

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: A43-04035
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: APR 22, 1958

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	NW			CASSIA
			SE	SW			CASSIA
			SW	SE			CASSIA

5. Description of diverting works:
WELLS, PUMPS, PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	4.320		
STOCKWATER	01/01	12/31	0.120		

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

8. Total consumptive use is 1464.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/400 RANGE CATTLE, 25 HORSES

A43-04035

Page 1

Date: 06/20/89

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	26E	24	NE		NE		IRR	40.0
			SW		NE		IRR	25.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	39.0
			SE		SE		IRR	37.0
							Section Acres	261.0
		25	NE		NE		IRR	30.0
			NW		NE		IRR	27.0
							Section Acres	57.0
	27E	18	SW		SW	4	IRR	50.0
							Section Acres	50.0
		19	NW		NW	1	IRR	40.0
			SW		NW	2	IRR	40.0
			NW		SW	3	IRR	40.0
							Section Acres	120.0
							Total Acres	488.0

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:
A43-00128A, 00129, 00130, 00131, 02276

14. Remarks:
TWO WELLS HAVE BEEN ADDED AS ADDITIONAL POINTS OF DIVERSION
DUE TO THE INTERCONNECTING OF ADJACENT IRRIGATION SYSTEMS AS
IS CONTEMPLATED UNDER SB 1065 AND A CORRECTION HAS BEEN MADE
TO A LEGAL DESCRIPTION IN THAT LT 3 IS IN THE NW SW OF SEC 19
RATHER THAN THE SENW AS WAS LISTED.

15. Basis of Claim: STATUTORY CLAIM

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 _____

\$ 186.00

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

RECEIVED

JUN 12 1989

Department of Water Resources
Southern Region Office

43-4035

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

CIVIL CASE NUMBER: 39576

Ident. Number A43-04035

Date Received _____

Receipt Number _____

This document prepared by:
BARNETT INTERMOUNTAIN WATER CONSULTANTS
106 WEST 500 SOUTH, SUITE 101
BOUNTIFUL, UT 84010
(801) 292-4662
Please contact us for technical inquiries.

Please type or print clearly

1. Name of Claimant (s) Reid S. and/or Ruth O. Stewart Phone (801) 753-2027

Mailing Address 1655 Sunset Drive, Logan, Utah Zip 84321

2. Date of Priority (Only one (1) per claim) April 22, 1958

3. Source of water supply (a) groundwater

which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 15S Range 26E Section 24,
_____ 1/4 of SW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Cassia

Additional points of diversion if any: also two wells in SE SW & SW NW Sec 24 T15S R26E.

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Wells, pumps, and pipelines 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 Apr 1 to Oct 31 amount 4.32 or _____

For Stockwatering purposes from Jan 1 to Dec 31 amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.32 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 1464 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwatering of 400 cattle and 25 horses.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15S	26E	24	40		25	40									40	40	39	37	261
15S	26E	25	30	27															57
15S	27E	19						40 LOT 1	40 LOT 2			40 LOT 3							120
15S	27E	18											50 LOT 4						50

Total number of acres irrigated 488

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.

43-128A, 129, 130, 131, and 2276

or None ()

14. Remarks:

Waters uses under this claim are identical to those listed under the statutory claim for the right with the exceptions that two wells have been added as additional points of diversion due to the interconnecting of adjacent irrigation systems as is contemplated under SB 1065 and a correction has been made to a legal description in that lot 3 is in the NW SW of section 19 rather than SE NW as was listed.

