

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: A43-02534A
Date Received: 6/20/1989
Receipt No: S008308
Received By: lw

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: JUL 02, 1962

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	5.200		

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

8. Total consumptive use is 207.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A43-02534A

Page 1

Date: 06/20/89

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MAR 03 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	26E	25	NE	NW		IRR	20.0
			NW	NW		IRR	29.0
					Section Acres		49.0
		26	NE	NW		IRR	20.0
					Section Acres		20.0
					Total Acres		69.0

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, 02381A

14. Remarks:
PORTION OF WR 43-2534. THE LANDS FOR WHICH IT WAS FIRST LICENSED HAVE BEEN DIVIDED AMONGST DIFFERENT OWNERS, THUS THE CLAIMED PORTION OF THIS RIGHT SHOULD BE SEGREGATED FROM THE REMAINDER OF THE RIGHT. 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: 30107

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 FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMCIVIL CASE NUMBER: 39576
Ident. Number A43-02534A
Date Received _____
Receipt Number _____

RECEIVED

JUN 12 1989

Department of Water Resources
Southern Region Office

43-2534

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWThis document prepared by:
BARNETT INTERMOUNTAIN WATER CONSULTA
106 WEST 500 SOUTH, SUITE 101
BOUNTIFUL, UT 84010
(801) 292-4662
Please contact us for technical inquiries.

Please type or print clearly

1. Name of Claimant (s) Reid S. and/or Ruth O. Stewart Phone (801) 753-2027
Mailing Address 1655 Sunset Drive, Logan, Utah Zip 843212. Date of Priority (Only one (1) per claim) July 2, 19623. 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 purposes: (both dates are inclusive) (cfs) (acre feet)
- For Irrigation purposes from Mar 15 to Nov 15 amount 5.20 or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
7. Total quantity claimed (a) 5.20 (cfs) and/or (b) _____ (acre feet)
8. Total consumptive use claimed is 207 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:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15S	26E	25					20	29											49
15S	26E	26					20												20

Total number of acres irrigated 69

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, and 2381 or None ()
14. Remarks:

This claim represents a portion of water right 43-2534. 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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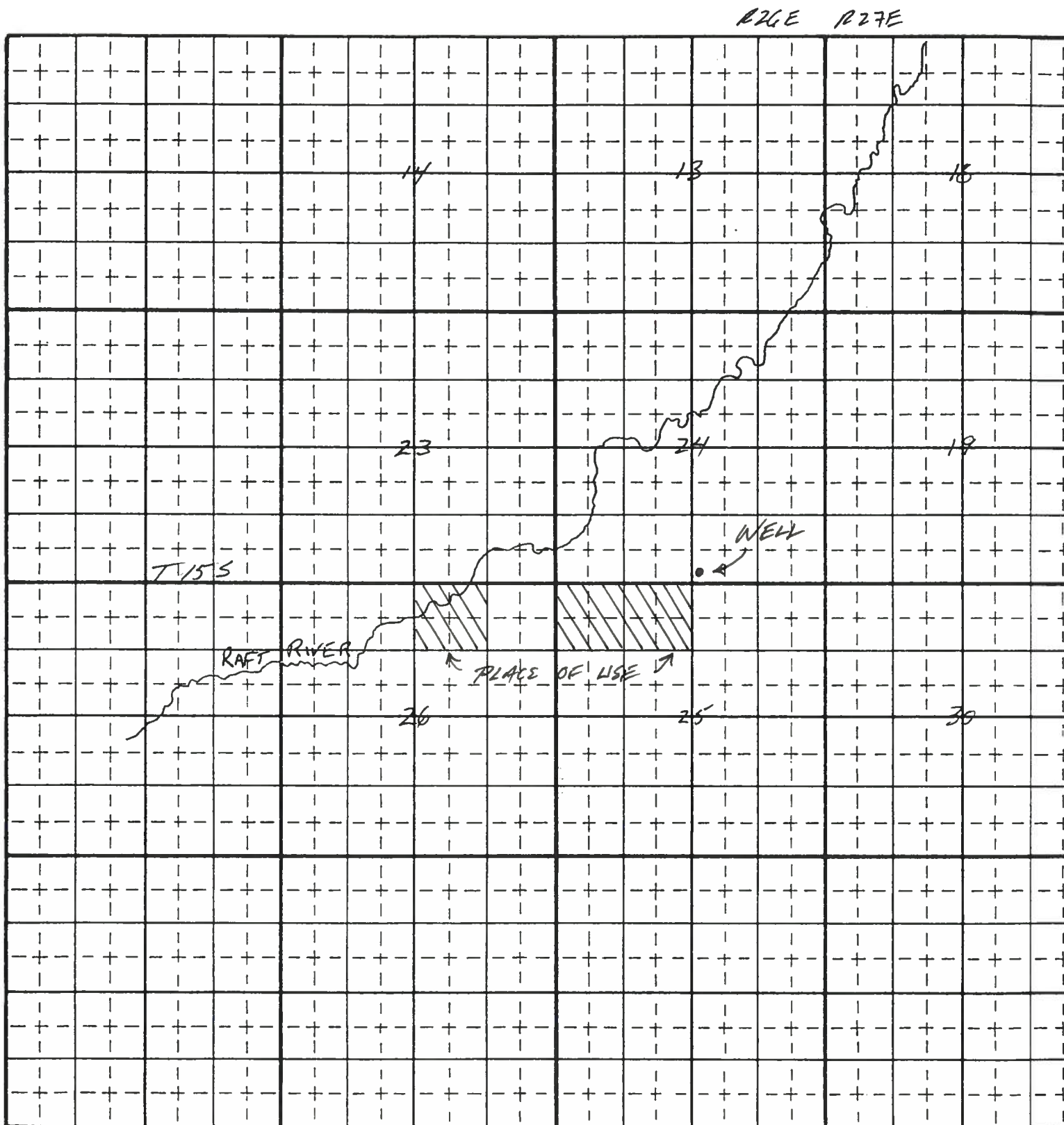
MAR 03 1993

