

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: A43-04095
Date Received: 7/03/1989
Receipt No: S008434
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY E. CROOK 714-676-7260
Address: 29820 VIA PUESTA DEL SOL
TEMECULA, CA 92390

2. Date of Priority: JUL 26, 1949

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	26E	23		SE	SE		CASSIA

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
HEATING	01/01	12/31	1.710		
IRRIGATION	01/01	12/31	0.040		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 3.0 Acre Feet Per Annum.

9. Non-irrigation uses:
G/GREENHOUSES, D/1 HOUSEHOLD

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	26E	23				IRR	1.0

A43-04095

Page 1

Date: 07/03/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	26E	23	SE	SE		DOMEST HEAT	
Section Acres							1.0
Total Acres							1.0

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:
12"X530' WELL, ARTESIAN FLOW. 12"X250' WELL, PUMP. 6"X70' WELL,
3/4HP PUMP. ORIGINAL WATER RIGHT FOR HEATING ONLY. INCLUDED
IRRIGATION AND DOMESTIC USE ON CLAIM.

15. Basis of Claim: STATUTORY CLAIM

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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 _____



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

Gary E. Crook
29820 Via Puerta
Del Sol
Temecula, Calif. 92390

RECEIVED

JUN 30 1989

RE: SRBA Claim

Department of Water Resources
Southern Region Office

Dear Claimant:

Please find enclosed your claim and your check # 1073 for \$ 179.00 which you submitted to our office. I am returning these pursuant to rule 10,4 of the Department's Adjudication Rules and Regulations. In checking your claim it appears that the following items need clarification:

- () Item #2 Priority date (day/month/year)
- () Item #4 Point of Diversion Legal Description
- () Item #6 Uses descriptions
- () Item #9 Description of Non-irrigation uses
- () Item #10 Place of Use Legal Description
- () Item #16 Signature & Notarization
- (✓) Improper fee (THE CORRECT FEE IS \$ 222.00)
- () Other or Remarks

Base fee = \$50
Heating 1.71 X \$100 = \$171
Irrigation \$/ACRE = \$1
\$222

If you will make the necessary corrections and return your claim with the correct fee and a copy of this letter within 30 DAYS of the date of this letter, your filing will be considered timely and will not be assessed and additional late fee of \$ 50.00.

Sincerely,

Steve Clelland
Water Right's Agent

enc:

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MAR 04 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

Re: A43-04095

.GARY E CROOK
.29820 VIA PUESTA DEL SOL
.TEMECULA CA 92390

Dear Claimant(s):

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

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

Yours truly,

A handwritten signature in cursive script, appearing to read 'Judy'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED
MAR 04 1993

32393

TO WHOM IT MAY CONCERN

This is to certify that L. B. and Kathleen Erickson and their heirs and assigns, may use the hot water from the "Hot Well" located on the property at Bridge, Idaho, to fill and heat swimming pools, bathing pools, and any other type of Heating Device he may deem necessary in the operation of his project, so long as it is in compliance with the terms as stated in Warranty Deed No. 198673, recorded in Cassia County, in the State of Idaho.

Executed in the presence of

Alma Dahl
Alma Dahl, Notary Public
Clearfield, Utah
December 5, 1961

W. Lloyd Knight

State of Idaho)
County of Cassia) ss.

I hereby certify that this instrument was filed for record at request of

William D. Hodman

58 minutes past 10 o'clock

the 2nd day of November

1966 In my office and duly

Recorded Film No. 45

32393

FRANK B. KEARNS

Ex-Officio Recorder

By Jeanette Broadhead

9184.22

Republished

MAR 0 1967

Knott to Erickson

11-22-66

1957
Knight to
Erikson
Land & Well
use

ALPHABETIC 10070

Claim No. 43-4095

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JAN 4 1980

CLAIM TO A WATER RIGHT

Department of Water Resources
Southern District Office

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Town & Country Gardens, a partnership
(Name of Claimant)

P. O. Box 641 - Malta, Idaho 83342 Telephone No. 645-2335
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) July 26, 1949

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
groundwater tributary to _____

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity		Use	Period of Use From	To
(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)		(Mo., Day)	(Mo., Day)
1.71	heating		Jan 1	Dec. 31

(4) _____ TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ SE ¼, Sec. 23 Twp. 15S Rge. 26E B.M., County of Cassia
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 2 wells

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres _____

BI If water is used for other than irrigation, fully describe that use, being as specific as possible: Water has been used for heating poultry raising facilities and greenhouses. Water is used for heating greenhouses at the present time.

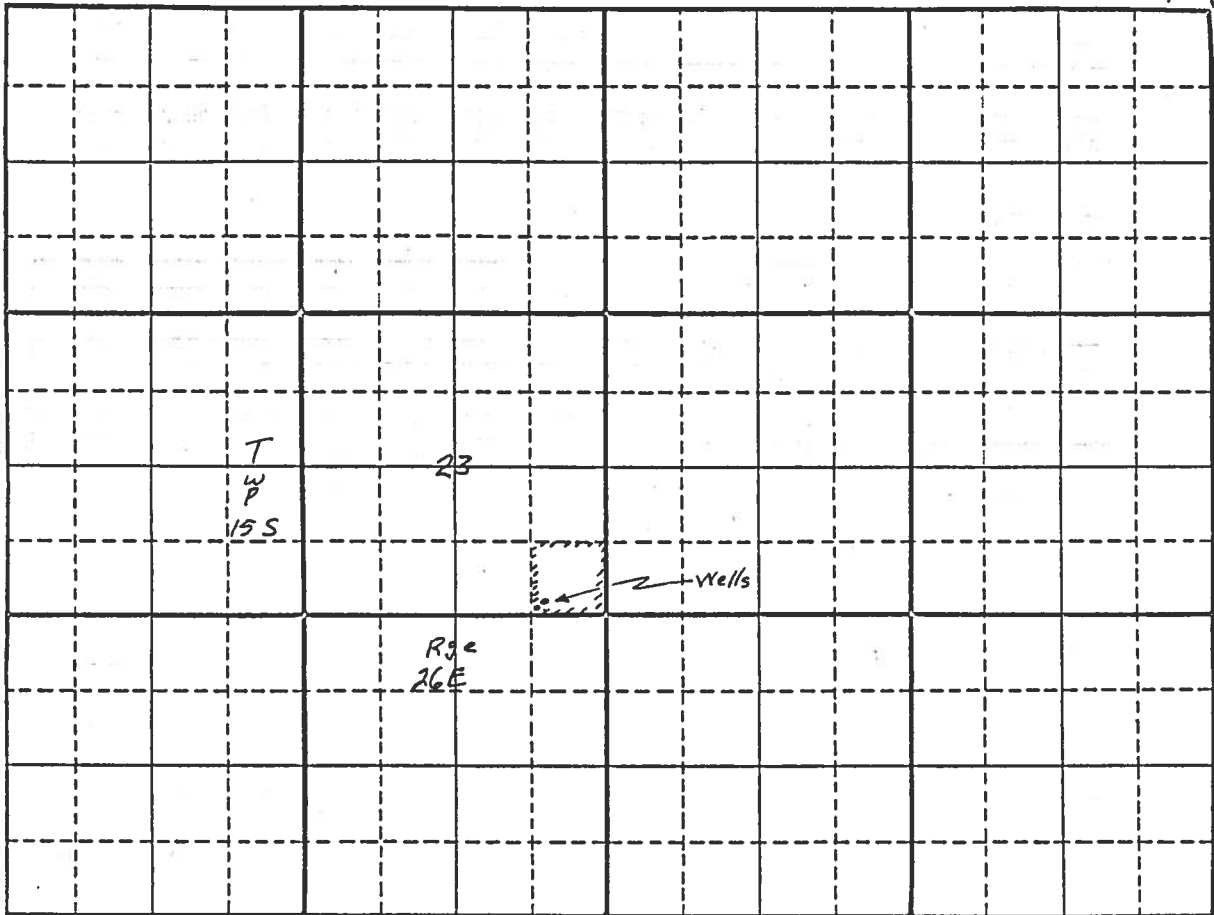
NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

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(8) Remarks The water from these wells is diverted for irrigation under licenses
43-2327 and 43-2361

JOHN V. EVANS
Governor
STEPHEN
Director



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Twin Falls) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Harry B. Cook (Partner)
(Claimant)

Sworn to before me this 4th day of January, 1980.