Last Name Stewart Ident No. _____

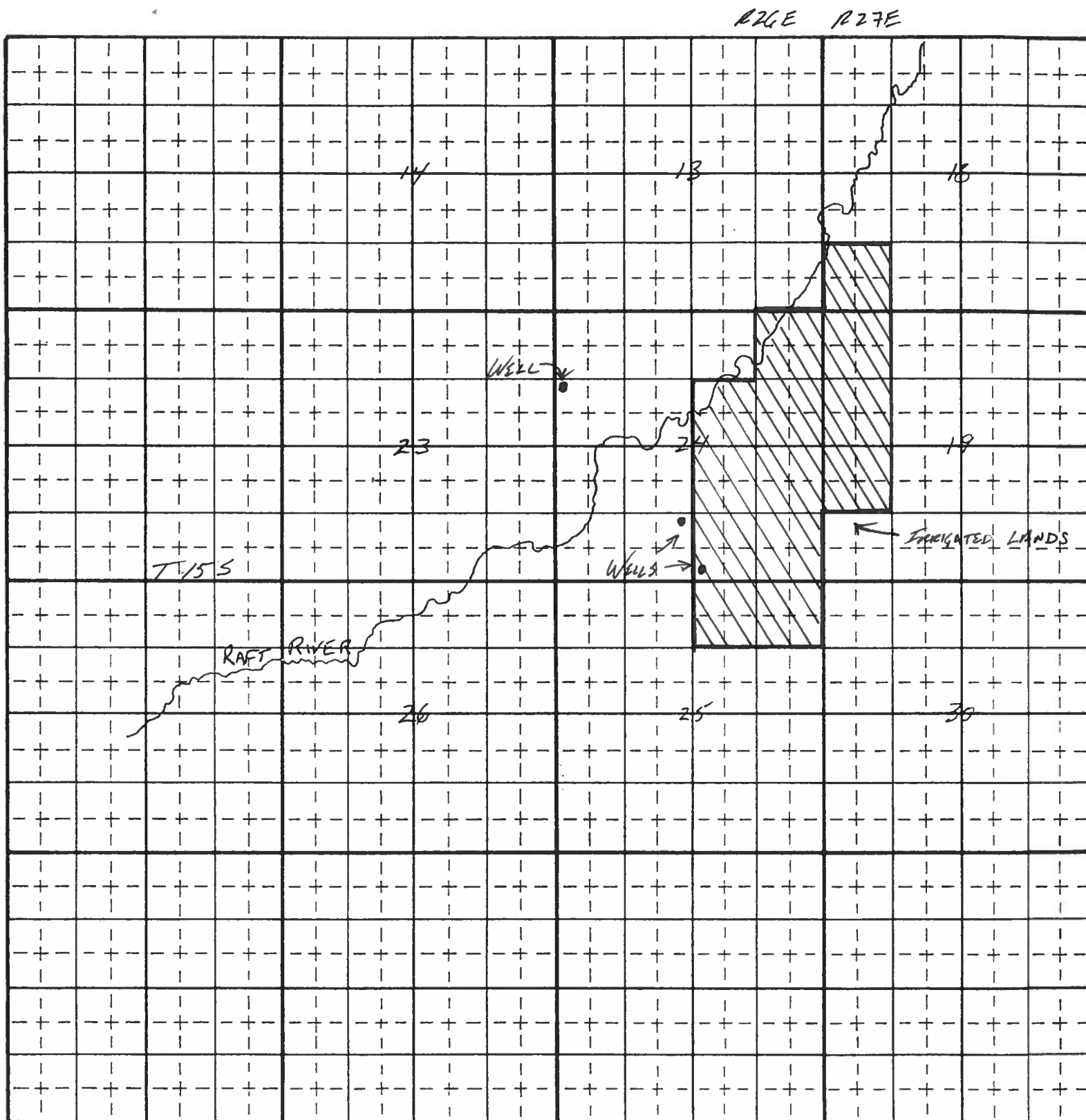
Copies: White - State Yellow - Claimant

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

Scale: 2 inches equals 1 mile



Last Name STEWART Ident No. _____

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Copies: White-State, Yellow-Clayton

15. Basis of Claim (check one) ☐ Official Use ☒ Posted Notice ☐ License ☐ Permit ☐ Decree ☐ 43-4035
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments none

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

Signature of Claimant (s) [Signature] Date 6-8-89

Date _____

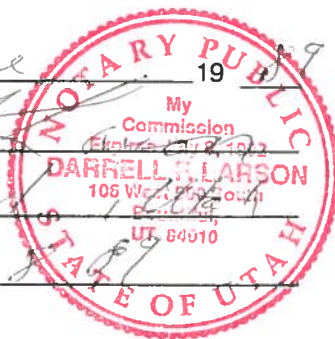
For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

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 22 day of June 1989

SEAL

Notary Public [Signature]
Residing at Bountiful
My Commission Expires 7-2-89
Please Print Name


