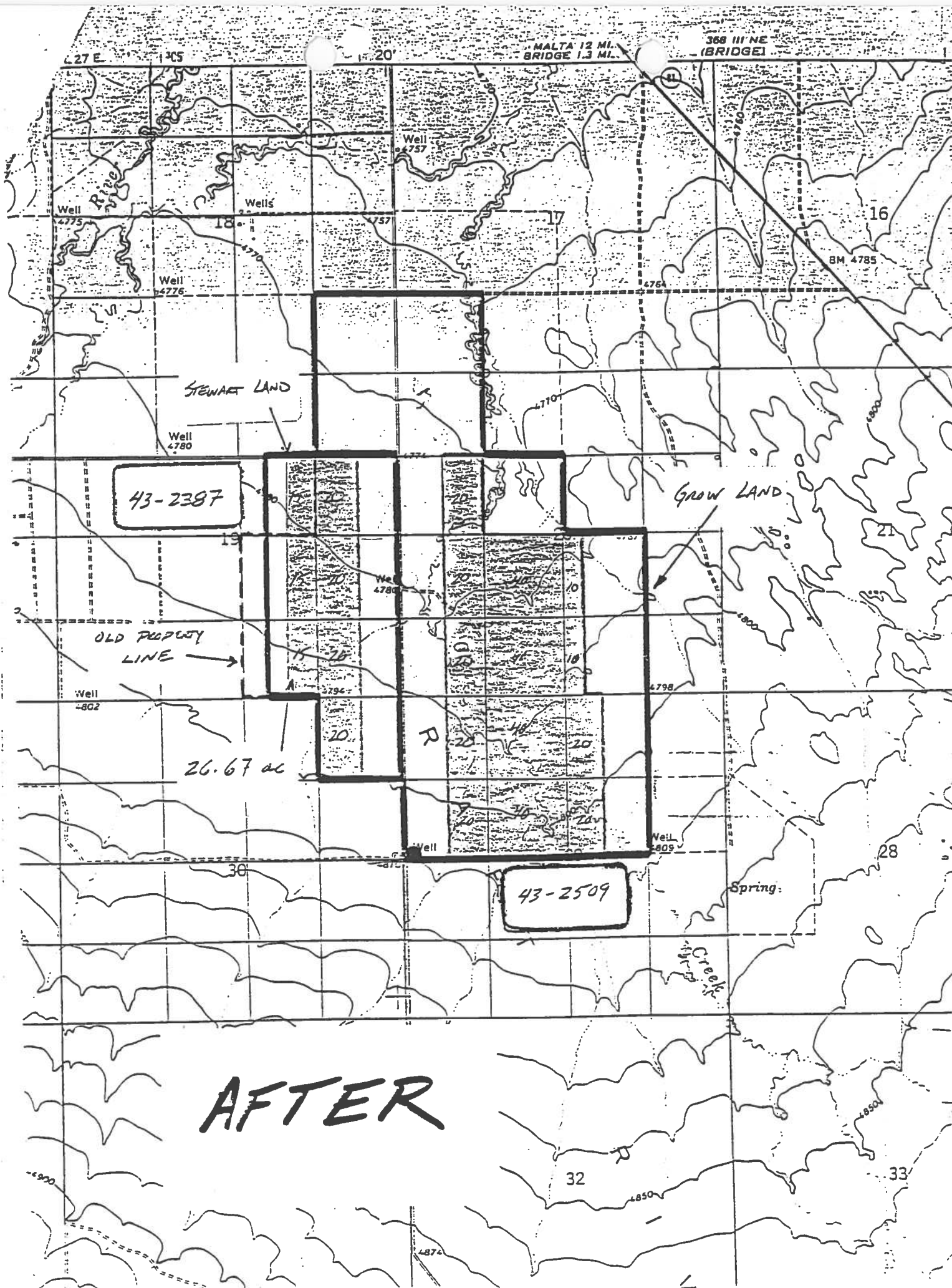
_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