Last Name Stewart Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



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Last Name

STEWART

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) ☐ Official Use ☐ Posted Notice ☒ License ☐ Permit ☐ Decree ☐ 43-2534
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) *Richard Stewart* Date 8-8-89

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization _____

document in the space below as _____ of _____
Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Utah)
County of Davis) SS.

Subscribed and sworn (or affirmed) before me this 8th day of June 19 89

SEAL

Notary Public *Richard Stewart*

Residing at Brent Field, Utah

My Commission Expires 7-8-97

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

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Last Name Stewart Ident. Number _____

Copies White-State, Yellow-Claimant

Water Right Number - 43-02534

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 30107

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - +

*** C - CURRENT OWNER ***
STEWART

REID S.

1 - STEWART RANCH
2 -
3 -

City- MALTA

State- ID Zip- 83342

STEWART

RUTH

1 - STEWART RANCH
2 -
3 -

City- MALTA

State- ID Zip- 83342

*** O - ORIGINAL OWNER ***
TOBIN

VINCENT B.

1 -

2 -

3 -

City-

Phone -

State- Zip-

+ - - Priority Date - - +
07/02/1962+ - - Region - - - +
17+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

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

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

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County15S 26E NE SW (31) CASSIA
15S 26E SW NE (31) CASSIA
15S 26E 33 NE NE (31) CASSIA+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

03/15

11/15

5.200

1160.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
5.200 1160.00

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
15S	26E	25	NE NW		20.0	01	IRRIGATION	(31) CASSIA
15S	26E		NW NW		29.0	01	IRRIGATION	(31) CASSIA
15S	26E		NE NE		20.0	01	IRRIGATION	(31) CASSIA
15S	26E		NW NE		19.0	01	IRRIGATION	(31) CASSIA
15S	26E		NW NW		29.0	01	IRRIGATION	(31) CASSIA
15S	26E		SW NW		20.0	01	IRRIGATION	(31) CASSIA
15S	26E		SE NW		15.0	01	IRRIGATION	(31) CASSIA
15S	26E		NW SE		10.0	01	IRRIGATION	(31) CASSIA

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Adj. flag translation: Standard Water Right Number