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

Signature _____
Address _____
Date _____

Water Right Number - 43-04035

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

*** C - CURRENT OWNER ***

JENSEN

HARLAN

1 - 2227 OVERLAND AVE.
2 -
3 -

City- BURLEY
Phone -

State- ID Zip- 83318

Priority Date - +
04/22/1958

Region - +
17

Stage - +
S - STATUTORY CLAIM

Status - +

Source - +
GROUNDWATER

Tributary - +

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

15S 26E 24 SW SE (31) CASSIA

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

01 - IRRIGATION
04 - STOCKWATER

04/01 10/31
01/01 12/31

4.320

Total Div. Rate - + Total Div. Volume - + Total Div. Capacity - +
4.320

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
15S	26E	24	NE NE		40.0	01	IRRIGATION	(31) CASSIA	
15S	26E	24	SW NE		25.0	01	IRRIGATION	(31) CASSIA	
15S	26E	24	SE NE		40.0	01	IRRIGATION	(31) CASSIA	
15S	26E	24	NE SE		40.0	01	IRRIGATION	(31) CASSIA	
15S	26E	24	NW SE		40.0	01	IRRIGATION	(31) CASSIA	
15S	26E	24	SW SE		39.0	01	IRRIGATION	(31) CASSIA	
15S	26E	24	SE SE		37.0	01	IRRIGATION	(31) CASSIA	
15S	26E	25	NE NE		30.0	01	IRRIGATION	(31) CASSIA	
15S	26E	25	NW NE		27.0	01	IRRIGATION	(31) CASSIA	
15S	27E	18	SW SW	4	50.0	01	IRRIGATION	(31) CASSIA	
15S	27E	19	NW NW	1	40.0	01	IRRIGATION	(31) CASSIA	
15S	27E	19	SW NW	2	40.0	01	IRRIGATION	(31) CASSIA	
15S	27E	19	SE NW	3	40.0	01	IRRIGATION	(31) CASSIA	

Total Acres: 488.0

- - - Diversion Means -

- - - Non-Irrigation Use - S/425 RANGE.

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MS PROOF R
(REGIONAL)

+	-	Decree Date	-	+
00	/	00	/	0000

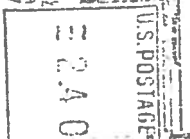
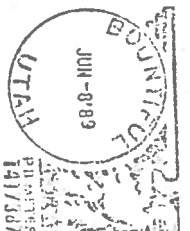
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+-----+ Water Rights Dates and Flags Area +-----+
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Proof Due Date	00/00/0000	Field Exam Made	00/00/0000	Field Exam Fee	-
Approved/Denied	00/00/0000	Protested Date	00/00/0000	Swan Falls	-
Proof Made Date	00/00/0000	Hearing Date	00/00/0000	Temporary Right	-
Start Work Date	00/00/0000	Verified Date	06/03/1985	DLE/Carey Act	-
Order Show Cause	00/00/0000	Receipt Number		Water District	-
Licensed Date	00/00/0000	Receipt Number		Transfer/Amended	-
Decree Date	00/00/0000	Appl Received	00/00/0000		

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MAR 05 1993

HIGGINSON-BARNETT, CONSULTANTS
106 West 500 South Suite 101
BOUNTIFUL, UTAH 84010

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



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MAR 05 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

.Aug. 25, 1989

.REID S STEWART
.STEWART RANCH
.MALTA ID 83342

Dear Claimant(s):

A43-02381A
A43-00130
A43-00129
A43-02285A
A43-00083
A43-04035
Re: A43-02167A
A43-02276
A43-02521
A43-02509A
A43-00131
A43-02534A
A43-10535
A43-00126A

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of you claim(s), please contact this office.

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

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MAR 05 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04035
REID S. STEWART
RUTH O. STEWART
1655 SUNSET DR.
LOGAN

UT 84321

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

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MAR 05 1993

Reid S. Stewart
1655 Sunset Drive
Logan, Utah 84321
(801) 753-2027

RECEIVED
JAN 21 1992
Department of Water Resources
Southern Region Office

January 7, 1992

Idaho Department of Water Resources
Attention: Mr. Allen Merritt
222 Shoshone St. East
Twin Falls, Idaho 83301

Re: Evidence of Priority for claim A43-04035

Dear Mr. Merritt:

I am in receipt of your request for Evidence of Priority information for the above referenced adjudication claim. It is my understanding that sufficient and appropriate evidence of this kind, including affidavits and other field information, some of which was gathered by IDWR personnel, was submitted to IDWR in 1970 in association with water right filing 43-4035 and earlier in conjunction with information on water right permit G-26357.

It is my understanding that this information indicates that the appropriation process for the above referenced claim was initiated in 1958 with the drilling of a well. Therefore, I kindly request that you take official notice of this information and reference it in your recommendations to the court on this claim.

If you find this information lacking in any way, please contact me.