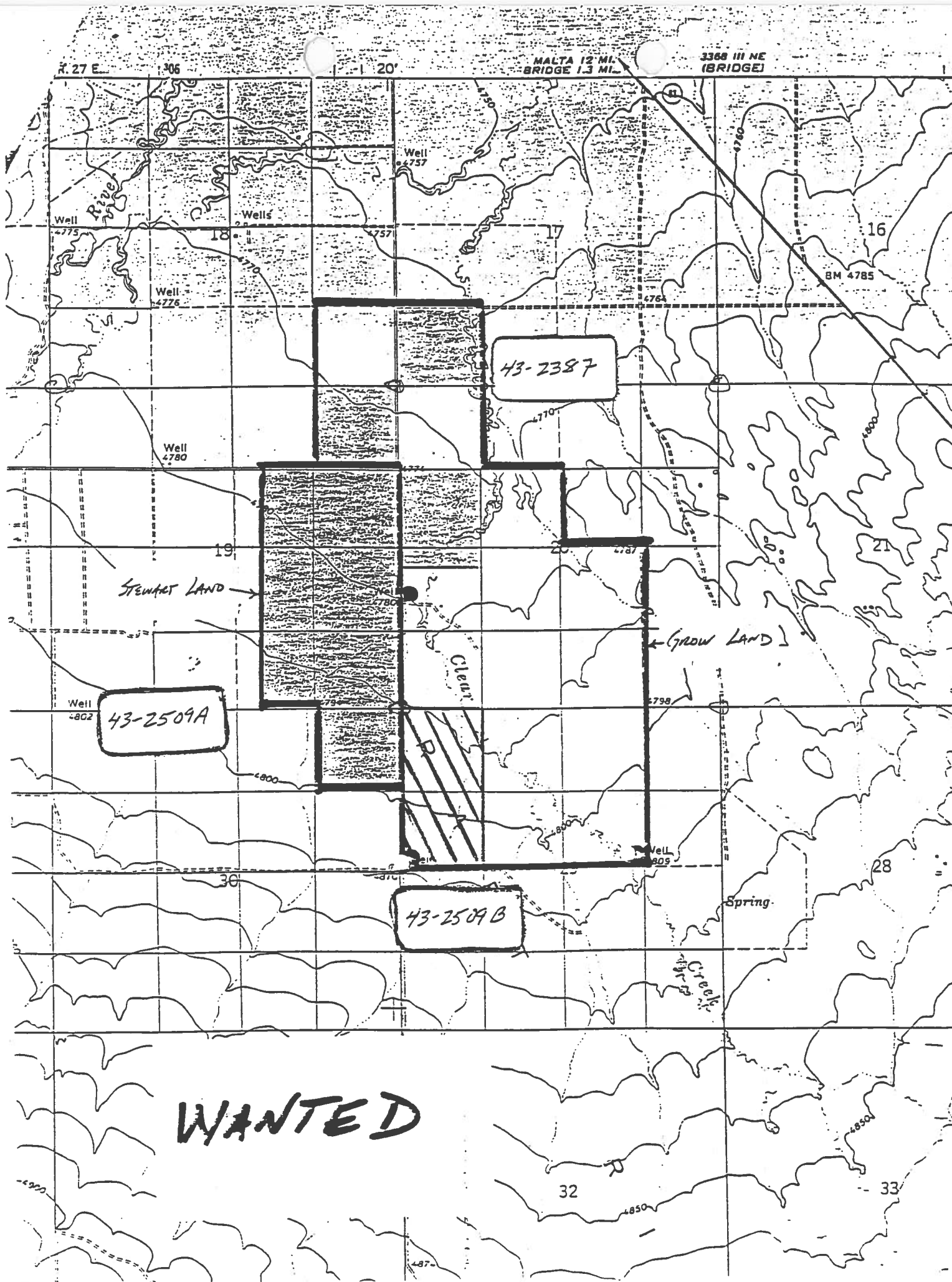




BEFORE



AFTER



2211 Overland Avenue
Burley, Idaho 83318

LH

OCT - 1979

Department of Water
Southern District Office

State of Idaho, Department of
Water Administration
614 State Street, Capital Building
Boise, Idaho 83707

October 15, 1979

Dear Sirs:

This is advise that Melbourne B. Grow and Nadine Grown, husband and wife, who reside in Deweyville, Utah 84309 and own lands located in Cassia County, Idaho, have received financial assistance from this Agency. In obtaining this assistance they have pledged the following listed Licenses for underground waters as additional security for their Idaho loan.