Loren O. Halverson
Notary Public
Residing at Twin Falls, ID

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by LD Date 1-4-80 Exception filed by: _____
Prelim. check by JD Date 1-8-80
\$20.00 fee received by Specilla Date 1-4-80 # 17051
Published in South Idaho Press
Dates 1/22 + 1/29/80

Forwarded to _____ Date _____
claimant by: _____

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MAR 04 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

A43-04095
GARY E. CROOK
29820 VIA PUESTA DEL SOL

TEMECULA CA 92390

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 04 1993

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

RECEIVED

JUN 5 1989

**TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Gary E. Crook Phone (714) 676-7260
Mailing Address 29820 Via Puesta Del Sol, Temecula, CA Zip 92390

2. Date of Priority (Only one (1) per claim) July 26, 1949

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 23,
SE 1/4 of SE 1/4 of 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. 1 well, 12" Casing, 530' deep,
Artesian Flow, 220' water. 1 well, 12" Casing, 250' (est.) deep with pump.
1 well, 70' deep, 6" casing, Domestic with 3/4 hp. submersible pump.

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MAR 04 1993

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Domestic purposes from 1/1 to 12/31 amount .04 or _____

For Heating purposes from 1/1 to 12/1 amount 1.71 or _____

For Irrigation purposes from 1/1 to 12/31 amount .04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.79 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is .08 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Heating Greenhouses, 1 Household.

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	23																X	

Total number of acres irrigated 1

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:

Enclosed: Claim to Water Right #43-4095.

Warranty deed establishing use of Hot Water & Cold well dated June 21, 1957

A document dated December 5, 1961 Reiterating the right set forth in the

Warranty deed.

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MAR 04 1993

Last Name Crook Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 20x20 grid of graph paper. The grid is divided into four 10x10 quadrants by a central vertical and horizontal line. Handwritten annotations include:

- In the upper-left quadrant (rows 5-10, columns 15-20):
 - Row 7, Column 17: "T"
 - Row 8, Column 17: "13"
- In the lower-right quadrant (rows 11-16, columns 15-20):
 - Row 12, Column 17: A dot with an arrow pointing to it and the word "wells" written next to it.
- In the lower-left quadrant (rows 11-16, columns 5-10):
 - Row 12, Column 7: "R9C"
 - Row 13, Column 7: "26E"

MAR 04 1993

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
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 3

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 June 2, 1989

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 _____

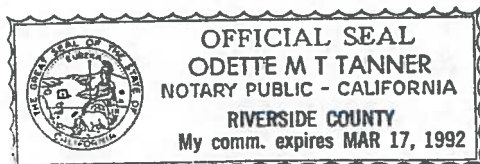
Title and Organization _____

Date _____

State of Idaho/or California)
County of Riverside) SS.

Subscribed and sworn (or affirmed) before me this 2nd day of June 19 89

SEAL



Notary Public Odetta M-T. Tanner

Residing at Temecula, Calif 92390

My Commission Expires March 17, 1992

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

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MAR 04 1993

Last Name Crook Ident. Number _____

Copies White-State, Yellow-Claimant

07/20/2001

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

RIGHT NUMBER: 43-4095

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

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

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

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.71 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 320 AF. COMBINED RIGHT
NOS.: 43-2327, 43-2461.

PRIORITY DATE: 07/26/1949

POINT OF DIVERSION: T15S R26E S23 SWSESE 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	0.04 CFS
		4.00 AFY
HEATING	01-01 12-31	0.04 CFS
DOMESTIC	01-01 12-31	0.04 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T15S R26E S23 SESE 1
HEATING Within CASSIA County
T15S R26E S23 SESE
DOMESTIC Within CASSIA CountyT15S R26E S23
SESE

1 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 43-2327 & 43-2461 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A
SINGLE IRRIGATION SEASON.

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 - Beneficial Use

ATTN DIKIE

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

**RECEIVED
JUL 27 2001
Department of Water Resources
Southern Region**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	43-4095				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) GARY E CROOKS
4. New Owner/Claimant(s) Reed or Ruth Stewart
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1655 Sunset Dr
- City, State and ZIP Code LOGAN, UT 84321
- New Telephone Number () _____
5. Date you acquired the property X 1-6-1997

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. X

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Barry A. Stewart

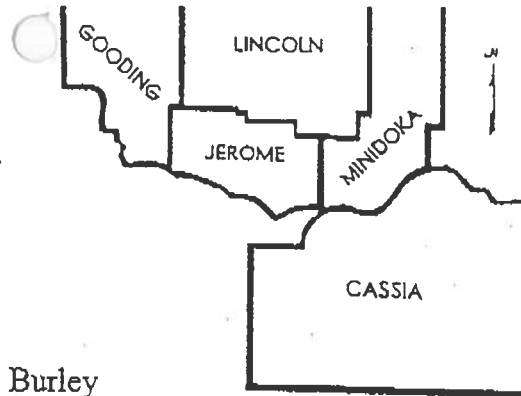
For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO:

OFFICE: Burley

RE: Reid S. StewartDATE: 7.18.01TIME: 4:10 p.m.

RECEIVED

JUL 18 2001

Department of Water Resources
Southern Region

TO: NAME: Vickie Hancock
COMPANY: Idaho Dept. of Water Resources
FAX NO.: (208) 736-3037

FROM: NAME: Tana
OFFICE/DEPT.: Burley
Phone (208) 878-3524/Fax No. 208-878-4435

Total number of pages sent: 3 (Including cover letter)

COMMENTS:

Mr. Stewart called and requested I fax a
copy of this Warranty Deed to you.
Re: Creek to Stewart transaction dated 1/6/97
Thank You,
Tana

BOX 177, BURLEY, IDAHO 83318
PHONE 878-3524 - FAX 878-4435BOX 348, JEROME, IDAHO 83338
PHONE 324-8357 - FAX 324-8861BOX 473, GOODING, IDAHO 83330
PHONE 834-8477 - FAX 834-5890BOX 111, RUPERT, IDAHO 83350
PHONE 436-0808 - FAX 436-1188

WARRANTY DEED

#27986

For Value Received

247045**GARY E. CROOK and JOY CROOK, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

REID S. STEWART and RUTH O. STEWART, husband and wifeAddress: 1655 Sunset Drive
Logan, Utah 84321**RECEIVED**
JUL 18 2001
Department of Water Resources
Southern Region

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

**TOWNSHIP 15 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**Section 23: SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1996 and subsequent years.

Reservation contained in Warranty Deed from W. Floyd Knight and Adora M. Knight, husband and wife, parties of the first part, and Lucine Erickson and Kathleen Erickson, husband and wife, parties of the second part, dated June 21, 1957 and recorded September 26, 1958 as Instrument No. 198673 in Book 61 of Deeds, Page 435, records of Cassia County.

Certificate recorded November 22, 1966 as Instrument No. 32393 on Film No. 45, records of Cassia County, Idaho.

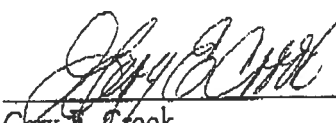
Reservation in Warranty Deed executed by Lucine B. Erickson and Kathleen Erickson, husband and wife, to Paul W. Crank, a single man, recorded March 4, 1970 as Instrument No. 50099 on Film No. 64, records of Cassia County, Idaho.

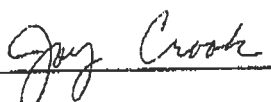
Effects, if any of Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta and Reid Stewart, dated March 27, 1995 and recorded March 30, 1995 as Instrument No. 235890 on Film No. 264, records of Cassia County, Idaho.

Effects, if any of Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, and Reid Stewart, dated April 2, 1996 and recorded April 10, 1996 as Instrument No. 242109 on Film No. 275, records of Cassia County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 6, 1997



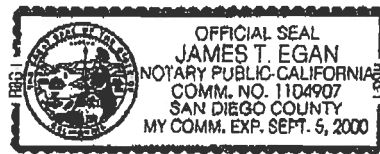
Gary E. Crook

Joy Crook

STATE OF CALIFORNIA)

COUNTY OF *San Diego*) ss.

On this *12* day of January, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared GARY E. CROOK and JOY CROOK, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

James T. Egan
Notary PublicResiding at: *San Diego, CA*My Commission expires: *Sept. 5, 2000*

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM *283*
1997 JAN 17 P 3:26
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE *600* DEPUTY *DM*

247045

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

6/13/2001

Regarding:

Contact:

Claims of Reid Stewart

Reid Stewart and Don Barnett

Regarding the claims appurtenant to property he purchased from Ivan Darrington and Gary Crooks:

I read the chronology of the three claims on the Darrington and Crooks properties which are interrelated. I gave them a copy of the narrative and a copy of the GPS'd wells imported and presented in ArcView.