Sincerely,



Reid S. Stewart

cc: Jack A. Barnett

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MAR 05 1993

MEMORANDUM

DATE: 07-Jan-1992

FROM: Allen Merritt

TO: A43-04035

SUBJECT: PROOF OF PRIORITY

THIS DAY DON BARNETT CALLED AND WE DISCUSSED SEVERAL CLAIMS IN THE NAME OF RIED STEWART. ONE WAS THE ABOVE. HE INDICATED THAT THERE WAS AFFIDAVITS ON FILE AND I CHECKED THE MICRO FILM AND FOUND EXIHIBITS A THRU D WHICH EVIDENCE THE USE OF THE WATER.

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MAR 05 1993

07/18/2001

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

RIGHT NUMBER: 43-4035

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

SOURCE: GROUND WATER

QUANTITY: 4.32 CFS
1833 AFY

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

USE OF THIS RIGHT WITH RIGHT NO. 43-2276 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2068 AF.

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: 04/22/1958

POINT OF DIVERSION:	T15S R26E S24	NWSWNW	Within CASSIA County
	T15S R26E S24	NESESW	Within CASSIA County
	T15S R26E S24	SWSWSE	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	4.32 CFS
		1,833.00 AFY
STOCKWATER	01-01 12-31	0.12 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T15S R26E S23	NESE	0.1	T15S R26E S23
T15S R26E S24	NENE	40	T15S R26E S24
T15S R26E S24	SENE	40	T15S R26E S24
T15S R26E S24	SESW	38	T15S R26E S24
T15S R26E S24	NWSW	40	T15S R26E S24
T15S R26E S24	SESW	40	T15S R26E S24
T15S R26E S24	NWSE	40	T15S R26E S24
T15S R26E S24	SESE	40	T15S R26E S25
T15S R26E S25	NWNE	40	T15S R26E S25
T15S R26E S25	NWNW	40	T15S R26E S26
T15S R26E S26	NWNE	33	T15S R26E S26
T15S R26E S26	SENE	40	T15S R27E S18
T15S R27E S19	NWNW	49	T15S R27E S19
T15S R27E S19	NWSW	49	
<u>STOCKWATER Within CASSIA County</u>			
T15S R26E S23	NESE		T15S R26E S23
T15S R26E S24	NENE		T15S R26E S24
T15S R26E S24	SENE		T15S R26E S24
T15S R26E S24	SESW		T15S R26E S24
T15S R26E S24	NWSE		T15S R26E S24
T15S R26E S24	SESE		T15S R26E S24
T15S R26E S25	NWNE		T15S R26E S25
T15S R26E S25	NWNW		T15S R26E S25
T15S R26E S26	NWNE		T15S R26E S26
T15S R26E S26	SENE		T15S R26E S26
T15S R27E S18	NWNW		T15S R27E S19
T15S R27E S19	NWSW		T15S R27E S19

1023.3 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 488 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 43-2276 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 517 ACRES 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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