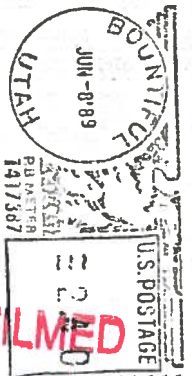
15S	26E	27	NE NE	29.0	01	IRRIGATION	(31)	CASSIA
15S	26E	27	NW NE	24.0	01	CASSIA	(31)	CASSIA
15S	26E	27	SW NE	20.0	01	IRRIGATION	(31)	CASSIA
15S	26E	27	SE NE	20.0	01	IRRIGATION	(31)	CASSIA
15S	26E	27	NE SW	15.0	01	IRRIGATION	(31)	CASSIA
15S	26E	27	SE SW	20.0	01	IRRIGATION	(31)	CASSIA

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MAR 03 1993

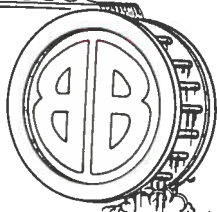
Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-
Approved/Denied	-	00/00/0000	Posted Date	-	00/00/0000	Svan Falls	-
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-
Start Work Date	-	00/00/0000	Verified Date	-	02/11/1985	DIE/Carey Act	-
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-
Licensed Date	-	02/08/1982	Appl Received	-	00/00/0000	Transfer/Amended	-
Decree Date	-	00/00/0000					

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 4 3 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,
and 43-2534. *a*

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

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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: 43-2534A

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

SOURCE: GROUND WATER

QUANTITY: 1.24 CFS
276 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: 07/02/1962

POINT OF DIVERSION: T15S R26E S24 SWSWE 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	1.24 CFS 276.00 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County

T15S R26E S23	NESE	0.1	T15S R26E S23	SESE	4.2
T15S R26E S24	NENE	40	T15S R26E S24	SWNE	35
T15S R26E S24	SENE	40	T15S R26E S24	SWNW	39
T15S R26E S24	SENE	38	T15S R26E S24	NESW	40
T15S R26E S24	NWSW	40	T15S R26E S24	SWSW	40
T15S R26E S24	SESE	40	T15S R26E S24	NESE	40
T15S R26E S24	NWSE	40	T15S R26E S24	SWSE	40
T15S R26E S24	SESE	40	T15S R26E S25	NENE	40
T15S R26E S25	NWNE	40	T15S R26E S25	NENW	40
T15S R26E S25	NWNW	40	T15S R26E S26	NENE	39
T15S R26E S26	NWNE	33	T15S R26E S26	SWNE	40
T15S R26E S26	SENE	40	T15S R27E S18	LOT 4	SWSW
T15S R27E S19	NWNW	49	T15S R27E S19	LOT 2	SWNW
T15S R27E S19	LOT 3	NWSW	49		

1023.3 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 69 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.