In regard to my mentioning that Darrington was supposed to abandon the wells in the west at the greenhouse site when he drilled the well in the SESESE Sec 23, Stewart said that that was the only well he used for irrigation. He said that the hot well that was flowing was too hot to touch let alone irrigate with. I told him that as far as I could tell he had a right to .04 cfs for heating and secondary irrigation of 1 acre from the hot well.

He also said that the controlled well with a grain silo over it could have been drilled by the Government Geothermal project, as they put grain silos over their wells just like that. (Perhaps our identification of the wells and the years they were drilled is not totally correct).

It is possible that the artesian hot well should be controlled, as there is no year round use occurring which would warrant it. Perhaps at one time Darrington used it for stockwater based upon historical domestic use at the old house then greenhouses, but that no longer seems to apply.

Stewart also mentioned that he is irrigating acres in the NESE and SESE of Section 23 that do not appear irrigated in the 1987 photos. Don Barnett agreed with me that if he desires to continue irrigating there he will have to file a transfer and dry up other acres. Perhaps pivot corners from the pivots he put in this year.

I also requested that Stewart file a change of ownership form and provide the deed so that we could get the Crooks claim into his name alone.

02/15/2001

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

RIGHT NUMBER: 43-4095

NAME AND ADDRESS: RUTH O STEWART
1655 SUNSET DRIVE
LOGAN, ID 84321

REID STEWART
1655 SUNSET DR
LOGAN, UT 84321

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

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

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.71 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 320 AF. COMBINED RIGHT
NOS.: 43-2327, 43-2461.

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: 07/26/1949

POINT OF DIVERSION: T15S R26E S23 SWSSE 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	0.04 CFS
		4.00 AFY
HEATING	01-01 12-31	0.04 CFS
DOMESTIC	01-01 12-31	0.04 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T15S R26E S23 SESE 1
HEATING Within CASSIA County
T15S R26E S23 SESE
DOMESTIC Within CASSIA County
T15S R26E S23 SESE

1 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 43-2327 & 43-2461 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A
SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 981 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-046, ~~43-128A~~, 43-129, 43-130,

chg

43-131, 43-2167A, 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 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.

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 - Beneficial Use

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GARY E CROOK	07/26/1949	IRRIGATION	01-01 12-31	0.04 CFS	
			HEATING	01-01 12-31	1.71 CFS	.04
			DOMESTIC	01-01 12-31	0.04 CFS	
TOTAL DIVERSION:					1.71 CFS	.04
CONSUMPTIVE USE:					3.00 AFR	

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM *BU*

Point(s) of Diversion: T15S R26E S23 *SW* SESE

CASSIA County

Place of use Legal Description for: IRRIGATION

NE NE NE NE NE NE NE NE NE NE NE NE											
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
15S	26E	23	:	:	:	:	:	:	:	:	:
TOTAL ACRES 01 1.0											

Place of use Legal Description for: HEATING

NE NE NE NE NE NE NE NE NE NE NE NE											
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
15S	26E	23	:	:	:	:	:	:	:	:	:
TOTAL ACRES 01 1.0											

Place of use Legal Description for: DOMESTIC

NE NE NE NE NE NE NE NE NE NE NE NE											
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
15S	26E	23	:	:	:	:	:	:	:	:	:
TOTAL ACRES 01 1.0											

POU County: CASSIA

Non-Irrigation Uses: G/GREENHOUSES, D/I HOUSEHOLD

Other Rights: NONE

Remarks: 12"x530' WELL, ARTESIAN FLOW. 12"x250' WELL, PUMP. 6"x70' WELL, 3/4HP PUMP. ORIGINAL WATER RIGHT FOR HEATING ONLY. INCLUDED IRRIGATION AND DOMESTIC USE ON CLAIM.

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

2327, 2461, 4045
limited to 171 yds
320 AFR
copy to comments
add comments when doing wells.
C-18
9123 down
910

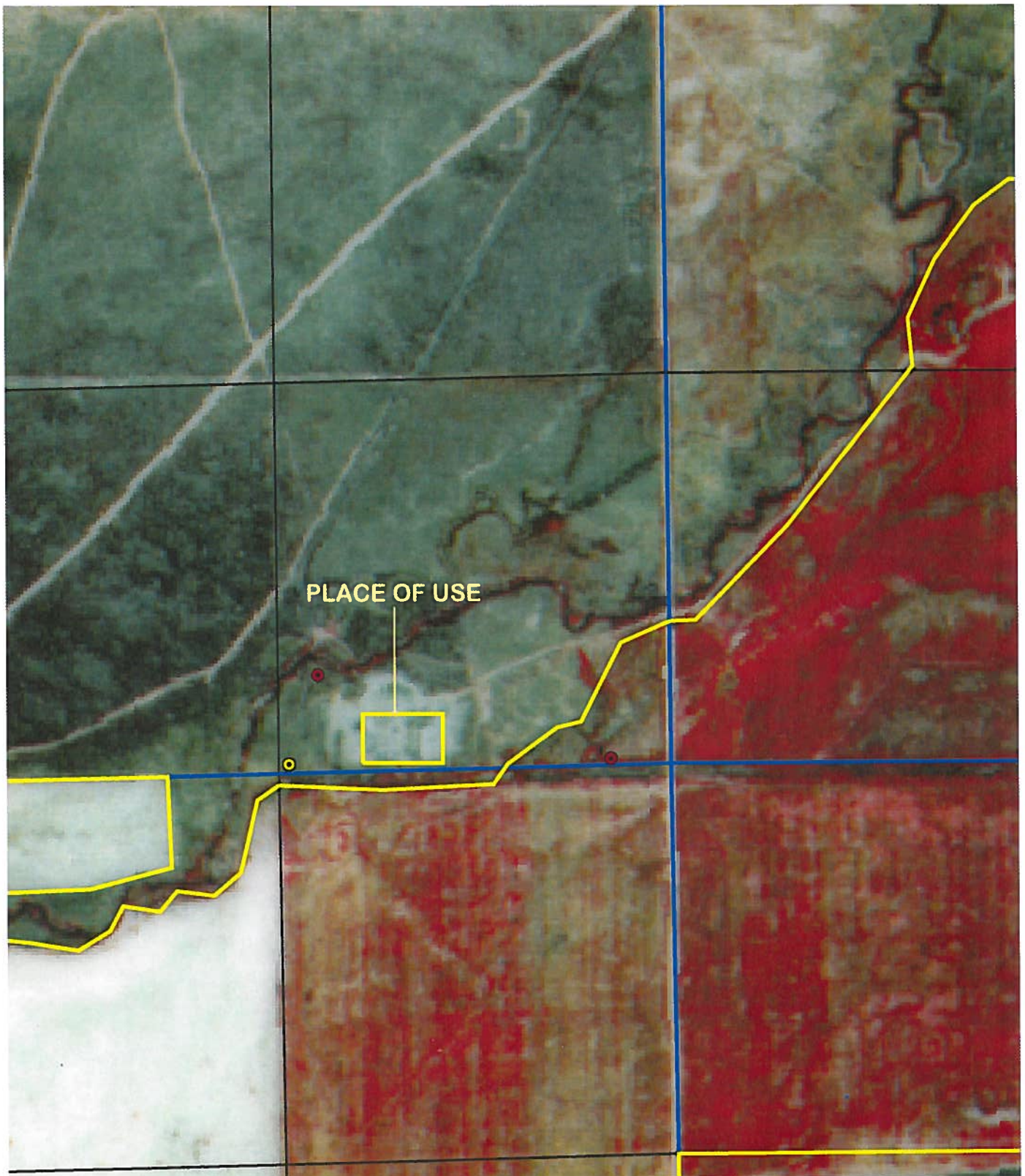
○ **FILE NOTES** ○

REID STEWART

TWP 15S, RNG 26E
SEC 23, SESE

43-4095

POU FOR HEATING, DOMESTIC, IRRIGATION



V HANCOCK

 AERIAL PHOTOGRAPHY
1987

CHRONOLOGY OF EVENTS

CERTAIN WATER RIGHTS APPURTENTENT TO SESE SEC 23

AND SW ¼ SECTION 24 T15S, R26E

43-02327, 43-02461, 43-04095

10-18-1928 2.0 cfs of water from Raft River, priority date 1884, is decreed to Orlando Bateman, for use on the SESE Section 23 and S½SW and NWSW of Section 24. Decree No 43-00046.

11-5-1948 Alvin Newbold applies for a permit (43-2327) to develop 1.5 cfs of groundwater for use on 150 acres on the same tracts identified above, stating that the water is to supplement the existing water right, which is inadequate and undependable. He also lists *culinary* uses in the application.

9-12-1949 Well is drilled in the SWSESE Section 23 which is 540 ft deep, artesian, and approximately 200 degrees F.