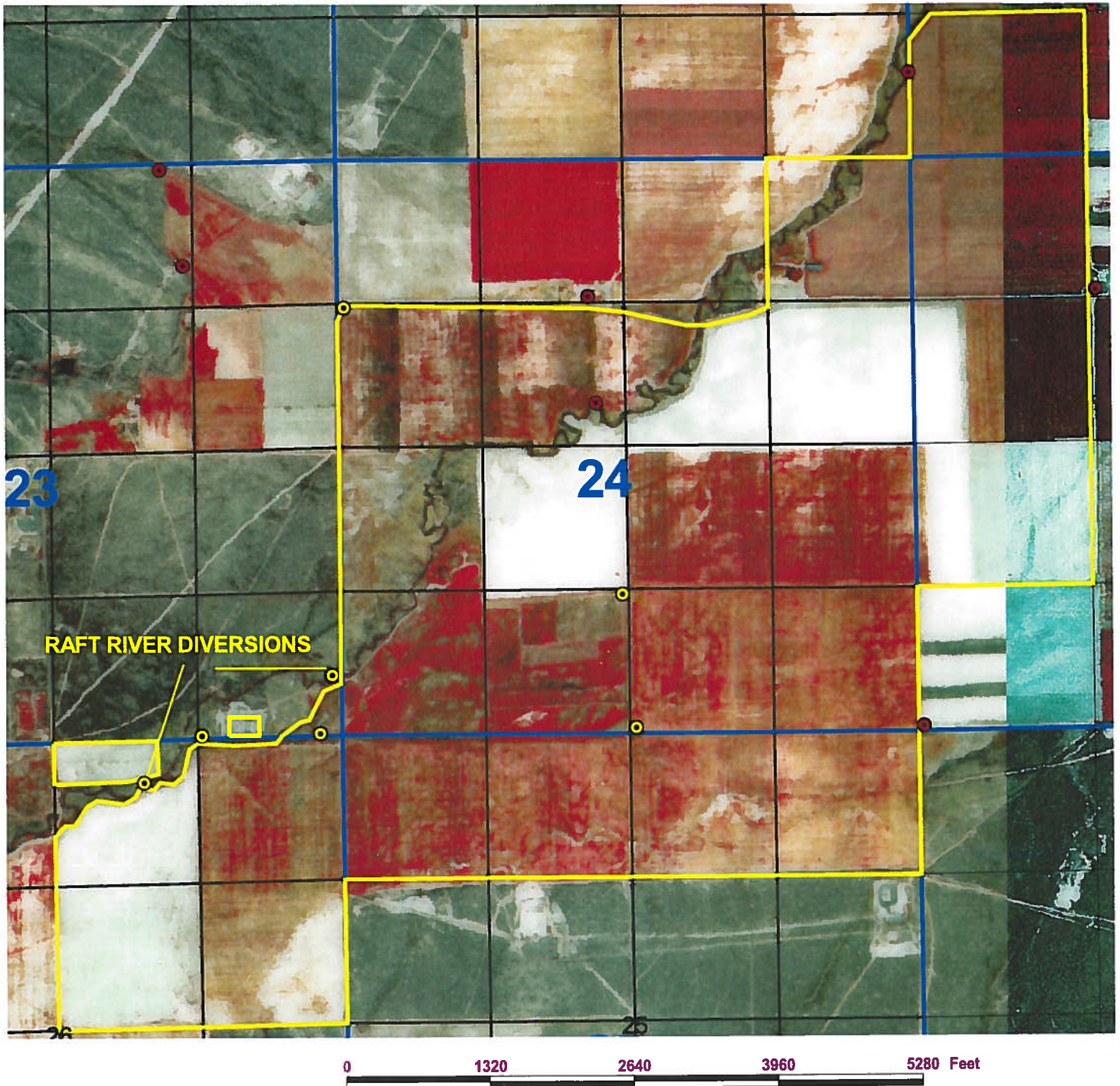
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT NO. 43-10535 IS AN EXPANSION OF RIGHT NOS. 43-2276, 43-2521, 43-2381, 43-2534A, 43-4035, 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: 43-4035

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

SOURCE: GROUND WATER

QUANTITY: 4.32 CFS
1833 AFY

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

USE OF THIS RIGHT WITH RIGHT NO. 43-2276 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2068 AF.

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.

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.

*11.32 cfs
3140 af*

PRIORITY DATE: 04/22/1958

POINT OF DIVERSION:	T15S R26E S24	NWSWNW	Within CASSIA County
	T15S R26E S24	NESESW	Within CASSIA County
	T15S R26E S24	SWSWSE	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	4.32 CFS
		1,833.00 AFY
STOCKWATER	01-01 12-31	0.12 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County					
T15S R26E S23	SESE	4.1	T15S R26E S24	NENE	40
T15S R26E S24	SWNE	35	T15S R26E S24	SENE	40
T15S R26E S24	SWNW	39	T15S R26E S24	SENE	38
T15S R26E S24	NESW	40	T15S R26E S24	NWSW	6.8
T15S R26E S24	SWSW	31	T15S R26E S24	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

*Add & claim
43-13102
Amended
43-1053*

STOCKWATER Within CASSIA County

T15S R26E S23	SESE	T15S R26E S24	NENE
T15S R26E S24	NWNE	T15S R26E S24	SWNE
T15S R26E S24	SENE	T15S R26E S24	SWNW
T15S R26E S24	SENW	T15S R26E S24	NESW
T15S R26E S24	NWSW	T15S R26E S24	SWSW
T15S R26E S24	SESW	T15S R26E S24	NESE
T15S R26E S24	NWSE	T15S R26E S24	SWSE
T15S R26E S24	SESE	T15S R26E S25	NENE
T15S R26E S25	NWNE	T15S R26E S25	NENW
T15S R26E S25	NWNW	T15S R26E S26	NENE
T15S R26E S26	NWNE	T15S R26E S26	SWNE
T15S R26E S26	SENE	T15S R27E S18	LOT 4 SWSW
T15S R27E S19	LOT 1 NWNW	T15S R27E S19	LOT 2 SWNW
T15S R27E S19	LOT 3 NWSW		

980.9 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 488 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 43-2276 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 517 ACRES IN A SINGLE IRRIGATION SEASON.