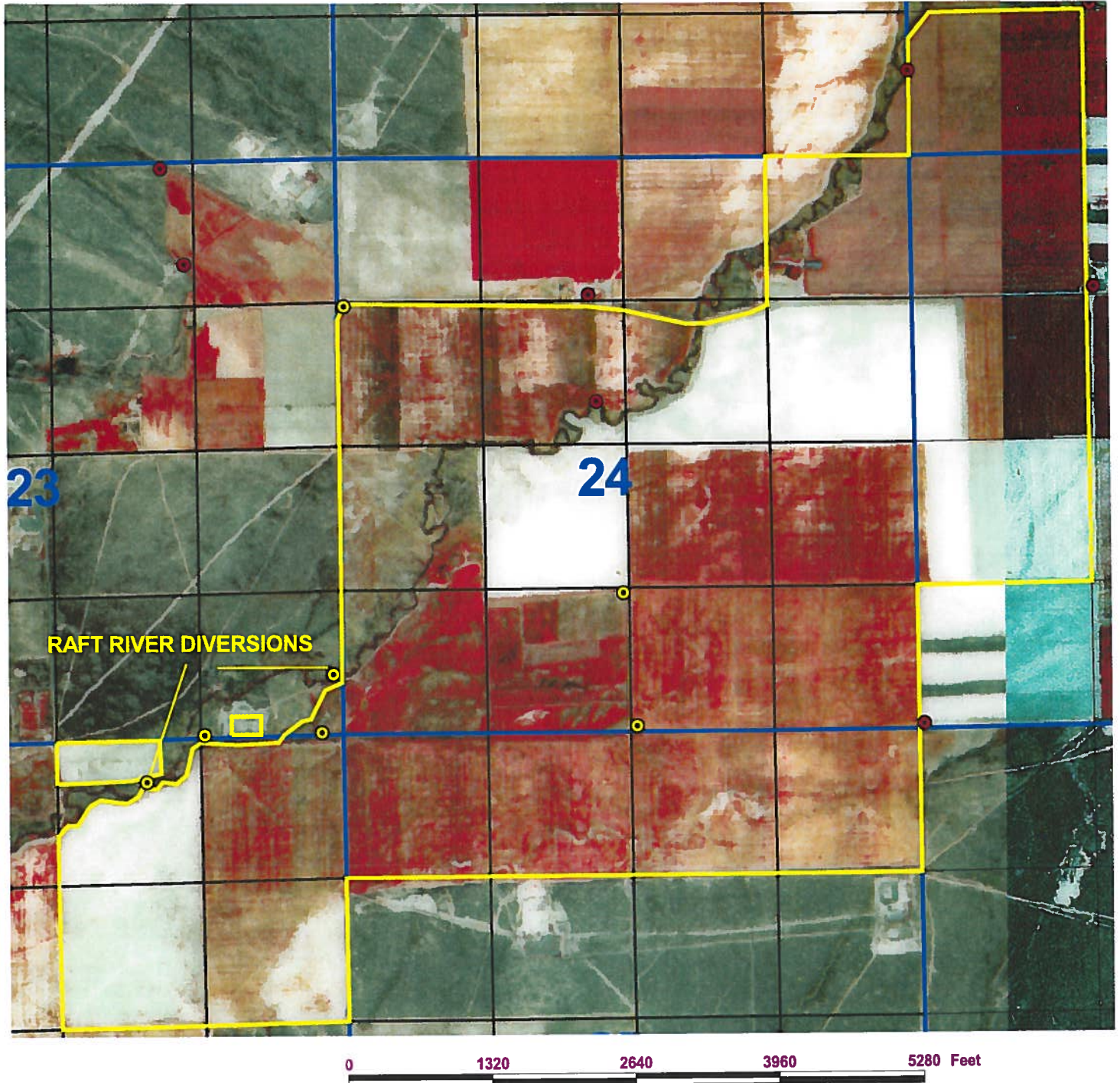
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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: 43-2534A

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

SOURCE: GROUND WATER

QUANTITY: 1.24 CFS
276 AFY

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. *ctg*

WHEN COMBINED, RIGHT NOS. 43-046, 43-128A, ~~43-129~~, 43-130,
43-131, 43-2167A, 43-2276, 43-2327, 43-2381A, 43-2461, 43-
2521, 43-2534A, 43-4035, 43-4095, & ~~43-10535~~, SHALL PROVIDE NO
MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 07/02/1962

POINT OF DIVERSION: T15S R26E S24 SWSWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	1.24 CFS 276.00 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	SENE	38
T15S R26E S24	NESW	40	T15S R26E S24	NWSW	6.8
T15S R26E S24	SWSW	31	T15S R26E S24	SESW	40
T15S R26E S24	NESE	40	T15S R26E S24	NWSE	40
T15S R26E S24	SWSE	40	T15S R26E S24	SESE	40
T15S R26E S25	NENE	40	T15S R26E S25	NWNE	40
T15S R26E S25	NENW	40	T15S R26E S25	NWNW	40
T15S R26E S26	NENE	39	T15S R26E S26	NWNE	33
T15S R26E S26	SWNE	40	T15S R26E S26	SENE	40
T15S R27E S18	LOT 4 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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 69 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

Water Right 43-2534A

*Chd'd POW
BU claim filed
additional
exp acc
1/11*

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

+ 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, 43-2381, 43-2534A & 43-4035 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

CLAIM NUMBER: A43-02534A

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REID S STEWART	07/02/1962	IRRIGATION	03-15 11-15	5.20 CFS	1.24 cfs
C	RUTH O STEWART					
TOTAL DIVERSION:					5.20 CFS	207.00 AFA
CONSUMPTIVE USE:						