7-9-1952 Department field examiner finds 80 acres irrigated in the NWSW & S½SW section 24, using existing ditches that are also used to carry Raft River water. He also finds ¾" diversion pipe running 75 feet to a small house and chicken coop. The total discharge measured is 0.205 cfs. and the temperature of the water is measured at 184 degrees F.

6-21-1957 Floyd Knight conveys 10 acres to J.B. Erickson along with rights to use the Hot Well located "above" the described premises. Erickson grants Knight an easement for ingress and egress to a new cold water well to be drilled "above" described premises, and the right to divert water. The 10 acres conveyed includes the location of the three wells situated in the SWSESE Section 23 mentioned in this chronicle. It would also seem to include the small house and chicken coop located within 75' of the hot well drilled in 1949.

8-2-1957 Alvin Newbold files application for permit to develop 1.5 cfs of groundwater for use on 160 acres located in the SESE Section 23, S½SW and NWSW Section 24. He states that the new well will be within 50 feet of the present hot well, which is too hot to irrigate with. His intention is to get cold water to mix with the hot water for irrigation.

2-24-1958 Well is drilled for Alvin Newbold in section 23. Well is 240 feet deep and water temp is reported to be 80 degrees F.

12-5-1961 Document from Knight to Erickson confirming Erickson's right to use water from "the Hot Well located at the property at Bridge Idaho" for heating in the operation of his project.

6-20-1963 Department field examiner finds 75 acres irrigated and a capacity of 1.56 cfs at the new well drilled for Newbold in 1958. Temperature is measured at 84 degrees F. He documents the 540 ft. hot well approximately 75 feet southwest, and that approximately 2" of water from the hot well is used as heat in the house at the site, and waste water from the house is put into the ditch and conveyed to the lands irrigated. The cold water well is reported to be 240 feet deep and equipped with a 15 hp motor. Alvin Newbold accompanies the field examiner.

6-29-1966 Ivan Darrington drills *replacement* irrigation well in the SESESE Section 23 to fulfill diversions under license 43-2327 and -2461. Well is 260 feet deep and 120 degrees F. He states in a letter to the Department that the existing wells quit producing and that the new well produces 80 inches of water.

?-?-1969 ^{Crank} Paul ~~Crooks~~ drills new well in SESESE Section 23. According to the log, this well has a 10 inch casing.

?-?-1978 ASCS Aerial photos show a number of greenhouses on the 10 acre parcel that were not evident in either the 1962 or 1968 photos.

1-4-1980 ^{GARY} Paul Crooks files a Stat claim in the name of Town and Country Gardens for 1.71 cfs of groundwater for the heating of greenhouses located in the SESE Section 23. He states that the same water is also used for irrigation and licensed as 43-02327 and 43-02461.

5-31-1989 Ivan Darrington files Adjudication claims for 1.71 cfs of groundwater based upon licenses 43-02327 and 43-02461.

RECEIVED

REPORT OF WELL DRILLER State of Idaho

JUL 1 1969

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:
Name Thurston, George
Address 1224 N. 2nd St.

Owner's Permit No. _____
NATURE OF WORK (check): Replacement well ☐
New well ☒ Deepened ☐ Abandoned ☐

Water is to be used for: _____
METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒
Dug ☐ Other ☐ (explain) _____

CASING SCHEDULE: Threaded ☐ Welded ☒
10" Diam. from 0 ft. to 124 ft.
"Diam. from _____ ft. to _____ ft.
"Diam. from _____ ft. to _____ ft.
"Diam. from _____ ft. to _____ ft.
Thickness of casing: 1/4" Material: _____
Steel ☒ concrete ☐ wood ☐ other ☐

(explain) _____
PERFORATED? Yes ☒ No ☐ Type of perforator used: Track

Size of perforations: _____" by _____"
10 perforations from 7 ft. to 124 ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.
WAS SCREEN INSTALLED? Yes ☐ No ☒

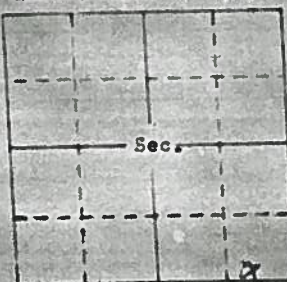
Manufacturer's name _____ Model No. _____
Type _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

CONSTRUCTION: Well gravel packed? Yes ☐
No ☐ size of gravel _____ Gravel placed from _____ ft. to _____ ft. Surface seal provided? Yes ☒ No ☐ To what depth? _____ ft. Material used in seal: clay

Did any strata contain unusable water? Yes ☐
No ☐ Type of water: _____ Depth of strata _____ ft. Method of sealing strata off: _____

Surface casing used? Yes ☐ No ☒
Cemented in place? Yes ☐ No ☒

Locate well in section



LOCATION OF WELL: County Cassia
SE 1/4 Sec. 29 T. 19 N. R. 26 E.

Size of drilled hole: _____ Total depth of well: _____ Standing water level below ground: _____ Temp. _____ Fahr. _____ Test delivery: _____ gpm or _____ cfs Pump? ☐ Bail ☐
Size of pump and motor used to make test: _____
Length of time of test: _____ Hrs. _____ Min.
Drawdown: _____ ft. Artesian pressure: _____ ft. above land surface _____ Give flow _____ cfs or _____ gpm. Shutoff pressure: _____ Controlled by: Valve ☐ Cap ☐ Plug ☐ No control ☐ Does well leak around casing? Yes ☐ No ☒

DEPTH FROM TO FEET FEET	MATERIAL	WATER YES OR NO
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100		

Work started: _____
Work finished: _____
Well Driller's Statement: This well was drilled under my supervision and this report is true to the best of my knowledge.
Name: George Thurston
Address: 1224 N. 2nd St.
Signed by: _____
License No. 117 Date: July 1, 1969

Use other side for additional remarks

FIELD NOTES

Claim No(s): A43-04095

TWP 15S, RNG 26E,
Section 23



V HANCOCK

Date:

1987/1988 NAPP PHOTOGRAPHY

16003

R 26

5

E 217

1540

45.0

18.0

23

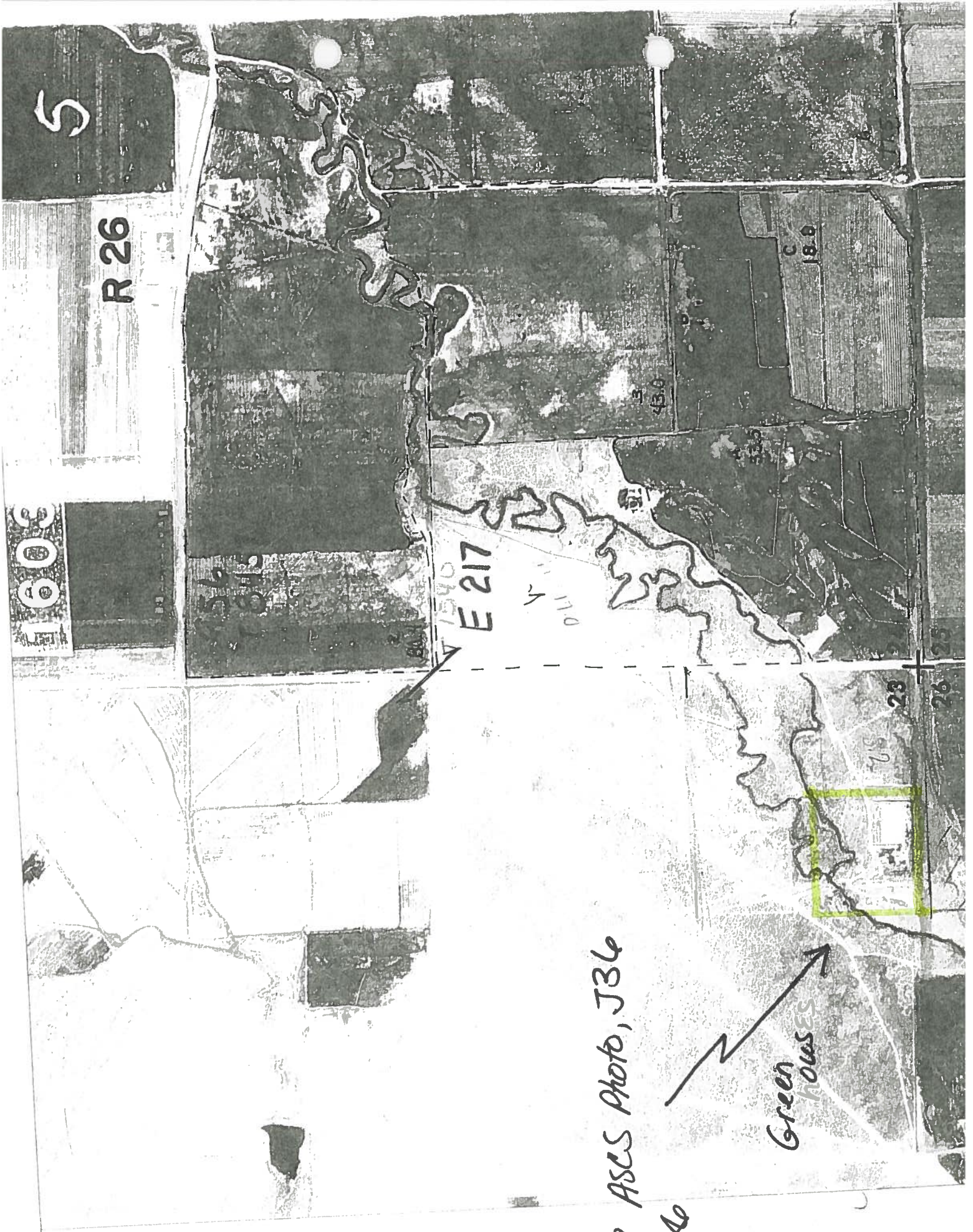
26

1978 ASCS Photo, J36

240

Green
houses

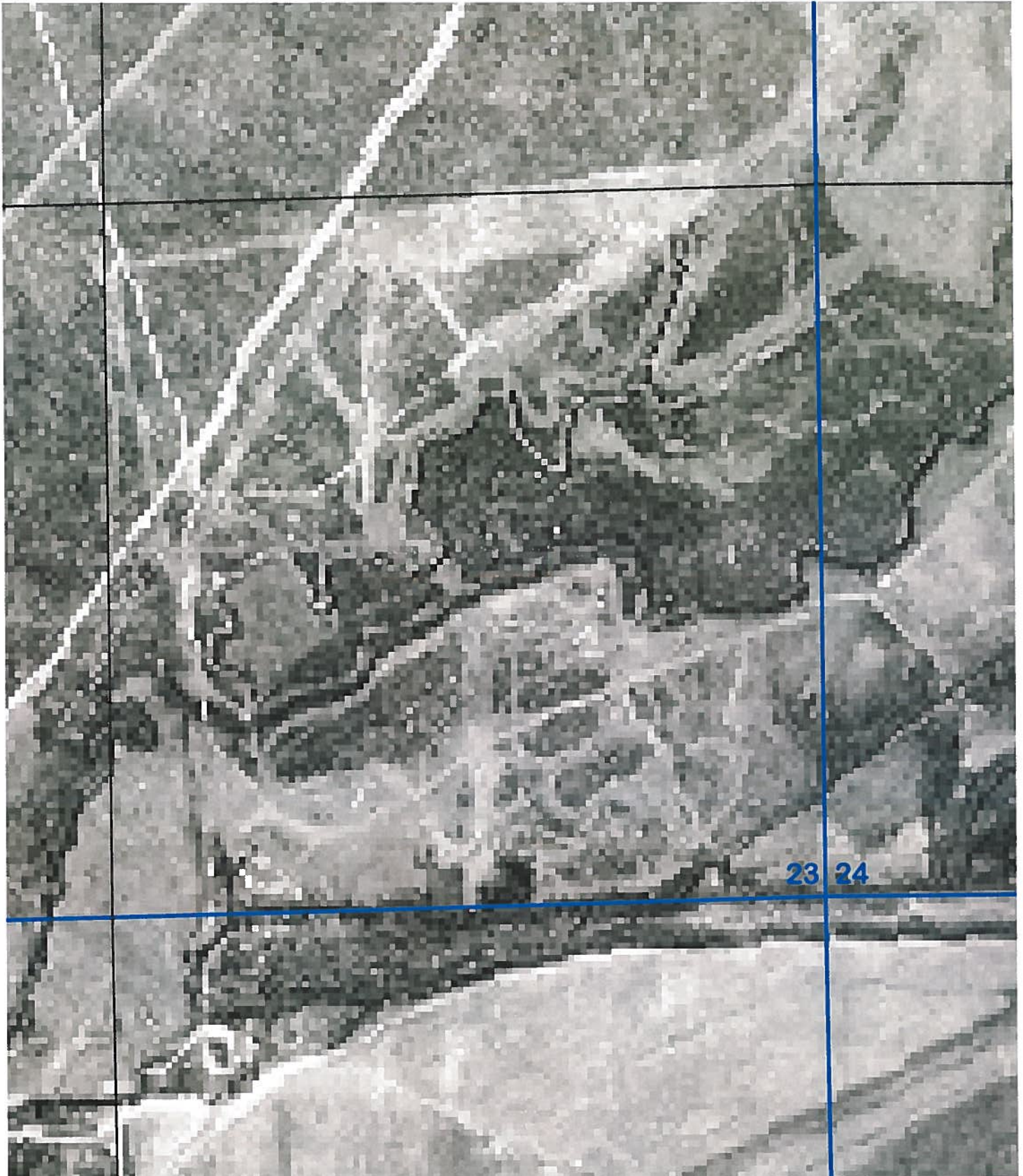
A43-04095



FILE NOTES

CLAIM NO(S): 43-04095

TWP 15S RNG 26E
SEC 23, SWSESE



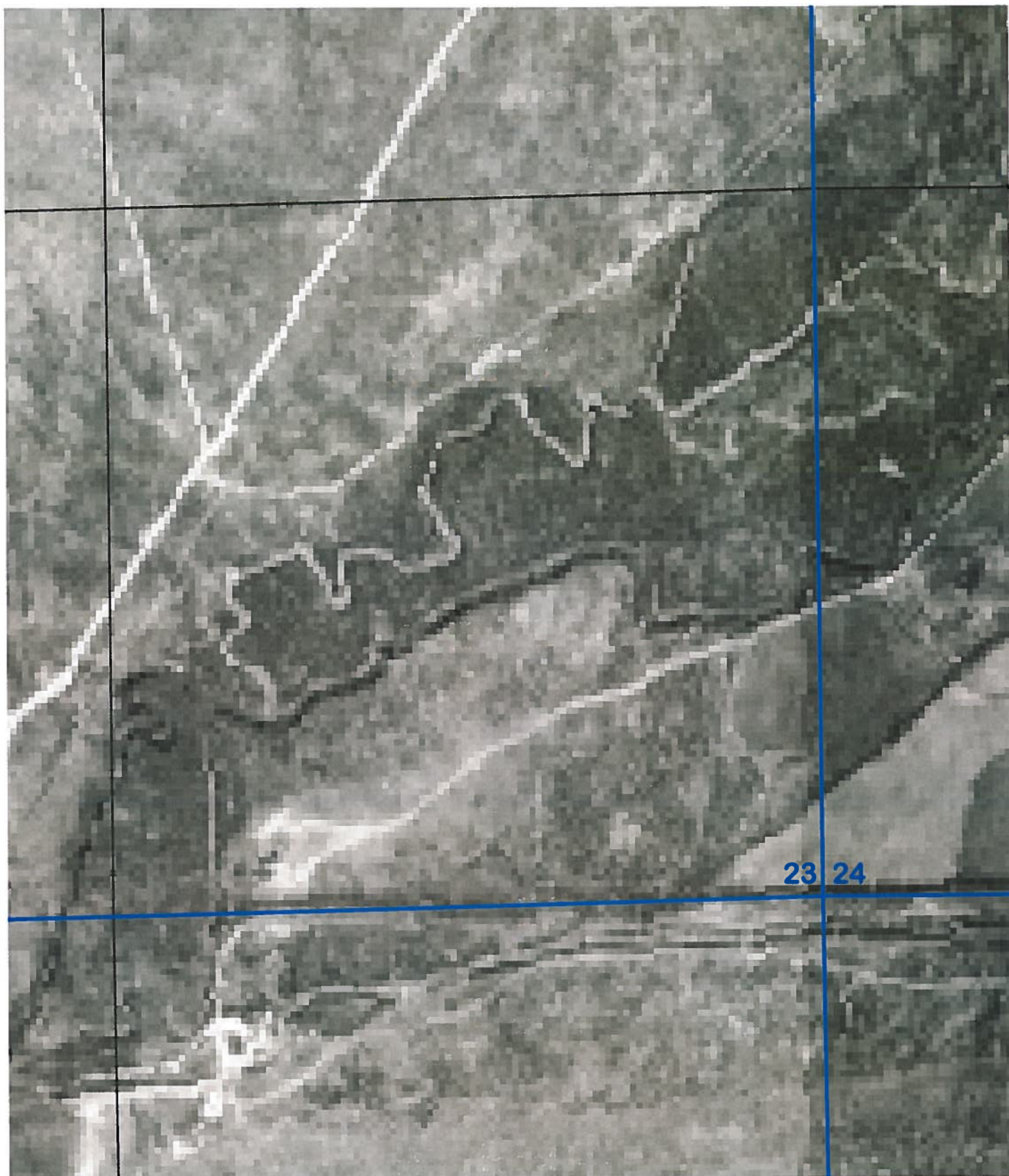
V. HANCOCK

1968 AERIAL PHOTOGRAPHY

FILE NOTES

CLAIM NO(S): 43-04095

TWP 15S RNG 26E
SEC 23,



V. HANCOCK

1962 AERIAL PHOTOGRAPHY

Hancock, Vikie

From: King, Scott
Sent: Friday, September 08, 2000 4:23 PM
To: Hancock, Vikie
Subject: A43-04095 (Crook), A43-02327, -02461 (Stewart)