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

1, 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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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.

13102

CLAIM NUMBER: A43-04035

TOTAL DIVERSION: 4.32 CFS
CONSUMPTIVE USE:

Stage: **STATU**
CASSIA County

SE

TOTAL ACRES

add
to
ppv

add

add
to
ppv

add
to
ppv

ଉତ୍ତର :

15000

Hill Country
Limited Liability Company
Total 80698

11-10-20

MEMORANDUM

To: File
From: Scott King 
Date: July 13, 2000

Subject: A43-04035 Stewart

Reviewed licensing exams for possible flow measurements of the three wells claimed in this filing.

15S 26E 24 SWSE:

Review of the original claim file in the vault indicated that the claimed quantity of 4.32 cfs for this POD was once measured by IDWR staff during examination for permit number G-26357. I was unable to verify this measurement. Other data in the claim file indicates that the motor was 50-hp, and then upgraded to 75-hp near 1966. Assuming a pumping water level of 75 feet and low discharge pressure (open-discharge condition) results in a theoretical capacity of about 4.38 cfs, which agrees with the claimed quantity.

15S 26E 24 SWNW:

Review of license file 43-02521 indicates a 1964 flow measurement of 1.58 cfs.

15S 26E 24 SESW:

Review of license file 43-02276 indicates this diversion was licensed for 2.81 cfs, but I was unable to find a record of flow measurement in this file.

*NOTE FROM UH: Permit # G26357 was not issued
a new number by IDWR. IT IS SUPPOSED THAT
THE PROCESS OF LICENSING WAS NOT COMPLETED.*

Record ID 102	Measured Flow:
Water Right No. A43-04035	Designed Flow:
Name Stewart	HP/Eff Flow: 4.38 cfs <<--Max
pod 15S 26E 24 SWSE	Sprinkler Flow:
year: pre 1966	Pivot/System Flow:
Flow Measurement: gpm =	
Curve/Pump Design: gpm =	
Horsepower / Efficiency Method	
Horsepower 50 hp	per original claim
PWL 75 ft	estimated pwI
Disch Psi 2 psi	assuming open discharge
PUMP Eff Estimate 0.79 %	
TDH 80 ft	
OHP 39.5 hp	
Flow 1965 gpm = 4.38 cfs	
System Method:	
No Lines	Nozzle Equation: $Q=C*A*\sqrt{2*g*h} / \sqrt{1-r^4}$
Birds per line	C= 1.00 Nozzle coefficient; typical 0.97 to 1.00
Ttl no nozzles 0	r= 0.0000 ft Nozzle radius
Nozzle size in	A= 0.00000 ft^2 Nozzle area
Nozzle pressure psi	h= 0 ft Head
Flow per nozzle 0.00 gpm	g= 32.2 ft/sec^2 Gravitational constant
Sprinkler Flow 0 gpm	Q= 0.000 cfs Flow per nozzle
Percent Leaks %	= 0.000 gpm Flow per nozzle
Total Flow 0 gpm =	
Pivot / System rating gpm =	

Comments / Data Supplied:

Review of original claim file in vault indicates that the claimed quantity of 4.32 cfs was once measured by IDWR staff during examination for permit number G-26357. Other data in the file indicates that the motor was 50-hp, then changed to 75-hp near 1966. A water level of 75 ft and discharge pressure of 2 psi (open discharge) was assumed to confirm a potential capacity of 4.32 cfs.
snk 6/27/2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

43-04035

V.H.

February 10, 2000

Second Notice

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

STEWART, REID & RUTH
1655 SUNSET DR
LOGAN UT 84321

RE: Information about historical water diversion flow rate

Dear Wateruser:

This past December IDWR sent a letter to you requesting your assistance in providing information about flow rates from certain diversions (copy attached). These letters are being sent to claimants with identified rights that have not previously been confirmed (measured) either through the licensing process or by decree. IDWR desires to make the most accurate recommendation to the SRBA Court and this requires your participation and cooperation, pursuant Idaho Code §42-1410.

One advantage of providing good, verifiable information to us is that the flow rate that we recommend will be the full measure of your water right as developed. Another benefit is that disputes over the recommendation are minimized. Lastly, documentation for flow rate will likely be dated and may support evidence of priority determination.