#43-2299 (old license 19965) with late proof date of 12-10-1951;
may be in the name of L. J. Gunnell.
#43-2509 (old license G-29353) with late proof date of 1-26-1961;
may be in the names of Frank Olson - Assignee - Clarence D. Bishop.

We request that a note be placed in the files concerning the above licenses regarding this transaction. When said licenses and the water produced by said authorities are pledged as additional security to FmHA the owner/holder of said permission agree not to assign, transfer, or make any changes in these rights which would be adverse to the interests of Farmers Home Administration. To make any change(s) the holders have agreed to notify FmHA in writing of their plans and to also acquire written permission from FmHA before making any change(s).

Please sign the enclosed copy of this letter and return same to this office as acknowledgment of the request for use in our files.

Sincerely,

THOMAS J. NEWTON
County Supervisor

"The above letter has been planed in the files in connection with license #43-2299 and #43-2509."

(Date)

(Name and Title)

cc: Southern District Office
1041 Blue Lakes Blvd., North; Twin Falls, Idaho 83301

COPY

License No. 43-2299

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SEP 9 1976

NOV 8 1976

APPLICATION FOR TRANSFER OF WATER RIGHT

APPROVED

Department of Water Resources
Southern District Office T

To Change the Point of Diversion and/or the Place of Use

Name of applicant Melbourne B. Grow &/or Nadine B. Phone 801 -257-5908
645-2256

Post office address Bridge, Idaho

A. DESCRIPTION OF RIGHT AS RECORDED⁹

1. Right evidenced by:

a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)

b. License No. 43-2299 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
Purchase of land (see attached Escrow Agreement)

3. Source of water groundwater tributary to _____

4. Date of priority 12-10-1951

5. Water is used for the following purposes:

amount 1.86 cfs for irrigation purposes from March 15 to Nov. 15

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day – both dates inclusive)

6. Total amount of water under right: a. 1.86 cubic feet per second
b. &/or
acre feet per annum

7. Location of original point of diversion is SW ¼ of NE ¼ of Section 29

Township 15S Range 27E, B.M., in Cassia County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

[illegible]

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
- Additional points _____

3. Place of use:

[illegible]