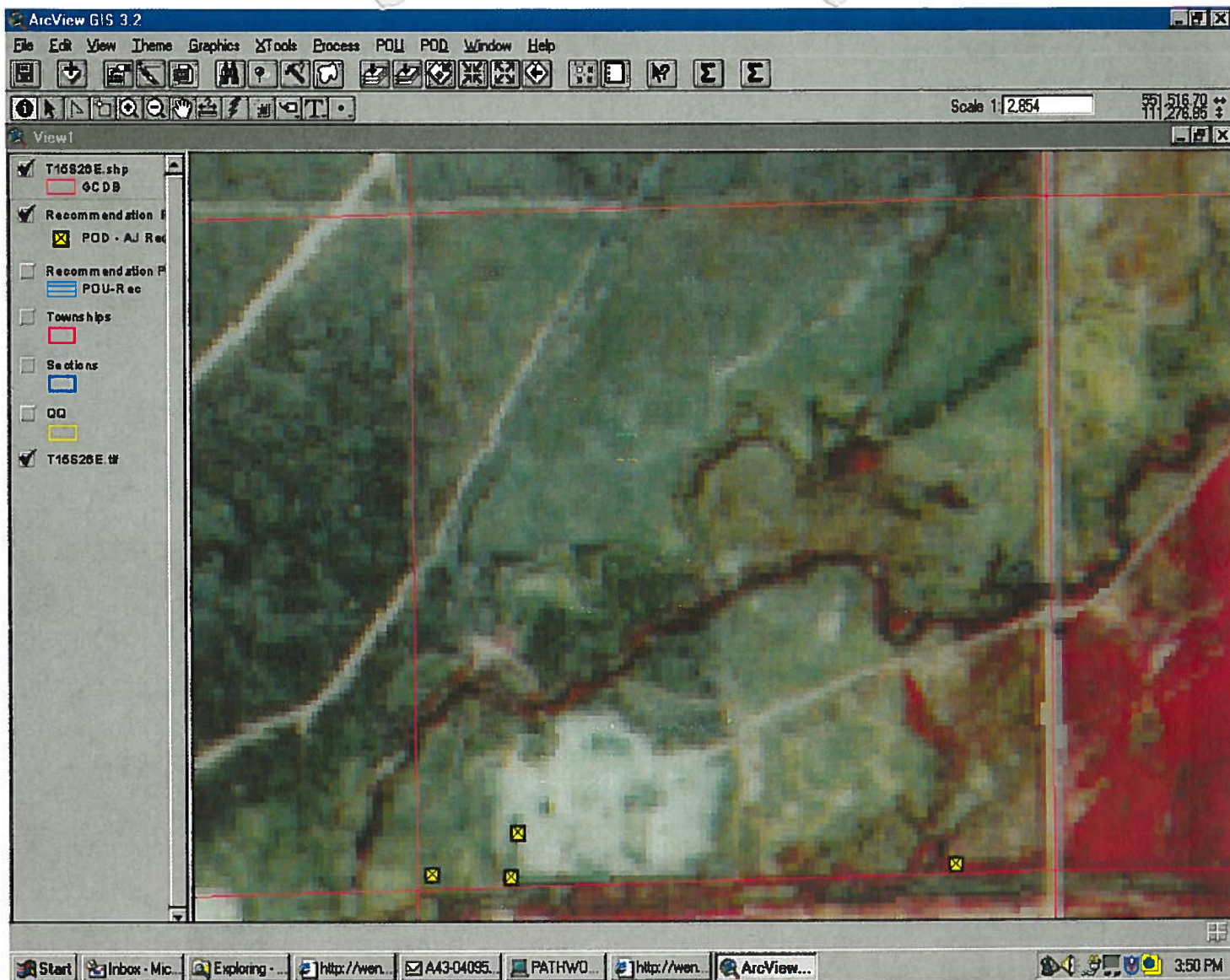
Hi Vikie,

I associated my GPS points for the 4 wells in this qq with the above water right recommendations. I don't how they will be recommended, so these associations may not be correct; they can be deleted and adjusted as needed. It seems that A43-04095 is a duplicate claim of the other two (2327 & 2461), and therefore probably invalid. In any case, recommendation for A43-04095 now depicts the three wells in the SW corner as it appears that Crook claimed all three of these wells.

A43-02327 depicts the old original geothermal well in the SW corner that is described by the license file in the vault (the southern most sw well shown below). This is also one of the wells claimed by -04095. Perhaps it should instead depict the well in the SE corner since it was supposed to be the replacement well. The point can easily be moved if so.

A43-02461 shows the irrigation well in the SE corner. Although the vault file indicates that the original well for this right was the 15-hp well (most northerly in the SW corner), it was replaced by the SE corner well because the SW corner wells lost production. (The SE corner wells were supposed to be abandoned).