In the absence of good information about historical diversion flow rates IDWR may conclude any of three less desirable alternatives:

- 1) Recommend disallowal of right.
- 2) Recommend a flow rate limited to a licensed rate, if a licensed diversion is part of the system, but with additional diversion volume if the use and diversion capacity is documented to have occurred before 1963.
- 3) Recommend the right as an expansion in a critical ground water area, §42-1416B I.C., which limits the flow rate AND volume to the licensed quantity. This provision also sets the priority at 6/30/1985, regardless of development date between 1963 and 1985.

Thank you for your attention to this matter and we look forward to your quick response and documentation relating to this request. Water Resource Agents from the department may be contacting you in the near future should field work be required to finalize recommendations. Inquiries related to this diversion rate information request should be made to Scott King or Cindy Bird at (208) 327-7900. Inquiries about other aspects of your claim should be made to the Southern Region Office (208) 736-3033.

Sincerely,

Scott King

Enclosures

Identification No. _____

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-215a, Idaho Code, a person may file a claim to a right to use water which has been diverted and applied to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant: Harlan Jensen
post office address: 2227 Overland Avenue, Burley, Idaho

2. The point of diversion is in SE 1/4 of SE 1/4 Section 21 Township 15S
Range 35E B.M. located on Underground Water

tributary to _____ (name of source)
in Cassia County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

Aug 22, 1958
(See Remarks)

amount: 1.12 cfs. or _____ acre feet

amount: _____ cfs. or _____ acre feet

amount: _____ cfs. or _____ acre feet

Total claimed _____ cfs. or _____ acre feet

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed.

use Irrigation period of use from April 1 to October 31 (both dates inclusive)

use Stock Watering period of use from January 1 to June 31 (both dates inclusive)

use _____ period of use from (See Remarks) (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

4. Description of diverting works:

a. Surface water diversion dam and or headgate: material is composed of _____ length is _____ feet; height is _____ feet; width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped Pumped depth of well is 289 feet; diameter of well is 18 inches; type of pump is vertical turbine

capacity of pump is 75 H.P. name and address of well driller is Drilled by either F. O. Farris of San Jose California or Dean Rogers, Pima, Arizona (See Remarks)

43 4035

Date of Change—1914

44-38861-1000

422 3-10-21 11:11 11:11

2017年12月10日 星期一 10:10

...the ... of ... since water was first appropriated, gov.

U. S. AIR FORCE - OFFICE OF MILITARY AFFAIRS -

total capacity of reservoir is _____ acre feet active capacity of reservoir is _____ acre feet

year construction commenced _____, year completed _____, date first used _____

Period of storage is from _____ to _____ is reserve of the year

...on craft team _____ explain _____

* "Understand" : used as a primary carrying tag, ... if : "interior" and "stream" details

U.S. DEPT. OF AGRICULTURE, BUREAU OF PLANT INDUSTRY, WASHINGTON, D. C.

There were three in, enlargement of the reservoirs was first - ... in 1923 and 1924.

5. a. Where water is used for irrigation, describe area irrigated by 40-acre land divisions and give total acres.

[illegible]

Explain any signif. case in area irrigated since first use, give dates and acreages if known. Yes

(See Remarks)

NOTICE OF CLAIM TO A WATER RIGHT

No. 43-4035

Notice is hereby given that Harlan Jansen, 2277 Overland Avenue,
Burley, Idaho,

has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 4.32 cubic feet per second alluvium
of water from a ground-water source

with point of diversion in the S4SW1/4 Sec. 24, T. 15S, R. 26E, B.M.,
Cassia County,

The water is claimed to be used from April 1 to October 31 for
irrigation and from Jan. 1 to Dec. 31 for stock watering

with a priority of April 22, 1958

the place of use is within the E1/4, S4SW1/4, S2E, Sec. 24; S4SW1/4, Sec. 25;
T. 15S, R. 26E, B.M. and S4SW1/4 (Lot 4), Sec. 18; S4SW1/4 (Lot 1), S4SW1/4 (Lot 2),
S4SW1/4 (Lot 3), Sec. 19; T. 15S, R. 27E, B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration.