Water Source: GROUNDWATER

Tributary to:

Point(s) of Diversion: T15S R26E S24 SW SWS

Stage: LICENSE
CASSIA County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S : Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
15S 26E 25 :	: 20	: 29	:	:	: 49.0
15S 26E 26 :	: 20	:	:	:	: 20.0
TOTAL ACRES	:	:	:	:	: 69.0

POU County: CASSIA

Other Rights: A43-00129, 00130, 00131, 02381A

Remarks: PORTION OF WR 43-2534. THE LANDS FOR WHICH IT WAS FIRST LICENSED

HAVE BEEN DIVIDED AMONGST DIFFERENT OWNERS, THUS THE CLAIMED
PORTION OF THIS RIGHT SHOULD BE SEGREGATED FROM THE REMAINDER
OF THE RIGHT. 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:

1/22 from T15200
C.D
KOB
Comb Limits

276 cfs

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use **APPROVED**Name of applicant Reid S. &/or Ruth O. Stewart Phone 645-2439 or 1-801-753-2027Post office address Stewart Ranch, Malta, Idaho 83342

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)b. License No. 43-2534 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 _____

Through purchase of land3. Source of water ground water tributary to _____4. Date of priority July 2, 1962

5. Water is used for the following purposes:

amount 5.2 cfs for Irrigation purposes from Mar. 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. 5.2 cubic feet per second
&/or
b. 1160 acre feet per annum7. Location of original point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 33
Township 15S Range 26E, B.M., in Cassia County
Additional points of diversion, if any NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, Twp. 15S, Rge. 26E., B.M.

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15S	26E	25					20	29											49
		26		20			19	29	20	15						10			113
		27	29	24	20	20					15			20					128

Total number of acres to be irrigated 290

43-2534

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: _____

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

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

1. Change in point of diversion
 - a. Amount of water to be diverted 5.2 c.f.s. &/or 1160 acre feet
 - b. Point(s) of diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33 Township 15S
Range 26E, B.M., Cassia County
Additional points NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26; SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, Twp. 15S, Rge. 26E, B.M.
 - c. Description of diverting works 3 wells, pumps, sprinklers
 - d. Describe the reasons for applying for a change in the point(s) of diversion an additional well is being added to this system, as existing wells do not provide the full amount of water available under this license.