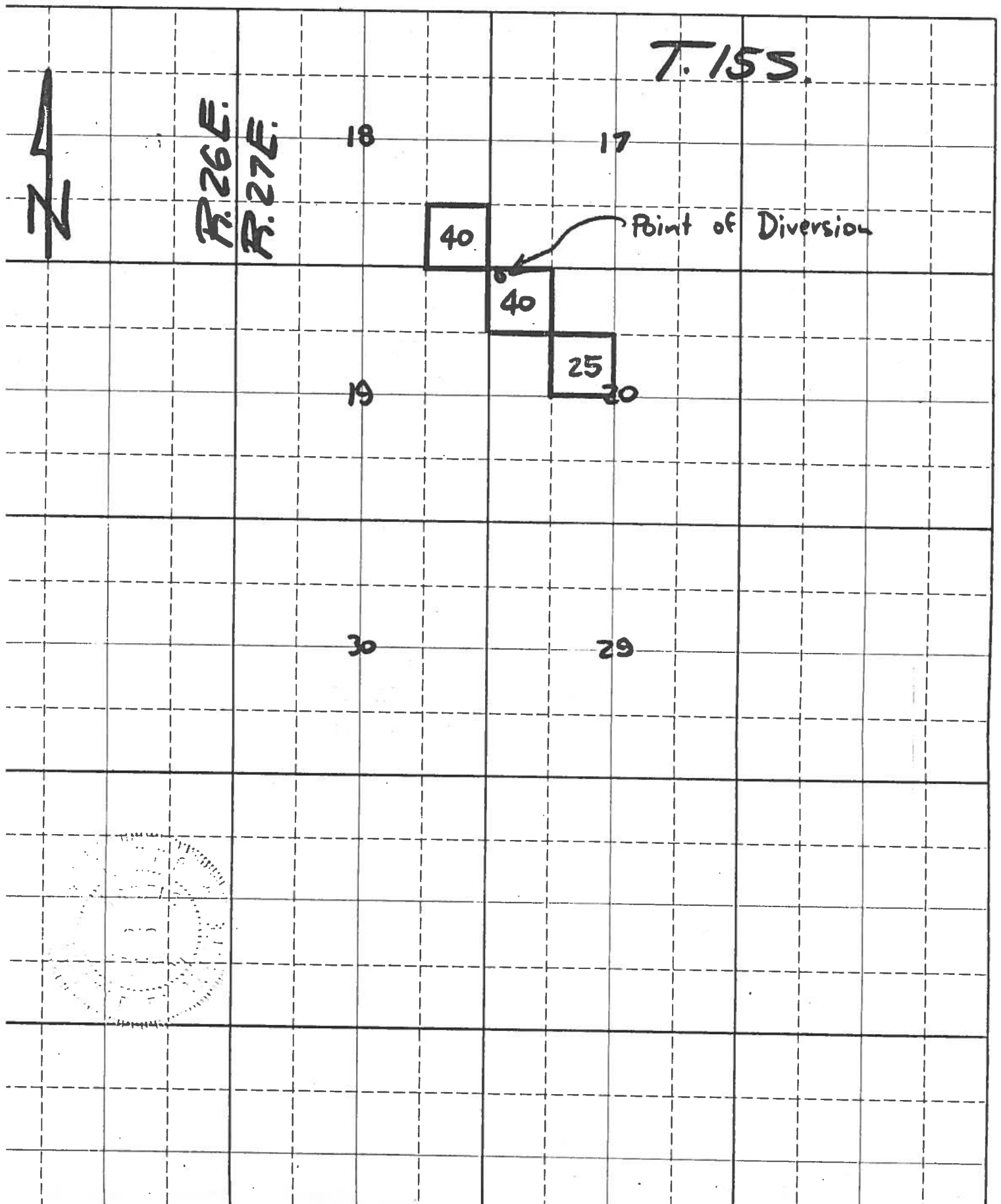
C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
- a. Amount of water to be diverted 1.86 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion NW ¼ NW ¼, Section 20 Township 15S
Range 27E, B.M., Cassia County
- Additional points _____
- c. Description of diverting works well, pump and motor
- d. Describe the reasons for applying for a change in the point(s) of diversion _____
The original well is becoming unproductive so the change in point of
diversion and place of use is initiated along with the proposed transfer
of Decreed Right #43-0119.

2. Change in place of use
- a. Describe the lands or place of use to which the right will be transferred:

| TWP. | RANGE | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



3. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement
use of the original right. The information contained in this application is true to the best of my knowledge.

Subscribed and sworn to before me this 10 day of September, 19 76
William B. How
(Signature of applicant)

My commission expires Life term
Michael L. Steele
(Notary public)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2299 (2016),
and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons: _____

Witness my hand this 4 day of November, 19 76

R. Karl Vign

FOR DEPARTMENT USE ONLY

EXHIBIT "A"

Attached to and by reference made a part of that certain Exchange Agreement, Real Estate Contract and Escrow Agreement dated May 6, 1976, by and between REID G. STEWART and HEIDI F. STEWART, husband and wife, as Seller, and MELBOURNE B. GROW and NADINE B. GROW, husband and wife, as Buyer.

REAL PROPERTY:

Township 15 South, Range 27 East of the Boise Meridian:

Section 17: The Southwest Quarter of the Southwest Quarter, containing 40 acres.

Section 18: The Southeast Quarter of the Southeast Quarter, containing 40 acres.

Section 19: The Northeast Quarter of the Northeast Quarter, containing 40 acres.

Section 20: The West Half of the Southeast Quarter, containing 80 acres.

Section 20: The South Half of the Northwest Quarter, containing 80 acres.

Section 20: The Northwest Quarter of the Northwest Quarter, containing 40 acres.

Section 20: The Southwest Quarter, containing 160 acres.

Section 29: The Northwest Quarter, containing 160 acres.

Section 29: The West Half of the Northeast Quarter, containing 80 acres.

TOGETHER with all wells, well rights and permits, and all water rights appurtenant thereto, including the water allocated to said land from Clear Creek.