Scott



MEMORANDUM

To: File
From: Scott King *SK*
Date: July 11, 2000

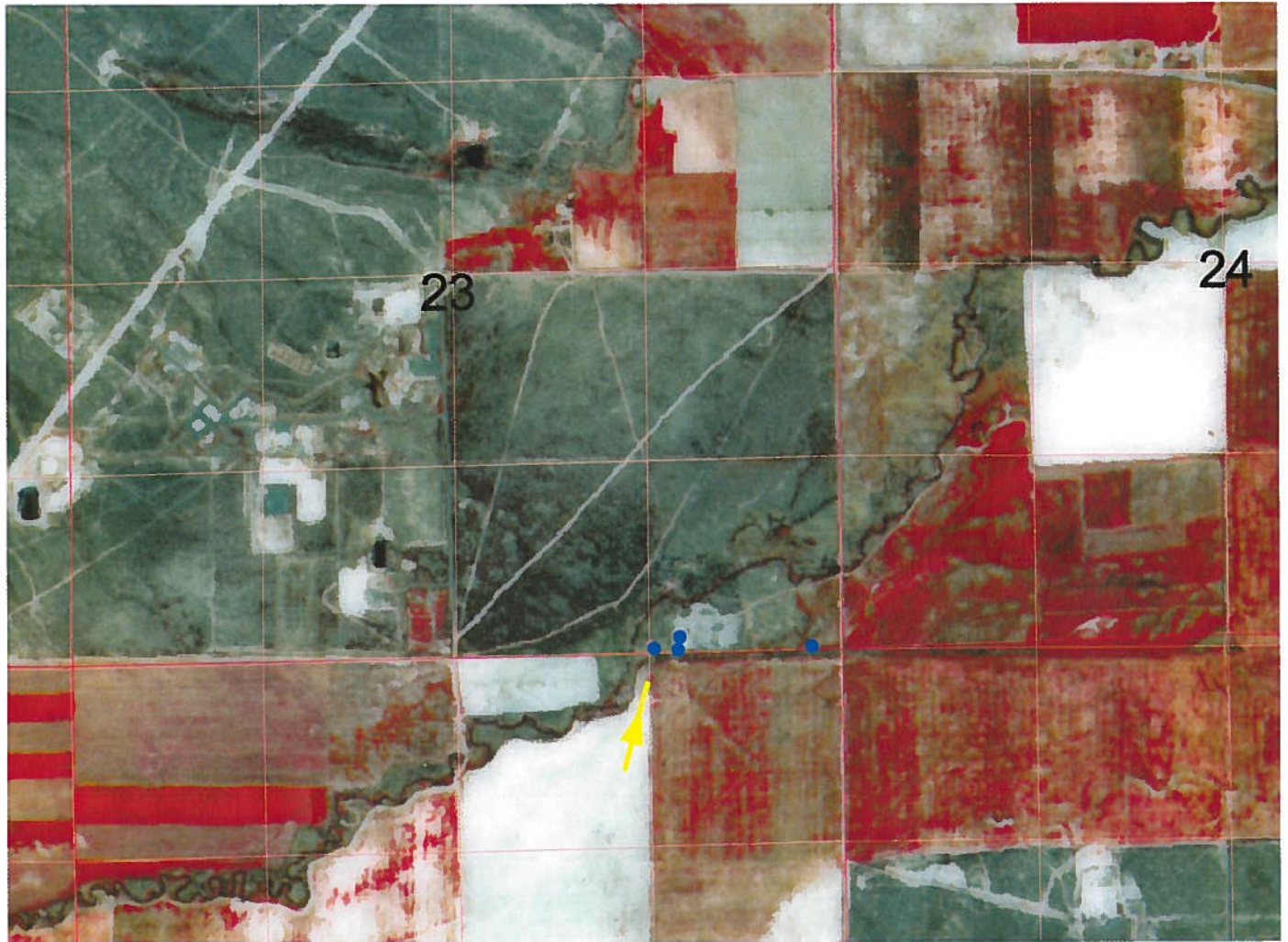
Subject: A43-04095, Crook

Cindy Bird and myself visited the site on June 21, 2000. Three wells are located near the Raft River at 15S 26E 23 SWSESE. Two of the wells are geothermal, and a third well may be cold water. One geothermal well is located inside a steel circular grain silo, has power for a heater, light, and possibly a small submersible pump, and is controlled to not flow. The other geothermal well is artesian flowing (approximately 10 to 20 gpm) with the water apparently unused and flowing north of the well.

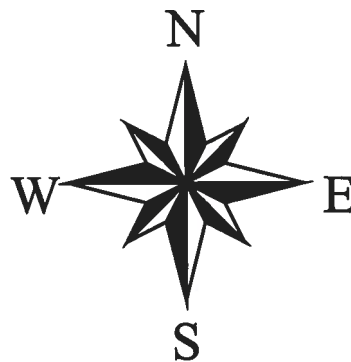
The third open-discharging well has a 15-hp motor but is disconnected from power, and may be cold water.

Within the general proximity of these wells was a concrete foundation, likely for a home. Also a number of fan/heat-exchanger units as would be used for a greenhouse. However, no greenhouses were in place and there was apparently no current or recent use of the water. Due to apparent history of non-use, recommend disallowal unless other information supports otherwise.

A43-04095 Crook
15S 26E 23 SWSESE
3 Wells



0.4 0 0.4 0.8 Miles



1987 photography
snk 7/2000

Gary Crook
A43-04095
June 21, 2000



Figure 1 Gary Crook POD. The grain bin contains a geothermal well.



Figure 2 Looking into the well house. GPS file CROOKPOD.COR site description "Pole 28033"



Figure 3 Inside the well house



Figure 4 Abandoned uncontrolled Geothermal Well at Gary Crook's site.



Figure 5 Gary Crook Geothermal Well. GPS file CROOKPOD.COR. Site description "FLOWING GEOTHR"



Figure 6 Gary Crook POU. Old Greenhouse parts was lying around the property.



Figure 7 Claimed POU



Figure 8 Claimed POU

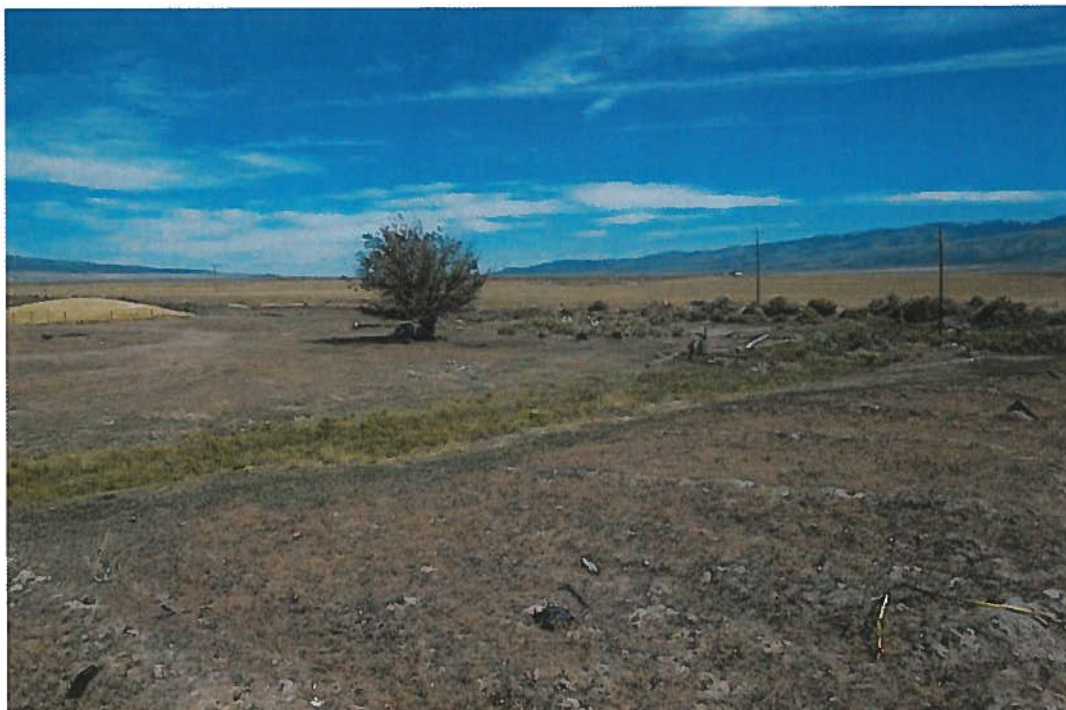


Figure 9 Gary Crook POU



Figure 10 Gary Crook POD. GPS file CROOKPOD.COR. Site description "15-hp Disconnect"

STEWART, Reid S.
& STEWART, Ruth O h/w
dba STEWART RANCHES
*
Malta, Id 83342

18526E239300

19

18526E239300
Town + Country
Gardens

122633- Harriett P Crank to Howard Crook, Etal
3-25-77

180291- Raft River Rural Electric Corp to Town &
Country Gardens. 10-31-80

1134209- CC W. Lloyd Knight etux to Town & Country Gardens 3-19-81

185402- WD John F Crook etux (B Maren) to Gary E Crook 12-31-86

185608- CC Town & Country Gardens (Howard, Gary E, John F & Daniel H
Crook) to John F Crook 1-1-86 (1-21-87)

247045 WD Gary E Crook etux (Joy) to Reid S Stewart etux (Ruth O)
1/06/97

A-82 A-83 A-91 A-92

TRANSMITTAL COVER SHEET

TO: Cassia County Assessor
208-677-1003
878

TOTAL PAGES SENT: 1
(including cover sheet)

DOCUMENT DESCRIPTION: Request for information
Current owner of property located in
T15S R26E Sec 23 SW SE SE

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380

PHONE: 736-3033
FAX: 736-3037

CHARGES: One (1) free copy
per request, cover sheet not
counted. Two (2) or more
copies per request will cost
\$0.25 per page. (\$0.50
minimum)

Please consider this document as a billing statement.

The charge for your fax copies is:

Please remit to the above address.

SENDER: Vikie Hancock

COMMENTS: This is a 10 acre parcel. The last
owner of record we have is GARY Crooks /
Town & Country Gardens.

Thanks A lot.

Pls fax info to my attn here at
IDWR, Txf. 736-3037

Vikie Hancock

COPY

TELEPHONE CONVERSATION

MEMORANDUM

✓ INCOMING CALL
OUTGOING CALL
RETURNING CALL

315/340

TO:

H

DATE:

02-06-97

FROM:

DON BARNETT

FILE:

STEWART, REND

FILE NO:

② recent purchase - fees question

SUBJECT:

DARRINGTON place that REND bought

2 GN + 2 SN

filed didn't

REMARKS:

① belief: POI IDENTICAL - claiming

UNRA - DARRINGTON did:

50 full 50 late & now full if same group

② went to DARRINGTON - 10 ALPES - DENT - 523 SESESESN

155 26
NR / SPBA SESE \$23 - REND

ROUTING INSTRUCTIONS:

- any stg 2 -

CALENDAR DATES:

MAN: mail sent - Don w/ be in

FH/ABH

Prud, VT name of the wife.
OK w/ him.

SENT:

cc: orig. claim by Ovale - noted & referred to
Ferd of Riv. letter; 243 claim; NRQ4/ATQ4
Profile Reports.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 43-04095 ET AL

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

February 7, 1997 12:55pm

NAME:
DON BARNETT
INTERMOUNTAIN INC

RE:
REID STEWART-RAFT RIVER
CROOK TO STEWART-CLAIM?