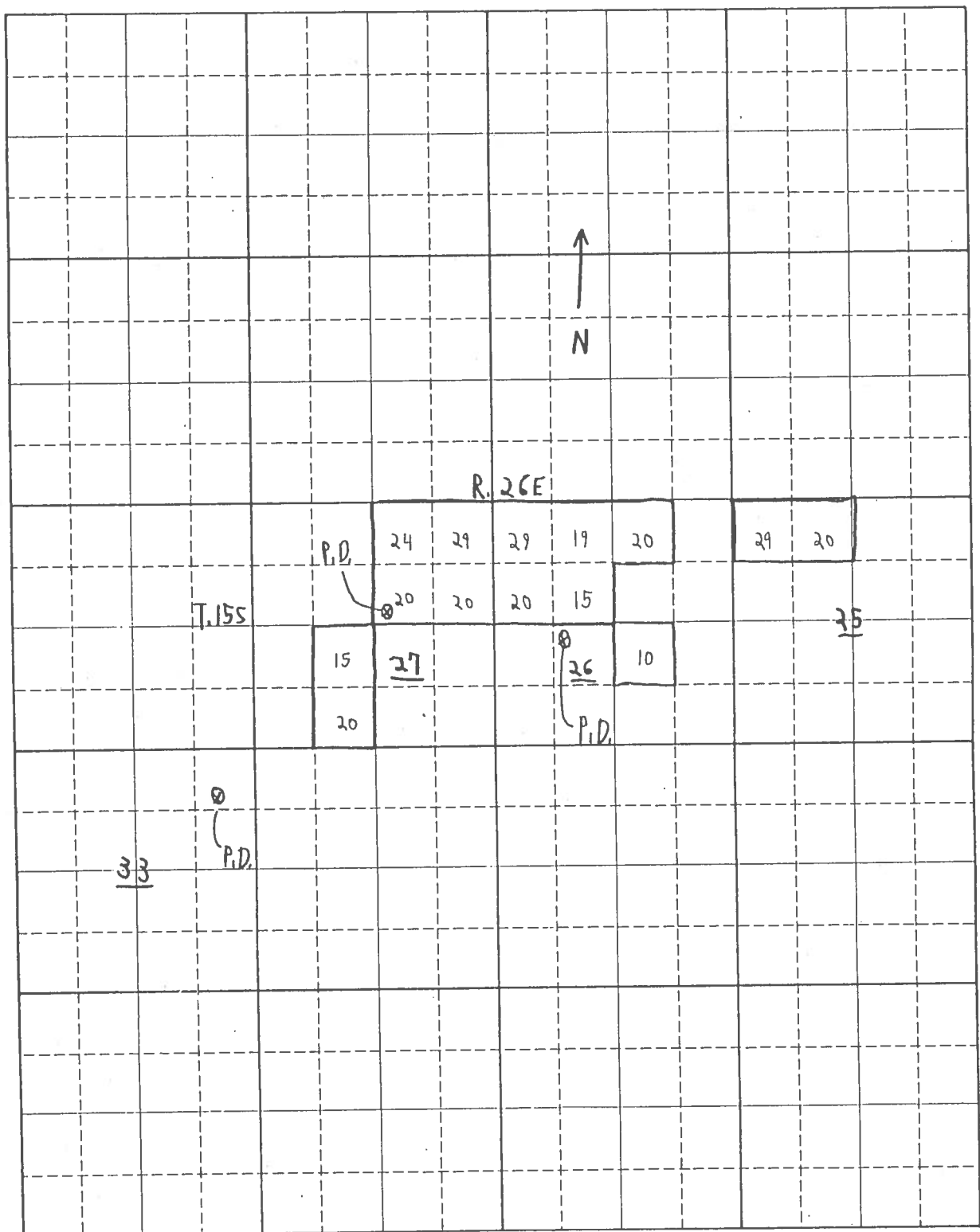
2. Change in place of use

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

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated _____

- 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.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks _____

I hereby assert that no one will be injured by such change and 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.

Paul D. Stewart
(Signature of applicant)

Subscribed and sworn to before me this 2nd. day of March, 19 78.

Sheryl B. Merritt
(Notary public)

My commission expires Lifeterm Residing at Twin Falls, Idaho.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2534
and said application is hereby APPROVED, subject to the following limitations and conditions:
The rate of diversion shall not exceed 5.2 cubic feet per second.

Witness my hand this 29th day of May, 19 78.

Herman C. Young
Administrator

FOR DEPARTMENT USE ONLY

Received by *J. P. Stanton* Date 3-2-78

Prelim. check by *C. P. 7* Fee "30.00" "155.1"

Received by *Sm* Date 3/2/78

Published in *South Idaho Press*

Pub. dates 3/14 & 3/21/78 *by*

Watermaster recommendation requested on *approved publication 3/24/78* *by*

_____ rec'd. _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial

by *Michael L. Steele* *SS.*

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:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

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

1. Change in point of diversion

- a. Amount of water to be diverted 5.20 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33 Township 15S
Range 26E, B.M., Cassia County
Additional points NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, Twp. 15S, Rge. 26E

c. Description of diverting works well, pump and distribution ditches

- d. Describe the reasons for applying for a change in the point(s) of diversion
Desire to discontinue the present exchange with the Raft River