R. KEITH HIGGINSON

Director

Published in the South Idaho Press, Burley, Idaho,
on August 27 and September 3, 1970

43-4035

EXHIBIT A

AFFIDAVIT

STATE OF IDAHO)
COUNTY OF CASSIA) SS

WILL BATES, being first duly sworn in his oath,
deposes and says:

The affiant is the office manager of the Part
River Electric Coop. with offices at Pate, Idaho. That
the Coop supplies electrical power for many irrigation
wells in Part River Valley. That the Coop has for several
years supplied electrical power to the properties owned
by William Jensen. The affiant states that the records of
the Coop show that electrical power was first delivered and
used to pump irrigation water from a well in the NW 1/4
of Sec 24, T. 25S, R. 24E, during 4/24/51 and never has
been used at this location each year since 4/24/51 to date.

By me: Carter
Jesse Carter

Subscribed and sworn to before me this 24th day of

Aug 1970.

Richard D. Bennett
Notary Public residing in Boise, Idaho

My Commission Expires:

Jan. 21, 1974

COPY

A P P D A V I T

STATE OF IDAHO

COUNTY OF ADAMS

33

EAPL UH, being first duly sworn on his oath,
deposes and says:

The affiant has resided in the Patte River Valley since 1939 and has knowledge of agricultural activities in the area of Briley, Idaho a few years prior to that date. The affiant has observed the irrigation of lands presently owned by Harkins Jensen and previously owned by the Harkins family since 1939 or before. The affiant states that a portion of this irrigation was from a well that was in existence on the property in 1939. The affiant knows of his own personal knowledge that a well was drilled in the SW 1/4 of the SE 1/4, Sec. 24, T. 15 S, R. 25 E, on or before 1958 and that water has been used to irrigate lands and raise crops from this well continuously since the spring of 1958 to the present. At times, the affiant was involved in the actual production and/or harvesting of the crops and at other times the affiant was just personally familiar enough with the lands to observe the raising of crops.

Earl UH
Affiant

Subscribed and sworn to before me this 20 day of August, 1970.

DeWitt M. McArthur
Notary Public residing in Briley, Idaho

My Commission Expires: 6-1-71

Exhibit B

AFFIDAVIT

STATE OF IDAHO)
COUNTY OF CARLE) ss.

HAROLD STEIN, being duly sworn on his oath,
deposes and says:

The affiant is the owner of certain agricultural lands located in townships 15 N., 26 E., and 15 N., 27 E., in Carle County, more particularly, the affiant owns a well located to the SW 1/4 Sec. 20, T. 15 N., R. 26 E.

The affiant constructed the well and the lands irrigated by it in April of 1936. There was a total of 27 acres irrigated and at that time about 50 acres were being irrigated. Under the affiant's direction, the land was cleared and approved so that by 1936 virtually all of the land was irrigated with the exception of two small acreages and the necessary outflow that occur for the road and affluents.

The affiant has prepared a map of the lands irrigated and has reviewed it in detail and believes that the information is correct to the best of the affiant's knowledge.

Sixty year vines 1936 water has been run over the well located in the SW 1/4 Sec. 20, T. 15 N., R. 26 E. and used to irrigate the acreage. For the wet past seasons, sugar beets, hay, and grain have been raised.

Harold Stein
Harold Stein

Subscribed and sworn to before me this 20 day of August 1936.

John H. Hansen
Notary Public residing in Burley, Idaho

My Commission Expires: 6-1-71

COPI

Exhibit B

AFFIDAVIT

STATE OF IDAHO)
COUNTY OF ADA) SS

JACK A. BARNETT, being first duly sworn on his oath, deposes and says:

The affiant is a registered professional engineer in the State of Idaho and a consulting ground water geologist. The affiant specializes in water right and water resource work. During August of 1970, the affiant visited properties in the Raft River Valley owned by Harlan Jensen and observed the irrigation of lands by wells located on the property. After interviewing residents of the area, the property owner, the Electrical Power Company and researching the files of the Idaho Department of Water Administration, the affiant prepared water right claim #43-435 which he believes is a correct representation of the water right established by the constitutional method to the best of his knowledge.

Jack A. Barnett
Jack A. Barnett

Subscribed and sworn to before me this 11th day of August, 1970.

Dr. James Powell
Notary Public residing in Boise, Idaho

By Commission Expires:

June 19, 1975

SOL

ATTD:

County of Cass

STATE OF IDAHO

duly sworn, do:

NOTARY PUBLIC
My term expires on the 1st day of December, 1971.
The Seal of the State of Idaho is hereby attached to this document.

dated *August*
with the issue of

Subscrib

this *3*

1970.

Cost of Publication

Notary Fee

Total Cost