DON CALLED 02-06-1997 AT 3:15 PM-TCW. TOLD ME THAT REID WAS PLEASED ABOUT THE OUTCOME OF THE WATER DISTRICT MEETING LAST MONTH IN REGARDS TO THE CLEAR CLREEK DELIVERIES AND THE WATER MASTER THAT WAS CHOSEN. I TOLD HIM THAT I WASN'T NOTIFIED OF THE MEETING NOR DID THE STAFF MEMBERS WHO ATTENDED TELL ME ABOUT THE OUTCOME.

HE THEN ASKED ME IF I KNEW ABOUT THE UTAH CLAIMS FILED BY THE CLEAR CREEK USERS IN UTAH THAT HAD BEEN THE SUBJECT OF A PUBLIC HEARING. I SAID I HAD NO WORD ABOUT THAT AT ALL. HE DESCRIBED THE QUESTIONING BY THE UTAH WATER RESOURCES CHAIRPERSON OF THE UTAH APPLICANTS.

HE THANKED ME FOR THE WORK DONE ON THE LATE CLAIMS. I SAID THAT I STILL HADN'T DONE ANYTHING WITH THEM AS THEY WERE BEING TAKEN CARE OF BY DOUG JONES. HE TOLD ME THEY WERE ALL TAKEN CARE OF IN THAT THE DEPARTMENT HAD ACCEPTED THEM WITHOUT LATE FEES AND CREDITED THE PREVIOUS FEES OF RICH/GROW. I TOLD HIM THAT MY CLAIM RECORDS WERE STILL SHOWING AS TEMP HOLDS AND THAT I HAD NO NOTICE OF ANY CHANGE.

I SAID THAT DOUG HAD TAKEN MY 05-1996 RESEARCH FILE AGAIN RECENTLY BUT THAT I HADN'T SEEN IT OR HEARD OF ANY CHANGES. HE SAID THAT IT IS ALL DONE. I WILL REVIEW TEMP FILE FOR THE STATUS OF THE CLAIMS THAT WERE TAKEN BY DOUG 11-06-1997.

WE THEN WENT ON TO STEWART'S PURCHASE OF PROPERTY CLAIMED BY CROOK IN THE SRBA AND I PROMISED TO GET HIM RESEARCH BY THE FIRST OF NEXT WEEK BASED ON THE CLAIM AND NOTE ANY PROBLEMS.



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 29, 1999

Gary E. Crook
505 Albambra St.
Crockett, CA 94525-1205

2-14-00
response
m

RE: Snake River Basin Adjudication (SRBA)
Water Right #43-04095 Smith

Dear Water Right Holder:

Mail recently sent to you was returned to us by the Postal Service. They also advised us your address has changed to the above address. We have enclosed the returned mail.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, **list any other water rights you have**, and return this letter by January 14, 2000. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Returned Mail

#####

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Telephone No.

RECEIVED

MAR 09 2000

Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

Department of Water Resources

RECEIVED

DEC 22 1999

GARY E CROOK
29820 VIA PUERTA DEL SOL
TEMECULA CA 92390

CHOCOMA* 823413052 1099 15 12/15/99
RETURN TO SENDER
CROOK
505 ALHAMBRA ST
CROCKETT CA 94525-1205

837200700 282594



RECEIVED
MAR 09 2000
Department of Water Resources
Southern Region



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

13-04095 V.H.

February 10, 2000

Second Notice

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CROOK, GARY
29820 VIA PUESTA DEL SOL
TEMECULA CA 92390

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Town & Country Gardens, a partnership

(Name of Claimant)

P. O. Box 641 - Malta, Idaho 83342

(Mailing Address)

83342

(Zip Code)

Telephone No. 645-2335

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) July 26, 1949

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

groundwater

tributary to

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)
(Mo., Day) (Mo., Day)

Quantity 1.71

Use heating

Period of Use From Jan 1 To Dec. 31

Quantity

Use

Period of Use From _____ To _____

Quantity

Use

Period of Use From _____ To _____

Quantity

Use

Period of Use From _____ To _____

Quantity

Use
Use

Period of Use From _____ To _____

- (4) TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE ¼ SE ¼, Sec. 23 Twp. 15S Rge. 26E B.M., County of Cassia

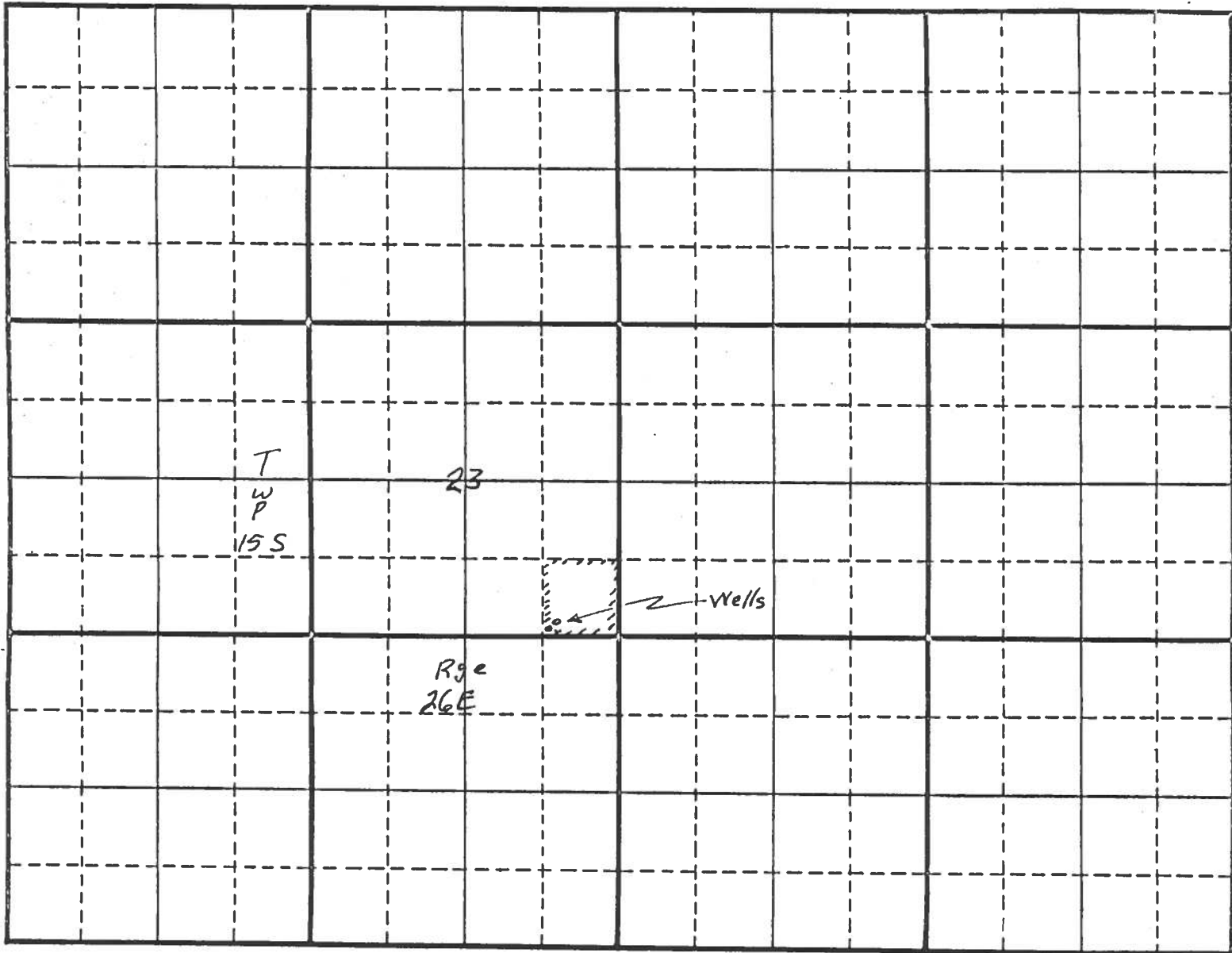
Additional points of diversion:

- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

(8) Remarks The water from these wells is diverted for irrigation under licenses
43-2327 and 43-2461



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Twin Falls) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Harry E. Cook (Partner)
(Claimant)

Sworn to before me this 4th day of January, 1980.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

1041 Blue Lakes Blvd. N.
Twin Falls, ID 83301
(208) 734-3578

February 11, 1980

Town & Country Gardens
P.O. Box 641
Malta, Idaho, 83342

RE: Claim 43-4095

Gentlemen:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

LOREN O. HOLMES
Southern Region Supervisor

Enclosure