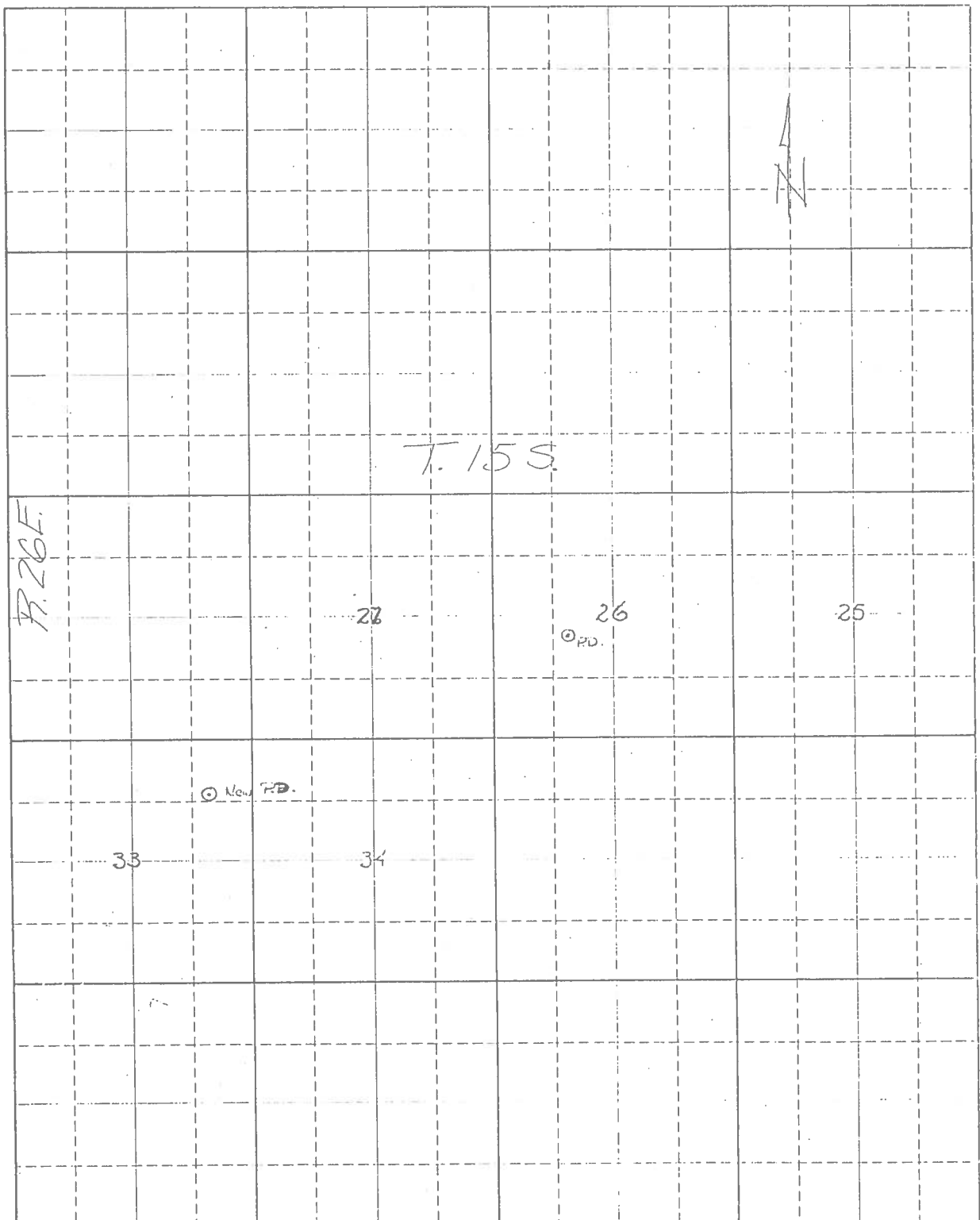
2. Change in place of use NO CHANGE

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

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated _____

- 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.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks _____

I hereby assert that no one will be injured by such change and 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.

Charles A. Jensen
(Signature of applicant)

Subscribed and sworn to before me this 6th day of November, 19 75

Marcia L. Brown
(Notary public)

My commission expires 8-10-79

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 1921/43-2534, 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 22 day of January, 19 76

R. Keith Higgins

FOR DEPARTMENT USE ONLY

Received by YAB Date 11-6-75

Prelim. check by B+ Fee 30⁰⁰

Receipted by YAB #365 Date 11-6-75

Published in South Idaho Press

Pub. dates 11-18 & 11-25-75

Watermaster recommendation requested on _____
rec'd. _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial
by MB DOF

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 30107/43-2534 Priority July 2, 1962 Amount 5.20 cfs
(late proof)

THIS IS TO CERTIFY, that VINCENT B. TOBIN
of Point Reyes Station, California, has complied with the terms and conditions of Permit
No. 30107/43-2534 issued pursuant to Application for Permit dated August 18, 1961
and has submitted proof to the Department of Water Administration July 8, 1968
that he has applied water to a beneficial use. An examination by the Department indicates that the
works have a capacity of 5.20 cfs, and that the water has in fact been applied to a
beneficial use. A right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 5.20 cfs for irrigation from March 15 to Nov. 15 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 5.20 cfs of water be diverted at
any one time, said waters to be diverted within the NE1/4, Sec. 26, T. 15S, R. 26E, B. M.
and SW1/4, Sec. 18, T. 15S, R. 27E, B. M. The water diverted within Sec. 18 is in-
jected into the Raft River within the SW1/4, Sec. 7, T. 15S, R. 27E, B. M. in exchange
for water diverted from the Raft River within the SE1/4, Sec. 27, T. 15S, R. 26E, B. M.
in the county of Cassia; and that the amount of water so diverted and to which such

right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1,160 acre feet per year or
4.0 acre feet per acre.

Description and location of place of use.

TWP	RANGE	SEC	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15S	26E	25					20	29											49
		26		20			19	29	20	15									113
		27	29	24	20	20					15		20						128

This license is subject to the agreement entered into on the 16th day of May, 1969,
between the licensee and protestants with the exception that the Dept. of Water Admin.
does not recognize by virtue of the license any water right other than that of the licensee,
and that Article 7 of the agreement is binding only upon the licensee, the protestants, and
their successors in interest and not upon the Dept. of Water Admin.
The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4 day of
February, 19 72.


Director

139039

WARRANTY DEED

REID S. STEWART and RUTH O. STEWART, husband and wife,
 grantorS of Logan, County of Cache, State of Utah, hereby
 CONVEY ~~WARRANTY~~ or GRANT and WARRANTY 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. Rust Hoggan
 Notary Public

Commission expires:
 Residing in

RECORDING DATA

Entry No.

Fee \$

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

139039
 84319
 RE: 650056 16000
 6/4/76, Utah
 FF 300
 CASSIA COUNTY, IDAHO
 FRANK J. ARMS
 Nov 25 10 46 AM '76
 Richard Miller
 203

LAND TITLE COMPANY

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. 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

A43-02534A
orig in - 02167A

HIGGINSON-BARNETT, CONSULTANTS

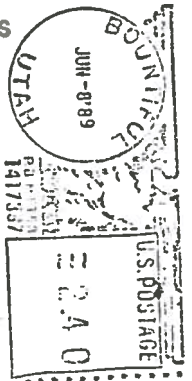
106 West 500 South Suite 101
BOUNTIFUL, UTAH 84010

IDAHO DEPT. OF WATER RESOURCES
2148 4th Ave. East
Twin Falls, Idaho 83301

RECEIVED

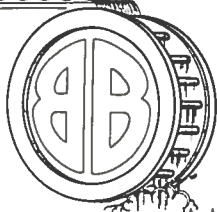
JUL 17 1995

Department of Water Resources
Southern Region



-complete-
COPY

A43-D2534A



BARNETT INTERMOUNTAIN WATER CONSULTING

106 West 500 South, Suite 101

Bountiful, Utah 84010-6232

(801) 292-4662

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FEB 03 1992

Department of Water Resources
Southern Region Office

February 3, 1992

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

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

07-17-15
Mr. Miller
File - same #3.
DUE: 43-2213
-04151

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JUL 17 1995

Department of Water Resources
Southern Region

COPY

Don A. Barnett

Jack A. Barnett, P.E.

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

AFFIDAVIT OF REID S. STEWART**RECEIVED**

JUL 6 1995

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

Department of Water Resources
Southern Region Office

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

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

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

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

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JUL 17 1995

¹
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Department of Water Resources
Southern Region

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FEB 05 1992

Department of Water Resources
Southern Region Office

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

Reid S. Stewart

Reid S. Stewart

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

Don A. Barnett

(Notary Public)

(seal)

NOTARY PUBLIC

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

My Commission
Expires Jan 30, 1994

STATE OF UTAH

My commission expires JAN. 30 1994.

My residence is CENTERVILLE, UTAH.

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JUL 17 1995

Department of Water Resources
Southern Region

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